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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 349; Lemon Reg. 348, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period March 7-13, 1982, and increases the quantity of lemons that may be shipped during the period February 28-March 6, 1982. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

EFFECTIVE DATES: The regulation becomes effective March 7, 1982, and the amendment is effective for the period February 28-March 6, 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 and amendment are issued under the marketing agreement, 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 March 2, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is 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 and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. Section 910.649 is added as follows:

§ 910.649 Lemon Regulation 349.

The quantity of lemons grown in California and Arizona which may be handled during the period March 7, 1982, through March 13, 1982, is established at 245,000 cartons.

2. Section 910.648 Lemon Regulation 348 (47 FR 8319) is revised to read as follows:

§ 910.648 Lemon Regulation 348.

The quantity of lemons grown in California and Arizona which may be handled during the period February 28, 1982 through March 6, 1982, is established at 265,000 cartons.

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

Dated: March 3, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-6258 Filed 3-4-82; 11:36 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Specification for Self-Supporting Cable, PE-38, Bulletin 345-29

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby revises Bulletin 345-29, Specification for Self-Supporting Cable, PE-38. With increased labor rates for cable installations, self-supporting cable has become more cost-effective than lashed cable. The revision of this specification reflects this increased interest and advances in technology since the last revision in 1971.

EFFECTIVE DATE: February 24, 1982.

FOR FURTHER INFORMATION CONTACT:

Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-8667. The Final Regulatory Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA hereby amends Appendix A by issuing a revised Bulletin 345-29, Specification for Self-Supporting Cable, PE-38. This action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major." A Regulatory Flexibility Analysis is not required, nor is an OMB A-95 review applicable.

This specification was last revised in July 1971 to reflect the product available at that time. Due to the relatively high first cost of self-supporting cable, compared to lashed cable, and to the relatively small savings in installation

costs, due to low labor rates, this product was not used extensively.

With recent drastic increases in labor rates, the product is now cost-effective for many installations. As technology has advanced in the decade since the last issuance of PE-38, this revision reflects these changes and provides a cost-effective tool for rural telephony.

Retaining the document in its 1971 form was considered inadvisable as this would have forced the use of obsolescent materials. Changing only sections of the document via addenda was considered and rejected as this would have forced the user to refer between several documents, thus increasing the likelihood of confusion and errors in applying the specification. The comprehensive revision, as undertaken, was considered to be the best available option.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

A notice of proposed rulemaking was published in the *Federal Register* on September 15, 1981. No public comments were received in response to the notice.

Dated: February 24, 1982.

Harold V. Hunter,
Administrator.

[FR Doc. 82-5908 Filed 3-4-82; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3085]

Gifford-Hill-American, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a Grand Prairie, Texas producer and seller of concrete pressure pipe and fittings, among other things, to timely divest the entire "Kansas City Plant" to a Commission-approved buyer, capable of maintaining the plant as a competitive entity. Additionally, for a five year period, the company is required to offer the acquirer of the divested plant the opportunity to purchase essential products and services which are not generally available. The order also prohibits the company from acquiring any concern engaged in the production

of concrete pressure pipe without prior Commission approval for a period of ten years.

DATE: Complaint and order issued February 23, 1982.¹

FOR FURTHER INFORMATION CONTACT: FTC/CS-7, Jerry A. Philpott, Washington, D.C. 20580. (202) 724-1118.

SUPPLEMENTARY INFORMATION: On Wednesday, November 4, 1981, there was published in the *Federal Register*, 46 FR 54756, a proposed consent agreement with analysis in the Matter of Gifford-Hill-American, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; 13.5-20 Federal Trade Commission Act. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-51 making supply of product(s) available to competitors.

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

Carol M. Thomas,
Secretary.

[FR Doc. 82-6104 Filed 3-4-82; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18514; File No. S7-787]

Designation of National Market System Securities; Deferral of Effective Dates and Granting of Temporary Exemption

AGENCY: Securities and Exchange Commission.

ACTION: Deferral of effective dates and granting of a temporary exemption.

SUMMARY: The Commission is adopting amendments which will defer the

¹ Copies of the Complaint and the Decision and Order filed with the original document.

effective date of Tier 1 under its rule governing the designation of national market system securities until April 1, 1982, and defer the effective date of Tier 2 under that rule until October 1, 1982. (See Footnote No. 2). The deferral of Tier 1 is necessitated by technical difficulties being experienced by the National Association of Securities Dealers, Inc. ("NASD") in testing the required enhancements to its NASDAQ system; the deferral of Tier 2 is necessary to preserve a six-month period between the start-up of Tier 1 and Tier 2 so that Tier 2 issuers can evaluate fully the effects of designation prior to determining whether to elect such designation for their securities. In addition, the Commission is issuing an order granting the National Association of Securities Dealers, Inc. a temporary exemption until May 15, 1982 from the Commission's transaction reporting rule, for NASDAQ Level I service for national market system securities.

EFFECTIVE DATE: February 25, 1982.

FOR FURTHER INFORMATION CONTACT: William W. Uchimoto (202) 272-2906, staff attorney, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Amendments to Rule 11Aa2-1

Pursuant to Rule 11Aa2-1¹ ("Rule") under the Securities Exchange Act of 1934 ("Act"), as amended, the designation of certain over-the-counter ("OTC") securities as Tier 1 national market system ("NMS") securities will become effective on March 1, 1982.² Upon designation, NMS securities will be "reported" securities as the term is defined in Rule 11Ac1-1(a)(6) and subject to, among other things, the Commission's last sale reporting rule, Rule 11Aa3-1.

The NASD recently has indicated to the Commission that, due to technical difficulties being experienced in testing the required enhancements to its NASDAQ system, it will be unable to provide last sale reporting for Tier 1 securities on March 1, 1982. As a result,

¹ 17 CFR 240.11Aa2-1.

² The Rule employs a two-tiered approach to designating NMS securities. In this respect, approximately 45 of the most actively-traded OTC securities satisfy the stringent Tier 1 criteria and, as mentioned above, are currently scheduled to be designated as NMS securities effective March 1, 1982. In addition, the Rule permits those securities meeting less stringent Tier 2 criteria to be currently designated as NMS securities on or after August 1, 1982, if the issuers of such securities so elect. For further information concerning the designation of NMS securities see Securities Exchange Act Release No. 18397 (January 7, 1982) [47 FR 2079].

the NASD has requested that the effective date of Tier 1 designation be deferred for one month until April 1, 1982.³ Because the Commission believes that the NASD has been making good faith efforts and overall progress in effecting the technical enhancements to its NASDAQ system necessary to accommodate transaction reporting for Tier 1 securities, the Commission is amending the Rule so as to defer the effective date for Tier 1 reporting for one month, or until April 1, 1982.

As a result of this deferral, the initial six-month period scheduled between the commencement of Tier 1 transaction reporting and the August 1, 1982 date set for the beginning of voluntary designation of Tier 2 securities has now been reduced to four months. The Commission believes that it is important to preserve a six-month period between the respective effective dates of Tier 1 and Tier 2 in order to permit Tier 2 issuers to evaluate fully the effects of NMS designation prior to determining whether to elect such designation for their securities. Accordingly, the Commission is also adopting an amendment to the Rule deferring the effective date of Tier 2 until October 1, 1982.

II. NASD Exemption From Rule 11Aa3-1

The NASD also stated that, while last sale information will be available on NASDAQ Level II/III terminals on April 1, 1982, vendors of securities transaction information will be unable to disseminate last sale information as part of NASDAQ Level I service until they acquire the requisite communications facilities and make the necessary software modifications. In order to allow time for that to occur, and to permit market makers to gain operational experience with transaction reporting, the NASD, pursuant to Rule 11Aa3-1(h) under the Act, has applied to the Commission for a temporary exemption until May 15, 1982 from the requirement in Rule 11Aa3-1 that it provide transaction reports for NMS securities to vendors. While the Commission believes that it is important for investors to receive access to the last sale information available from Level I NASDAQ service as soon as possible, the Commission believes that the NASD has presented a reasonable method to phase-in last sale reporting as soon as the necessary technical enhancements are in place. The Commission therefore determines that granting the NASD its requested exemption from the

requirements of Rule 11Aa3-1 is consistent with the public interest, the protection of investors and the removal of impediments to, and perfection of the mechanisms of, a national market system.

Accordingly, the NASD is granted a temporary exemption until May 15, 1982 from providing last sale data with respect to its NASDAQ Level I service for NMS securities. This exemption is subject to modification or revocation at any time if the Commission judges that such action is necessary or appropriate in light of progress made toward a national market system or otherwise in furtherance of the purposes of the Act.

Effects On Competition

Section 23(a)(2) of the Act⁴ requires the Commission, in adopting rules under the Act, to consider the anticompetitive effects of such rules, if any, and to balance any anticompetitive impact against the regulatory benefits gained in terms of furthering the purposes of the Act. Since the amendments merely postpone the effective dates of various provisions of Rule 11Aa2-1, the Commission does not believe that these amendments to Rule 11Aa2-1 will have any effect on competition.

Text of the Rule Amendments

The Securities and Exchange Commission hereby amends Rule 11Aa2-1 pursuant to its authority under the Securities Exchange Act of 1934, and particularly Sections 2, 3, 6, 9, 10, 11, 11A, 15, 17, and 23 thereof.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Title 17, Chapter II, Part 240, of the Code of Federal Regulations is amended as follows:

By revising paragraphs (b)(1) and (g) of § 240.11Aa2-1 to read as follows:

§ 240.11Aa2-1 Designation of national market system securities.

* * * * *

(b) *Designation criteria.* (1) Any NASDAQ security which on the most recent qualification date meets each of the criteria set forth in paragraph (b)(4)(i) of this section ("Tier 1 Criteria") is hereby designated as a national market system security, such designation to be effective, pursuant to the terms of an effective designation plan, not later than the thirty-fifth business day following such qualification date, but in any event not earlier than April 1, 1982.

* * * * *

⁴ 15 U.S.C. 78w(a)(2).

(g) *Effective dates.* The effective date of this section shall be April 1, 1981, except for paragraph (b)(1) which shall become effective on January 22, 1982, and paragraph (b)(2) which shall become effective on October 1, 1982.

Effective Date of the Amendments

The Commission, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3) of the Administrative Procedure Act finds that there is good cause that the rule amendments take effect immediately without notice and public procedure. First, it would be impossible to adhere to these requirements and still to allow for the timely postponement of the effective date of the Rule. Second, these are technical amendments that will have no significant effect on the substantive portions of the rule.

By the Commission.

George A. Fitzsimmons,
Secretary.

February 25, 1982.

[FR Doc. 82-6011 Filed 3-3-82; 8:45 am]

BILLING CODE 8010-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 212

Implementation of the Equal Access to Justice Act

AGENCY: United States International Trade Commission.

ACTION: Final rules.

SUMMARY: These rules add a new Part 212 to the Commission's rules of practice and procedure to implement the requirements of the Equal Access to Justice Act, Title II of Pub. L. 96-481, 94 Stat. 2325 (the Act), in unfair import trade practice investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The Act authorizes in certain circumstances an award of attorney fees and other expenses to certain parties who prevail against the United States in adversary adjudications, defined as proceedings under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise. These final rules reflect public comment on interim rules published on November 19, 1981 (46 FR 56780).

EFFECTIVE DATE: March 5, 1982.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. telephone 202-523-1626.

³ Letter to George A. Fitzsimmons, Secretary, SEC, from S. William Broka, Secretary, NASD, dated February 23, 1982.

SUPPLEMENTARY INFORMATION:

Authority for adoption of these rules is found in 5 U.S.C. 504(c)(1), which provides that, after consultation with the Chairman of the Administrative Conference of the United States, each agency shall by rule establish uniform procedures for the submission and consideration of applications for awards of fees and other expenses under the Equal Access to Justice Act. The rules are patterned largely after the model rules for implementation of the Act promulgated by the Administrative Conference of the United States, 46 FR 32900 (June 25, 1981), with alterations to reflect or conform to statutory requirements and Commission practice in proceedings under section 337 of the Tariff Act of 1930.

Analysis of Public Comments on Interim Rules

Comments on the Commission's interim rules as published on November 19, 1981 (46 FR 56780), were received from the Administrative Conference of the United States, the United States Department of Justice, and one firm that represents parties before the Commission in investigations under section 337 of the Tariff Act of 1930. The following is a summary and analysis of the comments, with an explanation of why comments were accepted or rejected.

The Administrative Conference suggested with regard to § 212.06(b) that the Commission should either state the highest amount it pays expert witnesses or identify a source from which this information can be obtained. The Commission deleted this information when drafting the interim rules because there is no common Commission practice of hiring expert witnesses and therefore the amount paid to expert witnesses is not known. Should this information become available in the future it can be made known to any applicant seeking an award under the Act.

The Administrative Conference also questioned whether section 212.03(b), which limits applicability of the Act to proceedings initiated by the Commission, is consistent with the provisions of the Act. It was noted that, while coverage of court actions under the Act is expressly restricted to actions brought "by or against" the United States, the provisions of the Act applicable to administrative proceedings contain no such restriction. The Administrative Conference suggested that determination of whether an award may be made in a proceeding initiated by a private party in which the

Commission participates should be based on the nature and extent of the Commission's participation in the particular case and on whether the applicant can be said to have prevailed over the agency. The Administrative Conference concluded by pointing out that, as a general matter, it has deferred to individual agencies on questions of applicability of the Act to particular agency proceedings, but that it did not necessarily agree with the Commission's resolution of this issue.

The question of whether the Act covers section 337 proceedings initiated upon the complaint of a private party in which a Commission investigative attorney appears as a third party received considerable attention during the drafting of the interim rules. Neither the Act nor its legislative history provides any definitive solution to the question. The Commission believes, however, that the Act should not apply to situations in which the position of the Commission and the respondent in the adjudication are not truly adverse. When the complaint is filed by a private party and not by the Commission investigative attorney, the role of the investigative attorney is to represent the public interest and to seek to insure that the record upon which the Commission bases its determination is as complete as possible. Thus, the investigative attorney maintains a stance of neutrality regarding the positions of the parties, at least until the record is sufficiently developed to permit an objective evaluation of the parties' positions, and a prevailing respondent cannot in any meaningful sense be said to have "prevailed" over the Commission.

The purposes of the Act, as stated in the legislative history, appear to support limiting applicability of the Act to Commission-initiated investigations. The Act is designed to reduce the economic deterrents to challenging or defending against unreasonable governmental action. A party who chooses to contest an issue is considered not only to be representing a private interest, but also to be helping to refine public policy. The administrative adjudication provides a concrete, adversarial test of government regulation and insures the fairness of the law. S. Rep. No. 96-253, 96th Cong., 1st Sess., 1, 5-6 (1979); H.R. Rep. No. 96-1418, 96th Cong., 1st Sess., 1, 5-6, 9-10 (1979).

These policies appear to have no application to a section 337 investigation initiated by a private party. The potentially greater resources of the Government present no significant deterrent to contesting the action, since

the respondent's opponent in the proceeding is the private complainant, not the Commission investigative attorney. Moreover, a privately initiated investigation provides no test of Commission policies or practices, since the issues to be determined are framed by the complainant.

Accordingly, the Commission is of the opinion that the approach taken in § 212.03(b) is appropriate under the Act. Moreover, the Commission cannot agree that a case-by-case determination of whether an award may be made in an investigation initiated by a private party, as advocated by the Administrative Conference, is either consistent with the Act or administratively workable.

The firm that submitted a comment on the proposed rules suggested that § 212.03(b) be amended to provide that an award may be made against the Commission not only in connection with a proceeding brought by the Commission upon its own complaint, but also in any proceeding to the extent that private parties would be liable under the Federal Rules of Civil Procedure. The rationale for the suggested change rests on the language of the Act requiring an agency to show that its position was "substantially justified or that special circumstances make an award unjust." The wording is similar to language in Rule 37 of the Federal Rules of Civil Procedure, which provides for an award of fees and expenses to a party prevailing on a motion to compel discovery. The firm further notes that the Act is intended to allow an award of fees against the United States to the same extent that an award may be made against other parties. H.R. Rep. No. 96-1418, 96th Cong., 2d Sess. 6 (1980).

This suggested change is based on a misreading of the Act and its legislative history. While the "substantially justified" language of the Act was borrowed from Rule 37, the Act does not incorporate the provisions of Rule 37 in those portions of the Act applicable to agency proceedings. The passage from the legislative history cited by the firm refers solely to court actions, and section 4(a) of the Act, which amends 28 U.S.C. 2412 to provide that a court may award fees and expenses to parties who prevail against the United States in civil litigation to the same extent that it may award fees in cases involving other parties, has no counterpart in the provisions relating to agency proceedings.

The Department of Justice recommends that § 212.08 of the interim rules be deleted. That section is substantially the same as § 0.108 of the

model rules promulgated by the Administrative Conference of the United States, 46 FR 32900 (June 24, 1981). It provides that, if an applicant is entitled to an award because it prevails over another agency of the United States that participates in an adversary adjudication before the Commission and takes a position that is not substantially justified, the Commission's award shall be made against that agency.

The Department of Justice argues that this provision is contrary to the express language of the Act, which provides for liability of "[a]n agency that conducts an adversary proceeding," unless "the position of the agency as a party" is found by "the adjudicative officer of the agency" to be substantially justified. The language appears to limit the liability for awards to the agency conducting the proceeding. The Department further contends that this reading of the statute is consistent with the policies stated in the legislative history. Congress expressed the purpose of alleviating situations in which small businesses may be deterred from defending themselves against agency excesses by the costs that would be incurred. According to the Department, Congress did not undertake to reimburse all prevailing small businesses, but struck a balance between awarding costs in all cases and allowing unreasonable governmental actions to go unchallenged. Expansion of the authorization for awards beyond that specifically contemplated by Congress, it is argued, would upset the balance struck and would be inconsistent with the Congressional intent. The Department further points out that allocation between the expenses attributable to the participation of an outside agency in the proceeding and those attributable to the participation of the Commission would necessitate an unduly time-consuming and expensive proceeding. Finally, the Department notes that it is inconsistent for the Commission to exempt itself from the provisions of the Act in proceedings initiated by other parties, and at the same time to subject other agencies to potential liability in similar situations.

The Commission finds these arguments persuasive. Proposed section 212.08 appears to be contrary to the language and intent of the Act. Moreover, the Commission agrees that it would be unfair and inconsistent to treat other, similarly situated agencies in a manner that varies from the treatment given the Commission under the rules. Accordingly, § 212.08 is deleted from the final rules, and §§ 212.03(a); 212.05(b); 212.10(a); 212.21 (a), (b), and (c); 212.23;

212.24; 212.25; 212.26; and 212.29 are amended to remove any reference to awards against other agencies.

An additional change has been made in section 212.05(c) to specify that the burden of proving that an award should be denied or reduced because the applicant has unduly or unreasonably protracted the adversary adjudication or special circumstances make an award unjust is on the Commission investigative attorney.

Part 212 is adopted in final form and is added to 19 CFR Chapter II, Subchapter C to read as follows:

PART 212—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT

Subpart A—General Provisions

Sec.	
212.01	Purpose.
212.02	When the Act applies.
212.03	Proceedings covered.
212.04	Eligibility of applicants.
212.05	Standards for awards.
212.06	Allowable fees and expenses.
212.07	Rulemaking on maximum rates for attorney fees.

Subpart B—Information Required From Applicants

212.10	Contents of application.
212.11	Net worth exhibit.
212.12	Documentation of fees and expenses.
212.13	When an application may be filed.

Subpart C—Procedures for Considering Applications

212.20	Filing and service of documents.
212.21	Answer to application.
212.22	Reply.
212.23	Comments by other parties.
212.24	Settlement.
212.25	Further proceedings.
212.26	Determination.
212.27	Agency review.
212.28	Judicial review.
212.29	Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

Subpart A—General Provision

§ 212.01 Purpose.

(a) The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before an agency. Under the Act an eligible party may receive an award when it prevails over an agency, unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the Commission proceedings that are covered. They also explain how to apply

for awards, and the procedures and standards that the Commission will use to make them.

§ 212.02 When the Act applies.

The Act applies to any adversary adjudication pending before the Commission at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final Commission action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Commission action occurs.

§ 212.03 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of the Commission is presented by an attorney or other representative who enters an appearance and participates in the proceeding. The Commission proceedings covered are those conducted under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337. No award shall be made, however, for fees and expenses related to those portions of the proceedings conducted for the consideration of relief, the public interest, and bonding pursuant to subsections 337 (d), (e), and (f) of the Tariff Act of 1930 and 19 CFR 210.14.

(b) An award may be made against the Commission only in connection with a proceeding brought by the Commission upon its own complaint.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 212.04 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3) and 19 CFR 210.04. The applicant must show that it meets all conditions of eligibility set out in this subpart and in subpart B.

(b) The types of eligible applicants are as follows:

- (1) An individual with a net worth of not more than \$1 million;
- (2) The sole owner of an unincorporated business who has a net worth of not more than \$5 million, including both personal and business interests, and not more than 500 employees;
- (3) A charitable or other tax-exempt organization described in section

501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1144(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than \$5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the adversary adjudication was initiated.

(d) An applicant who owns an unincorporated business will be considered to be an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the presiding officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the presiding officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 212.05 Standards for awards.

(a) The determination whether an applicant is a prevailing party shall be made on a case-by-case basis.

(b) A prevailing applicant may receive an award for fees and expenses incurred

in connection with an adversary adjudication, or in a significant and discrete substantive portion of the adversary adjudication, unless the position of the Commission investigative attorney was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Commission investigative attorney. An award may be avoided by showing that the position of the Commission was reasonable in law and fact.

(c) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the adversary adjudication or if special circumstances make the award sought unjust. The burden of proof that an award should be reduced or denied for either of these reasons is on the Commission investigative attorney.

§ 212.06 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed \$75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission pays expert witnesses. However, an award may include the reasonable expenses of the attorney, agent, or expert witness as a separate item if the attorney, agent or expert witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the presiding officer shall consider the following:

(1) If the attorney, agent or expert witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the service;

(2) The prevailing rate for similar services in the community in which the attorney, agent or expert witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the adversary adjudication; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded to the extent that the charge for the service does not

exceed the prevailing rate for similar services and the study or other matter was necessary for preparation of the applicant's case.

§ 212.07 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than \$75 per hour in the proceedings covered by this part. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees. The petition should identify the rate the petitioner believes the Commission should establish. It should also explain fully the reasons why the higher rate is warranted. The Commission will respond to the petition within 60 days after it is filed by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

Subpart B—Information Required From Applicants

§ 212.10 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the adversary adjudication for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Commission investigative attorney that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed \$1 million (if an individual) or \$5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt

status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 212.11 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 212.04(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The presiding officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the presiding officer in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain in detail why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)-(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on the Commission investigative attorney or counsel representing another agency against which the applicant seeks an award, but need not be served on any other party to

the proceeding. If the presiding officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures under the Freedom of Information Act, 19 CFR 201.17-21.

§ 212.12 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The presiding officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 212.13 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the adversary adjudication or in a significant and discrete substantive portion of the adversary adjudication, but in no case later than 30 days after the Commission's final disposition of the adversary adjudication.

(b) If review or reconsideration is sought or taken of a determination as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

Subpart C—Procedures for Considering Applications

§ 212.20 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the adversary adjudication in the same manner as other pleadings in the adversary adjudication, except as provided in § 212.11(b) for confidential financial information.

§ 212.21 Answer to application.

(a) Within 30 days after service of an application, the Commission

investigative attorney shall file an answer to the application.

(b) If the applicant and the Commission investigative attorney believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the presiding officer upon request by the applicant and the Commission investigative attorney.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the position of the Commission. If the answer is based on any alleged facts not already in the record of the adversary adjudication, the Commission investigative attorney shall include with the answer supporting affidavits or a request for further proceedings under § 212.25.

§ 212.22 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the adversary adjudication, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 212.25.

§ 212.23 Comments by other parties.

Any party to the adversary adjudication other than the applicant and the Commission investigative attorney may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the presiding officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 212.24 Settlement.

The applicant and the Commission may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying adversary adjudication, or after the underlying adversary adjudication has been concluded. If a prevailing party and the Commission investigative attorney agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 212.25 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or the Commission investigative attorney, or on his or her own initiative, the presiding officer may in his or her discretion order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the presiding officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 212.26 Determination.

The presiding officer shall issue a recommended determination on the application within 90 days after completion of proceedings on the application. The determination shall include written findings and conclusions on the applicant's eligibility and status as prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The determination shall also include, if at issue, findings on whether the position of the Commission investigative attorney was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

§ 212.27 Agency review.

Except as otherwise authorized by the presiding officer, the parties shall be allowed ten (10) days from the date of service of the recommended determination to file exceptions to the recommended determination and alternative findings of fact and conclusions of law with the Commission. Upon receipt of the recommended determination, the Commission shall review the same and issue a final determination on the application or remand the application to the presiding officer for further proceedings.

§ 212.28 Judicial review.

Judicial review of final Commission determinations on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 212.29 Payment of award.

An applicant seeking payment of an award shall submit to the Finance and

Budget Division of the Commission a copy of the Commission's final determination granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. The address for submission to the Commission is: United States International Trade Commission, Finance and Budget Division, 701 E Street, NW., Washington, D.C. 20436. The Commission will pay the amount to the applicant within 60 days, unless judicial review of the award or of the underlying determination of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: February 23, 1982.

[FR Doc. 82-5784 Filed 3-4-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
21 CFR Part 558
New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Quali-Tech Products, Inc., providing for safe and effective use of 1, 2, 4, 8, and 10-gram-per-pound tylosin premixes for making complete swine, beef cattle, and chicken feeds.

EFFECTIVE DATE: March 5, 1982.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318, is sponsor of supplemental NADA 97-980 submitted on its behalf by Elanco Products Co. The supplement provides for use of premixes containing 1, 2, 4, 8, and 10 grams of tylosin (as tylosin phosphate) per pound for making complete feeds for swine, beef cattle, and layer chickens. The swine feed is used for prevention, treatment, and control of swine dysentery, and for maintenance of weight gain and promotion of feed

efficiency in the presence of atrophic rhinitis; the beef cattle feed for reduction of incidence of certain liver abscesses; the chicken feed for increased rate of weight gain and improved feed efficiency; the layer feed for improved feed efficiency.

Approval of this supplemental NADA relies upon safety and effectiveness data contained in Elanco Products Co.'s approved NADA 12-491. Use of the data in NADA 12-491 to support this supplement has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this supplement poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in NADA 12-491 or NADA 97-980.

The supplement is approved, and the regulations are amended accordingly. This approval adds to the firm's existing approval for use of 4- and 10-gram-per-pound tylosin premixes for making complete swine feeds for increased rate of weight gain and improved feed efficiency.

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

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

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1, see 46 FR 26052, May 11, 1981)), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(14) to read as follows:

*** 558.625 Tylosin.**

* * * * *

(b) * * *

(14) To 016968: 1, 2, 4, 8, and 10 grams per pound, paragraph (f)(1) (i), (iii), (iv), and (vi) of this section.

* * * * *

Effective date. March 5, 1982.

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

Dated: February 24, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-5650 Filed 3-4-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 175

[Docket No. 81F-0113]

Indirect Food Additives: Adhesive Coatings and Components; Hydrocarbon Resins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of certain hydrocarbon resins as a component of adhesives intended for food contact. This action is based on a food additive petition filed by Hercules, Inc.

DATES: Effective March 5, 1982; objections by April 5, 1982.

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

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

SUPPLEMENTARY INFORMATION: A notice published in the Federal Register of April 28, 1981 (46 FR 23810) announced that a food additive petition (FAP 0B3501) had been filed by Hercules, Inc., 910 Market St., Wilmington, DE 19899, proposing that § 175.105 (21 CFR 175.105) be amended to provide for the safe use of hydrocarbon resins formed

by polymerization of mixtures of mono- and di-unsaturated hydrocarbons of the aliphatic, alicyclic, and monobenzenoid type derived both from cracked petroleum and terpene stocks as a component of adhesives intended for food contact.

FDA has evaluated data in the petition and other relevant material, and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below. In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(v)) may be seen in the Dockets Management Branch (HFA-305) (address above) between 9 a.m. and 4 p.m., Monday through Friday.

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 175 is amended in § 175.105(c)(5) by alphabetically inserting a new item in the list of substances to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
Hydrocarbon resins (produced by polymerization of mixtures of mono- and di-unsaturated hydrocarbons of the aliphatic, alicyclic, and monobenzenoid type derived both from cracked petroleum and terpene stocks) (CAS Reg. No. 68239-99-6)	

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 5, 1982 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective March 5, 1982.

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

Dated: February 23, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-5651 Filed 3-4-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 211, 331, 436, 450, 520, 556, 573, 610, 630, 701, and 801

[Docket No. 81N-0266]

Incorporation by Reference Regulatory Text

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the incorporating regulatory text in Title 21 of the Code of Federal Regulations to make clear when an incorporation by reference is intended. This action is being taken to meet the drafting requirements for incorporation by reference as set forth in Title 1 of the Code of Federal Regulations (1 CFR Part 51).

DATES: Effective March 5, 1982; written comments by April 5, 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: Theodore E. Herman, Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: Title 1 of the Code of Federal Regulations (1 CFR 51.6, 51.7, and 51.8) requires, in addition to other information, specific language in a regulation that makes clear that an incorporation by reference is intended.

FDA has reviewed all of its regulations that include materials incorporated by reference. The agency has concluded that it is necessary to amend a number of these regulations to bring them into compliance with the drafting requirements prescribed in 1 CFR 51.6, 51.7, and 51.8.

The agency is amending Parts 211, 331, 436, 450, 520, 556, 573, 610, 630, 701, and 801 to include language that: clearly indicates that an incorporation by reference is intended; contains a complete citation of the material incorporated; and contains a statement about the availability of the incorporated material. These amendments ensure compliance with the essential requirements specified in 1 CFR 51.6, 51.7, and 51.8.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Title 21 of the Code of Federal Regulations is amended as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

§ 211.176 [Amended]

1. Section 211.176 is amended by revising the last sentence and adding a new sentence to read "Such drug product shall not be marketed if detectable levels are found when tested according to procedures specified in 'Procedures for Detecting and Measuring Penicillin Contamination in Drugs,' which is incorporated by reference. Copies are available from the Bureau of Drugs (HFD-430), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

§ 331.22 [Amended]

2. Section 331.22 is amended at the end of the paragraph by removing footnote "1" and by replacing the period with a comma and adding "which is incorporated by reference. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 436.101 [Amended]

3. Section 436.101(a) is amended at the end of the introductory text by removing footnote "2" and by replacing the colon with a comma and adding "which is incorporated by reference. Copies are available from the Medical Encyclopedia Inc., 30 East 60th St., New York, NY 11220, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

§ 436.102 [Amended]

4. Section 436.102(b) is amended in the introductory text (1) in the first sentence by removing footnote "2" and by replacing the period with a comma and adding "which is incorporated by reference. Copies are available from Medical Encyclopedia Inc., 30 East 60th St., New York, NY, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408" and (2) in the last sentence by removing footnote "3" and by replacing the period with a comma and adding "which is incorporated by reference. Copies are available from the American Pharmaceutical Association, 2215 Constitution Ave. NW., Washington, D.C. 20037, or available for inspection at the Office of the Federal Register (see address in this paragraph)."

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

§ 450.20a [Amended]

5a. Section 450.20a(b)(4)(ii) is amended at the end of the last sentence by removing footnote "2" and by replacing the period with a comma and

adding "which is incorporated by reference. Copies are available from Managing Editor, 'Biometrics,' P.O. Box 5457, Raleigh, NC 27607, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

§ 450.24 [Amended]

b. Section 450.24(b)(5)(ii) is amended at the end of the last sentence by removing footnote "4" and by replacing the period with a comma and adding "which is incorporated by reference. Copies are available from Managing Editor, 'Biometrics,' P.O. Box 5457, Raleigh, NC 27607, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

§ 450.240 [Amended]

c. Section 450.240(b)(4)(ii) is amended at the end of the last sentence by removing footnote "2" and by replacing the period with a comma and adding "which is incorporated by reference. Copies are available from the American Statistical Association, 806 15th St. NW., Washington, D.C. 20005, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

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

6. Section 520.2320 is amended by revising paragraph (b)(1)(iii) to read as follows:

§ 520.2320 Sulfantran and aklomide in combination.

* * * * *

(b) * * *

(1) * * *

(iii) Moisture (Method No. 6.123, "Toluene Distillation Method—Official Final Action" in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed., 1980, p. 83. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408); Not more than 2.0 percent.

* * * * *

PART 556—TOLERANCES FOR RESIDUE OF NEW ANIMAL DRUGS IN FOOD

§ 556.240 [Amended]

7a. Section 556.240(b) is amended by revising that portion of the paragraph

beginning with "method of E. J. Umberger" to read "method of E. J. Umberger, G. H. Gass, and J. M. Curtis, 'Design of A Biological Assay Method for the Detection and Estimation of Estrogenic Residues in the Edible Tissues of Domestic Animals Treated with Estrogens' published in *Endocrinology*, 63:806-814, 1958, which is incorporated by reference. Copies are available from the Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

§ 556.250 [Amended]

b. Section 556.250(b) is amended by revising that portion of the paragraph beginning with "method of E. J. Umberger" to read "method of E. J. Umberger, G. H. Gass, and J. M. Curtis, 'Design of A Biological Assay Method for the Detection and Estimation of Estrogenic Residues in the Edible Tissues of Domestic Animals Treated with Estrogens,' published in *Endocrinology*, 63:806-814, 1958, which is incorporated by reference. Copies are available from the Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

§ 556.540 [Amended]

c. Section 556.540(b) is amended in the introductory text by revising that portion of the paragraph beginning with "method of Hooker and Forbes" to read "method of Hooker and Forbes, 'A Bio-Assay for Minute Amounts of Progesterone,' published in *Endocrinology*, 41:158-168, 1947. Copies are available from Yale University, Department of Anatomy, New Haven, CT 06520, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

§ 556.710 [Amended]

d. Section 556.710(b) is amended at the end of the paragraph by removing footnote "1" and replacing the period with a comma and adding "which is incorporated by reference. Copies are available from Academic Press Inc., 111 Fifth Ave., New York, NY 10003, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

8. Section 573.640 is amended by revising paragraph (b)(4)(i) and the first

sentence of (b)(4)(ii) and adding after it a new sentence to read as follows:

§ 573.640 Methyl esters of higher fatty acids.

(b) * * *

(4) * * *

(i) Unaponifiable matter shall be determined by the method described in Section 28.081, "Unaponifiable Residue (20)—Official Final Action" of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed., 1980, p. 451, which is incorporated by reference. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(ii) The chick-edema factor bioassay method described under "26. Oils, Fats, and Waxes" in the *Journal of the Association of Official Agricultural Chemists*, Vol. 44, Page 146 (1961), or the method described under "Chick-Edema Factor—Bioassay Method (34)—Official Final Action" in §§ 28.113-28.117, "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th Ed., 1975, pp. 509-511, which is incorporated by reference, shall be employed. (Copies of the methods are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.) * * *

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.12 [Amended]

9. Section 610.12(f) is amended in the first sentence by revising that portion of the sentence that reads "United States Pharmacopeia" (19th Revision, 1975), section entitled 'Membrane Filtration,' pp. 594-595, except that" to read "United States Pharmacopeia (19th revision, 1975, section entitled 'Membrane Filtration,' pp. 594-595, which is incorporated by reference (Copies are available from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, MD 20852, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408), except that * * *" and by removing footnote "1".

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

§ 630.74 [Amended]

10. Section 630.74(c) is amended in the first sentence by removing footnote "1" and at the end of the third sentence by replacing the period with a comma and adding "or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408."

PART 701—COSMETIC LABELING

§ 701.3 [Amended]

11a. Section 701.3(c)(2)(i) is amended by revising the introductory text to read "(i) CTFA (Cosmetic, Toiletry, and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary, Second Ed., 1977 (available from The Cosmetic, Toiletry, and Fragrance Association, Inc., 1110 Vermont Ave. NW., Suite 800, Washington, DC 20005, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408), which is incorporated by reference, except for the following deletions and revisions:"

b. Section 701.3(c)(2)(ii), (iii), and (v) is amended by removing footnote "2" and adding at the end of the last sentence of each subparagraph "(Copies are available from the U.S. Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, MD 20852, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408)."

c. Section 701.3(c)(2)(iv) is amended at the end of the paragraph by removing footnote "3" and by adding "Copies are available from the Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

PART 801—LABELING

§ 801.410 [Amended]

12a. Section 801.410(d)(2) is amended near the end of the paragraph by removing footnote "1" and by changing "ASTM Method D 1415" to read "ASTM Method D 1415-68 'Test for International Hardness of Vulcanized Rubber,'"; by changing "ASTM Method D 412" to read "ASTM Method D 412-68 'Tension Test of Vulcanized Rubber,' the first time it appears; and by revising the phrase "as determined by ASTM Method D 412 (ASTM Methods D 412 and D 1415 are incorporated by reference)" to read "as determined by ASTM Method D 412-68 (Both methods are incorporated by reference and are available from the American Society for Testing Materials,

1916 Race St., Philadelphia, PA 19103, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408.)"

§ 801.420 [Amended]

b. Section 801.420(c)(4) is amended at the end of the second sentence by removing footnote "1", replacing the period with a comma, and adding "which is incorporated by reference. Copies are available from the Acoustical Society of America, 335 E. 45th St., New York, NY 10017, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408."

The agency has determined that because these amendments do not make any substantive changes in the regulations but merely are editorial, bringing the incorporation by reference text into compliance with the drafting requirements of 1 CFR 51.6, 51.7, and 51.8, notice public procedure, and delayed effective date are unnecessary. However, interested persons may, on or before April 5, 1982 submit to the Dockets Management Branch (HFA-305), address above, written comments regarding these amendments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments shall be identified with the docket number found in brackets in the heading of this document. If the agency determines by the comments received that the amended text should be modified, a notice containing those modifications will be published in the *Federal Register*. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 1, 1982.

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

[FR Doc. 82-5459 Filed 3-4-82; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification: Tylosin Injection

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the new animal drug regulation for tylosin injection at the request of Elanco Products Co., the sponsor. The labeling revisions clarify directions for use in cattle and swine.

EFFECTIVE DATE: March 5, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of October 2, 1981 (46 FR 48642), FDA approved a supplemental new animal drug application (NADA 12-965) providing for increasing the withdrawal period and dosage for use of tylosin injection in cattle and swine. The regulation stated that the drug was approved for "nonlactating cattle." Elanco has requested that the regulation be clarified by changing it to read "beef cattle and nonlactating dairy cattle." The regulation also directed use of the 50-milligram-per-milliliter preparation to "nonlactating cattle weighing less than 200 pounds." Elanco requested that this description be changed to "calves." Also, the regulation provided the same limitation for swine weighing less than 200 pounds. Elanco requested that this limitation be removed. The changes are approved.

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

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

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.2640a by revising the introductory text of paragraph (e)(1) and the fourth sentence of (e)(1)(iii) to read as follows, and by removing the fourth sentence of (e)(2)(iii) which reads "Use a 50-milligram-per-milliliter solution for treating swine weighing less than 200 pounds."

§ 522.2640a Tylosin Injection.

(e) Conditions of use—(1) Beef cattle and nonlactating dairy cattle—

(iii) Use a 50-milligram-per-milliliter solution for calves weighing less than 200 pounds.

Effective date: This regulation is effective March 5, 1982.

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

Dated: February 26, 1982.

Robert A. Baldwin,
Associate Director for Scientific Evaluation.
[FR Doc. 82-5801 Filed 3-4-82; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Chlortetracycline, Monensin

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by American Cyanamid Co. providing for safe and effective use of chlortetracycline hydrochloride in combination with monensin in broiler feeds as an aid in reduction of mortality due to *Escherichia coli* and prevention of coccidiosis.

EFFECTIVE DATE: March 5, 1982.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, filed an NADA (121-553) providing for use of a combination finished broiler feed containing 500 grams of chlortetracycline hydrochloride per ton with 90 to 110 grams of monensin (as monensin sodium) per ton. The feeds are used as an aid in the reduction of mortality due to *Escherichia coli* infections susceptible to such treatment and as an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*. The application is approved and the regulations are amended to reflect the approval.

The approval of this combination is subject to the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977).

This approval poses no increased human risk from exposure to residues of the new animal drugs chlortetracycline hydrochloride and monensin because the number of food-producing animals receiving medication will not significantly increase, and because the combination consists of drugs of which have previously been approved for use separately at the indicated dosage levels, for the same duration, and for the same indications. Accordingly, under the Bureau's supplemental approval policy, this approval did not require reevaluation of the safety and efficacy data supporting the parent applications.

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

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. In § 558.128 by redesignating the present items in paragraphs (e)(4)(viii) through (e)(4)(x) as items (e)(4)(ix) through (e)(4)(xi) and by adding new item (viii) to read as follows:

§ 558.128 Chlortetracycline.

(e) * * *
(4) * * *
(viii) Monensin in accordance with § 558.355.

2. In § 558.355 by adding new paragraphs (b)(8) and (f)(1)(xiv) to read as follows:

§ 558.355 Monensin.

(b) * * *
(8) To 010042: 45 grams per pound, as monensin sodium provided by No. 000986, paragraph (f)(1)(xiv) of this section.

(f) * * *
(1) * * *
(xiv) Amount per ton. Monensin, 90 to 110 grams, plus 500 grams chlortetracycline.

(a) *Indications for use.* As an aid in the reduction of mortality due to *Escherichia coli* infections susceptible to such treatment. As an aid in the prevention of coccidiosis caused by *Eimeria necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.

(b) *Limitations.* Do not feed to laying chickens; feed for 5 days as the sole ration; withdraw 72 hours before slaughter; not to be fed continuously for more than 5 days; as monensin sodium; as chlortetracycline hydrochloride provided by No. 010042 in § 510.600(c) of this chapter.

Effective date. This amendment is effective March 5, 1982.

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

Dated: February 26, 1982.

Terence Harvey,
Deputy Director, Bureau of Veterinary
Medicine.

(FR Doc. 82-5802 Filed 3-4-82; 8:45 am)

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

32 CFR Parts 1-39

(DAC 76-31)

Defense Acquisition Regulation

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This document publishes changes to the Defense Acquisition Regulation contained in the Code of Federal Regulations. The changes are the same as those in Defense Acquisition Circular 76-31. Some of the changes include: Flexible progress payments; prohibition on recovery of lobbying costs; cost index; blanket purchase agreements; hospital laundry; performance and payment bonds; insurance; contract pricing proposal forms; bid bonds, and performance and

payment bonds; architect-engineer selection process; use of source load container costs in contract bid evaluations; performance of contract administration services for non-DoD organizations; assignment of criticality designator by purchasing office; material inspection and receiving report, close-out of Category C Contracts; and editorial changes. In addition to these changes, there is published information material concerning logistic support and privileges for DoD contractor personnel and dependents.

EFFECTIVE DATE: October 30, 1981.

FOR FURTHER INFORMATION CONTACT:

J. Brannan, Director, Defense Acquisition Regulatory Council, Room 3D1028, Pentagon, Washington, D.C. 20301, Telephone 202-697-7266.

SUPPLEMENTARY INFORMATION:

Background

The Defense Acquisition Regulation (DAR) is codified in Title 32, Parts 1-39, Volumes I, II, and III, of the Code of Federal Regulations (CFR). The July 1, 1979 revision of the CFR, as supplemented on July 1, 1980, is the most recent edition of that title. It reflects amendments to the 1976 edition of the DAR made by Defense Acquisition Circulars 76-1 through 76-23.

The Department of Defense announced the promulgation of the 1979 CFR edition in the Federal Register of December 31, 1979 (44 FR 77158), and also announced at that time that subsequent amendments to the DAR would be published in the Federal Register.

Defense Acquisition Circular 76-31.

This document contains amendments to the Defense Acquisition Regulation in the form of replacement pages which were included in DAC 76-31, issued October 30, 1981. The following is a summary of the amendments:

Flexible Progress Payments. Appendix E and Sections VII and XXIII of the DAR are revised to include provisions for flexible progress payments. Uniform standard progress payment rates are increased to 90% for other than small business concerns and 95% for small business concerns. The frequency of progress payments is changed from bi-weekly to monthly. The flexible progress payment procedure represents a new approach toward contract financing. The progress payment rate is derived by use of a specially developed computer program. A user's guide, which is available from the Defense Technical Information Center, Cameron Station, Alexandria,

Virginia 22314, contains detailed instructions and examples of the operation of the flexible progress payment procedure. These changes are effective on receipt of DAC 76-31 (see DAR 1-106.2(d)), or of Departmental guidance previously distributed, whichever is earlier. These changes are also effective for undefinitized letter contracts if there has been no agreement on contract price prior to receipt of this direction. Contracting Officers are not to consider these changes in the development of prenegotiation profit objectives.

Prohibition of Recovery of Lobbying Costs. Secretary of Defense Caspar W. Weinberger has directed that contractors be prohibited from charging lobbying costs to Defense contracts. To implement this decision, a new cost principle, 15-205-51, has been established, and a new paragraph has been added as 3-709.

Economic Price Adjustment Clause Based on Labor or Material Cost (Cost Index Method). Paragraph 3-404.3(c)(3)c.4 has been revised to require that any contract containing any Economic Price Adjustment (EPA) clause where the index is subject to revision, e.g., a Bureau of Labor Statistics Producer Price Index, must state if any later contract price revision is to be based on the initial publication or the final revised version of the index.

Blanket Purchase Agreements (BPAs). DAR 3-605.2 and 3-605.3(f)(iv) are revised to increase the BPA call ceiling for Non-Inventory Control Points from \$5,000 to \$10,000.

Hospital Laundry. DAR Sections VII and XXII are revised to provide coverage for contracting for laundry services on the basis of bulk weight, to reflect when bulk weight and count of articles bases are to be used, which clauses are to be used with respective bases, and to provide instructions concerning the use of the clauses.

Performance and Payment Bonds. DAR 10-202 is revised to add "for Performance and Payment Bonds" to the title, "Options in Lieu of Sureties."

Insurance. DAR 15-205.16(a)(2)(iii) is revised to substitute the word "property" for "casualty." This change will clarify the intent to refer to insurance which the contractor has against damage to its own property, and not insurance against liability for damage to property of third parties.

Contract Pricing Proposal Forms. DAR 16-206.1 is revised to add the requirement for inclusion of summary totals by cost element, when submitting DD Form 633 cost data.

Bid Bonds, and Performance and Payment Bonds. DAR 16-401.2 has been

changed to conform with Pub. L. 95-585, which raised the construction contract amount for application of the Miller Act bonding requirements from \$2,000 to \$25,000.

Architect-Engineer Selection Process. DAR 18-402.1(v) is revised to include "small disadvantaged" business firms in considerations for selection of architect-engineer firms for professional services contracts.

Use of Source Load Container Costs in Contract Bid Evaluations. DAR 19-208.2(c), 19-213.1(a), 19-301.2(a) and 19-403.1 have been modified to assure that source load container (seavan) transport costs are considered in the bid evaluation process.

Performance of Contract Administration Services for Non-DoD Organizations. DAR 20-503 is revised to permit flexibility in providing contract administration services to other U.S. Government Departments and Agencies, based on availability of resources.

Assignment of Criticality Designator by Purchasing Office. The definitions applicable to each of the Criticality Designators used by the Contract Administration Office (CAO) to allocate its resources, have been changed at DAR 25-103 to draw more accurate distinctions between the various prime contracts being assigned for administration.

Material Inspection and Receiving Report. Coverage in Appendix I, Parts 1 and 4, is revised to permit consolidation on one DD Form 250, of coal shipments made on the same day to the same destination, against the same contract line item. In addition, coverage in Appendix I, Parts 5, 6 and 7 is revised to clarify preparation instructions and to update Tables 3 and 4 for distribution of the DD Form 250-1, Tanker/Barge Material Inspection and Receiving Report, for bulk tanker and barge movements. Table 5, no longer required, is deleted.

Close-Out of Category C Contracts, S2-305(a). Revisions have been made to the standard times contained in Supplement No. 2 to the DAR, Contract File Maintenance, Close-Out and Disposition, to recognize the longer periods to "close-out" those contracts which require settlement of overhead rates.

Note: DAR Supplements are not included as part of the CFR.

Editorial Changes. Editorial changes are included in this DAC to correct typographical errors or administrative oversight, and to provide other editorial corrections. Page 3:70 is reprinted to include notation at bottom of the page, omitted in DAC #76-30. Page 7:526-I is

reprinted to include the notation "DAC #76-30" at top of the page, omitted in DAC #76-30.

Because the Defense Acquisition Regulation concerns agency management, public property, and contracts, it is not necessary to issue proposed rules for public comment. Neither is it necessary to delay the effective date until 30 days after the date of publication of these rules, 5 U.S.C. 533 (a) and (d). The amendments became effective on October 30, 1981.

How to Use Replacement Pages

Reproduced at the end of this document are replacement pages from DAC 76-31. The number at the top of each page (for example, 3:31) identifies the page from the Regulation which is being replaced. The number at the bottom of the page is a reference to the last appearing numbered paragraph on that page, or if none shows, on a preceding page. The vertical line in the right margin indicates where the amendment is located.

Adoption of Amendments

Therefore, the Defense Acquisition Regulation contained in the July 1, 1979 edition of 32 CFR Parts 1-39, Volumes I, II, and III, as supplemented on July 1, 1980, is amended in DAR paragraphs indicated by substitution of the replacement pages listed in the table:

DAR paragraph	Replacement pages
Volume I	
3-404.3	3:32
3-605.2	3:79-A
3-605.3	3:81
3-709	3:109
Volume II	
7-104.35	7:82, 7:83, 7:84, 7:84-B through 7:84-D, 7:85, 7:85 through 7:86-D, 7:87
7-1400	7:420
7-1401	7:420
7-1401.3 (deleted)	Reserved
7-1401.4	7:420
7-1401.5	7:420, 7:421, 7:421-A
7-1401.6	7:421-A, 7:421-B
7-1401.8	7:421-B
7-1401.9 (deleted)	Reserved
7-1401.10 (deleted)	Reserved
7-1401.14 (add)	7:422
7-2003.60	7:520, 7:520-A
10-202	10:15
15-205.16	15:26
15-205.51 (add)	15:52, 15:52-A
Volume III	
16-206.1	16:14, 16:15
16-401.2	16:18, 16:19
18-402.1	18:16
19-208.2	19:10
19-213.1	19:12
19-301.2	19:15
19-403.1	19:18
20-503	20:27
22-702 (add)	22:28

DAR paragraph	Replacement pages
22-703 (formerly 22-702)	22-28
22-704 (formerly 22-703)	22-28
22-704 (b) and (c) (add)	22-28-A, 22-28-B
23-103 (add (a)(xi))	23-5
23-108	23-8-A
25-103	25-2, 25-2-A
E-503	E-42-A
E-503.1	E-42-B
E-503.2	E-42-B, E-43
E-511.2	E-49
E-511.3	E-49, E-53, E-54, E-55
E-517	E-57
E-530 (add)	E-65-B
E-530.1 (add)	E-65-B, E-65-C
E-530.2 (add)	E-65-C
E-530.3 (add)	E-65-C
E-530.4 (add)	E-65-C, E-65-D
E-530.5 (add)	E-65-D
E-530.6 (add)	E-65-D
E-530.7 (add)	E-65-D
E-530.8 (add)	E-65-D
I-104 (add (a)(6))	I-3
I-401	I-19
I-501	I-23
I-601	I-28
I-702 (Tables 3 and 4)	I-29, I-30, I-31
I-702 (Table 5 deleted)	I-32 removed

(Change to DAR Supplement No. 2—not in CFR: S2-305(a) Page S2-17)

M. S. Healy,
*OSD Federal Register Liaison Officer,
 Washington Headquarters Services,
 Department of Defense.*

February 25, 1982.

BILLING CODE 3810-01-M



DEFENSE ACQUISITION CIRCULAR

30 OCTOBER 1981

NUMBER 76-31

This Defense Acquisition Circular is issued by direction of the Secretary of Defense pursuant to the authority contained in 5 U.S. Code 301, 10 U.S. Code 2202, DoD Directive 5000.35, and DAR (ASPR) 1-106.

Unless otherwise specified, all DAR and other directive material contained in this Defense Acquisition Circular is effective upon receipt in accordance with DAR 1-106.2(d).

Reproduction authorized.

SPECIAL NOTE: All replacement pages furnished with Defense Acquisition Circulars (whether or not identified by specific items) are replacement pages for the 1976 edition of DAR (ASPR).

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ITEM I LOGISTIC SUPPORT AND PRIVILEGES FOR DOD CONTRACTOR PERSONNEL AND DEPENDENTS

The following information is provided for the benefit of those involved in the execution of contracts requiring performance in Europe. This item cancels and supersedes Item II of DAC #76-26, dated 15 December 1980.

SPECIAL NOTICE TO CONTRACTING OFFICES EXECUTING CONTRACTS FOR PERFORMANCE IN EUROPE INVOLVING INDIVIDUAL LOGISTIC SUPPORT AND PRIVILEGES TO BE GRANTED BY UNITED STATES ARMY, EUROPE, AND SEVENTH ARMY (USAREUR) TO CONTRACTOR PERSONNEL AND THEIR DEPENDENTS

The attention of all contracting offices writing contracts for performance in Europe is directed to DAR 1-321(c) and 6-903. The procedures and criteria for authorizing or obtaining individual logistic support and privileges for DOD contractor personnel and their dependents from USAREUR is set forth below. These procedures do not apply to those nonpersonal service contracts awarded locally on an individual basis in support of the Army Continuing Education Services (ACES) program. Contracts negotiated with US and 3d Country national physicians for services to be rendered in support of US medical activities may include military exchange (AAFES-EUR) privileges without reference to specific financial consideration due to US Government. Eligibility criteria remains unchanged.

a. To be eligible for logistic support from USAREUR, contractor personnel who will be working in the Federal Republic of Germany must--

- (1) be technical experts who will serve the US Forces exclusively;
- (2) not be stateless persons;
- (3) be nationals of a NATO state, excluding the Federal Republic of Germany; and
- (4) not be ordinarily resident in the Federal Republic of Germany.

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b. To be eligible for logistic support from USAREUR, contractor personnel who will be working in Italy must--

- (1) be technical experts who exclusively serve the US Forces; and
- (2) be citizens of a NATO state other than Italy.

c. In accordance with DAR 6-903, the items of logistic support listed below may be included in contracts awarded on or before 1 October 1983 and USAREUR may be contractually bound to provide such support, provided that (i) the contract exclusively serves a US Forces mission; (ii) contractor personnel meet eligibility criteria outlined above; and (iii) the contract contains specific financial or other consideration which the US Government will receive in return for providing individual logistic support.

SUPPORT PRIVILEGES AUTHORIZED FOR INCLUSION IN ELIGIBLE DOD CONTRACTS AWARDED ON OR BEFORE 1 OCTOBER 1983 (SUBJECT TO GOVERNING DIRECTIVES AND REGULATIONS)

ESTIMATED ANNUAL DOLLAR VALUE (UNLESS OTHERWISE NOTED, THIS VALUE IS DEFINED AS DIFFERENCE BETWEEN COSTS IN OBTAINING GOODS AND SERVICES FROM USAREUR SOURCES VERSUS COSTS IN OBTAINING COMPARABLE SERVICES ON THE ECONOMY)

	Per Individual Contractor Personnel	Per Spouse	Per Dependent
Officer, NCO, EM clubs	\$ 240	\$ 160	\$ 80
Commissary (includes rationed items)	956	702	468
Military Exchange (AAFES-EUR) (includes rationed items)	720	720	720
Local recreation services, space-available	400	300	300
Armed Forces Recreation Center, space-available	125	75	50
Class VI (alcoholic beverages, includes rationed items)	Up to \$150	Up to \$150	Up to \$100 (over age 18)
Military banking facilities	746	221	85
Legal assistance, space-available	50	50	50

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USAREUR ESTIMATED ANNUAL DOLLAR VALUE OF
INDIVIDUAL LOGISTIC SUPPORT (continued)

USAREUR privately-owned vehicle (POV) operator's license \$ 32 \$ 32 \$ 32 \$ 32

Customs exemption (personal property import only)

Up to \$2000 per contractor (depending on quantity and value of goods imported)

Transient billets, when on official TDY*

Up to \$1000 per contractor

Bachelor housing (if available)*

Up to \$5000 LOA, based on LOA for civilians in grade GS 11/12, at the "without dependents" rate

Military postal services for US-citizen contractors and dependents, for personal mail only. Official indicia is not authorized.

\$400 per contractor

Registration of privately-owned vehicle (POV)

\$460 per vehicle, initial registration

Purchase of petroleum and oil products

(Dollar value included in military exchange (AAFES-EUR) figures above)

Pet and firearms registration

\$20 per weapon; \$35 per pet (required for dogs only)

Dependent schools, on a space-available, tuition-paying basis

\$3896 per dependent

Local government transportation for official Government business (admin-use vehicle)

\$12 per day, 21¢ per mile, when utilized

Messing facilities at remote sites only (reimbursable)

\$10 per day, when utilized

Mortuary service (reimbursable)

\$745 per contractor

Army Continuing Education Services (ACES)

Cost differential not applicable

Credit union facilities

Cost differential not applicable

*See end of table, page 6.

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USAREUR ESTIMATED ANNUAL DOLLAR VALUE OF
INDIVIDUAL LOGISTIC SUPPORT (continued)

Medical care, on a reimbursable basis; dental care, available only for emergency conditions, on a reimbursable basis

Cost differential not applicable

Relief of German value-added tax (MEHRWERTSTEUER)

Cost differential not applicable

Government furnishings*

Cost differential not applicable

*New contracts will not include family-type Government-controlled quarters, bachelor quarters, or Government-furnishings support, unless prior written approval of the Commander in Chief, USAREUR (Attn: AEAEEN-EH), is obtained. Transient billets may be authorized on a space-available basis after all other eligible personnel have been billeted. Government furnishings may be made available to contractor personnel if in excess to the requirement of eligible personnel. New contracts will not include office space logistical support unless prior written approval of the Commander in Chief, USAREUR (Attn: AEAEEN-IF), is obtained.

d. If all of the logistic support privileges above were included in a contract, the estimated annual value of the support would range as follows:

- (1) Per individual contractor personnel, \$4,929 to \$13,089
- (2) Per spouse, \$2,260 to \$2,410
- (3) Per dependent, \$5,185 to \$5,285
- (4) Per family of three, \$12,374 to \$20,784

e. Logistic support for dependents will be authorized only if specifically stated in the contract.

f. After the contracting officer has determined that the eligibility criteria in a above have been met and the items of logistic support and privileges have been included in the contract, the contracting officer must request an Accreditation Letter from HQ USAREUR (Attn: AEUPE-AMD-AP, APO NY 09403), submitting the following:

- (1) Statement that the provisions of this special notice have been complied with;

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ITEM II FLEXIBLE PROGRESS PAYMENTS

- (2) Name of contract company/corporation;
- (3) The contract number and expiration date;
- (4) The full names of contract personnel, their citizenship and social security or passport numbers, the number of dependents, and planned arrival date (if already in country, state present employment and geographic area);
- (5) Period of accreditation;
- (6) The specific items of logistic support and privileges included in the contract, or a copy of that portion of the contract which lists the items of logistic support and privileges; and
- (7) APO address of the USAREUR office/element to which the accreditation letter should be forwarded. This should be the office/element to which the contractor is assigned for administrative and operational control.

8. For contractors who will be working in other than Germany or Italy but in areas where USAREUR is to be requested to provide individual logistic support and privileges, the following information must be forwarded to CINCUSAREUR, Attn: AEUPE-AMD-AP, APO NY 09403, for review and determination before any individual logistic support and privileges may be included in the contract:

- (1) The country in which the contract is to be performed;
- (2) The duration of the contract;
- (3) The number and nationality of contractor personnel, to include dependents;
- (4) Specific individual logistic support and privileges requested;
- (5) A statement of whether the contract will exclusively support the US Forces; and
- (6) A statement that the contract will contain specific financial or other consideration which the US Government is to receive in return for extending the support.

Appendix E and Sections VII and XXIII of the DAR are revised to include provisions for flexible progress payments. Uniform standard progress payment rates are increased to 90% for other than small business concerns and 95% for small business concerns. The frequency of progress payments is changed from bi-weekly to monthly. The flexible progress payment procedure represents a new approach toward contract financing. The progress payment rate is derived by use of a specially developed computer program. A user's guide, which is available from the Defense Technical Information Center, Cameron Station, Alexandria, Virginia 22314, contains detailed instructions and examples of the operation of the flexible progress payment procedure.

These policy changes are effective on receipt of this DAC (see DAR 1-106.2(d)), or of Departmental guidance previously distributed, whichever is earlier. These changes are also effective for undefinitized letter contracts if there has been no agreement on contract price prior to receipt of this direction. Contracting Officers are not to consider these changes in the development of prenegotiation profit objectives.

This information was provided to DoD personnel through Departmental channels in September 1981.

Replacement pages: 7:82, 7:84, 7:84-B through 7:84-D,
7:85, 7:86 through 7:86-D, 7:87,
23:5, 23:8-A, E:42-A, E:42-B, E:43,
E:49, E:53 through E:55, E:57,
E:65-B through E:65-D.

ITEM III PROHIBITION ON RECOVERY OF LOBBYING COSTS

Secretary of Defense Caspar W. Weinberger has directed that contractors be prohibited from charging lobbying costs to Defense contracts. To implement this decision, a new cost principle, 15-205.51, has been established, and a new paragraph has been added as 3-709.

Replacement pages: 3:109, 15:52 through 15:52-B.

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ITEM IV ECONOMIC PRICE ADJUSTMENT CLAUSE BASED ON LABOR OR MATERIAL COST (COST INDEX METHOD)

Paragraph 3-404.3(c)(3)c.4 has been revised to require that any contract containing any Economic Price Adjustment (EPA) clause where the index is subject to revision; e.g., a Bureau of Labor Statistics Producer Price Index, must state if any later contract price revision is to be based on the initial publication or the final revised version of the index.

Replacement page: 3:32.

ITEM V BLANKET PURCHASE AGREEMENTS (BPAs)

DAR 3-605.2 and 3-605.3(f)(iv) are revised to increase the EPA call ceiling for Non-Inventory Control Points from \$5,000 to \$10,000.

Replacement pages: 3:79-A and 3:81.

ITEM VI HOSPITAL LAUNDRY

DAR Sections VII and XXII are revised to provide coverage for contracting for laundry services on the basis of bulk weight, to reflect when bulk weight and count of articles bases are to be used, which clauses are to be used with respective bases, and to provide instructions concerning the use of the clauses.

Replacement pages: 7:420 through 7:421-B, 7:422, 7:520, 7:520-A, 22:28, 22:28-A, 22:28-B.

ITEM VII PERFORMANCE AND PAYMENT BONDS

DAR 10-202 is revised to add "for Performance and Payment Bonds" to the title, "Options in Lieu of Sureties."

Replacement page: 10:15.

DAC #76-31 30 OCTOBER 1981

ITEM VIII INSURANCE

DAR 15-205.16(a)(2)(iii) is revised to substitute the word "property" for "casualty." This change will clarify the intent to refer to insurance which the contractor has against damage to its own property, and not insurance against liability for damage to property of third parties.

Replacement page: 15:26.

ITEM IX CONTRACT PRICING PROPOSAL FORMS

DAR 16-206.1 is revised to add the requirement for inclusion of summary totals by cost element, when submitting DD Form 633 cost data.

Replacement pages: 16:14 and 16:15.

ITEM X BID BONDS, AND PERFORMANCE AND PAYMENT BONDS

DAR 16-401.2 has been changed to conform with Public Law 95-585, which raised the construction contract amount for application of the Miller Act bonding requirements from \$2,000 to \$25,000.

Replacement pages: 16:18 and 16:19.

ITEM XI ARCHITECT-ENGINEER SELECTION PROCESS

DAR 18-402.1(v) is revised to include "small disadvantaged" business firms in considerations for selection of architect-engineer firms for professional services contracts.

Replacement page: 18:16.

ITEM XII USE OF SOURCE LOAD CONTAINER COSTS IN CONTRACT BID EVALUATIONS

DAR 19-208.2(c), 19-213.1(a), 19-301.2(a) and 19-403.1 have been modified to assure that source load container (seavan) transport costs are considered in the bid evaluation process.

Replacement pages: 19:10, 19:12, 19:15 and 19:18.

DAC #76-31 30 OCTOBER 1981

ITEM XIII PERFORMANCE OF CONTRACT ADMINISTRATION SERVICES
FOR NON-DOD ORGANIZATIONS

DAR 20-503 is revised to permit flexibility in providing contract administration services to other U.S. Government Departments and Agencies, based on availability of resources.
Replacement page: 20:27.

ITEM XIV ASSIGNMENT OF CRITICALITY DESIGNATOR BY
PURCHASING OFFICE

The definitions applicable to each of the Criticality Designators used by the Contract Administration Office (CAO) to allocate its resources, have been changed at DAR 25-103 to draw more accurate distinctions between the various prime contracts being assigned for administration.
Replacement pages: 25:2 and 25:2-A.

ITEM XV MATERIAL INSPECTION AND RECEIVING REPORT

Coverage in Appendix I, Parts 1 and 4, is revised to permit consolidation on one DD Form 250 of coal shipments made on the same day to the same destination, against the same contract line item. In addition, coverage in Appendix I, Parts 5, 6 and 7 is revised to clarify preparation instructions and to update Tables 3 and 4 for distribution of the DD Form 250-1, Tanker/Barge Material Inspection and Receiving Report, for bulk tanker and barge movements. Table 5, no longer required, is deleted.

Replacement pages: I:3, I:19, I:23, I:24, I:26, I:27, I:29 through I:31 (I:32 removed).

ITEM XVI CLOSE-OUT OF CATEGORY C CONTRACTS, S2-305(a)

Revisions have been made to the standard times contained in Supplement No. 2 to the DAR, Contract File Maintenance, Close-Out and Disposition, to recognize the longer periods to "close-out" those contracts which require settlement of overhead rates.

Replacement page: S2-17.

DAC #76-31 30 OCTOBER 1981

ITEM XVII EDITORIAL CHANGES

The following listed pages include corrections to typographical errors, administrative oversight, or other editorial changes.

Note: Page 3:70 is reprinted to include notation at bottom of page, omitted in DAC #76-30. Page 7:526-I is reprinted to include "DAC #76-30" notation at top of page, omitted in DAC #76-30.

Replacement pages: 3:32, 3:70, 7:83, 7:84-C, 7:86-A, 7:87 and 7:526-I.

1 JULY 1976

3:31

PROCUREMENT BY NEGOTIATION

(2) *Adjustment Based on Labor or Material Costs (Actual Costs Method).*

a. The price adjustment clause in 7-107 is authorized for use in negotiated fixed price supply and service contracts when there is no major element of design engineering or developmental work involved in producing the items being procured and one or more identifiable labor or material cost factors are subject to change. The clause shall be limited to contracts in which the price exceeds \$50,000 and the period of performance exceeds six months unless its use otherwise is approved by the Chief of the Purchasing Office. An appropriate modification of the clause may be used in advertised procurements, in accordance with 2-104.

b. The Schedule shall describe in detail the types of labor and materials subject to adjustment, the labor rates (including fringe benefits, if any), and unit prices of materials, which may be increased or decreased, and the quantities of labor and specified materials allocable to each unit of supplies to be delivered under the contract. The following sample format illustrates a type of schedule description that may be used:

The following types of labor and material are subject to price adjustment pursuant to the "Economic Price Adjustment—Labor and Material" clause of this contract.

Type of labor and materials	Rate of pay and material price	Quantity and direct costs per unit of procurement
Drill Press Operator	\$3.00/hour no fringe benefits included \$3.00	20 min.—\$1.00
Welder	\$2.75/hour .05/hour—vacation pay 20/hour—pension plan \$3.00	10 min.—\$.50
Copper Sheet	\$.40/lb.	2 lb.—\$.80
Purchased parts:		
(1) ABC tube X5721	\$1.00 each	3 ea.—\$3.00
(2) XYZ part No. 9348	\$.50 each	10 ea.—\$5.00

c. The 10 percent figure in subparagraph (c)(vi) of the clause shall not be exceeded unless approved by the Chief of the Purchasing Office. There shall be no percentage limitation on the amount of decrease. Decreases shall be the full amount of decrease in the labor rates and fringe benefits or unit prices for materials.

d. In negotiating adjustments under the clause, the contracting officer shall consider work in process and materials on hand at the time of changes in labor rates (including fringe benefits, if applicable) or material prices since these elements may have a significant impact on price adjustments. The price adjustment shall not include general and administrative expenses, profit, or overhead (except for fringe benefits as defined in 15-205.6(g)). Fringe benefits must be set forth in the schedule in order to be considered in any economic price adjustment.

e. If the specific terms and conditions of the clause authorized in a above are not applicable, a modified economic price adjustment clause to cover in-

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creases or decreases in the actual costs incurred by the contractor for labor or materials may be included if it is consistent with the guidelines contained in a through d above and is approved by the Department concerned.

(3) *Adjustments Based on Labor or Material Costs (Cost Index Method).*

a. As an alternative to the provisions authorized by (1) and (2) above, consideration should be given to inclusion of a special economic price adjustment clause designed to minimize contingency pricing and prepared under the guidelines listed in c below, when (i) there will be an extended period of performance with significant costs to be incurred beyond one year after commencement of contract performance, (ii) the contract amount subject to adjustment is substantial and (iii) the economic variables for labor and material are determined to be too unstable to reflect a reasonable division of risk between the parties absent economic price adjustment provisions.

b. All economic price adjustment clauses utilizing indices will be approved in accordance with Departmental procedures.

c. The following factors may be considered in preparing a price adjustment clause meeting the criteria of a above including construction of appropriate indices:

1. The clause should not be overly complex;

2. Normally, the clause should not provide either a ceiling or a floor for adjustment unless adjustment is based on indices below the four digit level of the Bureau of Labor Statistics Producer Price Index or the Wage and Income Series by Standard Industrial Classification (Labor).

3. Normally, the clause should cover all potential economic fluctuations within the original contract period of performance.

4. The clause must have a positive and accurate identification of the applicable index(es) upon which adjustments will be based and provide appropriate economic fluctuation in the event of the discontinuance of the publication of the movement of the designated index. This might include the substitution of another index if the time remaining would so justify and an appropriate index is reasonably available, or some other method for repricing of the remaining portion of the work to be performed. There should not normally be any need to make an adjustment in the event computation of the identified index is altered; however, provision may be made to adjust the economic fluctuation computations in the event there is such a substantial alteration to the method of computing the index as to negate the original intent of the parties. When an index to be used is subject to revision (e.g., the Bureau of Labor Statistics Producer Price Indexes), the economic price adjustment clause shall further specify that any economic price adjustment shall be based upon the applicable revised index.

5. An index should be structured to encompass a large sample of relevant items yet bear a logical relationship to the type of contract costs being measured. The basis of the index should not be so large and diverse that it is significantly affected by fluctuations not relevant to the contract performance, yet must be significantly broad so as to assure the minimal effect of any single company, including the anticipated contractors.

6. Construction of an index is largely dependent upon two general series published by the U.S. Department of Labor, Bureau of Labor Statistics (BLS). These are the Industrial Commodities portion of the Producer Price Index and the Wage and Income Series by Standard Industrial Classification for labor. Since there are no BLS published series currently available that relate

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- (xh) if pursuant to 1-1504, options are to be evaluated for award, the applicable *Evaluation of Options* provision shall be inserted;
- (xiii) if 1-1503(d) applies, a conspicuous notice cautioning offerors that an offer containing an option price higher than the base price may be accepted only if such acceptance does not prejudice any other offeror; (This may be placed elsewhere so long as the notice is adjacent to the limitation as to option price.)
- (xl) any requirement for royalty information to be furnished with the offer, proposal or quotation (see 9-110(a));
- (xli) when the contract is for the purchase of a patented item for which the Government is a licensee (1-304.3), include the provision in 7-2003.15;
- (xlii) a statement on the first sheet or on a cover sheet of the Request for Proposals that:
 PROPOSALS MUST SET FORTH FULL, ACCURATE, AND COMPLETE INFORMATION AS REQUIRED BY THIS REQUEST FOR PROPOSAL (INCLUDING ATTACHMENTS). THE PENALTY FOR MAKING FALSE STATEMENTS IN PROPOSALS IS DESCRIBED IN 18 U.S.C. 1001.
- (xliii) a statement of arrangements to be made for inspecting the site, including designation of the person or persons, if any, with whom such arrangements may be made and who will answer questions or furnish information;
- (xliv) information which may affect performance of the work such as boring samples, original boring logs, etc.;
- (xlv) information as to what utilities the Government will furnish during construction, when the contracting officer determines that any new utilities are adequate for the needs of both the Government and the contractor (see 7-603.30);
- (xlix) Reserved;
- (l) Reserved;
- (li) (A) in accordance with 3-1203(a), insert the provision in 7-2003.67(a);
 (B) in accordance with 3-1204, insert the provision in 7-2003.67(b);
 (C) in accordance with 3-1213(a), insert the provision in 7-2003.67(c);
- (lii) the *Late Technical Proposals* provision in 7-2002.3, or the *Late Proposals* provision in 7-2002.4, (these replace paragraphs 7 and 8 of SF 22);
- (liii) if international air transportation of personnel and cargo is possible during performance of the contract, the clause in 7-104.95;
- (liiv) the *Contingent Fee* provision in 7-2002.1 shall be substituted for paragraph 3 of SF 19-B;
- (liv) the *Clean Air and Water Certification* in 7-2003.71;
- (lvi) Reserved;
- (lvii) when the statement of work requires the design, development or operation of a system of records on individuals for an agency function, insert the provision in 7-2003.72;
- (lviii) if the contract is for the acquisition of goods or services for MAP, IMET, or FMS, include the clause in 7-104.97;

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- (lix) if the contract includes FMS requirements, identify the contract by clearly stamping or otherwise indicating "FMS Requirement" on the cover sheet of the contract;
- (lx) reserved;
- (lxi) when Government specifications are incorporated requiring utilization of recovered materials, insert the certification in 7-2003.82;
- (lxii) when the provisions of the Buy American Act or the Balance of Payments Program apply, include the clauses in 7-104.3, 7-104.32, 7-2003.47, and 7-104.106 as prescribed in 6-104.5, 6-803.1(e).
- (lxiii) for solicitations involving FMS requirements, insert the clause in 7-104.107 concerning special limitations with respect to sales commissions and fees, when required by 6-1305.6.
- (lxiv) when the solicitation is subject to an in-house versus contract cost comparison (Section IV, Part 12), include the clause in 7-2003.89(b).
- (lxv) insert the solicitation provision at 7-2003.90 requesting the offeror to supply his Data Universal Numbering System (DUNS) Number with his offer.
- (lxvi) when the solicitation imposes partial or total small business set-aside procedures pursuant to 1-706.5 and 1-706.6, or is for a combined small business-labor surplus area set-aside procurement pursuant to 1-706.7 and is expected to result in award of a contract during fiscal year 1981, 1982, or 1983, insert the Certification of Handicapped Organizations representation in 7-2003.91. The contracting officer may rely on an offeror's self-certification that it qualifies as an eligible organization as defined in 7-2003.91. Questions concerning the eligibility of offerors shall be processed in accordance with procedures in 1-703.
- (d) *Oral Solicitations.*
 (1) Oral solicitations are authorized for small purchases (see Section III, Part 6) and for the acquisition of perishable subsistence.
 (2) Oral solicitations, other than those described in (1) above, are authorized in cases where the processing of a written solicitation would delay the furnishing of supplies or services to the detriment of the Government. Examples of such circumstances may include those listed in 3-202.2. However, oral solicitation is not to be considered justified solely because a high issue Priority Designator has been assigned to the requirement. In addition to other applicable

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tracting officer should gain as much knowledge as practicable of the physical and material characteristics and intended use of the item to be purchased. When only one source is solicited, an additional notation must be made to explain the absence of competition, except for procurement of utility services available only from one source or of educational services from nonprofit institutions. Notification to unsuccessful suppliers shall be given only if requested.

(c) Occasionally an item can be obtained only from a supplier who quotes a minimum order price or quantity, which either unreasonably exceeds stated quantity requirements, or results in an unreasonable price for the quantities required. If practicable before placing the order the requiring activity should be informed in such cases of all facts regarding the quotation and requested to confirm or alter its requirement for the item or items under consideration. The file shall be documented to support the final action taken.

3-605 Blanket Purchase Agreement (BPA).

3-605.1 General. A blanket purchase agreement is a simplified method of filling anticipated repetitive needs for small quantities of supplies or services by establishing "charge accounts" with qualified sources of supply (see 12-302, 12-602.1 and 12-1001). Blanket purchase agreements are designed to reduce administrative costs in accomplishing small purchases by eliminating the need for issuing individual purchase documents.

3-605.2 Limitation on Use. A blanket purchase agreement may not be used when a call exceeds \$10,000 except that BPA calls for subsistence are unlimited as to dollar value. The *Exemption of Records by Comptroller General* clause in 7-104.15 and the *Listing of Employment Openings* clause in 7-103.27 shall be included in agreements for subsistence items which do not limit the dollar value of individual calls to less than \$10,000.

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3-605.3 Establishment of Blanket Purchase Agreements.

(a) *Alternate Sources.* To the extent practicable, blanket purchase agreements for items of the same type should be placed concurrently with more than one supplier. All competitive sources should be given an equal opportunity to furnish supplies or services under such agreements.

(b) *Form.*

(1) Except as provided in (2) below, blanket purchase agreements shall be prepared and issued on DD Form 1155 (Order for Supplies or Services/Request for Quotations). Either the "General Provisions," DD Form 1155f, or the "Reverse of Order for Supplies or Services/Request for Quotations—Foreign," DD Form 1155r-1, as applicable, shall be used. Other applicable provisions of the blanket purchase agreement shall be set forth on the Standard Form 36 (Continuation Sheet) or on a blank sheet of paper, including the following:

(i) the Contract Work Hours and Safety Standards Act—Overtime Compensation clause in 7-103.16(a) shall be added unless it is reasonably anticipated that the aggregate of the total dollar amounts of orders to be placed thereunder will be \$2,500 or less;

(ii) where the agreement is for the intended purchase of services covered by the Service Contract Act of 1965, as amended, the clause in 7-1903.41(a) or (b) shall be substituted for Clause 16 of the General Provisions and the procedures in 12-1005 complied with, unless it is reasonably anticipated that the aggregate of the total dollar amounts of orders to be placed thereunder will be \$2,500 or less;

(iii) where the agreement is for the intended purchase of supplies, the Walsh-Healey Public Contracts Act clause in 7-103.17 shall be added, unless the agreement limits the aggregate total of orders to be placed thereunder to \$10,000; and

(iv) where the agreement is for the intended purchase of supplies, the applicable equal opportunity clause in 7-103.18 shall be added.

(2) Blanket purchase agreements issued by the Defense Personnel Support Center may be prepared on its form "Order for Subsistence."

(c) *Numbering.* Enter the Procurement Instrument Identification (PII) number as prescribed in Section XX, Part 2.

(d) *Accounting Data.* Blanket purchase agreements need not cite any accounting data so that purchases utilizing different appropriation data may be made under the same agreement.

(e) *Negotiation Authority.* The Schedule of each agreement shall be annotated as follows:

The issuance of individual calls under this blanket purchase agreement will be made under the authority of 10 U.S.C. 2304(a)(1), 10 U.S.C. 2304(a)(3), 10 U.S.C. 2304(a)(6), or 10 U.S.C. 2304(a)(17).

If for the purchase of subsistence:

The issuance of individual calls under this blanket purchase agreement will be made under the authority of 10 U.S.C. 2304(a)(1), 10 U.S.C. 2304(a)(3), 10 U.S.C. 2304(a)(6), 10 U.S.C. 2304(a)(9), or 10 U.S.C. 2304(a)(17).

This annotation shall not be duplicated on forms used to document individual calls, although the specific authority for the call may be cited therein.

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occurs, for all deliveries made during a billing period and for which payment has not been received. Such invoices need not be supported by copies of delivery tickets; or

(C) When billing procedures provide for an individual invoice for each delivery, these invoices shall be accumulated *provided* that:

- (i) a consolidated payment will be made for each specified period; and
- (ii) the period of any discounts will commence on final date of billing period or on the date of receipt of invoices for all deliveries accepted during the billing period, whichever is later.

The provision in (C) above should not be used if the accumulation of the individual invoices by the Government materially increases the administrative costs of this purchase method.

(D) An invoice for subscriptions or other charges for newspapers, magazines, or other periodicals shall show the starting and ending dates and shall state either that orders have been placed in effect or will be placed in effect upon receipt of payment.

(viii) The special data required by 3-606.3(b) when it is desired to use the fast payment procedure. Also see Block 16 of DD Form 1155.

3-605.4 Competition Under Blanket Purchase Agreement. Calls against blanket purchase agreements shall be placed only after compliance with 3-604. When concurrent agreements for similar items are in effect, calls not in excess of \$500 shall be equitably distributed. In those instances where there are an insufficient number of BPAs for any given class of supplies or services to assure adequate competition, the individual placing the order shall solicit quotations from other sources.

3-605.5 Calls Against Blanket Purchase Agreements. Calls against blanket purchase agreements generally will be made orally, except that informal correspondence may be used when ordering against agreements outside the local trade area. Written calls may be executed on DD Form 1155. Documentation of calls shall be limited to essential information. Forms may be developed for this purpose locally.

3-605.6 Receipt and Acceptance of Supplies or Services. Acceptance of supplies or services shall be indicated by signature and date on the appropriate form by the authorized government representative after verification and notation of any exceptions. Use of the DD Form 250 Series, Material Inspection and Receiving Report (MIRR), shall be required by purchasing offices to document receipt and acceptance of supplies or services when the purchase is to be assigned to another activity for administration. A sales slip, delivery ticket, DD Form 1155 or DD Form 250 Series may be used for receipt and acceptance when purchases are retained for administration.

3-605.7 Review Procedures. The contracting officer or his designated representative shall review the blanket purchase agreement files at least semi-annually to assure that authorized procedures are being followed. When an activity ordering against a blanket purchase agreement does not come under the jurisdiction of the command of the contracting officer issuing the agreement, the com-

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(f) *Terms and Conditions.* Blanket purchase agreements shall contain the following provisions:

(i) *Description of agreement*—a statement that the supplier shall furnish supplies or services, described therein in general terms, if and when requested by the contracting officer or his authorized representative during a specified period and within a stipulated aggregate amount, if any. Blanket purchase agreements may be limited to specific items or commodity groups or the scope of the agreement may encompass all items that the supplier is in a position to furnish.

(ii) *Extent of obligation*—a statement that the Government is obligated only to the extent of authorized calls actually placed against the blanket purchase agreement.

(iii) *Pricing*—a statement that the prices to the Government shall be as low as, or lower than those charged the supplier's most favored customer, in addition to any discounts for prompt payment.

(iv) *Call limitation*—a statement that no individual call under the agreement shall exceed \$10,000 or such higher limitation set forth in 3-605.2.

(v) *Notice of individuals authorized to place calls and dollar limitations*—a provision that a list of names of individuals authorized to place calls under the agreement, identified by organizational component, and the dollar limitation per call for each individual shall be furnished the supplier by the contracting officer.

(vi) *Delivery tickets*—a requirement that all shipments under the agreement, except subscriptions and other charges for newspapers, magazines, or other periodicals shall be accompanied by delivery tickets or sales slips which shall contain the following minimum information—

- (A) name of supplier;
- (B) blanket purchase agreement number;
- (C) date of call;
- (D) call number;
- (E) itemized list of supplies or services furnished;
- (F) quantity, unit price, and extension of each item less applicable discounts (unit prices and extensions need not be shown when incompatible with the use of automated systems, *provided* that the invoice is itemized to show this information); and
- (G) date of delivery or shipment.

(vii) *Invoices*—one of the following statements:

- (A) A summary invoice shall be submitted at least monthly or upon expiration of the blanket purchase agreement, whichever occurs first, for all deliveries made during a billing period, identifying the delivery tickets covered therein, stating their total dollar value, and supported by receipted copies of the delivery tickets; or
- (B) An itemized invoice shall be submitted at least monthly or upon expiration of the blanket purchase agreement, whichever first

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sidered final for the affected contract closed prior to the final overhead settlement. No adjustment shall be made against, or the effect of any quick closeout allowed to impact, other contracts for any over or under recovery disclosed at the time of final overhead rate determination.

3-709 Lobbying Costs. The costs of lobbying for the procurement of specific supplies or services by the Federal Government are unallowable under 15-205.51, Lobbying Costs. Legislative liaison costs, as defined in the cost principle, are allowable costs. Where the contractor's accounting systems are not capable of differentiating unallowable lobbying costs from otherwise allowable costs, the contractor may be required to certify in writing that its overhead rate proposal does not include any unallowable lobbying costs. The certification shall be executed by the contractor, if an individual. When the contractor is not an individual, the certification shall be executed by a senior company official in charge at the contractor's plant or location involved, or by an officer or general partner of the contractor having overall responsibility for the conduct of the contractor's affairs.

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Part 8—Price Negotiation Policies and Techniques

3-800 Scope of Part. This Part sets forth the price negotiation policies and techniques applicable to negotiated prime contracts and those subcontracts which are subject to consent by the Government. The principles in this Part apply to negotiation of prices on all types of contracts and to revised prices as well as initial prices.

3-801 Basic Policy.

3-801.1 General. It is the policy of the Department of Defense to procure supplies and services from responsible sources at fair and reasonable prices calculated to result in the lowest ultimate overall cost to the Government. Good pricing depends primarily upon the exercise of sound judgment by all personnel concerned with the procurement.

3-801.2 Responsibility of Contracting Officers.

(a) Contracting officers, or their authorized representatives acting within the scope of their authority, are the exclusive agents of their respective Departments to enter into and administer contracts on behalf of the Government in accordance with ASPR and Departmental procedures. Each contracting officer is responsible for performing or having performed all administrative actions necessary for effective contracting. The contracting officer shall avail himself of all appropriate organizational tools such as the advice of specialists in the fields of contracting, finance, law, contract audit, packaging, engineering, traffic management, and price analysis.

(b) To the extent services of specialists are utilized in the negotiation of contracts, the contracting officer must coordinate a team of experts, requesting advice from them, evaluating their counsel, and availing himself of their skills. He shall not, however, transfer his own responsibilities to them. Thus, determination of the suitability of the contract price to the Government always remains the responsibility of the contracting officer. For certain acquisitions, it may be necessary to convene a formal "Should Cost" (see 1-337) team of specialists to evaluate the contractor's cost projections, supporting standards, and other in-plant management, operational, and performance practices, on which cost projections are based.

(c) When the contractor insists on a price or demands a profit or fee which the contracting officer considers unreasonable, the contracting officer shall (i) determine the feasibility of developing an alternate source of supply, or (ii) take any other action within his authority. If, after exhausting the above course of action, a satisfactory solution has not been obtained, the contracting officer shall refer the prospective procurement to higher authority. Such referral shall include a complete statement of the attempt made to resolve the matter. With regard to a contractor's refusal to provide cost or pricing data, see 3-807.5.

(d) Pricing based on cost analysis involves, among other things, an appraisal of estimates of costs expected to be incurred in the future. The accounting projection of trends based on cost or pricing data, together with any known changes therein, is only one method of conducting this appraisal, others being:

- (i) an engineering appraisal of the need for the estimated labor and material costs and of tooling and facilities, and the reasonableness of scrap and spoilage factors, and

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(h) Pay any salaries, commissions, bonuses, or other remuneration in any form or manner to his directors, officers, or key employees in excess of existing rates of payments or of rates provided in existing agreements, in connection with which notice has been given to the Administering Office, or accrue such excess remuneration without first obtaining an agreement subordinating the same to all claims of the Government hereunder, or employ any person at a rate of compensation in excess of \$..... per annum.

(i) Make any substantial change in management, ownership, or control of the corporation;
 (j) Merge or consolidate with any other firm or corporation, change the type of his business or engage in any transaction outside the ordinary course of his business as presently conducted;
 (k) Deposit any of his funds except in a bank or trust company insured by the Federal Deposit Insurance Corporation;

(l) Create or incur indebtedness for borrowed money or advances other than advances to be made hereunder, except as specified herein;

(m) Make or covenant himself to make capital expenditures exceeding in the aggregate \$.....

(n) Permit his net current assets, calculated in accordance with generally accepted accounting principles, to become less than \$.....; or

(o) Make any payments on account of the obligations listed below, except in the manner and to the extent herein provided.

(End of clause)

7-104.35 Progress Payments. In accordance with E-510, insert one of the following clauses:

(a) Progress Payment Clause for Other Than Small Business Concerns.

Any change, addition, or deletion to this clause is subject to the prior approval requirements outlined in Appendix E, Part 2.

PROGRESS PAYMENT FOR OTHER THAN SMALL BUSINESS CONCERNS (1981 OCT)

Progress payments shall be made to the Contractor when requested as work progresses, but not more frequently than monthly, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) Computation of Amounts.

(1) Unless a smaller amount is requested, each progress payment shall be (i) ninety percent (90%)* (See footnote at end of clause) of the amount of the Contractor's total costs which, except as provided in (a)(2) below, shall include only those recorded costs which result, at the time of the request, from payment made by cash, check, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct in-house costs, and for properly allocable and allowable indirect costs, all as shown by records maintained by the Contractor for purposes of obtaining payment under Government contracts plus (ii) the amount of progress payments which have been paid to Contractor's subcontractors and other divisions as provided in (j) below; all less the sum of previous progress payments.

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(d) None of the provisions herein contravenes or is in conflict with the authority under which the Contractor is doing business or with the provision of any existing indenture or agreement of the Contractor.

(e) The Contractor has the power to enter into this contract and accept advance payments hereunder, and has taken all necessary action to authorize such acceptance under the terms and conditions of this contract.

(f) None of the assets of the Contractor is subject to any lien or encumbrance of any character except for current taxes not delinquent, and except as shown in the financial statements furnished by the Contractor to the Administering Office. There has been no assignment of claims under any contract affected by these advance payment provisions, or if there has been any assignment, such assignments have been terminated.

(g) All information furnished by the Contractor to the Administering Office in connection with each request for advance payments is true and correct.

(h) These representations and warranties shall be continuing, and shall be deemed to have been repeated by the submission of each invoice for advance payments. (MAY 1959)

(17) *Subadvances.* Substantially the following provision should be included in the contract when subadvances are contemplated:

Subject to the prior written approval of the Administering Office, funds from the Special Bank Account may be used by the Contractor to make advance payments or down payments to subcontractors and materialmen in advance of performance by the subcontractor or materialman. Such subadvances shall not exceed percent of the subcontract price or estimated cost as the case may be, and the subcontractors or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is required by the Administering Office, covenants in Subcontracts, expressly made for the benefit of the Government providing for a Special Bank Account for the subadvance, with Government lien thereon, and providing for a Government lien, paramount to all other liens, on all property under such subcontract, and imposing upon the subcontractor and the depository bank substantially the same duties and giving the Government substantially the same rights as are provided herein (and in the Agreement for Special Bank Account supplementary hereto) between the Government, the Contractor and the Bank, may be considered as adequate security for such subadvance.

[In case the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1, omit paragraph (17) above.]

(18) *Covenants.* The following are examples of some special provisions (subject to modification to adapt to the circumstances of individual cases) that may be utilized when and to the extent deemed appropriate in particular cases.

During the period of time that advance payments may be made hereunder and so long as any such advance payments remain unliquidated, the Contractor shall not, without the prior written consent of the Administering Office:

(a) Mortgage, pledge, or otherwise encumber, or suffer to be encumbered, any of the assets of the contractor now owned or hereafter acquired by him, or permit any preexisting mortgages, liens, or other encumbrances to remain on or attach to any assets of the Contractor which are allocated to the performance of this contract and with respect to which the Government has a lien hereunder.

(b) Sell, assign, transfer, or otherwise dispose of accounts receivable, notes or claims for money due or to become due;

(c) Declare or pay any dividends, except dividends payable in stock of the corporation, or make any other distribution on account of any shares of his capital stock, or purchase, redeem, or otherwise acquire for value any such stock, except as required by sinking fund or redemption arrangements reported to the Administering Office incident to the establishment of these advance payment provisions;

(d) Sell, convey, or lease all or a substantial part of his assets;

(e) Acquire for value the stock or other securities of any corporation, municipality, or governmental authority, except direct obligations of the United States;

(f) Make any advance or loan to or incur any liability as guarantor, surety, or accommodation endorser for any other firm, person, or corporation;

(g) Permit a writ of attachment or any similar process to be issued against his property without procuring release thereof or bonding the same within 30 days after the entry of the writ of attachment or any similar process.

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reduced prices and adjusting the unliquidated progress payments accordingly. The Government reserves the right to unilaterally change from the ordinary liquidation rate to the alternate rate when deemed appropriate for proper contract financing.

(c) Reduction or Suspension. The Contracting Officer may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in (b) above, or both whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, (iv) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, (v) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or (vi) is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph (b), if that liquidation percentage is less than the percentage stated in paragraph (a)(1).

(d) Title. Immediately, upon the date of this contract, title to all parts; materials; inventories; work in process; special tooling as defined in the clause of this contract entitled "Special Tooling"; special test equipment and other special tooling to which the Government is to acquire title pursuant to any other provision of this contract; nondurable (i.e., noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids title to which is not obtained as special tooling pursuant to this paragraph; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocable or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor and allocable or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as: the Default clause and paragraph (h) of this clause; Termination for Convenience of the Government clause; and the Special Tooling clause. Current production scrap may be sold by the Contractor without approval

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of the Contracting Officer and the proceeds shall be credited against the costs of contract performance. With the consent of the Contracting Officer and on terms approved by him, the Contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of contract performance and the Contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the Contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to, and accepted by the Government under this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

(e) Risk of Loss. Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property, title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the Contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

(f) Control of Costs and Property. The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) Reports and Information--Access to Records. Insofar as pertinent to the administration of this clause, the Contractor will (i) furnish promptly such relevant reports, certificates, financial statements, and other information as may be reasonably requested by the Contracting Officer, and (ii) give the Government reasonable opportunity to examine and verify his books, records and accounts.

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(2)(i) With respect to costs of pension, profit sharing, and employee stock ownership plan contributions, when these contributions are paid by the Contractor to the pension, profit sharing, or employee stock ownership plan funds less frequently than quarterly, accruals of the costs of these contributions shall be excluded from the Contractor's total costs for progress payment purposes until such costs are paid. If pension, profit sharing, and employee stock ownership plan contributions are paid on a quarterly or more frequent basis, accruals of cost of these contributions may be included in the Contractor's total costs for progress payment purposes provided these contributions are paid to the pension, profit sharing, and employee stock ownership plan funds within thirty (30) days after the close of the period covered by the payment. If payments are not made to the pension, profit sharing, and employee stock ownership plan funds within such thirty (30) day period, these costs shall be excluded from the Contractor's total costs for progress payment purposes until payment therefor has been made.

(ii) For those Contractors who elected to use the special transition method provided in Cost Accounting Standard (CAS) 410, "Allocation of Business Unit General and Administrative Expense to Final Cost Objective", General and Administrative Expenses (G&A) shall not be included in incurred costs eligible for progress payments until the work-in-process inventories of those contracts entered into after the applicability date of CAS 410, exceed the amounts contained in the CAS 410 suspense account and then limited to this contract's pro rata share of the G&A allocable to such excess. This limitation shall not apply where the CAS 410 suspense account is less than 5 million dollars.

(3) The Contractor's total costs ((a)(1)(i)) shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

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(4) The amount of unliquidated progress payments shall not exceed the lesser of (i) ninety percent (90%)*(See footnote at end of clause) of the costs mentioned in (a)(1)(i) above, plus any unliquidated progress payments mentioned in item (a)(1)(ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) ninety percent (90%)*(See footnote at end of clause) of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(5) The aggregate amount of progress payments made shall not exceed ninety percent (90%)*(See footnote at end of clause) of the total contract price.

(6) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(7) If this contract includes FMS requirements, the contractor shall submit his requests for progress payments in accordance with the procedures below.

(i) If more than one customer country is covered by a contract, the Contractor shall submit one DD Form 1195 with a supporting schedule showing the portions of the total requested payment to be attributed to each country's requirement.

(ii) For the purpose of submitting DD Form 1195, the Contractor shall allocate costs among customer countries in a manner acceptable to the Administrative Contracting Officer.

(b) Liquidation. Except as provided in the clause entitled "Termination for Convenience of the Government" all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments; or ninety percent (90%)*(See footnote at end of clause) or the applicable percentage (calculated in accordance with references in the *footnote at the end of the clause) of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after calculating liquidations and payments on past invoices at the

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(h) Special Provisions Regarding Default. If this contract is terminated pursuant to the clause entitled "Default," (i) the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments and (ii) with respect to all property as to which the Government elects not to require delivery under the clause entitled "Default," title shall vest in the Contractor upon full liquidation of progress payments, and the Government shall be liable for no payment except as provided by the "Default" clause.

(i) Reservations of Rights. The rights and remedies of the Government provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the Contractor from performance of his obligations under this contract, nor constitute a waiver of any of the rights and remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power or privilege of the Government.

(j) Progress Payments to Subcontractors.

(1) The amounts mentioned in item (a)(1)(ii) above shall be all progress payments paid by the Contractor to his subcontractors or other divisions and remaining unliquidated when under subcontracts or interdivisional orders which conform to (2) below.

(2) Subcontracts or interdivisional orders on which progress payments to subcontractors or other divisions may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time," between the beginning of work and the first delivery, approximating four months or more for small business concerns and six months or more for firms which are not small business concerns, and in which the provisions regarding progress payments are substantially similar to and as favorable to the Government as this "Progress Payment" clause (except that in the case of those subcontractors which are small business concerns a "Progress Payment" clause substantially similar to 7-104.35(b) may be used). Progress payment rates for subcontractors shall be:

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either the uniform, standard progress payment rate under DAR Appendix E-503 or (if the subcontractor qualifies under Appendix E-530.3) the flexible progress payment rate under Appendix E-530, at the election of the subcontractor. All rights of the subcontractor with respect to all property to which the Government has title under the subcontract will be made subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(3) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the Contractor under this contract. In the event the Contractor fully liquidates such progress payments made by the Government to him hereunder and there are progress payments to any subcontractors which are unliquidated, the Contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the Contractor.

(4) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to offer and provide progress payments to those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in Appendix E of the Defense Acquisition Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(End of clause)

*See E-512.2 and E-512.3 for calculation of alternate liquidation percentages. For contractors who elected to use the transition method in Appendix A of CAS 410, see E-512.1 and E-512.3(f) for calculation of adjusted ordinary and alternate liquidation percentages.

**If the contract is subject to flexible progress payment procedures under Appendix E-530, the progress payment rate will be determined by using the DoD Cash Flow Computer Model. The progress payment rate thus determined will be set forth in the Schedule.

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(b) Progress Payment Clause for Small Business Concerns.

Any change, addition, or deletion to this clause is subject to the prior approval requirements outlined in Appendix E, Part 2.

PROGRESS PAYMENT FOR SMALL BUSINESS CONCERNS (1981 OCT)

Progress payments shall be made to the Contractor when requested as work progresses, but not more frequently than monthly, in amounts approved by the Contracting Officer under the following terms and conditions.

(a) Computation of Amounts.

(1) Unless a smaller amount is requested, each progress payment shall be (i) ninety-five percent (95%)** (See footnote at end of clause) of the amount of the Contractor's total costs incurred under this contract, except as provided herein with respect to costs of pension contributions, plus (ii) the amount of progress payments to subcontractors as provided in (j) below; all less the sum of previous progress payments. With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accruals of the costs of these pension contributions shall be excluded from Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals of the costs of these pension contributions may be included in Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within thirty (30) days after the close of the period covered by the payment. If payments are not made to the fund within such thirty-day period, pension contribution costs shall be excluded from Contractor's total costs for progress payment purposes until payment therefor has been made.

(2) The Contractor's total costs ((a)(1)(i)) shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

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(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) ninety-five percent (95%)** (See footnote at end of clause) of the costs mentioned in (a)(1)(i) above, plus any unliquidated progress payments mentioned in itgm (a)(1)(ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) ninety-five percent (95%)** (See footnote at end of clause) of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed ninety-five percent (95%)** (See footnote at end of clause) of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(6) If this contract includes FMS requirements, the Contractor shall submit his requests for progress payments in accordance with the procedures below.

(i) If more than one customer country is covered by a contract, the Contractor shall submit one DD Form 1195 with a supporting schedule showing the portions of the total requested payment to be attributed to each country's requirement.

(ii) For the purpose of submitting DD Form 1195, the Contractor shall allocate costs among customer countries in a manner acceptable to the Administrative Contracting Officer.

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upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as: the Default clause and paragraph (h) of this clause; Termination for Convenience of the Government clause; and the Special Tooling clause. Current production scrap may be sold by the Contractor without approval of the Contracting Officer and the proceeds shall be credited against the costs of contract performance. With the consent of the Contracting Officer and on terms approved by him, the Contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of contract performance and the Contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the Contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to, and accepted by the Government under this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

(e) Risk of Loss. Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property, title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the Contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

(f) Control of Costs and Property. The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) Reports and Information--Access to Records. Insofar as pertinent to the administration of this clause, the Contractor will (i) furnish promptly such relevant reports, certificates, financial statements, and other information as may be reasonably requested by the Contracting Officer, and (ii) give the Government reasonable opportunity to examine and verify his books, records and accounts.

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(b) Liquidation. Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or ninety-five percent (95%) *(See footnote at end of clause), or the applicable percentage (calculated in accordance with references in the * footnote at the end of the clause) of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after calculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

(c) Reduction or Suspension. The Contracting Officer may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in (b) above, or both, whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, (iv) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, (v) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or (vi) is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph (b), if that liquidation percentage is less than the percentage stated in paragraph (a)(1).

(d) Title. Immediately, upon the date of this contract, title to all parts; materials; inventories; work in process; special tooling as defined in the clause of this contract entitled "Special Tooling"; special test equipment and other special tooling to which the Government is to acquire title pursuant to any other provision of this contract; nondurable (i.e. noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids title to which is not obtained as special tooling pursuant to this paragraph; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocable or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor and allocable or properly chargeable to this contract as aforesaid shall forthwith vest in the Government

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All rights of the subcontractor with respect to all property to which the Government has title under the subcontract will be made subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(3) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the Contractor under this contract. In the event the Contractor fully liquidates such progress payments made by the Government to him hereunder and there are progress payments to any subcontractors which are unliquidated, the Contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the Contractor.

(4) The billings described in (j)(1)(ii) above shall be paid promptly by the Contractor in the ordinary course of business, not later than a reasonable time after payment of equivalent amounts by the Government to the Contractor.

(5) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to offer and provide progress payments to those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in Appendix E of the Defense Acquisition Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(End of clause)

*For lower percentages for this paragraph (b) and for (a)(3)(ii) and (a)(4), see E-512.1.

**If the contract is subject to flexible progress payment procedures under Appendix E-530, the progress payment rate will be determined by using the DoD Cash Flow Computer Model. The progress payment rate thus determined will be set forth in the Schedule.

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(h) Special Provisions Regarding Default. If this contract is terminated pursuant to the clause entitled "Default," (i) the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments and (ii) with respect to all property as to which the Government elects not to require delivery under the clause entitled "Default," title shall vest in the Contractor upon full liquidation of progress payments, and the Government shall be liable for no payment except as provided by the "Default" clause.

(i) Reservations of Rights. The rights and remedies of the Government provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the Contractor from performance of his obligations under this contract, nor constitute a waiver of any of the rights and remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power or privilege of the Government.

(j) Progress Payments to Subcontractors.

(1) The amount mentioned in item (a)(1)(ii) above shall be the sum of (i) all the progress payments made by the Contractor to his subcontractors and remaining unliquidated, and (ii) unpaid billings for progress payments to subcontractors which have been approved for current payment in the ordinary course of business, when under subcontracts which conform to (2) below.

(2) Subcontracts on which progress payments to subcontractors may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time," between the beginning of work and the first delivery, approximating four months or more for small business concerns and six months or more for firms which are not small business concerns, and in which the provisions regarding progress payments are substantially similar to and as favorable to the Government as this "Progress Payments" clause (except that in the case of those subcontractors which are small business concerns a "Progress Payment" clause substantially similar to 7-104.35(b) may be used). Progress payment rates for subcontractors shall be either the uniform, standard progress payment rate under Appendix E-503 or (if the subcontractor qualifies under Appendix E-530.3) the flexible progress payment rate under Appendix E-530, at the election of the subcontractor.

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7-104.36 *Consideration for Affected Employees in the Redwood National Park Area.* In accordance with 1-332, contracts awarded prior to 30 September 1984 shall contain the following clause.

CONSIDERATION FOR AFFECTED EMPLOYEES IN THE REDWOOD NATIONAL PARK AREA (1980 AUG)

(a) The Contractor agrees, consistent with the requirements of Public Law 95-250, The Redwood National Park Expansion Act, that until September 30, 1984, all suitable employment openings of the Contractor which occur pursuant to the execution of the performance of this contract, and which are located primarily in the northern California counties of Humboldt, Del Norte, Trinity, Siskiyou and Mendocino, shall be listed at the nearest California Office of the State Employment Development Department (EDD).

(b) Listing of employment openings with the EDD pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the obligation to accept referrals of affected Redwood employees. The listing of employment openings does not require the hiring of any particular job applicant, but does require hiring from that group of affected employee job applicants who already possess the skills and training necessary to perform the job or who could reasonably be expected to gain such skills after appropriate training of reasonable duration. Nothing herein is intended to relieve the Contractor from any requirements in executive orders or regulations regarding nondiscrimination in employment.

(c) The provisions of paragraph (b) apply to a particular opening once an employer decides to consider applicants outside of its own organization or employer-union agreement for that opening.

(d) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(e) In the event of the Contractor's noncompliance with the requirements of this clause, actions for non-compliance may be taken in accordance with rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(f) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract arrangement

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(c) Flexible Progress Payments. In addition to the clauses in (a) or (b) above, when flexible progress payment procedures are used in accordance with E-530, insert the following clause. Any change, addition, or deletion to this clause is subject to the prior approval requirements outlined in Appendix E, Part 2.

FLEXIBLE PROGRESS PAYMENTS (1981 OCT)

This contract is subject to flexible progress payment procedures. The progress payment rate of this contract is %, and this percentage applies in lieu of the uniform, standard progress payment rate and liquidation rate at each "**" of the "Progress Payments" clause, DAR 7-104.35(a) (or 7-104.35(b), as appropriate). The progress payment rate of this contract was determined by the DoD Cash Flow Computer Model, (dated), using five percent (5%) as the targeted rate for the Contractor's investment (as a weighted average of costs) in its work in process inventory over the life of the contract. If actual and projected cash flow data generated during performance of this contract reveal that the progress payment rate will result in an investment in work in process inventory by the Contractor in excess of seven percent (7%), or less than three percent (3%), the progress payment rate shall be redetermined by using the DoD Cash Flow Computer Model. Unless it contained an error, the version of the DoD Cash Flow Computer Model that was used initially in this contract will be used for any redetermination permitted by this clause. In no event will the progress payment rate be less than the uniform, standard progress payment rate that would have applied to this contract absent flexible progress payment procedures, and in no event will the progress payment rate be greater than one hundred percent (100%).

(End of clause)

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Part 14—Laundry and Dry Cleaning Contracts

7-1400 Scope of Part. This Part sets forth special uniform contract clauses for laundry and dry cleaning contracts (see Section XXII, Part 7). These clauses are to be used when applicable in addition to other required or applicable clauses prescribed by Section VII, Part 19.

7-1401 Clauses to be Used When Applicable. The clauses of this paragraph may be modified to meet local conditions.

7-1401.1 Activities.

ACTIVITIES (1967 APR)

Activities to be covered by this contract are:

(End of clause)

7-1401.2 Contract Period.

CONTRACT PERIOD (1967 APR)

Any contract awarded as a result of bids submitted under this Invitation for Bids shall extend from or date of contract award, whichever is later, through both dates inclusive, unless sooner terminated under the terms of the contract.

(End of clause)

7-1401.3 Reserved.

7-1401.4 Pickup and Delivery Points and Times.

PICKUP AND DELIVERY POINTS AND TIMES (1981 OCT)

The locations for pickup and delivery and the times therefor are set forth below.

Location

Pickup Time

Delivery Time

The unit prices include all pickup and delivery charges.

(End of clause)

7-1401.5 Count or Weight of Articles. In accordance with 22-702, include the following, as applicable.

(a) Count of Articles. The following clause is for inclusion in contracts for laundry and dry cleaning services on a count of articles basis.

COUNT OF ARTICLES (1967 APR)

(a) The Contractor shall be liable for return of the number and kind of articles furnished for service under this contract, in accordance with the count of the Contracting Officer, or the number and kind of articles agreed upon as a result of a joint count by the Contractor and the Contracting Officer at the time of delivery to the Contractor.

(b) Delivery tickets in the number of copies required, and in the form approved by the Contracting Officer shall be completed by the Contractor at the time of his receipt of the articles to be serviced. One copy of each delivery ticket shall accompany the Contractor's invoice.

(End of clause)

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7-1303.6 Containers and Equipment. If the contractor is to furnish cabinets for dispensing milk from bulk containers, a notice so stating shall be included in the Schedule of solicitations and resultant contracts. The notice shall state (i) the number of dispenser cabinets required, or a reasonably accurate estimate thereof, (ii) whether metal stands for the cabinets are required, (iii) the number of cabinets required with a capacity of two containers each, and (iv) the number required with a capacity of three containers each. In addition, the following clause shall be included in the contract.

CONTAINERS AND EQUIPMENT (1967 APR)

(a) Dispenser containers and filling equipment used by the Contractor in the performance of this contract, and any refrigerated bulk milk dispenser cabinets furnished by the Contractor, shall comply with MIL-STD-175, "Minimum Sanitary Standards for the Equipment and Methods for the Handling of Milk and Milk Products in Bulk Milk Dispensing Operations," as amended.

(b) Any bulk milk dispenser cabinets required by the Schedule to be furnished by the Contractor shall be installed, serviced, and maintained to the satisfaction of the Contracting Officer. All responsibility for the supply, installation, maintenance, and removal thereof, including labor and material costs, and for any damage thereto or loss or destruction, shall remain with the Contractor.

(c) When, and for as long as, the Contractor fails to furnish bulk milk dispenser cabinets or milk dispenser containers as required in the Schedule, or does not properly service, maintain, and repair said dispenser cabinets, so that milk cannot be dispensed as needed by the Government, the Contractor shall deliver a sufficient quantity of milk in half-pint containers to satisfy orders for milk dispenser containers, at the price per gallon for milk dispenser containers.

(d) Any contamination, spoilage, leakage, or other loss of any contents of a dispenser container due to functional failure of the dispenser cabinets or dispenser containers, except for a general power failure at the Government installation, shall be replaced immediately by the Contractor without cost to the Government.

(e) The tare weight of dispenser containers required to be certified in accordance with paragraph (b) of the clause entitled "Examination and Testing" shall include all parts of the container delivered as a complete unit, including lids, tubes, and seals.

(End of clause)

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In contracts that provide for laundry or dry cleaning service to individual personnel (see 7-1401.12), add the following paragraph (c) to the above clause.

(c) Individual laundry bundle delivery tickets shall be provided by the Contractor as specified in the clause entitled "Individual Laundry," of the General Provisions of this contract.

(b) *Weight of Articles (Bag Type)*. The following clause is for inclusion in contracts which require laundry services by bulk weight of bag type.

WEIGHT OF ARTICLES (BAG TYPE) (1981 OCT)

(a) The Contractor shall be liable for the return of the articles furnished for service under this contract.

(b) Delivery tickets in the number of copies required, and in the form approved by the Contracting Officer, shall be completed by the Contractor at the time of his receipt of the articles to be serviced. One copy of each delivery ticket shall accompany the Contractor's invoice.

(c) Prior to Contractor pickup of articles for service under this contract, the Contracting Officer shall ensure that each bag contains only articles within a single bag type as specified in the Schedule. The Contracting Officer shall ensure each bag is weighed and that this weight and bag type are identified on the bag. The bag shall always be included in this weight. This weight and the bag type shall be verified by the Contractor who shall record the verified weight and bag type on the delivery ticket. One copy of the delivery ticket shall be retained by the Government.

(d) At the time of delivery, the Contractor shall record the weight and bag type of serviced laundry on the delivery ticket. The Contracting Officer will ensure that this weight and bag type are verified at time of delivery.

(End of clause)

(c) *Weight of Articles (Unsorted)*. The following clause shall be included in all contracts which require laundry services by unsorted bulk weight.

WEIGHT OF ARTICLES (UNSORTED) (1981 OCT)

(a) The Contractor shall be liable for the return of the articles furnished for service under this contract.

(b) Delivery tickets in the number of copies required, and in the form approved by the Contracting Officer, shall be completed by the Contractor at the time of his receipt of the articles to be serviced. One copy of each delivery ticket shall accompany the Contractor's invoice.

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(c) Prior to Contractor pickup of articles for service under this contract, the Contracting Officer shall ensure each bag is weighed and that this weight is identified on the bag. The bag shall always be included in this weight. This weight shall be verified by the Contractor who shall record the verified weight on the delivery ticket. One copy of the delivery ticket shall be retained by the Government.

(d) At the time of delivery, the Contractor shall record the weight of serviced laundry on the delivery ticket. The Contracting Officer shall ensure that this weight is verified at time of delivery.

(End of clause)

7-1401.6 *Loss or Damage*.

(a) A clause substantially as follows shall be included in all contracts for laundry and dry cleaning services on a count of article basis.

LOSS OR DAMAGE (COUNT OF ARTICLES) (1981 OCT)

(a) The Contractor shall indemnify the Government for any property delivered to the Contractor for servicing under this contract which is lost, or which is damaged and, in the opinion of the Contracting Officer, cannot be repaired satisfactorily. In either of these events, the Contractor shall pay to the Government the value thereof in accordance with Federal Supply Schedule price lists. If the property is not on these price lists, the Contracting Officer shall determine a fair and just price. Credit shall be allowed for any depreciation in the value of the property at the time of loss or damage, and the parties hereto shall determine the amount of the allowable credit. If the parties fail to agree upon the value of the property, or fail to agree on the amount of credit due, the dispute shall be determined as provided in the clause hereof entitled "Disputes."

(b) In case of damage to any property which the Contracting Officer and the Contractor agree can be satisfactorily repaired, the Contractor shall repair the property at his expense in a manner satisfactory to the Contracting Officer.

(End of clause)

(b) A clause substantially as follows shall be included in all contracts for laundry services on a bulk weight basis.

LOSS OR DAMAGE (WEIGHT OF ARTICLES) (1981 OCT)

(a) The Contractor shall indemnify the Government for any property delivered to the Contractor for servicing under this contract which is lost, or which is damaged, and, in the opinion of the Contracting Officer, cannot be repaired satisfactorily. In either of these events, the Contractor shall pay to the Government the value thereof in accordance with the price of * per pound.

The Contractor shall only be required to pay the Government for any losses which exceed the maximum weight loss allowable by the clause hereof entitled "Maximum Weight Loss." If the parties fail to agree on the amount of credit due, the dispute shall be determined as provided in the clause hereof entitled "Disputes."

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7-1401.12 Individual Laundry. The following clause shall be inserted in any contracts which, pursuant to Departmental authority, provide for laundry service to individual personnel.

INDIVIDUAL LAUNDRY (1967 APR)

(a) The Contractor shall provide laundry service on both a unit bundle and on a piece-rate basis for individual personnel when required by this contract. The total number of pieces listed in the column "Estimated Quantity" in the Schedule is the estimated amount of individual laundry for this contract, but does not constitute any representation as to the amount of individual laundry to be required. Individuals may elect whether they shall patronize the laundry services. Services covered by this provision shall be on a weekly basis and the schedule for pickup and delivery shall be as specified elsewhere in this contract. Charges for individual laundry shall be on a per unit bundle or a piece-rate basis as indicated on the form, to be furnished by the Contractor, accompanying the bundle at time of pickup. (b) The maximum number of pieces to be allowed per bundle is as specified in the Schedule and as follows:*

- (i) Bundle consisting of twenty-six (26) pieces including laundry bag. This bundle shall contain approximately pieces of outer garments which are to be starched and pressed. Outer garments shall include but not be limited to cotton shirts, trousers, jackets, dresses, coats. (ii) Bundle consisting of thirteen (13) pieces including laundry bag. This bundle shall contain approximately pieces of outer garments which are to be starched and pressed. Outer garments shall include but not be limited to cotton shirts, trousers, jackets, dresses, coats. (c) Individual laundry bundles shall be accompanied by forms listing the items contained therein, prepared by the patrons concerned. Forms on individual laundry bundles shall clearly identify unit bundle or piece-rate bundle as applicable when both services are provided by this contract.

(End of clause)

*The number of pieces and the composition of a bundle may be revised by the contracting officer prior to advertising to meet local conditions.

7-1401.13 Right of First Refusal for Employment Openings. In accordance with 4-1202, insert the clause in 7-104.104.

7-1401.14 Maximum Weight Loss. The following clause shall be included in all contracts for laundry services on a bulk weight basis.

MAXIMUM WEIGHT LOSS (1981 OCT)

The maximum weight loss allowable in servicing the laundry is * percent of the weight recorded on delivery tickets, as set forth in the clause entitled "Weight of Articles," when the laundry is picked up. Any weight loss in excess of this amount shall be subject to the clause hereof entitled "Loss or Damage." *Insert applicable percentage not to exceed eight percent (8%).

(End of clause)

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(b) In case of damage to any property which the Contracting Officer and the Contractor agree can be satisfactorily repaired, the Contractor shall repair the property at his expense in a manner satisfactory to the Contracting Officer.

*Insert reasonable per pound price based on the average per pound value of the property to be serviced. When the contract requires laundry services on a bag type basis, reasonable per pound prices shall be identified by bag type.

(End of clause)

7-1401.7 Storage and Handling.

STORAGE AND HANDLING (1967 APR)

During the time Government-owned property is in the possession of the Contractor, it shall be adequately stored and protected. When contaminated hospital linen is furnished for service under this contract, it shall be handled separately from other articles.

(End of clause)

7-1401.8 Vehicles.

VEHICLES (1981 OCT)

Vehicles used in the transportation of items called for in this contract shall be clean, conform to commercial standards, and equipped to protect against contamination of the items. Such vehicles shall be subject to examination at all times by the Contracting Officer.

(End of clause)

7-1401.9 Reserved.

7-1401.10 Reserved.

7-1401.11 Special Definitions of Government Property.

SPECIAL DEFINITIONS OF GOVERNMENT PROPERTY (1967 APR)

(a) The term "Government-furnished property," as used in this contract, means any supplies or facilities furnished to the Contractor by the Government for use in connection with the performance of this contract, but does not include the articles delivered to the Contractor to be laundered or dry cleaned.

(b) The term "Government-owned property," as used in this contract, means all of the articles delivered to the Contractor to be laundered or dry cleaned, expressly including any articles which may actually be owned by individual Government personnel.

(End of clause)

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that the work called for by this solicitation will require the use of such other classes, the wage rates applicable to them have not been reprinted herein. However, if any such classes of laborers or mechanics actually are employed to perform work under the contract resulting from this solicitation, payment will be required as specified in this clause entitled "Davis-Bacon Act" at wage rates contained in the complete decision of the Secretary of Labor. Offerors desiring the complete decision may request it from the Contracting Officer.

(End of clause)

7-2003.58 Advertised Solicitations for Mortuary Services. In accordance with 22-502, insert the following clause (appropriately modified for negotiated procurements) in solicitations for mortuary services.

AWARD TO SINGLE BIDDER (1965 OCT)

Subject to the provisions contained herein, award shall be made to a single bidder. Bids must include unit prices for each item listed in order that bids may be properly evaluated. Failure to do this shall be cause for rejection of the entire bid. Bids shall be evaluated on the basis of the estimated quantities shown and award shall be made to that responsible bidder whose total aggregate price is low.

(End of clause)

7-2003.59 Provisions for Shipment or Storage of Personal Property (see 22-600.3).

(a) The following provision for evaluation of bids shall be included in all solicitations.

EVALUATION OF BIDS (1977 APR)

(a) Bids will be evaluated on the basis of total aggregate price of all items within an area of performance under a given schedule. A bidder must bid on all items within a specified area of performance for a given schedule. Failure to do so shall be cause for rejection of the bid for that area of performance of that schedule. Any bid which stipulates minimum charges or graduated prices for any or all items shall be rejected for that area of performance within the schedule.

(b) In addition to other factors, bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making more than one award (multiple awards). For the purpose of making this evaluation, it will be assumed that the sum of \$100 would be the administrative cost to the Government for issuing and administering each contract awarded under this invitation, and individual awards will be for the items and combinations of items which result in the lowest aggregate price to the Government, including such administrative costs.

(End of provision)

(b) When "additional services" items are added to any schedule, the following provision shall be included in the solicitation, (see 22-601.2(b)(ii)).

EVALUATION OF BIDS (1977 APR)

(a) Bids will be evaluated on the basis of total aggregate price of all items within an area of performance under a given schedule. A bidder must bid on all items within a specified area of performance for a given schedule. Failure to do so shall be cause for rejection of the bid for that area of performance of that schedule. Any bid which stipulates minimum charges or graduated prices for any or all items shall be rejected for that area of performance within the schedule.

(b) In addition to other factors, bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making more than one award (multiple awards). For the purpose of making this evaluation, it will be assumed that the sum of \$100

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would be the administrative cost to the Government for issuing and administering each contract awarded under this invitation, and individual awards will be for the items and combinations of items which result in the lowest aggregate price to the Government, including such administrative costs.

(c) Notwithstanding (a) above, when "additional services" are added to any schedule, such "additional services" items will not be considered in the evaluation of bids.

(End of clause)

(c) The following provision governing award shall be included in all solicitations.

AWARD (1977 APR)

Award shall be made to the qualified low bidder by area under each of the specified schedules to the extent of his stated guaranteed daily capability as provided herein and the clause entitled "Estimated Quantities." The Government reserves the right to make an award of two or more areas to a single bidder if such award will result in an overall lower estimated cost to the Government. The Government also reserves the right to award additional contracts, as a result of this solicitation, to the extent necessary to meet its estimated maximum daily requirements.

(End of provision)

7-2003.60 Solicitation Provisions for Laundry and Dry Cleaning Services. See 22-703.

(a) When bids for laundry and dry cleaning services are solicited on a count of articles basis, include the following provision (appropriately modified to meet local conditions) in the solicitation.

INSTRUCTIONS TO BIDDERS (COUNT OF ARTICLES) (1981 OCT)

(a) Bids must include unit prices for each item in a lot. Unit prices must include all costs to the Government of providing the services, including pickup and delivery charges. Failure to bid on any item in a lot shall be cause for rejection of the bid on that lot. Bids shall be evaluated on the basis of the estimated quantities stated in the invitation. Subject to the provision contained herein, award generally shall be made to a single bidder for all lots. The Government reserves the right, however, to award by individual lot when the Contracting Officer determines that this is more advantageous to the Government.

(b) Upon application to the Contracting Officer, types of articles to be serviced may be inspected prior to bidding.

(End of provision)

(b) When bids for laundry and dry cleaning services are solicited on a bulk weight basis, include the following provision (appropriately modified to meet local conditions) in the solicitation.

INSTRUCTIONS TO BIDDERS (BULK WEIGHT) (1981 OCT)

(a) Bids must be submitted on a unit price per pound of serviced laundry. Unit prices must include all costs to the Government of providing the service, including pickup and delivery charges. Bids shall be evaluated on the basis of the estimated pounds of serviced laundry stated in the invitation. Subject to the provision contained herein, award generally shall be made to a single bidder

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for all lots. The Government reserves the right, however, to award by individual lot when the Contracting Officer determines that this is more advantageous to the Government.

(b) Upon application to the Contracting Officer, types of articles to be serviced may be inspected prior to bidding.

(End of provision)

7-2003.61 Predetermination of Rights in Technical Data. In accordance with 9-202.2(d)(3), insert the following provision.

PREDETERMINATION OF RIGHTS IN TECHNICAL DATA (1976 JUL)

(a) The offeror is requested to identify in his proposal which of the below listed data (including data to be furnished in whole or in part by a subcontractor) when delivered, he intends to identify as limited rights data in accordance with paragraph (b) of the "Rights in Technical Data and Computer Software" clause of this Solicitation. This identification need not be made as to data which relate to standard commercial items which are manufactured by more than one source of supply.

(The Solicitation should list here that technical data or portions thereof with respect to which the Government proposes use of the predetermination procedure. Data which clearly comes within paragraph (b)(1) of the "Rights in Technical Data and Computer Software" clause and would therefore be acquired with unlimited rights should not be listed.)

(b) Limited rights data may be identified as such, pursuant to (a) above only if it pertains to items, components or processes developed at private expense. Nevertheless, it cannot be so identified if it comes within paragraph (b)(1) of the "Rights in Technical Data and Computer Software" clause. At the request of the Contracting Officer or his representative, the offeror

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7-2003.91 Certification of Handicapped Organizations. In accordance with 2-201(a)Sec.K(xxi), 2-201(b)(lxiv), 3-501(b)Sec.K(xxiii), and 3-501(c)(lxvi), insert the following provision.

HANDICAPPED ORGANIZATIONS (1981 SEP)

The Offeror certifies that it is [] is not [] an organization eligible for assistance under section 7(h) of the Small Business Act (15 USC 636). An Offeror certifying in the affirmative is eligible to participate in any resultant contracts hereunder or any part thereof as if he were a small business concern as elsewhere defined in the solicitation. An organization to be eligible under section 7(h) of the Small Business Act must be one (i) organized under the laws of the United States or any state; (ii) operated in the interest of handicapped individuals; (iii) the net income of which does not inure in whole or part to the benefit of any shareholder or other individual; (iv) that complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; (v) that, during the fiscal year in which it bids upon a set-aside, employs handicapped individuals for not less than 75 per cent of the man-hours required for the production or provision of commodities or services; and (vi) that can qualify under the additional criteria prescribed in Section 118.11, SBA Rules and Regulations, 13 CFR 118.11. For purposes of this clause, the term "handicapped individual" means a person who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which in any way limits the selection of any type of employment for which the person would otherwise be qualified or qualifiable.

(End of provision)

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on Standard Form 28 as the amount of outstanding bond obligation of an individual surety may have a substantial bearing on the financial position of such individual surety. The contracting officer may determine that the total amount entered in block 10 should be deducted from the net worth figure entered on line g, block 7, to arrive at a more realistic net worth or he may determine to deduct nothing, or only a portion of the amount entered in block 10 if upon inquiry he discovers that the contracts on which the bonds were written are completed in part and suppliers and materialmen paid in part. Affidavits should be scrutinized closely by a contracting officer in any case where an individual surety is underwriting a bond for a principal for whom that surety has underwritten other outstanding bonds. If the contracting officer cannot make a determination of net worth on the basis of information furnished on Standard Form 28, he should require the individual surety to furnish additional information. As a general rule, the contracting officer should not require extrinsic evidence of an individual surety's net worth (other than Standard Form 28) unless Standard Form 28 is not filled out completely or properly, or unless the contracting officer has reason to believe that the individual surety's statements on Standard Form 28 do not reflect his true net worth.

(e) *Stockholders as Sureties.* On any bond of which a corporation is the principal obligor, a stockholder of that corporation is acceptable as cosurety on the bond; provided, that his net worth exclusive of his stock holdings or other interests, such as loans, in the corporation is equal to the amount for which he justified and provided further, that such fact is expressly stated in his affidavit of justification.

10-201.3 Partnerships as Sureties. A partnership or other unincorporated association, as such, shall not be accepted as surety. The individual members of the partnership or association may, if they meet the requirements of paragraph 10-201.2 above, qualify as sureties. Individual members of a partnership or association shall not be acceptable as sureties on bonds under which the partnership or association, or any copartner or member thereof, is the principal obligor.

10-201.4 Substitution or Replacement of Surety. In case of financial embarrassment, failure, or other disqualifying cause on the part of a surety, substitution of a new surety is required. In other cases, substitute sureties may be accepted, when consistent with the Government's interest (see 10-110).

10-202 Options in Lieu of Sureties for Performance and Payment Bonds. | Any one or more of the types of security listed below may be deposited by the contractor in lieu of furnishing corporate or individual sureties on bonds. Any such security accepted by the contracting officer shall be promptly turned over to the disbursing officer concerned for other than Air Force contracts, and to the accounting and finance officer concerned for Air Force contracts, except that when United States bonds or notes are involved, they shall be deposited as provided in 10-202.1. Any such security or its equivalent shall be returned to the contractor when the obligation of the bond has by its terms ceased.

10-202.1 United States Bonds or Notes. In accordance with the provisions of the Act of 24 February 1919, as amended (6 U.S.C. 15) and Treasury Department Circular No. 154 (Revised, 31 October 1969), any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of

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depositing United States bonds or notes in an amount equal to their par value to the penal sum of the bond, together with an agreement authorizing the collection or sale of such United States bonds or notes in the event of default on the penal bond. The contracting officer may turn these securities over to the disbursing officer or accounting and finance officer as provided in 10-202, or deposit them with a Federal Reserve Bank, or Branch, having the requisite facilities, or other depository duly designated for that purpose by the Secretary of the Treasury.

10-202.2 Certified or Cashier's Checks, Bank Drafts, Money Orders, or Currency. Any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of furnishing a certified or cashier's check, a bank draft, a Post Office money order, or currency, in an amount equal to the penal sum of the bond, which the contracting officer will immediately deposit with the appropriate activity named in 10-202. Certified or cashier's checks, bank drafts, or Post Office money orders shall be drawn to the order of the office designated for contract administration.

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rentals, transportation, and gratuities, are unallowable. (But see 15-205.10 and 15-205.43).

15-205.12 *Cost of Idle Facilities and Idle Capacity* (CWAS)

(a) As used in this paragraph, the words and phrases defined in this subparagraph (a) shall have the meanings set forth below.

(1) *Facilities* means plant or any portion thereof (inclusive of land integral to the operation); equipment individually or collectively; or any other tangible capital asset, wherever located, and whether owned or leased by the contractor.

(2) *Idle Facilities* means completely unused facilities that are excess to the contractor's current needs.

(3) *Idle Capacity* means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 percent operating time on a one shift basis* less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period.

*A multiple shift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

(4) *Costs of Idle Facilities or Idle Capacity* are costs such as maintenance, repair, housing, rent, and other related costs, e.g., property taxes, insurance, and depreciation.

(b) The costs of idle facilities are unallowable except to the extent that:

- (i) they are necessary to meet fluctuations in workload; or
- (ii) although not necessary to meet fluctuations in workload, they were necessary when acquired and are now idle because of changes in program requirements, contractor efforts to produce more economically, reorganization, termination, or other causes which could not have been reasonably foreseen.

Under the exception stated in (ii) of this subparagraph (b), costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed one year, depending upon the initiative taken to use, lease, or dispose of such facilities (but see 15-205.42(b) and (e)).

(c) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or overhead rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire plant or among a group of assets having substantially the same function may be idle facilities.

(d) Any costs to be paid directly by the Government for idle facilities or idle capacity reserved for defense mobilization production shall be the subject of a separate agreement.

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15-205.13 *Fines and Penalties*. (CWAS-NA) Costs of fines and penalties resulting from violations of, or failure of the contractor to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the contract, or instructions in writing from the contracting officer.

15-205.14 *Reserved*.15-205.15 *Fringe Benefits*. See 15-205.6(g).15-205.16 *Insurance and Indemnification* (Purchased Insurance CWAS) (Self-Insurance CWAS-NA)

(a) Insurance by purchase or by self-insuring includes (1) coverage which the contractor is required to carry, or which is approved, under the terms of the contract, and (11) any other coverage which the contractor maintains in connection with the general conduct of his business. Any contractor desiring to establish a program of self-insurance applicable to contracts not subject to Cost Accounting Standard (CAS) 416 must comply with the self-insurance provisions of the Standard as well as Section X of this Regulation. Approval of a contractor's insurance program in accordance with Section X does not constitute a determination as to the allowability of the program's cost. The amount of insurance costs which may be allowed is subject to the cost limitations and exclusions set forth in the following subparagraphs.

(1) Costs of insurance required or approved, and maintained, pursuant to the contract, are allowable.

(2) Costs of other insurance maintained by the contractor in connection with the general conduct of his business are allowable subject to the following limitations:

- (i) types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances;
- (ii) costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of profit;
- (iii) the cost of property insurance premiums for insurance coverage in excess of acquisition cost of the insured assets is allowable provided the contractor has a formal written policy assuring that in the event the insured property is involuntarily converted, the new asset shall be valued at the book value of the replaced asset plus or minus adjustments for differences between insurance proceeds and actual replacement cost. If the contractor does not have such a formal written policy, the cost of premiums for insurance coverage in excess of the acquisition cost of the insured asset is unallowable.
- (iv) costs of insurance for the risk of loss of or damage to Government property are allowable only to the extent that the contractor is liable for such loss or damage and such insurance does not cover loss or

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the duration of the function can be determined. Technological life may be used by the contractor if he can demonstrate that existing facilities must be replaced because of:

- (i) specific program objectives or contract requirements which cannot be accomplished with the existing facilities;
- (ii) cost reductions which will produce identifiable savings in production or overhead costs;
- (iii) increase in workload volume which cannot be accomplished efficiently by modifying or augmenting existing facilities; or
- (iv) consistent pattern of capacity operation (2 1/2-3 shifts) on existing facilities.

Technological advances per se will not justify replacement of existing facilities before the end of their physical life if such existing facilities will be able to satisfy future requirements or demands.

(2) In estimating the least cost to the Government for such useful life, the cumulative costs that would be allowed if the contractor owned the property should be compared with cumulative costs that would be allowed under any of the various types of leasing arrangements available. For the purposes of this comparison, the costs of ADPE exclude interest or other unallowable costs pursuant to Section XV, Part 2; they include but are not limited to the costs of operation, maintenance, insurance, depreciation, facilities capital cost of money, rental, and the cost of machine services, as applicable.

(d)(1) Except as provided in (3) below, the contractor's justification, under (b)(1) above, of his leasing decisions shall consist of but is not limited to the following supporting data, prepared prior to acquisition:

- (i) analysis of utilization of existing ADPE;
 - (ii) application of the criteria in (b) above,
 - (iii) specific objectives or requirements, generally in the form of a data system study and data system specification;
 - (iv) solicitation of proposals from qualified sources based on the data system specification; and
 - (v) proposals received in response to the solicitation, and reasons for selection of the equipment chosen and for the decision to lease.
- (2) Except as provided in (3) below, the contractor's annual justification, under (b)(2) above, of his decision to retain or change his existing ADPE capability and the need to continue leasing that capability shall consist of but is not limited to current data as specified in (1) through (iii) above.
- (3) When a contractor's prospective ADPE lease cost equals or exceeds the thresholds specified in 15-205.48(b)(2)(iii), data in support of the initial decision to lease, under (b)(1) above, shall be furnished in accordance with 3-1100.3. If the total cost of leasing ADPE in a single plant, division, or cost center exceeds \$500,000 per year, and 50% or more of the total leasing cost is allocated to Government contracts requiring the negotiation or determination of costs, data in support of the annual justification, under (b)(2) above, for retention or change of existing ADPE capability and the need to continue leasing that capability shall also be furnished in accordance with 3-1100.3.

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15-205.49 *Deferred Research and Development Costs (CWAS-NA)*. As used herein, research and development refers to the type of technical effort which is described in 15-205.35(a) but which is sponsored by, or required in performance of, a contract or grant. Research and development costs (including amounts capitalized) which were incurred prior to the award of a particular contract are unallowable except when allowable as precontract costs (see 15-205.30). In addition, when costs are incurred in excess of either the price of a contract or amount of a grant for research and development effort, such excess may not be allocated as a cost to any other Government contract (see 15-205.19).

15-205.50 *Facilities Capital Cost of Money (CWAS-NA)*.

(a) Facilities capital cost of money (Cost of Capital Committed to Facilities) is an imputed cost determined by applying a cost of money rate to facilities capital employed in support of Defense contracts. A cost of money rate is derived from a common source and uniformly imputed to all contractors. Capital employed is determined without regard to its source as between equity or borrowed capital. The resulting cost of money is an imputed cost and is not a form of interest on borrowings as discussed in 15-205.17.

(b) Facilities capital cost of money is allowable cost provided (i) the contractor's capital investment is measured, allocated to contracts, and costed in accordance with 3-1300, and (ii) the contractor maintains adequate records to demonstrate compliance with item (i).

(c) Cost of money for facilities capital need not be entered on the company's books of account. However, a memorandum entry of the cost shall be made. All relevant schedules, cost data and other data necessary to fully support the entry shall be maintained in a manner to permit audit and verification.

(d) Cost of money which is calculated, allocated and documented in accordance with these regulations shall be deemed an "incurred cost" for cost reimbursement purposes pursuant to the payment provisions of applicable cost type contracts. See E-509.5 re: applicability of cost of money for progress payment purposes under fixed-price contracts.

15-205.51 *Lobbying Costs*.

(a) For the purpose of this section, lobbying is defined as any activity or communication which is intended or designed to directly influence or to engage in any campaign to encourage others to influence members of the Congress, their staffs, or the staffs of committees of the Congress to favor or oppose legislation, appropriations or other actions of the Congress, its members, or its committees, for the procurement of specific supplies or services by the federal government. Except as provided in (c) below, lobbying activity includes, but is not limited to, all forms of communications by the contractor, its employees, or its agents with the Congress, its members, and staffs of members and committees for the above-mentioned purpose.

(b) The costs of lobbying as defined herein, including the applicable portion of the salaries of the contractor's employees and the fees of individuals or firms engaged in lobbying, on behalf of the contractor (whether or not the

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individuals or firms are registered as lobbyists under any applicable law) are unallowable. In addition, the directly associated costs (see 15-201.6) of lobbying are unallowable.

(c) Legislative liaison activities, such as attendance at committee hearings, gathering information regarding pending legislation, analysis of the effect of pending legislation, and the like are not lobbying and are allowable. In addition, communications that would be considered lobbying in accordance with (a) above shall be allowable if they are performed after receipt of an invitation or request from a congressional or executive branch source.

15-206 Notice of Intent to Disallow or Not Recognize Costs.

(a) *Purpose.* The clause entitled "Notice of Intent to Disallow or Not Recognize Costs" is a required clause for all cost-type contracts and fixed-price incentive contracts and contracts providing for price redetermination (see 7-203.35). A Notice of Intent to Disallow or Not Recognize Costs provides the basis under a contract for the contractor to appeal, prior to final settlement of costs of the contract, a determination of exception to costs either incurred or to be incurred. It thereby provides a vehicle for disputes to be settled in a more timely fashion.

(b) At any time during the performance of the contract, the cognizant contracting officer may issue a Notice of Intent to Disallow or Not Recognize Costs stating his intent to take exception to specific costs or portions thereof, under the contract. Usually, the decision to issue a Notice of Intent to Disallow or Not Recognize Costs results from activities performed through mentorship of contractors' cost (see Section XX, Part 10), or on advice of auditors or technical personnel. Also, the decision to issue a Notice of Intent to Disallow or Not Recognize Costs shall only be made after discussion between the contracting officer and the contractor. The notice should be specific as to the type of cost to which exception is taken, the amount of such exception (if applicable), reasons for exception, applicable time period of the exception, and should reference the Notice of Intent to Disallow or Not Recognize Costs clause of the contract. When such notification involves elements of indirect costs, the approval of the contracting officer having authority for final settlement of overhead shall be obtained prior to issuance of the notice except that a Corporate Administrative Contracting Officer (CACO) need not obtain the approval of local cognizant ACOs for items of corporate expense. When the Notice of Intent to Disallow or Not Recognize Costs is issued, the originating contracting officer (CACO or ACO) will distribute information copies to all administrative contracting officers cognizant of that corporation. The notice will allow the contractor sixty days in which to contest the exception in writing and provide justification why the proposed expenditure is justifiable and reasonable. The ACO will then consider the contractor's position and shall within sixty days either modify his original position or issue a decision in writing under the Disputes clause of the contract. When elements of indirect cost are involved, such decision will be rendered by the contacting officer with authority for final overhead settlement (see 3-700).

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(c) As a minimum the Notice of Intent to Disallow or Not Recognize Costs should contain the following information:

- (i) contractor identification;
- (ii) contract(s) affected;
- (iii) description of cost exception(s);
- (iv) estimated dollar value by item;
- (v) reason(s) for the exception;
- (vi) applicable time period(s) involved;
- (vii) potential impact on billing rates and FPRAs;
- (viii) effective date of notice;
- (ix) provision for acknowledgment of receipt;
- (x) date when formal reply must be received; and
- (xi) recipients of copies of notice.

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Part 2—Additional Forms for Negotiated Contracts

16-200 Scope of Part. This Part describes additional forms for use where appropriate in conjunction with negotiated contracts for supplies or services.

- 16-201 Reserved.
- 16-202 Reserved.
- 16-203 Reserved.
- 16-204 Reserved.

16-205 General Provisions—Fixed-Price Supply Contracts (Standard Form 32).^{*} Any negotiated contract to which Section VII, Part 1, is applicable will include Standard Form 32. The addition of other clauses set forth in Section VII, Part 1, or of other clauses not inconsistent with DAR, shall be accomplished by including such clauses as "Additional General Provisions" numbered consecutively. The deletion or modification of clauses contained in the "Additional General Provisions" shall be accomplished by appropriate reference or provision in an Alterations in Contract clause. These instructions must be read in conjunction with Section VII, Part 1, to make certain that current clauses are in use at all times.

^{*}For DAR clause substitutions on Standard Form 32, Apr. 1975 edition, and Standard Form 33A, Jan. 1978 edition, see 16-101.

16-206 Contract Pricing Proposal Forms.

16-206.1 General.

(a) The DD Form 633 shall be used, except for negotiated final overhead rates and termination settlements, whenever cost or pricing data (see 3-807.7) is required. The data requirement, in 3-807 and 7-104.42, is in connection with the pricing of contracts, subcontracts (including prospective subcontracts), and changes or modifications to contracts or subcontracts. In accordance with the provisions of 3-807.7(b), the DD Form 633-7 shall be submitted whenever exemption from such cost or pricing data requirements is claimed for contracts or subcontracts by reason of established catalog or market prices (see 3-807.7(b)) or prices set by law or regulation.

(b) The purpose of DD Form 633 is to provide a vehicle whereby the offeror submits to the Government a pricing proposal of estimates and/or incurred costs by contract line item with supporting information, adequately cross-referenced, suitable for detailed analysis. Supporting cost element breakdowns must be obtained for each proposed line item. When more than one contract line item is proposed, summary total amounts, by cost element, covering all proposed line items, should also be obtained.

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Block No. Title and/or Instructions

10 For those awards utilizing an Accounting Classification Reference Number (ACRN) pursuant to ASPR 20-308.1, indicate the impact of the modification on each affected accounting classification by inserting one of the following entries:

ACRN: accounting classification

Net increase \$

ACRN: accounting classification

Net decrease \$

NOTE: Should changes to multiple ACRN's occur on a modification which cannot be placed in Block 10, an asterisk and the words "See Continuation Sheet" should be inserted.

12 Amendments or modifications shall be set forth under appropriate UCF section headings from the applicable solicitation or contract document. A UCF table of contents shall not be set forth. Indicate the impact of the modification on the overall total contract price by inserting one of the following entries:

Total contract price increased by \$

Total contract price decreased by \$

Total contract price unchanged.

13 If the modification is a Change Order (11(a)) or Administrative Change (11(b)), the first box in this block shall be checked, and the contractor's signature will not be required. If the modification is a Supplemental Agreement (11(c)), contractor's signature will be required, the second box shall be checked and the number of copies to be returned to issuing office shall be inserted, but see 1-706.6(d)(3), 1-706.7(e)(3), and 1-804.2(c)(3) when the form is being used for acceptance of an offer for a set-aside portion of a procurement.

17 Contracting Officer's signature is not required when amending a solicitation.

16-104.5 Request for Quotations (Standard Form 18). Instructions for block entries are as follows (applicable only when UCF is used):

Block No. Title and/or Instructions

11-16 The UCF table of contents set forth in 2-201(a) and 3-501(b) with the applicable sections checked, shall be set forth immediately below Block 10 so as to replace the word "Schedule" and replace Blocks 11 through 16, including the headings. Section entries may commence immediately below the Table of Contents or they may commence on the first Continuation Sheet (Standard Form 36). In either event, all provisions shall be located under applicable UCF section headings.

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Part 3—Purchase and Delivery Order Forms

16-300 Scope of Part. This Part prescribes forms for use (i) when purchases are authorized or required to be made by the purchase order or imprest fund method, (ii) as delivery orders, and (iii) as order against basic ordering agreements.

16-301 Receipt for Cash—Subvoucher (Standard Form 1165). Standard Form 1165 may be used in connection with procurements by the imprest fund (petty cash) method in accordance with 3-607.

16-302 Purchase Order — Invoice — Voucher (Standard Form 44). Standard Form 44 is authorized for use to accomplish small purchases in accordance with 3-608.9.

16-303 Order for Supplies or Services/Request for Quotations, (DD Forms 1155, 1155r, 1155r-1, and 1155c-1). Order for Supplies or Services/Request for Quotations, DD Form 1155 series, shall be used to accomplish small purchases in accordance with 3-608 and 16-402 and Blanket Purchase Agreements in accordance with 3-605, and may be used to place calls against Blanket Purchase Agreements in accordance with 3-605.5 and orders against basic ordering agreements in accordance with 3-410.2(a). Pending revision of the 1 MAR 1978 edition of DD Form 1155r, the *Fast Payment Procedure* clause in 7-104.84 shall be substituted for paragraph 15 of the form.

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(c) When Contract Cost Data Reports are required by the purchase request, the contractor shall be required to submit DD Forms 1921 and/or 1921-1 to support the DD Form 633. The DD Forms 1921 shall be prepared in accordance with the Contractor Cost Data Reporting (CCDR) System (Army - AMCP 715-8, Navy - NAVMAT P5241, and Air Force - AFLCP/AFSCP 800-15). The contractor supporting data shall be prepared in such a manner as to support each cost element on the DD Form 1921-1.

(d) DD Form 783 (Royalty Report (Foreign and Domestic)) is approved for use as the separate schedule required by DD Form 633.

16-206.2 Contract Pricing Proposal Supporting Schedules may be devised by contracting offices to require such supporting data to the foregoing forms as is considered necessary and reasonable through knowledge of industry, company or commodity practices.

16-207 Reserved.

16-208 Weighted Guidelines Profit/Fee Objective (DD Form 1547).

16-208.1 General. Weighted Guidelines Profit/Fee Objective (DD Form 1547) is to be used, as appropriate, to facilitate calculation of the Weighted Guidelines Profit/Fee Objective (see 3-808.2).

16-208.2 Conditions for Use. DD Form 1547 may be used in conjunction with the Record of Price Negotiation required by 3-811(b), provided that the rationale used in assigning the various rates is fully documented.

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Part 4—Construction and Architect-Engineer Forms and Formats

16-400 Scope of Part. This Part prescribes forms and formats for use in construction and architect-engineer contracts and for dismantling, demolition and removal contracts.

16-401 Advertised Construction Contract Forms.

16-401.1 General. The following forms are prescribed for use in formally advertised construction contracts where the work is to be performed in the United States, its possessions, or Puerto Rico:

- (i) Standard Form 19—Invitation, Bid and Award (Construction, Alteration or Repair). Pending revision of the July 1973 edition, the following provision shall be substituted for paragraph 6 of Standard Form 19:

PAYMENTS TO CONTRACTOR (1976 OCT)

Progress payments equal to the value of the work performed may be made monthly or at more frequent intervals as determined by the Contracting Officer on estimates approved by him. Upon payment thereof, title to the property shall vest in the Government, but this provision shall not be construed as relieving the Contractor from the sole responsibility for all material and work upon which payments have been made. The Contractor will notify the Government when all work is complete. Final payment will be made after final acceptance.

(End of provision)

The Convict Labor clause in 7-104.17 shall be substituted for paragraph 10, and the following paragraphs shall be deleted:

- 13 Examination of Records by Comptroller General,
 - 14 Utilization of Small Business Concerns, and
 - 15 Utilization of Minority Business Enterprises.
- (ii) Standard Form 19-A—Labor Standards Provisions—Applicable to Contracts in excess of \$2,000. (For construction contracts in excess of \$2,000 for work in U.S. possessions and Puerto Rico, see 18-703.2.) The following revisions shall be made in the November 1972 edition on the form:
 - the Davis-Bacon Act clause in 7-602.23(a)(i) shall be substituted for paragraph 1;
 - the Apprentices and Trainees clause in 7-602.23(a)(iii) shall be substituted for paragraph 3;
 - the Payrolls and Basic Records clause in 7-602.23(a)(iv) shall be substituted for paragraph 4; and
 - the Withholding of Funds clause in 7-602.23(a)(vi) shall be substituted for paragraph 6.
 - (iii) Standard Form 19-B—Representations and Certifications (Construction and Architect-Engineer Contract).
 - (iv) Standard Form 20—Invitation for Bids (Construction Contract).
 - (v) Standard Form 21—Bid Form (Construction Contract).
 - (vi) Standard Form 22—Instructions to Bidders (Construction Contract). The Late Bids provision in 7-2002.2 shall be substituted for paragraphs 7 and 8 of Standard Form 22.
 - (vii) Standard Form 23—Construction Contract.

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- (viii) Standard Form 23-A—General Provisions (Construction Contract). The following revisions shall be made in the April 1975 edition of the form:

the Payments to Contractor clause in 7-602.7 shall be substituted for paragraph 7;

the Shop Drawings clause in 7-602.54 shall be substituted for paragraph 15;

the Convict Labor clause in 7-104.17 shall be substituted for paragraph 28;

the Buy American Act clause in 7-602.20 shall be substituted for paragraph 24; and

the appropriate Federal, State and Local Taxes clause in 7-103.10 shall be substituted for paragraph 31.

- (ix) Standard Form 30—Amendment of Solicitation / Modification of Contract. (The use of this form is optional for amendment of a solicitation.)

- (x) *Continuation Sheet.* There is no prescribed form of Continuation Sheet for construction contracts. A blank sheet, incorporating (A) the contract or invitation number, as appropriate; (B) page number and number of pages; and (C) name of bidder or contractor may be used for this purpose. Standard Form 36, Continuation Sheet (Supply Contract), shall not be used for construction contracts.

16-401.2 Conditions for Use.

- (a) *Contracts Estimated Not To Exceed \$2,000.* Standard Forms 19 (see 16-401.3(c), (d) and (f)), and 19-B shall be used for those contracts executed as a result of formal advertising. Standard Form 22 also may be used. Where it is indicated that the low bid may exceed \$2,000, Standard Form 19-A, as modified in 16-401.1(ii), should be attached, the specifications should include the appropriate wage rate determination.

When Standard Form 19 is used, progress payments may be made if the period of performance is greater than one month. However, if the period of performance is less than one month or the total contract amount does not warrant progress payments, a single payment may be made, in which case the contracting officer may indicate completion and final acceptance of the contract work by a stamped and signed statement to that effect on the face of the standard form and forwarding it to the disbursing officer for payment. The following statement may be used for this purpose:

I certify that the work and services furnished hereunder have been completed, inspected, accepted as conforming to the contract requirements, and the amount is correct and proper for payment.

.....
Signature and Title of Certifying Officer

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I. *Performance Bond.* The penal sum of the performance bond shall equal per cent (.....%) of the contract price. (Insert the appropriate per cent determined in accordance with the provisions of 10-103.1(a)).

II. *Payment Bond.*

- a When the contract price is \$1,000,000 or less, the penal sum will be fifty per cent (50%) of the contract price.
- b When the contract price is in excess of \$1,000,000 but not more than \$5,000,000, the penal sum shall be forty per cent (40%) of the contract price.
- c When the contract price is more than \$5,000,000, the penal sum shall be \$2,500,000.

Any bonds furnished will be furnished by the contractor to the Government prior to commencement of contract performance.

(2) *Additional Information for Bidders.*

(A) Additional information and instructions may be given to bidders by using the reverse side of Standard Form 20 or continuation sheets. If used, the reverse side of Standard Form 20, and each continuation sheet used, shall be headed:

READ THE FOLLOWING IN CONJUNCTION WITH THE INSTRUCTIONS TO BIDDERS, STANDARD FORM 22.

(B) When required by the instructions pertaining to the various paragraphs or by the procuring activity, a paragraph shall be inserted advising prospective bidders where complete drawings and specifications may be examined or copies obtained, information as to the charge, if any, to be made for the drawings and specifications, and the conditions under which they may be obtained. If a charge is made for the drawings and specifications, the following sentences shall be included: "Payment will be made by cash or check, or money order and delivered to the Finance and Accounting Officer, Checks and money orders should be made payable to the office designated for contract administration."

(C) Paragraph 10 of Standard Form 22, Instructions to Bidders reserves in the Government the right to accept any item or combination of items of a bid, unless precluded by the invitation for bids or the bidder includes in his bid a restrictive limitation. However, in unit price contracts, although the work is set out in "items" for pay purposes, the nature of the work is not normally such that multiple awards can be made on the basis of such items. Accordingly, for purposes of award, the work should be set up on a basis of schedules, each schedule comprised of a group of items

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(b) *Contracts Estimated To Exceed \$2,000 But Not To Exceed \$10,000.* Standard Forms 19 (see 16-401.3(c), (d) and (f)), 19-A, as modified in 16-401.1(ii), and 19-B may be used for these construction contracts executed as a result of formal advertising. Standard Form 22 also may be used. In the alternative, the forms prescribed in (c) below may be used. The additional language set forth in (a) above shall be inserted in the bid portion of Standard Form 19 prior to issuance of the invitation. If the successful bid exceeds \$10,000, the contract may be executed on the Standard Form 19 but it will be necessary to add the clauses in:

- 7-103.10(a) (*Federal, State, and Local Taxes*),
 7-103.18(a) (*Equal Opportunity*) unless exempted by 12-805,
 7-104.14(a) (*Utilization of Small Business Concerns*),
 7-104.15 (*Examination of Records by Comptroller General*), and
 7-104.36(a) (*Utilization of Minority Business Enterprises*).

A statement to this effect should be included in the invitation (see 2-201(b)(xlv)). If there are factors which create a good possibility that the successful bid will exceed \$10,000, a contracting officer should use the forms prescribed in (c) below for contracts estimated to exceed \$10,000.

(c) *Contracts Estimated To Exceed \$10,000.* Standard Forms 19-A, 19-B, 20, 21, 22, 23, and 23-A shall be used for these construction contracts executed as a result of formal advertising. Strict compliance with the following instructions is required.

- (i) *Standard Form 19-A.* This form, as modified in 16-401.1(ii), shall be attached to the contract file. **Caution** This form consists of labor standards provisions and shall not be incorporated by reference.
- (ii) *Standard Form 19-B.* This form shall be completed by the bidder and shall be attached to the contract file.

(iii) *Standard Form 20 (Invitation for Bids).* Bidders shall be requested to return not more than two signed copies of their bids. This form shall be completed by inserting the appropriate data on the face of the form. See 18-202 and the following:

(1) *Information Regarding Bidding Material, Bid Guarantee and Bonds.* Insert the following paragraphs on the face of the form for contracts expected to exceed \$25,000:

(A) *Bid Bonds.* Each bidder shall submit with his bid a Bid Bond (Standard Form 24) with good and sufficient surety or surties acceptable to the Government, or other security as provided in paragraph 4 of Instructions to Bidders (Standard Form 22) in the form of twenty per cent (20%) of the bid price or \$3,000,000 whichever is lesser. The bid bond penalty may be expressed in terms of a percentage of the bid price or may be expressed in dollars and cents.

(B) *Performance and Payment Bonds.* Within days after the prescribed forms are presented to the bidder to whom award is made for signature, a written contract on the form prescribed by the specifications shall be executed and two bonds, each with good and sufficient surety or surties acceptable to the Government, furnished; namely a Performance Bond (Standard Form 25) and a Payment Bond (Standard Form 25-A). The penal sums of such bonds will be as follows:

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18-308 Audit as a Pricing Aid. See 3-809.
18-309 Record of Price Negotiations. See 3-811.

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CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Part 4—Architect-Engineer Selection Procedures

18-401 Scope of Part. This Part contains the general principles and procedures for the selection of architect-engineer firms for contracts for professional services, except for such services performed in connection with Army Civil Works projects. Discussion of specific areas affecting such services will be found under the paragraphs of this Section dealing with those areas.

18-402 Selection.

18-402.1 Selection Policy. As provided by Section 902 of Public Law 92-582, approved October 27, 1972, it is the policy of the Federal Government to publicly announce all requirements for architect-engineer services, and to negotiate contracts for such services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices. The selection of architect-engineer firms for professional services contracts shall be accomplished in accordance with the procedures set forth in this part. Such selection shall not be based upon competitive bidding procedures, but rather upon the professional qualifications necessary for the satisfactory performance of the services required, subject to the following additional considerations:

- (i) specialized experience of the firm in the type of work required;
- (ii) capacity of the firm to accomplish the work in the required time;
- (iii) past experience, if any, of the firm with respect to performance on Department of Defense contracts;
- (iv) location of the firm in the general geographical area of the project, provided that there is an appropriate number of qualified firms therein for consideration; and
- (v) volume of work previously awarded to the firm by the Department of Defense, with the object of effecting an equitable distribution of Department of Defense architect-engineer contracts among qualified architect-engineer firms including small and small disadvantaged business firms and firms that have not had prior Department of Defense contracts.

18-402.2 Selection Procedures. The procedures listed below shall be used in the selection of architect-engineer firms for all architect-engineer contracts to be awarded in the United States and, to the extent practicable, in the rest of the world.

- (a) All selection actions, including preselection, shall be under the cognizance of the construction activity responsible for the work.
- (b) For contracts estimated to cost more than \$2,500, criteria which will be used to evaluate the qualifications of the architect-engineer firms to be considered should be established in advance. In addition to the general considerations listed in 18-402.1, the criteria should be specific as to desired qualifications, size and expertise of staff, required past experience, and, as appropriate, esthetic considerations, special conceptual or design elements, and related factors. The information contained in the DD Form 1391 for the construction project, if applicable, should be used in preparing the criteria.
- (c) Prior to any preselection or selection action, the cognizant construction activity shall assure that public announcement has been made in accordance with 1-1003.4(b)(2). The criteria established in accordance with (b) above shall be set forth in such announcement, in accordance with 1-1003.9(h).

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period. A transit credit represents the transportation cost for a recorded tonnage from an initial shipping point to an intermediate destination (e.g., bidder's plant or shipping point) for storage, processing or other purpose. Upon reshipment to the Government destination, the remaining freight cost between the contractor's initial point and the destination points in the schedule may be lower than the cost of treating the tonnage as a new shipment. Actual lower costs which can be realized by the Government through utilization of such transit credits shall be used in bid evaluation. Even though there may be Government acceptance at origin, commercial bills of lading, provided that this does not preclude a proper change in delivery terms pursuant to the Changes clause. Normally, when transit credits apply, the contract, although f.o.b. origin, will require the contractor to pay the transportation charges on shipments to which the transit credits apply subject to reimbursement by the Government (total freight costs from bidder's original source for the supplies, via his plant to the Government destination, less the amount previously paid for transportation to his plant, plus the usual transit privilege charge). Such shipments move for the account of and at the risk of the Government, and become Government property upon Government acceptance at origin. The contractor shall show the transportation and transit charges as a separate amount on the invoice for each individual transited shipment. The amount reimbursed by the Government shall not exceed the amount quoted in the bid (offer and used for evaluation). Each such invoice shall be supported by the carrier's receipt indicating that total freight charges have been or will be paid by the contractor. When supplies are of such nature, or it is the custom of the trade that bidders may have potential transit credits available, the "Transportation Transit Privilege Credits" provision in 7-2003.18 shall be included in the solicitation.

19-207 Mode of Transportation. Generally, solicitations shall not specify a particular method or mode of transportation or a particular carrier for delivery of supplies. When special types of transportation equipment or limited facilities for delivery and receipt of supplies at destination permit the use of only one mode of transportation, such special delivery requirements may, after referral to the appropriate transportation office, be the basis for:

- (i) controlling the method or mode of transportation by specifying only f.o.b. origin as the place of delivery, or
- (ii) specifying the special delivery requirements in f.o.b. destination procurements (see 19-211).

19-208 Solicitation Provisions Covering FOB Point.

19-208.1 General.

(a) Solicitations in which bids or offers may be submitted both f.o.b. origin or f.o.b. destination in accordance with 19-104.2(b), shall include so much of the information required by 19-208.2, 19-208.3 and 19-211 as is pertinent to the particular procurement. They shall provide that bids or proposals may be submitted on either or both bases and they will be evaluated on the basis of the lowest overall cost to the Government.

(b) The "Evaluation of Export Bids (or Proposals)" provision in 7-2003.20 shall be included in the solicitation when the supplies are to be purchased in ac-

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cordance with 19-213.1 for ultimate delivery to known destinations outside the United States, and it has been determined that other ports, in addition to a primary port, can be used.

19-208.2 FOB Origin.

(a) Whenever the supplies will or may be delivered f.o.b. origin, the clauses in 7-104.70 and 7-104.85 shall be included in the contract. Generally, solicitations for supplies which will or may be purchased f.o.b. origin shall provide for delivery in carload or truckload lots (see 19-209) f.o.b. carrier's equipment, wharf, or freight station (as specified by the Government), at a city or shipping point to be specified by the bidder or offeror. This will enable the military traffic management offices, when issuing routing instructions, to select the mode of transportation which will provide the required service at the lowest overall cost. When f.o.b. origin bids (offers) only are desired, the solicitation shall specify that any bids (offers) submitted on any other basis shall be rejected as nonresponsive.

(b) Solicitations which include the clause in 7-104.70 may include the "F.O.B. Origin (With Differentials)" provision in 7-2003.19 when it is believed that a prospective contractor is likely to include in his f.o.b. origin price a contingency to compensate for what may be for him an unfavorable routing condition which the Government has the option to specify at the time of shipment. Such routing condition (e.g., delivery to rail car, wharf, etc.) due to the location of the prospective contractor's plant, lack of rail siding, etc., impose on him a substantial expense above his "at plant" or "commercial shipping point" price. Accordingly, the provision in 7-2003.19 is intended to permit prospective contractors to state in bids or offers a reimbursable differential which represents their cost of bringing the supplies to any f.o.b. origin place of delivery specified at the time of shipment by the Government. The provision is appropriate if:

- (i) the loading nature of the supplies, such as wheeled vehicles, and/or the different methods of shipment specified by the Government; i.e., towaway, driveaway, tri-level vehicle, rail car, etc., may increase the contractor's cost in varying amounts for bringing the supplies to, or loading and bracing the supplies at, the specified place of delivery;
 - (ii) the contractor's f.o.b. origin shipping point is a port city served by United States inland, coastwise or intercoastal water transportation, and additional costs would be incurred by the contractor to make delivery f.o.b. a wharf in such city to accommodate water routing specified by the Government; or
 - (iii) the contractor's plant does not have a private rail siding and to ship by Government specified rail routing, the contractor would be required to deliver the supplies to a public siding or freight terminal, and to load, brace, and install damage in rail cars.
- (c) Land methods of transportation by regulated common carrier are the normal means of transportation used by the Government between points in the continental United States. Accordingly, the "Evaluation—F.O.B. Origin" provision in 7-2003.23 shall be included in f.o.b. origin solicitation to establish the means the Government will use in applying transportation costs for evaluation. However, when it is appropriate to use other methods of transportation in evaluating bids or proposals, e.g., air, pipeline, seavan container, or barge and ocean tanker for bulk commodities, the provision may be modified accordingly.

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19-208.3 FOB Destination.

(a) When the supplies will or may be purchased f.o.b. destination (see 19-104.2(d)), the clause in 7-104.71 shall be included in the contract. When only f.o.b. destination bids or proposals are desired, the solicitation shall specify that bids or offers submitted on a basis other than f.o.b. destination will be rejected as nonresponsive. When the supplies will or may be purchased f.o.b. destination and inspection and acceptance will be at origin, the contract shall also include the clause in 7-104.76.

(b) When procurement is on an f.o.b. destination basis, special care shall be taken to observe the requirements of 14-305.3 as to place of inspection; also see 14-306 and 14-307 as to place of acceptance.

19-208.4 Destination Unknown.

(a) When the exact destination of the supplies to be purchased is not known, but the general location of the expected users can be reasonably established, the purchase request shall designate a place or places as the tentative point(s) to which transportation costs will be computed, stating estimated quantities for each tentative destination. The solicitation shall provide that bids or proposals shall be submitted f.o.b. origin only (see 19-104.2(c)(1)(ii)) and that shipment shall be made on Government bills of lading. The clause contained in 7-104.70 and the "Destination Unknown" and the "F.O.B. Origin - Carload and Truckload Shipments" provisions in 7-2003.24(a) and (b) shall be included to:

- (i) establish that destinations are tentative and only for the purpose of evaluating bids or proposals;
- (ii) establish that bids (offers) will be solicited on basis of f.o.b. origin only; and
- (iii) control subsequent shipping weights.

(b) When the purchasing office and the requesting activity determine that it is impracticable to estimate any tentative or general delivery points for the purpose of evaluating transportation costs, proposals shall be solicited f.o.b. origin only (see 19-104.2(c)(1)(ii)) and evaluation will be made without regard for transportation costs. In such cases, insert the provision in 7-2003.70 in the solicitation.

The contract file shall be documented with justification for such solicitation provision and this paragraph shall be cited. The clauses in 7-104.70 and 7-104.72 shall be included in the contract.

19-209 Required Shipping Weights. Solicitations which may result in f.o.b. origin contracts shall include the "F.O.B. Origin - Carload and Truckload Shipments" provision in 7-2003.24(b). This will provide agreement as to appropriate freight costs for evaluation of bids or proposals, and assure that contractors produce economical shipments of agreed size (see 19-208.2(a)).

19-210 Guaranteed Shipping Weights and Dimensions. When shipping weights and dimensions are required to evaluate offers as to transportation costs, the "Guaranteed Maximum Shipping Weights and Dimensions" provision in 7-2003.16 shall be included in the solicitation.

19-211 Transportation Responsibilities of Contractors.

(a) The clause in 7-104.73 shall be included in contracts for supplies which may be shipped in carload lots by rail. The clause specifies that carload shipments shall be loaded, blocked and braced by the contractor in accordance with standards published by the Association of American Railroads.

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(b) If the nature of the supplies or safety, environmental, or transportability factors require special methods for securing the supplies on the carrier's equipment, or only a special mode of transportation or type vehicle is appropriate (see 19-103), the solicitation shall set forth such detailed methods.

19-212 Shipping Point(s) Used in Evaluation of FOB Origin Bids. The "Shipping Point(s) Used in Evaluation of F.O.B. Origin Bids (Or Proposals)" provision in 7-2003.24(c) shall be included in solicitations which may result in f.o.b. origin contracts to assure application of appropriate freight costs in evaluating bids or proposals. This provision should be supported by an additional provision as part of the solicitation, to require prospective contractors to specify the location of their actual shipping point(s) (street address, city, state, and zip code) from which supplies will be delivered to the Government in accordance with the contract's f.o.b. origin terms. To assure appropriate rail routing for shipments from or to the contractor's shipping point, each prospective contractor shall also be required to specify whether his shipping point has a private railroad siding and the name of the rail carrier serving it. When the shipping point does not have a private siding, the name and address of the nearest public rail siding and carrier serving it shall be specified.

19-213 Shipments to Ports.**19-213.1 Solicitation/Contract Provisions.**

(a) When supplies are for known destinations outside the continental United States, the CONUS port of loading of point of exit (aerial or water) and the Water Port of Debarcation which serves the overseas destination shall be listed in the solicitation for transportation evaluation purposes.

(b) When a contract will not generate any shipment for which an Export Release is required (less than 10,000 lbs., etc.; see paragraph 202024 of the Military Traffic Management Regulation (AR 55-355, NAVSUP Pub 444, MCO 4600.14, DSAR 4500.3), hereafter referred to as MTMR), only the CONUS ports which serve the overseas destination shall be listed in the solicitation (see DoD Regulation 4500.32-R, Appendix G).

(c) Except for contracts to which (b) above applies, other CONUS ports which meet the eligibility criteria compatible with the nature and quantity of the supplies, their destination, type of carrier required, and specified overseas delivery dates also may be listed in the solicitation for evaluation purposes. This will permit bidders or offerors, who are geographically remote from the port which normally serves the overseas destination, to be competitive as far as transportation costs are concerned. Ports of loading to be included in the solicitation may be determined through coordination with the headquarters of the Military Traffic Management Command serving the area in which the purchasing office is located.

(d) Unless logistics requirements limit the ports of loading to those ports listed in the solicitation, the solicitation shall provide that the bidder or offeror may nominate additional ports (including ports in Alaska and Hawaii) more favorably located to his shipping point, and that these ports shall be considered in the evaluation of bids or proposals; provided, however, that these ports must possess all requisite capabilities of the listed ports in relation to the supplies being procured. Under these circumstances, the "Evaluation of Export Bids (Or

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Part 3—Evaluation of Bids and Proposals
19-301 Transportation Rates and Related Costs To Be Used.

19-301.1 General.

(a) To afford proper analysis and consideration of transportation factors, the contracting officer shall consider transportation rates and related costs in the evaluation of f.o.b. origin bids and proposals. The best available transportation rates and related costs in effect or to become effective prior to the expected date of initial shipment and on file or published at the date of the bid opening, shall be used in the evaluation. However, when transportation rates and related costs which cover the traffic are filed or published after the bid opening or proposal due date and there were no applicable rates or costs in existence on that date, these rates and costs shall be so identified by the area headquarters of Military Traffic Management Command (MTMC) or the Military Sealift Command (see 19-301.2) and shall be used in the evaluation (see 16-822).

(b) When Government property is to be furnished and shipped by the Government under a contract to a point specified by the prospective supplier in his bid or proposal, transportation costs shall be a cost factor in the evaluation of bids, or proposals.

19-301.2 Sources of Transportation Rates and Related Costs.

(a) Land and air rates; inland, coastwise, and intercoastal water rates; ocean rates and costs, including seavan container rates and costs; port handling charges; and related information pertaining to supplies moving to or from either overseas points or points within the continental United States shall be obtained from the appropriate area headquarters of MTMC by the transportation or traffic management office which supports the contracting officer. However, rates and costs applicable to shipments of bulk petroleum via ocean tanker transportation should be obtained from the Military Sealift Command.

(b) Rates and related costs for all supplies to be shipped between points outside of the continental United States, including Alaska and Hawaii, shall be obtained from the Headquarters of the Military Service which sponsors the cargo. Requests should be directed as follows:

Army	Deputy Chief of Staff for Logistics, Department of the Army, ATTN: LOG/MM-SSB, Washington, D. C. 20310.
Navy	Naval Supply Systems Command, Code 05, Washington, D. C. 20390.
Air Force	Applicable overseas Air Force Command.
Marine Corps	Director, Transportation Division, HQ, U.S. Marine Corps, COS, Washington, D. C. 20380.

(c) Requests for rates and related costs for the evaluation of bids or proposals shall include the bid opening or proposal due date and the expected date of initial shipment, if established.

(d) The locations and geographical areas of jurisdiction of each area headquarters of the MTMC are listed in Chapter 108 of the MTMR.

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Part 4—Contract Administration

19-401 Traffic Management for Contract Administration. The transportation office of the contract administration office shall have access to or be furnished a copy of the contract, including modifications thereto. When the transportation data regarding f.o.b. origin contracts are insufficient for Government transportation purposes (see 19-202), the contract administration office shall obtain the data used in the evaluation of the bid or proposal from the purchasing office. This will assure that instructions to contractors result in the most efficient and economical use of carrier services and equipment. Transportation personnel are responsible for:

- (i) furnishing timely routings and releases for port shipments;
- (ii) monitoring shipments to provide for carload or truckload quantities when practicable;
- (iii) controlling and issuing Government bills of lading and determining proper freight classification descriptions;
- (iv) reviewing documentation to assure the proper distribution and validation of shipping documents;
- (v) advising as to the effect proposed changes will have on transportation costs;
- (vi) determining, for the contract requirements, the size and capabilities of carrier's equipment to be ordered, based on the need for special shipping arrangements for oversize and overweight or dangerous supplies;
- (vii) developing information and reporting movements that may be the basis for negotiating special rates for volume movements or for rate adjustments (see 19-402);
- (viii) exercising control of irregularities in packing, loading, loss and damage causes, sealing of vehicles, and documentation of weights;
- (ix) providing information on use of transit arrangements;
- (x) recommending prepayment, when appropriate, by contractor for f.o.b. origin shipments or parcel post (see 19-403.2 and 19-403.3);
- (xi) diverting, reconsigning, tracing, and expediting shipments;
- (xii) functioning to control new shipping situations or meet emergency requirements which arise during contract administration; and
- (xiii) considering the capabilities of the contractors for performing the foregoing and utilizing these capabilities when appropriate; and
- (xiv) utilizing routings through established consolidation stations when it is in the best interest of the Government.

19-402 Volume Movements Within the Continental United States.

- (a) Volume movement means the aggregate of one or more freight shipments to move during the contract period, amounting to or exceeding 25 carloads, 25 truckloads, or 500,000 pounds, from one point of origin for delivery to one destination point or area. On FMS shipments, the aggregate will be 200,000 pounds or more.
- (b) As soon as production schedules and planned destinations have been established after award, the transportation office serving the purchasing office shall review contracts and report planned volume movement in accordance with

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the Military Traffic Management Regulation (AR 55-355, NAVSUP Pub 444, AFM 75-2, MCO 4600.14, DSAR 4500.3). A copy of the volume movement report shall be forwarded to the contract administration office. On FMS shipments, include destination country, foreign freight forwarder and port of embarkation (if known).

(c) The transportation office serving the contract administration office will submit required volume movement reports (see 19-401 (vii)) when:

- (i) upon review of contract it is determined that no volume movement report has been submitted by the purchasing office; or
 - (ii) movement requirements are refined or changed to such a degree that a revised volume movement report should be submitted.
- (d) Reporting of volume movements will permit a determination of the reasonableness of applicable current rates, and when appropriate, negotiation of adjusted or modified rates, in accordance with the above regulation.

19-403 Shipping Documents Covering FOB Origin Shipments.

19-403.1 Government Bills of Lading. Except as provided in 19-403.2, when a contract provides that supplies be delivered f.o.b. origin, with transportation costs to be paid by the Government, shipments shall be made on Government bills of lading, or on other shipping documents prescribed by MTMC in the case of seaway containers, furnished to the contractor by the contract administration office. The contracting officer shall not authorize the contractor to ship on a commercial bill of lading for conversion to a Government bill of lading unless delivery is extremely urgent and Government bills of lading are not readily available (see 16-822 and 16-823).

19-403.2 Use of Prepaid Commercial Bills of Lading.

(a) When economical or otherwise justified, the contracting officer or his representative may authorize the contractor to make the following f.o.b. origin freight or express shipments (if they have no security classification) at Government expense on prepaid commercial bills of lading to domestic destinations, including United States military air terminals and water terminals:

- (i) shipments not exceeding 150 pounds by any form of commercial air transportation (because of restrictions imposed by air carriers, a package weighing more than 100 pounds or measuring more than 44 x 24 x 30 inches should not be tendered to a commercial air carrier unless it is known that it will be accepted);
- (ii) shipments not exceeding 250 pounds by railway express or bus express (because of restrictions imposed by bus express carriers, a package weighing more than 100 pounds or measuring more than 45 x 24 x 24 inches should not be tendered to the bus express carrier unless it is known that it will be accepted);
- (iii) shipments not exceeding 1,000 pounds by other common carriers; or
- (iv) shipments by common carriers, other than specified in (i) and (ii) above, which can be consolidated with the contractor's own prepaid shipments for delivery to one or more destinations; provided that, all appropriate f.o.b. origin shipments, under one or more Government

19-403.2

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Part 5—Contract Administration Services for non-DoD Organizations

20-501 General. Contract administration services similar in nature to those being performed for Department of Defense organizations may be performed also for other organizations pursuant to the procedures in this part. These services include quality assurance, engineering support, production progressing, pre-award surveys, price/cost analysis, termination, property administration, plant clearance, industrial security, small business industrial labor relations, transportation, contractor payment, and equal employment opportunity contract compliance review. A more detailed listing of tasks involving most of the above services is contained in 1-406.

20-502 Procedures for Performance. Department of Defense procedures will be utilized in performing contract administration services for other than Department of Defense organizations except when otherwise agreed between such organizations and the Department of Defense. To keep the number of such agreements to a minimum, nondefense organizations should be encouraged to accept Department of Defense contract administration procedures.

20-503 United States Government Departments, Agencies and Corporations. Department of Defense contract administration services components shall, upon direct request, provide contract administration services to:

- (i) the National Aeronautics and Space Administration in accordance with the DoD-NASA Agreement (DoDI 5030.42); and
- (ii) other United States Government Departments and Agencies to the maximum extent permitted by available resources. Requests for services from U.S. Government agencies other than NASA may be declined on a case-by-case basis if resources are inadequate to accomplish delegated tasks, provided the decision is made by an official above the level of the contract administration office.

20-504 Department of National Defence Production (Canada). In accordance with Section VI, Part 5, Department of Defense components shall upon direct request, provide contract administration services to the Department of National Defence Production (Canada). Performance for other Canadian Government organizations shall be in accordance with 20-505.

20-505 Foreign Governments and International Agencies.

20-505.1 Performance of Services in the United States. Department of Defense contract administration services components shall, on receipt of requests from the DoD Central Control Point, provide contract administration services to foreign governments and international organizations who are making direct purchases from United States producers. "Direct purchase" is the purchase of defense supplies in the United States by a foreign government or contractor or international organization in which the supplies are purchased through commercial channels for use by the foreign government or international organization.

20-505.2 Operations of DoD Central Control Point (CCP). Requests from foreign governments and international organizations shall be forwarded to the Defense Control Administration Services Region (DCASR), New York, N.Y., which is the designated CCP. The CCP will:

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- (i) determine that the request is from a friendly foreign government or from an international agency in which the United States is a participant;
- (ii) determine that the services requested are consistent with Department of Defense mutual security program policies (Questions as to eligibility of foreign governments or international organizations to receive services from DoD contract administration services components will be referred to the Assistant Secretary of Defense (International Security Affairs));
- (iii) assure that the reimbursement arrangements are consistent with 20-506;
- (iv) determine that the requested services can be provided, and acknowledge receipt of the request;
- (v) distribute the procurement documents and related material to the cognizant contract administration services component, receive statements of costs from performing contract administration services components, bill the foreign governments or international organizations for services rendered, and distribute the remittance when received.

20-505.3 Performance of Services Outside the United States. When services are performed by Department of Defense contract administration services personnel outside the United States, the levels of technical capability and the administrative procedures, not already prescribed in existing laws or Department of Defense policies shall be in accordance with arrangements suitable and acceptable to the United States country teams or commanders of unified and specified commands, as appropriate.

20-506 Reimbursement. Reimbursement for services shall be required from non-DoD organizations covered by this part at the current standard rate determined by the Assistant Secretary of Defense (Comptroller). Although services will be performed for the Department of National Defence Production (Canada) on a non-reimbursable basis, normal charges shall be required for work performed for all other agencies of the Canadian Government. Services performed for contracts awarded by the Small Business Administration in accordance with 1-705.5 will be on a non-reimbursable basis. Requests for other exceptions to the above reimbursement policy shall be submitted to the ASD (Comptroller) for resolution or approval when it can be shown that such exceptions are in the best interests of the U.S. Government.

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SERVICE CONTRACTS

Part 7—Contracts for Laundry and Dry Cleaning Services

22-700 Scope of Part. This Part contains instructions for the preparation and use of contracts for laundry and dry cleaning services within the United States. It may be used as guidance in all other locations. Clauses for laundry and dry cleaning service contracts are set forth or referenced in Section VII, Part 14.

22-701 General Policy. Except for laundry and dry cleaning services acquired under small purchase procedures, the normal method of contracting for laundry and dry cleaning services shall be by formal advertising.

22-702 Selection of Count of Articles or Weight (unsorted or pre-sorted) Basis. Laundry services in support of hospitals may be acquired on the basis of (i) a count of articles or (ii) by bulk weight. Acquisitions by weight may be on either a pre-sorted (bag type) or unsorted (simple bulk weight) basis. The basis of acquisition shall be at the discretion of the requiring activity in conjunction with advice of the contracting officer based on consideration of such factors as price, administrative costs, aseptic requirements, risk of contamination/cross-contamination, volume and nature of articles to be serviced. All other laundry and dry cleaning services shall be acquired on a count of articles basis. Contracts on a count of articles basis shall include provisions substantially as set forth in 7-1401.5(a) and 7-1401.6(a). Contracts on a bulk weight basis shall include provisions substantially as set forth in 7-1401.5(b) (for bag type laundry), 7-1401.5(c) (for unsorted laundry), 7-1401.6(b), and 7-1401.7.

22-703 Solicitation Provisions. Solicitations for laundry and dry cleaning services shall include a provision similar to those set forth in 7-2003.60(a) for services to be provided on a count of articles basis and 7-2003.60(b) for services to be provided on a bulk weight basis.

22-704 Schedule Format. Set forth below are examples of schedule formats suitable for use in solicitations. The estimated quantities are only illustrative.

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ment cost as necessary when ordered by the Contracting Officer. Minor repair such as replacement of bolts, retinning and rebanding shall be accomplished at no expense to the Government.

Est Annual Qty	Unit Price	Total
	ea piece	

(Repeat for additional areas as needed.)
 Items 25-28 Reserved (See 22-602(b).)

RECAPITULATION SCHEDULE II

Schedule Total—Area \$

SCHEDULE III INTRA-CITY AND INTRA-AREA MOVERS

Item 29. Complete Service for Intra-City and Intra-Area Moves. Service shall include a premove survey, servicing of appliances, packing at owner's residence to protect household goods properly during transit, tagging of items, inventorying, loading, weighing, drayage, unloading, unpacking and placing of each article in owner's residence (new) as directed by owner or his designated representative and removal of all empty containers and materials from residence. Service shall be in conformance with provisions of MIL-P-22084 (S&A), except that all service shall be performed within times stipulated in clause entitled "Time Requirements."

Est Annual Qty	Unit Price	Total
	NCWT	

(Repeat for additional areas as needed.)

Item 30. Storage. Storage of articles shall be furnished incident to services performed under Item 29 when ordered by the Contracting Officer. Storage charges apply for each 30-day period or fraction thereof. Date of release from storage shall not be considered in computation of storage charges.

Est Annual Qty	Unit Price	Total
	NCWT	

(Repeat for additional areas as needed.)
 (Insert when required)

RECAPITULATION SCHEDULE III

Schedule Total—Area \$

22-602.1

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(c) Bulk Weight (Bag Type).

Item No.	Item	Estimated Quantity of Serviced Laundry for Contract Period	Unit	Unit Price	Estimated Amount
0001	BAG TYPE I (Patient items: sheets, pillow cases.)	200,000	lb.		
0002	BAG TYPE II (Terry Type: Towels, wash cloths.)	100,000	lb.		
0003	BAG TYPE III (Surgical items: masks, caps, shirts.)	50,000	lb.		
0004	BAG TYPE IV CONTAMINATED (May include any or all items in above listed bag types.)	75,000	lb.		

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(a) Count of Articles.

Item No.	Item	Estimated Quantity for Contract Period	Unit	Unit Price	Estimated Amount
0001	LOT I Laundrying Pillowcase (P)	100,000	each		
0002	Nurses Uniform, with belt (S) (P) (OH)*	25,000	each		
0003	Slippers	50,000	pair		
0004	LOT II Dry Cleaning Curtains (P)	500	each		
0005	Trousers (P)	5,000	each		
0006	LOT III** Individual Laundry Individual bundle (28 piece)	1,000	each		
0007	Individual bundle (18 piece)	1,000	each		

* (S)—Starched, (P)—Pressed, (OH)—Item delivered on hanger (hanger included in Unit Price), and () Other instructions as required.
** include in contracts containing the Individual Laundry clause in 7-1401.12.
*** See Section XX, Part 3, for Line Item Numbering Procedures.

(b) Bulk Weight (Unsorted).

Item No.	Item	Estimated Quantity of Serviced Laundry for Contract Period	Unit	Unit Price	Estimated Amount
0001	Laundry Services for the items listed below.*	100,000	lb.		
	Towels, hand	40,000	lb.	NSP	
	Sheets	40,000	lb.	NSP	
	Wash Cloths	20,000	lb.	NSP	

*The following articles are to be serviced. Separate prices are not to be submitted for these articles.

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be withdrawn at any time on the basis of a determination that there has been a deterioration of the contractor's purchasing system, or otherwise to protect the interests of the Government.

(b) The ACO should make an annual determination as to the approval status of a contractor's purchasing system except CWAS-qualified contractors, based on either a subsequent or surveillance review. However, it is not the intent of the Government, through no fault of the contractor, to unnecessarily interrupt continuance of a purchasing system approval. Therefore, the ACO may extend the approval of a contractor's purchasing system for an additional 90 days. Further extensions by the ACO will require written approval by the ACO's CPSR program management organization.

(c) The ACO shall give the contractor written notice granting, continuing, withholding, or withdrawing approval of his purchasing system. If the contractor's system is approved, the notification of approval shall be in substantially the following form:

TO: (Contractor)

As a result of the (recent review or surveillance) of your purchasing system at (identify the plant or plants involved), you are advised of (insert "my approval" or "the continuation of the prior approval") of your purchasing system. This approval, effective (date) is for a period of 1 year and applies to all of your contracts at the above plant or plants with the Department of Defense. This approval waives, to the extent provided in your contracts, the contractual requirements for prior consent by the Contracting Officer to the placement of certain subcontracts. In addition, it waives, to the extent provided in fixed-price contracts, the requirement for advance notification to the Contracting Officer of your intent to place certain subcontracts.

This approval does not eliminate the requirement under cost-reimbursement contracts for advance notification to the Contracting Officer of your intent to place proposed subcontracts where such notification is required, nor does it affect any contractual provisions that require prior consent to the placement of subcontracts, notwithstanding this approval of your purchasing system. (If special

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(vi) the appropriateness of the type of subcontract used (see Section III, Part 4);

(vii) practices pertaining to small business, labor surplus area programs, and socio-economic programs (Section I, Parts 7 and 8);

(viii) the management of major subcontract programs; (ix) compliance with the Cost Accounting Standards in awarding subcontracts (see Section III, Part 12);

(x) the evaluation of make-or-buy program (see Section III, Part 9); and

(xi) practices pertaining to subcontractor progress payments (Appendix E, Part 500).

(b) In reviewing the contractor's purchasing system, a determination shall be made as to whether subcontracting is done competitively to the maximum practicable extent. This requires ascertaining whether—

(i) a sufficient number of sources are solicited; and (ii) subcontracting procedures provide other elements of adequate and effective price competition, including adequate descriptions of any factors to be evaluated and evaluation of all offers on a common basis.

(c) Decisions as to whether commercial items conform to the purpose and intent of the exemption from the requirement for a certificate of current cost and pricing data shall be analyzed.

23-104 Contractor Purchasing System Review Boards.

(a) When deemed necessary, Contractor Purchasing System Review Boards may be established in accordance with departmental procedures.

(b) If no board is to be convened, the report shall be forwarded directly to the ACO by the CPSR team captain.

(c) If it is determined that a review board is necessary, the report of the CPSR team shall be reviewed and evaluated by the board, which shall make appropriate recommendations to the ACO.

23-105 Granting, Continuing, Withholding, and Withdrawing Approval.

(a) The ACO is responsible for granting, continuing, withholding, or withdrawing approval of a contractor's purchasing system. The ACO shall approve a purchasing system only after a CPSR discloses that the contractor's purchasing policies and practices are efficient and provide adequate protection of the Government's interests. Approval of a system shall be withheld when there are major weaknesses or when the contractor is unable to provide sufficient information upon which an affirmative determination can be based. Conversely, approval shall not be withheld because of minor weaknesses. An approval may

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and related recommendations; for followup, as necessary, to effect recommended improvements; and, when warranted by the findings, for rescinding approval of the contractor's purchasing system. The contractor must make available the necessary procedures and data to permit adequate surveillance.

(b) The surveillance plan shall encompass pertinent phases of the contractor's purchasing system (*Preward/Postward/Performance/Contract Completion*) and pertinent operations which impact the contractor's purchasing and subcontracting. As considered necessary, surveillance shall include:

- (i) determination and limitation of requirements;
- (ii) advance planning (market testing, source development, performance evaluations, program objectives, make-or-buy);
- (iii) solicitation of proposals (development of solicitations, statement of work, specifications/drawings, facility surveys, financial analysis, preaward audits, terms and conditions, selection of contract type, establishing a competitive base, socio-economic consideration, bidders lists, presolicitation and indoctrination of potential bidders);
- (iv) proposal evaluations (cost, technical, and management considerations);
- (v) prime selection (restrictive clauses, flowdown of source contract provisions, compliance with Public Law 87-653 "Truth in Negotiations Act," compliance with Public Law 91-379 "Cost Accounting Standards," cost/price analysis/assist audits and cost studies, progress payments to subcontractors, changes in technical content of statement of work, fact finding and bidders conference);
- (vi) provisioning, management influence and overriding consideration, documentation, compliance with 1-906 "Subcontractor Responsibility";
- (vii) management approvals;
- (viii) advance notification and consent requirements;
- (ix) early definition (TWX and letter contracts);
- (x) change control (timely and effective action);
- (xi) engineering;
- (xii) schedules;
- (xiii) production;
- (xiv) material control;
- (xv) quality control and quality assurance;
- (xvi) management reporting (advance payments, progress payments, cost performance, funding requirements, discounts, milestone and progress reports);

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(xvii) management support (residencies, secondary administration, buyer control of commitments, buyer's role, subcontract management, subcontract modification, expediting, transportation, subcontractor system surveillance);

(xviii) contract completion (termination partial or complete, stopwork orders, default actions, excusable delays);

(xix) closeout actions;

(xx) postaward audits; and

(xxi) performance evaluation and reports (thorough review of all areas, including documentation for future business).

(c) The plan shall give appropriate consideration to the data furnished by the contractor when providing the required advance notification of intent to place certain subcontracts.

(d) Surveillance tests that require audit effort should be accomplished for the ACO by the contract auditor in conjunction with other audit duties.

(e) Certain subcontractors may require additional surveillance because of the emphasis in the flowdown of system acquisition policies in subcontracts, with particular concern for subcontractor cost, schedule, and technical performance. The contracting officer, the PSA, the review team, and/or subcontract management personnel may request assistance of the contract administration office having cognizance over the subcontractor to provide supplementary information as a means of verifying the information obtained from the contractor's records and, if needed, the request will call for a complete report on the subcontractor's purchasing system.

(f) Compatibility surveillance reviews shall be performed biennially at a CWAS-qualified contractor location to determine whether the purchasing techniques used for commercial and/or fixed-price competitive business are in compliance with statutory and contractual provisions. Major discrepancies should be brought to the attention of the contractor for corrective action. Failure to implement the ACO's recommendation applicable to major deficiencies should be considered as grounds for withdrawing approval of the contractor's purchasing system.

PRODUCTION SURVEILLANCE AND REPORTING

Part 1—Production Surveillance

25-101 Definitions.

25-101.1 Production Surveillance refers to that part of Government contract administration directed toward (i) determining the degree of progress made by a contractor in meeting his contract delivery or performance schedule and (ii) identifying factors which may delay delivery or performance. It includes, among other things, the review and analysis by the Government of a contractor's performance plans, schedules, controls and industrial processes.

25-101.2 Criticality refers to the degree of importance to the Government of supplies or services under contract.

25-101.3 Delinquency includes (i) actual failure by the contractor—that is, his failure, regardless of reason, to meet the contract delivery or performance schedule; and (ii) potential failure by the contractor—that is, his failure, regardless of reason, to maintain such progress in contract performance as is required to meet his contract delivery or performance schedule.

25-102 General. Timely delivery or performance ordinarily requires realistic and adequate planning and action on the part of the purchasing office, the contractor and the contract administration office. The purchasing office must determine the criticality of the supplies or services under contract. The contractor must translate contract requirements into orderly performance steps (e.g., purchase of materials, fabrication of components, manufacture and assembly of end items, packaging and shipping). The contract administration office, on the other hand, must analyze and evaluate the contractor's plans and, in accordance with the designated criticality of the contract, determine the nature and extent of production surveillance required to provide performance progress information and assure timely progress or prevent or overcome any delinquency.

25-103 Assignment of Criticality Designator by Purchasing Office. Purchasing offices shall assign Criticality Designator A, B or C to each contract in accordance with the criteria given below and, if Designator A or B is assigned, shall include such designator on each contract in the space for designating the contract administration office. The assigned designator may be changed only by the purchasing office. The lowest designator consistent with the Government requirements shall be assigned. Ordinarily, unilateral purchase orders shall be assigned Criticality Designator C. This will permit the contract administration office to apply its resources most effectively toward meeting the Government's priorities.

Criticality Designator

Criteria

A Contracts in one of the categories below:

(i) for system and major systems acquisition programs as defined by DoDD 5000.1, Major System Acquisitions;

(ii) which are DX rated;

(iii) which are negotiated under Public Exigency (3-202);

SECTION XXV

PRODUCTION SURVEILLANCE AND REPORTING

25-000 Scope of Section. This Section establishes the policies and procedures for production surveillance and production progress reporting.

25-001 Applicability. This Section applies to contracts for supplies and services, including research and development and overhaul and repair contracts. When a contract is retained for administration by the purchasing office (see 20-703), the contracting officer will determine the extent to which the Section applies. Facilities contracts (see Section XIII, Part 3) and construction contracts (see Section XVIII) are excluded from this Section.

25-002 General policies. It is the policy of the Department of Defense that the Government perform those production management functions necessary to provide the production or performance progress information required to protect the interests of the Government and fulfill the Government's contract obligations.

25-002

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Criticality
Designator

Criteria

- A (cont.)
- (iv) for items on which a priority designator 01, 02, 03 or 06 has been assigned based on DoDD 4410.5, Uniform Materiel Movement and Issue Priority System; or
- (v) for nonstocked items which otherwise meet the criteria for Force Activity Designator I and Urgency of Need Designator A as defined in DoDD 4410.6.
- B Contracts not assigned Criticality Designator A, wherein time of delivery is essential:
- (i) to meet user needs for nonstock items;
- (ii) to preclude out-of-stock situations; or
- (iii) to preclude interruption to ongoing Government or contractor production or repair lines.
- C All other contracts which do not qualify under Criticality Designators A or B.

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DEFENSE CONTRACT FINANCING REGULATIONS

E-502.1 *Requests for Proposals.* Requests for proposals shall state that contract provision for progress payments will be made in conformity with regulations, and that the need for progress payments conforming to regulations will not be considered as a handicap or adverse factor in the award of contracts. Requests for proposals shall not state a liquidation rate for progress payments. See E-512.

E-503 *Customary Progress Payments.* Certain contracts may require contractor's predelivery or unbillable partial performance expenditures that will have a material impact on the contractor's working funds. These include production contracts which involve a long "lead time" or preparatory period between the beginning of work and the first production delivery, normally involving four months or more for small business concerns and six months or more for firms which are not small business concerns. They also include some contracts for research and development and some contracts for services which have a long time period, of approximately four months or more for small business concerns and six months or more for firms which are not small business concerns, between the beginning of work and the first opportunity to bill and receive payment for a significant element of contract performance. Progress payments are customary at (i) the uniform standard percentages of total costs (E-503.1, E-503.2) or flexible progress payment rates determined in accordance with E-530; (ii) the uniform cost base (E-509.5); (iii) the frequency of payment established in the progress payment clause (7-104.35); and (iv) the ordinary liquidation method (E-512.1) unless changed to the alternate method as provided in E-512.2 on this category of contracts and letter contracts contemplating a definitive fixed price type of contract. Length of lead time, or length of the time period within which billings for deliveries or for significant partial performance cannot be accomplished, are not a factor in qualifying letter contracts and their superseding definitive contracts for customary progress payments. Contract financing arrangements other than those set forth in this paragraph are regarded as unusual, and not within the category of customary progress payments (E-505).

The long lead time or preparatory period in these cases, and the accompanying predelivery or pre-partial performance billing expenditures that may have a material impact on the contractor's working funds, and the equivalent circumstances of letter contracts and their superseding definitive contracts, are regarded as making these customary progress payments reasonably necessary. The general preference for private financing is not applicable to this class of cases. Provision for customary progress payments will be made as a matter of course when requested by contractors who are known (from experience or adequate preaward investigation) to be reliable, competent, capable of satisfactory performance, in satisfactory financial condition, and to have an adequate accounting system and controls. In such cases, it is not necessary to require projections of cash receipts and expenditures or other demonstration of actual reasonable need for progress payments. However, in order to minimize administrative effort and expense, progress payments will be discouraged on relatively small contracts of the stronger and larger contractors who are not small business concerns, e.g., contracts for less than \$1,000,000, unless the circumstances of a group of such contracts, for contemporaneous performance, make such contracts the approximate

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equivalent of a larger contract that would have a material impact on the contractor's working funds. If a small business concern, and the contract involved, meet the above standards for customary progress payments, the smallness of the contract shall not deter the making of provision for customary progress payments to such small business concerns.

E-503.1 Uniform Standard Percentages. The uniform standard progress payment rate is 90% of total costs for firms which are not small business concerns, and 95% for small business concerns, whether or not awarded by formal advertising. If flexible progress payment rates are not used, higher percentages will be regarded as unusual (E-505) and not within the category of customary progress payments. No percentage higher than the uniform standard progress payment may be offered in any solicitation unless approved in advance in accordance with E-505, or unless developed in accordance with flexible progress payment procedures (E-530).

E-503.2 Uniform Standard Percentages — Foreign Military Sales (FMS) Contracts.

- (a) Progress payments made on FMS contracts are subject to the same policies as normal DoD contracts.
- (b) On FMS requirements, the Arms Export Control Act requires the deposit of FMS customer cash in advance of related payments to contractors. In order to comply with this requirement, all FMS contracts with progress payments must contain the billing procedures described below. For these purposes, the contractor shall allocate costs between customer countries in a manner acceptable to the Administrative Contracting Officer that does not incur undue administrative expense. If more than one customer country is covered by a contract, the contractor shall submit one DD Form 1195 with a supporting schedule showing the portions of the total requested payment to be attributed to each country's requirement.

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(c) When submitting requests, the contractor shall annotate the DD Form 1195 as follows:

- (i) the line item numbers to which the request applies;
- (ii) Item 5 shall refer to the total price of the items to which the request applies;
- (iii) references to "total costs" shall be interpreted to mean the total costs associated with the items to which the request applies; and
- (iv) in Item 14a, contractors shall include only those subcontractor costs which are applicable to the items for which the contractor is requiring payment.

E-503.3 Indefinite Quantity Contracts—Basic Ordering Agreements.

(a) For indefinite quantity contracts (3-409.3) and basic ordering agreements (3-410.2) contemplating requisitions, delivery orders, work orders, task orders, job orders or their equivalent, if the contractor meets all other requirements for customary progress payments, the decision as to whether progress payments come within the customary category will depend upon estimates of the amount of work expected to be done, and the production lead time expected to be necessary for the major part of the work anticipated. In these cases, provision for progress payments in the indefinite quantity contract or basic ordering agreement may be deemed customary if the amounts involved, and the production lead time, will result in the substantial equivalent of the customary progress payments. Insofar as practicable, the progress payment provision of an indefinite quantity contract or basic ordering agreement shall fix a single liquidation rate to be applicable to all procurement actions under that agreement. The standards for unusual progress payments govern when progress payments are not of the customary type.

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(b) Progress payments made under indefinite quantity contracts and basic ordering agreements shall normally be processed on the basis of individual orders or calls. Alternatively, at the contractor's request, but with the specific approval of the ACO, provision may be made to process progress payments against the basic contract/agreement. Whenever the contract/agreement method is used, the contractor shall be required to submit a supporting schedule for each DD Form 1195, identifying the costs applicable to each call or order. Subject to the above restrictions, for progress payment purposes, all procurement actions under the basic contract, (1) involving progress payments on a procurement action, and (2) having a single uniform liquidation rate, and (3) for payment by a single paying office (1-201.30), may be grouped and aggregated so that the contract price, costs, payments and liquidations will be handled in the same way as if all such procurement actions constituted work under a single fixed-price type contract.

Except as provided above, for progress payment purposes, each order, call or equivalent procurement action, with progress payments, will be treated as a separate contract.

E-504 Formal Advertising and Small Business Restricted Advertising. Incident to formal advertising, invitations for bids shall provide for progress payments in the manner and under the circumstances stated below.

E-504.1 Progress Payment Provision in Invitations for Bids. When progress payments are contemplated, the invitation for bids shall include a notice of availa-

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E-510 Contract Clause. Subject to the instructions in E-511 and E-512, the Progress Payment clauses in 7-104.35 shall be used when payments are to be made to a contractor based upon a percentage of costs. The clause contained in 7-104.35(a) shall be used in contracts with other than small business concerns. The clause contained in 7-104.35(b) shall be used in contracts with small business concerns.

E-510.1 Progress Payment Clause for Other Than Small Business Concerns. See 7-104.35(a).

E-510.2 Progress Payment Clause for Small Business Concerns. See 7-104.35(b).

E-511 Instructions for Progress Payment Clause. The instructions below apply to the clauses in 7-104.35.

E-511.1 Contracting Officer. The term "contracting officer" as used in this Part 5 means the contracting officer as defined in 1-201.3.

E-511.2 Uniform Standard Percentages - Firms Not Small Business Concerns-Paragraphs (a) and (b) of Clause. For contracts with contractors that are not small business concerns, except as provided in E-511.4, the figure of 90 percent stated in paragraphs (a)(1)(i), (a)(4)(i), (a)(4)(ii), (a)(5) and (b) of the clause in 7-104.35(a) is the uniform standard percentage for use in those paragraphs for all contracts, whether awarded on the basis of formal advertising or negotiation.

E-511.3 Uniform Standard Percentages - Small Business Concerns-Paragraphs (a) and (b) of Clause. For contracts with small business concerns, except as provided in E-511.4, a figure of 95 percent shall be specified in paragraphs (a)(1)(i), (a)(3)(i), (a)(3)(ii), (a)(4) and (b) of the clause in 7-104.35(b). This is the standard percentage for all contracts awarded to small businesses, whether on the basis of formal advertising (E-504.1, E-504.2, or E-504.3) or negotiation.

E-511.4 Unusual Percentages. For unusual progress payments (E-505), the percentage used for paragraph (a)(1)(i) of the clauses in 7-104.35 will also be specified in (a)(3)(i). For these contracts, if a percentage lower than the percentage used for (a)(1)(i) is stated in paragraph (b) of the clause pursuant to E-512.2, the exact percentage stated in (b) shall also be specified in paragraph (a)(3)(ii) and (a)(4) of the clause.

E-511.5 Other Protective Provisions. When deemed reasonably necessary for the protection of the Government, the clauses in 7-104.35 may be supplemented by additional protective provisions, such as personal or corporate guarantees, subordinations or standbys of indebtedness, special bank accounts, and other protective covenants of the kinds outlined in paragraph (18) of the clause in 7-104.34. When first article approval is required (Section I, Part 19), additional

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protective provisions shall be used reciting that, until first article approval (1-1901), there shall be no progress payments, or that the aggregate of progress payments for first article costs shall be limited to a stated amount, or percentage (less than the percentage used in paragraph (a)(4) of the clause in 7-104.35(a) and paragraph (a)(3) of the clause in 7-104.35(b)) of the contract price.

E-511.6 Provisional Increases in Contract Price. Ordinarily, the definitized price shall be the basis for limiting the aggregate amount of progress payments within the meaning of "total contract price" as used in paragraph (a)(5) of the clause in 7-104.35(a) and paragraph (a)(4) of the clause in 7-104.35(b). An exception exists if the application of this limitation would result in an inability to pay progress payments for costs properly incurred for authorized but unpriced contractual actions pertaining to the definitized contract or in the case of incentive-type contracts, if the contractor's costs exceed the target price. When this exception exists, the contracting officer may make a provisional increase in the contract price for the purpose of paragraph (a)(5) of the clause in 7-104.35(a) and paragraph (a)(4) of the clause in 7-104.35(b). The provisional increase to the contract price shall not exceed the amount recorded as an obligation based upon the Government's estimate of its liability for those unpriced contractual actions.

E-512 Progress Payment Liquidation. Controlling principles for liquidation of progress payments based on costs, and for specification of a percentage in paragraph (b) of the clauses (7-104.35(a) & (b)) are set out below.

E-512.1 Ordinary Method. See E-511.2 and E-511.3. The percentages specified in E-511.2 and E-511.3 for paragraph (b) of the Progress Payment clauses (7-104.35) represent the ordinary method for liquidation of progress payments, i.e., the percentage for progress payments stated in (a)(1)(i) of each clause will also be the percentage for liquidation stated in (b) of such clause.

However, when a contract is subject to a limitation on General and Administrative (G&A) expenses eligible for progress payments because a contractor elected to use the special transition method provided in Cost Accounting Standard 410, Allocation of Business Unit General and Administrative Expense to Final Cost Objectives, an adjusted ordinary liquidation rate will be used. The adjusted liquidation rate will be established by subtracting from the progress payment percentage stated in the contract, the percentage computed by multiplying the progress payment percentage

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DEFENSE CONTRACT FINANCING REGULATIONS

ILLUSTRATIVE MINIMUM PROGRESS PAYMENT LIQUIDATION RATES

Table with columns: Profit Rate (80% to 100%), Minimum Liquidation Rate, with Progress Payment Rate. Rows 2.0 to 10.7.

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ILLUSTRATIVE MINIMUM PROGRESS PAYMENT LIQUIDATION

RATES—Continued

Profit Rate	80%	85%	90%	91%	92%	93%	94%	95%	96%	97%	98%	99%	100%
10.8	72.2	76.8	81.3	82.2	83.1	84.0	84.9	85.8	86.7	87.6	88.5	89.4	90.3
10.9	72.2	76.7	81.2	82.1	83.0	83.9	84.8	85.7	86.6	87.5	88.4	89.3	90.2
11.0	72.1	76.6	81.1	82.0	82.9	83.8	84.7	85.6	86.5	87.4	88.3	89.2	90.1
11.1	72.0	76.5	81.0	81.9	82.8	83.7	84.6	85.5	86.4	87.3	88.2	89.1	90.0
11.2	72.0	76.5	81.0	81.9	82.8	83.7	84.6	85.5	86.4	87.3	88.2	89.1	90.0
11.3	71.9	76.4	80.9	81.8	82.7	83.6	84.5	85.4	86.3	87.2	88.1	89.0	89.9
11.4	71.9	76.3	80.8	81.7	82.6	83.5	84.4	85.3	86.2	87.1	88.0	88.9	89.8
11.5	71.8	76.3	80.8	81.7	82.6	83.4	84.3	85.2	86.1	87.0	87.9	88.8	89.7
11.6	71.7	76.2	80.7	81.6	82.5	83.3	84.2	85.1	86.0	86.9	87.8	88.7	89.6
11.7	71.7	76.1	80.6	81.5	82.4	83.3	84.2	85.1	86.0	86.9	87.8	88.7	89.6
11.8	71.6	76.1	80.5	81.4	82.3	83.2	84.1	85.0	85.9	86.8	87.7	88.6	89.5
11.9	71.5	76.0	80.4	81.3	82.2	83.1	84.0	84.9	85.8	86.7	87.6	88.5	89.4
12.0	71.5	75.9	80.4	81.3	82.2	83.1	84.0	84.9	85.8	86.7	87.6	88.5	89.4
12.1	71.4	75.9	80.3	81.2	82.1	83.0	83.9	84.8	85.7	86.6	87.5	88.4	89.3
12.2	71.4	75.8	80.3	81.1	82.0	82.9	83.8	84.7	85.6	86.5	87.4	88.3	89.2
12.3	71.3	75.7	80.2	81.1	82.0	82.9	83.7	84.6	85.5	86.4	87.3	88.2	89.1
12.4	71.2	75.7	80.1	81.0	81.9	82.8	83.7	84.6	85.4	86.3	87.2	88.1	89.0
12.5	71.2	75.6	80.0	80.9	81.8	82.7	83.6	84.5	85.4	86.3	87.2	88.0	88.9
12.6	71.1	75.5	80.0	80.9	81.7	82.6	83.5	84.4	85.3	86.2	87.1	88.0	88.8
12.7	71.0	75.5	79.9	80.8	81.7	82.6	83.4	84.3	85.2	86.1	87.0	87.9	88.8
12.8	71.0	75.4	79.8	80.7	81.6	82.5	83.4	84.3	85.1	86.0	86.9	87.8	88.7
12.9	70.9	75.3	79.8	80.6	81.5	82.4	83.3	84.2	85.1	86.0	86.8	87.7	88.6
13.0	70.8	75.3	79.7	80.6	81.5	82.3	83.2	84.1	85.0	85.9	86.8	87.7	88.5
13.1	70.8	75.2	79.6	80.5	81.4	82.3	83.2	84.0	84.9	85.8	86.7	87.6	88.5
13.2	70.7	75.1	79.5	80.4	81.3	82.2	83.1	84.0	84.8	85.7	86.6	87.5	88.4
13.3	70.6	75.1	79.5	80.4	81.2	82.1	83.0	83.9	84.8	85.7	86.5	87.4	88.3
13.4	70.6	75.0	79.4	80.3	81.2	82.1	83.0	83.8	84.7	85.6	86.5	87.4	88.3
13.5	70.5	74.9	79.3	80.2	81.1	82.0	82.9	83.8	84.7	85.6	86.5	87.3	88.2
13.6	70.5	74.9	79.3	80.1	81.0	81.9	82.8	83.7	84.5	85.4	86.3	87.2	88.1
13.7	70.4	74.8	79.2	80.1	81.0	81.8	82.7	83.6	84.5	85.4	86.2	87.1	88.0
13.8	70.3	74.7	79.1	80.0	80.9	81.8	82.6	83.5	84.4	85.3	86.2	87.0	87.9
13.9	70.3	74.7	79.1	79.9	80.8	81.7	82.6	83.4	84.3	85.2	86.1	87.0	87.9
14.0	70.2	74.6	79.0	79.9	80.7	81.6	82.5	83.4	84.3	85.1	86.0	86.9	87.8
14.1	70.2	74.6	79.0	79.9	80.7	81.6	82.5	83.4	84.3	85.1	86.0	86.9	87.8
14.2	70.1	74.5	78.9	79.8	80.6	81.5	82.4	83.3	84.2	85.1	86.0	86.9	87.8
14.3	70.1	74.5	78.9	79.8	80.6	81.5	82.4	83.3	84.2	85.1	86.0	86.9	87.8
14.4	70.0	74.4	78.8	79.7	80.5	81.4	82.3	83.2	84.1	85.0	85.9	86.8	87.7
14.5	69.9	74.3	78.7	79.6	80.4	81.3	82.2	83.1	84.0	84.9	85.8	86.7	87.6
14.6	69.9	74.3	78.7	79.6	80.4	81.3	82.2	83.1	84.0	84.9	85.8	86.7	87.6
14.7	69.8	74.2	78.6	79.5	80.3	81.2	82.1	83.0	83.9	84.8	85.7	86.6	87.5
14.8	69.8	74.2	78.6	79.5	80.3	81.2	82.1	83.0	83.9	84.8	85.7	86.6	87.5
14.9	69.7	74.1	78.5	79.4	80.2	81.1	82.0	82.9	83.8	84.7	85.6	86.5	87.4
15.0	69.7	74.1	78.5	79.4	80.2	81.1	82.0	82.9	83.8	84.7	85.6	86.5	87.4
15.1	69.6	74.0	78.4	79.3	80.1	81.0	81.9	82.8	83.7	84.6	85.5	86.4	87.3
15.2	69.6	74.0	78.4	79.3	80.1	81.0	81.9	82.8	83.7	84.6	85.5	86.4	87.3
15.3	69.5	73.9	78.3	79.2	80.0	80.9	81.8	82.7	83.6	84.5	85.4	86.3	87.2
15.4	69.5	73.9	78.3	79.2	80.0	80.9	81.8	82.7	83.6	84.5	85.4	86.3	87.2
15.5	69.4	73.8	78.2	79.1	79.9	80.8	81.7	82.6	83.5	84.4	85.3	86.2	87.1
15.6	69.4	73.8	78.2	79.1	79.9	80.8	81.7	82.6	83.5	84.4	85.3	86.2	87.1
15.7	69.3	73.7	78.1	79.0	79.8	80.7	81.6	82.5	83.4	84.3	85.2	86.1	87.0
15.8	69.3	73.7	78.1	79.0	79.8	80.7	81.6	82.5	83.4	84.3	85.2	86.1	87.0
15.9	69.2	73.6	78.0	78.9	79.7	80.6	81.5	82.4	83.3	84.2	85.1	86.0	86.9
16.0	69.2	73.6	78.0	78.9	79.7	80.6	81.5	82.4	83.3	84.2	85.1	86.0	86.9
16.1	69.1	73.5	77.9	78.8	79.6	80.5	81.4	82.3	83.2	84.1	85.0	85.9	86.8
16.2	69.1	73.5	77.9	78.8	79.6	80.5	81.4	82.3	83.2	84.1	85.0	85.9	86.8
16.3	69.0	73.4	77.8	78.7	79.5	80.4	81.3	82.2	83.1	84.0	84.9	85.8	86.7
16.4	69.0	73.4	77.8	78.7	79.5	80.4	81.3	82.2	83.1	84.0	84.9	85.8	86.7
16.5	68.9	73.3	77.7	78.6	79.4	80.3	81.2	82.1	83.0	83.9	84.8	85.7	86.6
16.6	68.9	73.3	77.7	78.6	79.4	80.3	81.2	82.1	83.0	83.9	84.8	85.7	86.6
16.7	68.8	73.2	77.6	78.5	79.3	80.2	81.1	82.0	82.9	83.8	84.7	85.6	86.5
16.8	68.8	73.2	77.6	78.5	79.3	80.2	81.1	82.0	82.9	83.8	84.7	85.6	86.5
16.9	68.7	73.1	77.5	78.4	79.2	80.1	81.0	81.9	82.8	83.7	84.6	85.5	86.4
17.0	68.7	73.1	77.5	78.4	79.2	80.1	81.0	81.9	82.8	83.7	84.6	85.5	86.4
17.1	68.6	73.0	77.4	78.3	79.1	80.0	80.9	81.8	82.7	83.6	84.5	85.4	86.3
17.2	68.6	73.0	77.4	78.3	79.1	80.0	80.9	81.8	82.7	83.6	84.5	85.4	86.3
17.3	68.5	72.9	77.3	78.2	79.0	79.9	80.8	81.7	82.6	83.5	84.4	85.3	86.2
17.4	68.5	72.9	77.3	78.2	79.0	79.9	80.8	81.7	82.6	83.5	84.4	85.3	86.2
17.5	68.4	72.8	77.2	78.1	78.9	79.8	80.7	81.6	82.5	83.4	84.3	85.2	86.1
17.6	68.4	72.8	77.2	78.1	78.9	79.8	80.7	81.6	82.5	83.4	84.3	85.2	86.1
17.7	68.3	72.7	77.1	78.0	78.8	79.7	80.6	81.5	82.4	83.3	84.2	85.1	86.0
17.8	68.3	72.7	77.1	78.0	78.8	79.7	80.6	81.5	82.4	83.3	84.2	85.1	86.0
17.9	68.2	72.6	77.0	77.9	78.7	79.6	80.5	81.4	82.3	83.2	84.1	85.0	85.9
18.0	68.2	72.6	77.0	77.9	78.7	79.6	80.5	81.4	82.3	83.2	84.1	85.0	85.9
18.1	68.1	72.5	76.9	77.8	78.6	79.5	80.4	81.3	82.2	83.1	84.0	84.9	85.8
18.2	68.1	72.5	76.9	77.8	78.6	79.5	80.4	81.3	82.2	83.1	84.0	84.9	85.8
18.3	68.0	72.4	76.8	77.7	78.5	79.4	80.3	81.2	82.1	83.0	83.9	84.8	85.7
18.4	68.0	72.4	76.8	77.7	78.5	79.4	80.3	81.2	82.1	83.0	83.9	84.8	85.7
18.5	67.9	72.3	76.7	77.6	78.4	79.3	80.2	81.1	82.0	82.9	83.8	84.7	85.6
18.6	67.9	72.3	76.7	77.6	78.4	79.3	80.2	81.1	82.0	82.9	83.8	84.7	85.6
18.7	67.8	72.2	76.6	77.5	78.3	79.2	80.1	81.0	81.9	82.8	83.7	84.6	85.5
18.8	67.8	72.2	76.6	77.5	78.3	79.2	80.1	81.0	81.9	82.8	83.7	84.6	85.5
18.9	67.7	72.1	76.5	77.4	78.2	79.1	80.0	80.9	81.8	82.7	83.6	84.5	85.4
19.0	67.7	72.1	76.5	77.4	78.2	79.1	80.0	80.9	81.8	82.7	83.6	84.5	85.4
19.1	67.6	72.0	76.4	77.3	78.1	79.0	79.9	80.8	81.7	82.6	83.5	84.4	85.3
19.2	67.6	72.0	76.4	77.3	78.1	79.0	79.9	80.8	81.7	82.6	83.5	84.4	85.3
19.3	67.5	71.9	76.3	77.2	78.0	78.9	79.8	80.7	81.6	82.5	83.4	84.3	85.2
19.4	67.5	71.9	76.3	77.2	78.0	78.9	79.8	80.7	81.6	82.5	83.4	84.3	85.2
19.5	67.4	71.8	76.2	77.1	77.9	78.8	79.7	80.6	81.5	82.4	83.3	84.2	85.1
19.6	67.4	71.8	76.2	77.1	77.9	78.8	79.7	80.6	81.5	82.4	83.3	84.2	85.1
19.7	67.3	71.7	76.1	77.0	77.8	78.7	79.6	80.5	81.4	82.3	83.2	84.1	85.0
19.8	67.3	71.7	76.1	77.0	77.8	78.7	79.6	80					

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E-516 Provisional Delivery Payments. Provision may be made for provisional billings and payments for items delivered to and accepted by the Government (i) on letter contracts contemplating a definitive fixed-price type of contract, (ii) on orders under basic ordering agreements, (iii) on spares provisioning documents annexed to contracts, and (iv) on fixed-price contracts for increases in contract price for unpriced equitable adjustments. These provisional delivery billing prices should be set conservatively so as to cover no more than the costs fairly attributable to items to be delivered and accepted, taking into account prospective total costs and quantities contemplated for (i) the letter contract and the definitive contract, or (ii) for all orders reasonably expected to be placed under the basic ordering agreement, or (iii) pursuant to the spares provisioning document and the contract of which it has become a part, or (iv) increase in price for unpriced equitable adjustments. These total provisional payments of course cannot exceed the amount obligated on the letter contract or on each order under a basic ordering agreement, incident to execution of a spares provisioning document, or the obligation based upon the Government's estimate of its liability for the equitable adjustment and compliance with the conditions of E-511.6. Provisional billings for deliveries are of course subject to deductions for liquidation of progress payments, (paragraph (b) of the clause in 7-104.35(a)).

E-517 Contract Financing Office Clearance. The following types of provisions for progress payments require submission through channels and prior approval by the contract financing office (E-212):

- (i) Those involving progress payments at rates exceeding the uniform standard rates authorized by E-503 and E-504, unless developed in accordance with E-530;
- (ii) Those involving deviations, as defined in E-509.9;
- (iii) Those exceptional cases involving unusual risks, described in E-212;
- (iv) Those involving contractors as to whom it is known that within the preceding 12 months (1) request for advance payments has been denied for financial reasons by the contract financing office, or (2) application for guarantee of a loan to the contractor or for increase or extension of maturity of a guaranteed loan, has been disapproved for financial reasons, or (3) an approved application for guarantee of a loan or for advance payment to the contractor has lapsed or has been withdrawn;
- (v) Those involving contractors named on the consolidated list of contractors indebted to the United States, commonly known as the "Hold-Up List"; and
- (vi) Those involving contracts in which progress payments were not specifically provided for at the time such contract was initially entered into, and which payments will exceed \$25,000,000 (see E-500.3 and E-505).

E-518 Coordination. The coordination described in the third subparagraph of E-505 is required for all cases mentioned in items (i), (ii), and (vi) of E-517.

E-518.1 Control Lists. To give effect to E-517(iv), pertinent information will be exchanged between the several contract financing offices and distributed through normal channels to contracting officers.

E-518.2 Hold-Up List. To give effect to E-517(v), and for other proper purposes, the "Hold-Up List" there mentioned will be distributed through normal channels to contracting officers.

E-518.2

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E-519 Contractor's Request. The Contractor's Request for Progress Payment (DD Form 1195) set forth in F-200.1195, with any supporting information that may be reasonably required will be used in lieu of an invoice when requesting progress payments on contracts containing the Progress Payments clause (7-104.35) and on contracts containing any deviation from that clause approved pursuant to E-517 and E-518. The use of this form is subject to the instructions set forth on the reverse thereof.

E-520 Audit. For the making of progress payments, principal reliance will be placed on the adequacy of the contractor's accounting system and controls (E-506) and on the reliability of the contractor's certificates. To conserve administrative effort, hold down expense, and promote prompt payment of proper progress billings, audit before the making of progress payments will be kept to the minimum necessary for the protection of the interest of the Government. Preaudit, that is, audit before the making of a progress payment, will be limited to those situations in which there is reason to question the reliability or accuracy of the contractor's certificate, or reason to believe that the contract will involve a loss. Where the adequacy and reliability of the contractor's accounting system and controls have been established in accordance with E-506, there shall be no requirement for preaudit of the first progress billing under new contracts. Postreview or postaudit will be made when considered desirable by the contracting officer to determine the validity of any progress payment made on the contractor's certifications.

E-521 Administration—General. Progress Payment clauses cannot be self-executing, and require careful administration to insure against overpayments and losses. In all cases the physical progress of the work should be evaluated periodically to assure that the progress payments are fairly supported by the value of the work actually accomplished on the undelivered portion of the contract in conformity with the contract requirements. Also, the unliquidated progress payments should not be permitted to exceed the percentage specified in the contract, of the costs forming the base for progress payments, applicable only to the partially finished undelivered portion of the contract. It is necessary for adequate supervision of progress payments that the administering office keep itself informed concerning the contractor's overall operations and financial condition, since difficulties encountered and losses suffered in operations outside the particular progress payment contract may affect adversely the performance of that contract and the liquidation of the progress payments. For contracts with those contractors whose financial condition is doubtful or not strong in relation to progress payments outstanding or to be outstanding, or whose management is of doubtful capacity or whose accounting controls are found by experience to be weak, or who are encountering substantial difficulties in performance, full information concerning both the progress under the contractor's other operations and financial condition, and concerning the contractor's other operations and financial condition, should be obtained and analyzed at frequent intervals, with a view to the better protection of the interest of the Government and the taking of such action as may be proper to make contract performance more certain. If there is reason to doubt only minor elements of the costs involved in a progress billing, only the doubtful amounts should be withheld, subject to later adjustment, and the amount clearly

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Contracting officers shall use a flexible progress payment rate in lieu of uniform, standard progress payment rates for the purpose of computing monthly progress payments if requested by the contractor, if the criteria in E-530.3 are met, and if the contractor agrees to the requirements of this section. No more than one progress payment rate may be applied to the contract at any given time. Flexible progress payments shall be regarded as customary progress payments, as defined in E-503.

E-530.2 DoD Cash Flow Computer Model. The flexible progress payment rate shall be determined through application of the DoD Cash Flow Computer Model, available to contracting officers on the COPPER IMPACT computer time sharing network under the computer file name "CASH." The executing command is "RUN CASH." The model takes into account key cash flow factors, such as contract cost profile, delivery schedules, subcontractor progress payments, liquidation rates, and payment/reimbursement cycles. Operating instructions and cash flow data requirements are retrievable within the model in a conversational mode. Contractors may obtain copies of the DoD Cash Flow Computer Model User's Guide (including the related computer program) from the Defense Technical Information Center, Building 5, Cameron Station, Alexandria, VA 22314. Contracting officers may not grant contractor access to Government leased COPPER IMPACT time sharing computer network.

E-530.3 Criteria for Use. Contractors who submit certified cost or pricing data, as defined in 3-807.3, for negotiated fixed-price contracts in excess of \$1 million may request flexible progress payments. Formally advertised contracts are not eligible for flexible progress payments. Flexible progress payments are not available for contracts awarded and performed entirely outside of the United States, its possessions and territories.

E-530.4 Procedures. Contractors will furnish to the contracting officer cash flow data in the form and context specified by the DoD Cash Flow Computer Model. These data include: actual and projected incurred cost broken down by element of cost and by month for the duration of the contract, float times for each element of cost, progress payment receipts and delivery payment receipts and associated contract prices and profit percentage. Contracting officers will verify the cash flow data in accordance with normal procedures used to verify contractor cost and pricing data.

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E-529.6 Approval. Because milestone billing arrangements are measures to accommodate particular situations, special review and approval of such arrangements are considered necessary. Responsibility and authority for approving milestone billing arrangement terms and conditions shall be the Assistant Secretary responsible for the Comptroller function in each Military Department; such authority may be delegated to a level no lower than the contract financing office at Departmental Headquarters.

E-530 Flexible Progress Payments.

E-530.1 Background and Policy. Paying progress payments assists in financing a contractor's performance and reduces the contractor's investment in its work in process inventory. The actual investment held by a contractor in work in process inventory is influenced by a number of factors in addition to progress payments, such as delivery schedules, cash management practices, and Government payment practices. Progress payment amounts that are determined by using uniform, standard progress payment rates (i.e., 90% or 95% under E-503) are insensitive to these other factors influencing investment and, as a consequence, result in investments by contractors in work in process inventory that vary among contractors and across contracts; on the other hand, flexible progress payment rates (expressed as a percentage that will be applied to costs to determine the amount payable as a progress payment in the same manner as uniform, standard progress payment rates) are designed to tailor more closely the progress payment rate to the cash needs for financing performance of a particular contractor for a given contract.

For flexible progress payments, cash needs are measured and projected in relation to investment underlying the work in process inventory over the life of the contract. Total investment is measured by a weighted average of total costs paid by the contractor to complete performance of the contract, and the contractor's investment is the weighted average of the amount not paid by the Government. The Department of Defense (DoD), as a matter of policy, has concluded that a contractor should retain at least a 5% investment in work in process inventory over the life of the contract. Accordingly, the DoD will make progress payments at a rate (expressed as a whole number) that is the highest rate which yields a corresponding investment by the contractor in work in process inventory of not less than 5%. This progress payment rate is to be determined by the DoD Cash Flow Computer Model. In no event will the progress payment rate be greater than 100%, or less than the uniform, standard progress payment rate that would have been applied to the contract absent flexible progress payments.

E-530.1

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Administrative contracting officers are encouraged to establish advance agreements at contractor locations for float and payment lag which are common to several contracts. Such agreements should be established when administratively practical.

E-530.5 Progress Payment Rate Redetermination. A redetermination of the flexible progress payment rate shall be made upon the request of the Government or the contractor if measurement of the contractor's cumulative investment in work in process inventory using actual and projected cash flow data indicates an investment level above 7% or below 3%. The cash flow computer model is designed to generate a progress payment rate that yields a target investment of 5%, based on a weighted average. Accordingly, there should normally be no need to request actual and projected contract cash flow data unless delivery schedules are revised, Government progress payment lag times are substantially changed from those used in the establishment of the progress payment rate, or substantial new work (e.g., option) is added to the contract.

E-530.6 Administration. Flexible progress payments will be administered in accordance with the provisions of E-521 through E-528.

E-530.7 Subcontractor Progress Payments. As noted in E-513, the standards for progress payments to subcontractors ought to be the same as those applicable to prime contractors. Accordingly, subcontractors who request a flexible progress payment rate, meet the criteria in E-530.3 and agree to the requirements of this section are to receive a flexible progress payment rate. The subcontract flexible progress payment rate will be determined by the prime contractor without regard to the progress payment rate in the prime contract. The DoD Cash Flow Computer Model and associated procedures will be used by the prime contractor and a reasonable review of the cash flow data provided by the subcontractor will be made. Procurement System Reviews conducted in accordance with 23-100 will include a review of a prime contractor's practices in this area.

E-530.8 Contractual Implementation. When a flexible progress payment rate is used in the contract, contracting officers will include in the schedule the clause at 7-104.35(c).

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Part 6—Contract Debts—Interest—Deferred Payments

E-600 Scope. This Part provides uniform policies and procedure for the ascertainment and collection of contract debts, for the charging of interest thereon, for deferral of payments, for compromise and termination of certain claims, and for reporting of contractor bankruptcies. Except as specified herein, it applies to all indebtedness arising in connection with contracts for procurement of property or services, contracts for sale or use of Government property, and from charges for Government services.

E-600.1 Exclusion and Limitation. This Part does not apply to claims of the Government against military or civilian employees or their dependents, arising in connection with current or past employment by the Government. Its provisions concerning interest and deferral of payments and compromise or termination of certain claims do not apply to indebtedness resulting from statutory renegotiation, nor to claim against common carriers for transportation overcharges or freight or cargo loss or damage.

E-600.2 Subcontractors. Insofar as possible, this Part 6 shall be applied to subcontractors who are indebted to the Government, the same as to prime contractors. Accordingly, for the purpose of this Part 6 (except E-620 and E-604.1) the terms "contract" and "contractor" include subcontracts and subcontractors, and the terms "debt" and "indebtedness" include the debts of subcontractors to the Government.

E-600.3 Purchasers, Lessees, Bailees and Others. For the purpose of this Part 6, the term "contract" includes agreements or arrangements for the sale or use of Government property of any kind, or for the receipt of Government services, and the term "contractor" includes the parties to such arrangements or agreements relating to Government property or services.

E-601 Examples. Indebtedness to the Government occurs in various ways. Examples include:

- (i) Damages or excess costs incident to defaults in performance;
- (ii) Breach of contract obligations concerning progress payments, advance payments, or Government-furnished property or material;
- (iii) Delinquency in rentals;
- (iv) Delinquency in payment of price of property purchased from the Government;
- (v) Expense of correction of defects;
- (vi) Overpayments incident to errors in quantity, deficiencies in quality, or errors in billing;
- (vii) Retroactive price reductions resulting from contract provisions for price redetermination or for determination of prices under incentive type contracts;
- (viii) Delinquency in payment of charges for Government services;
- (ix) Delinquency in payment called for by agreement or arrangement for deferral or postponement of payments;
- (x) Statutory renegotiation. See E-600.1.

E-602 Contracting Officer and Disbursing Officer. Primary responsibility for determination and collection of a contract debt is on the contracting officer (see

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(ii) Overseas: The same criteria as for continental United States applies except the consolidation period may be extended to a time frame acceptable to the receiving activity, shipping activity, Government finance office and the authorized Government Representative having cognizance at the contractor's facility. In addition, more than one contract line item may be included provided the "Shipped To," "Marked For," "Shipped From," "Mode of Shipment," "PQA" and "Acceptance" data are the same for all.

Part 2—PQA on Shipments Between Contractors

I-201 Instructions. The suppliers' commercial shipping document / packing list shall be used to indicate performance of required PQA actions at subcontract level. The following entries shall be made on the supplier's commercial shipping document / packing list.

Required PQA of listed items has been performed.
.....(Signature of Authorized Govt. Rep. or DoD Stamp)
.....(Date)
.....(Typed Name and Office)

Distribution for Government purposes shall be one copy:
(i) with shipment;
(ii) for the Government representative at consignee (via mail); and
(iii) for the Government representative at consignor.

(6) Consolidation of Coal Shipments on a single MIRR—Multiple railcar or truck shipments of coal made on the same day, to the same destination, against the same contract line item, may be consolidated on one MIRR. To permit verification of truck deliveries, each load shall be assigned a load number which can be identified to the shipment number in block 2 of the DD Form 250 and the attached analytical test report. Individual truck loads shall be accompanied by a commercial shipping document showing as a minimum the shipper, the name or names, location and shipping point of the mine or mines from which the coal originated, the contract number, the exact size of the coal shipped, and a certified weighmaster's certificate of weight for the truckload. Rail shipments will be accompanied by a waybill showing the identification information. To permit verification of rail deliveries, each railcar number comprising the shipment shall be identified to the shipment number in block 2 of the DD Form 250 and the attached analytical test report. When acceptance is at destination, the receiving activity shall retain the shipping document(s) to verify the entries on the consignee copy of the DD Form 21B.

(b) DD Form 250-1:
(1) A separate form shall be used for each tanker or barge cargo loaded. More than one barge in the same tow may be reported on a single form if on the same contract and consigned to the same destination. When liftings involve more than one contract, separate forms shall be prepared to cover the portion of cargo loaded on each contract. A separate form shall be prepared for each product or grade of product loaded.
(2) A separate document shall be used for each tanker or barge cargo and each grade of product discharged. More than one barge in the same tow may be reported on a single form if from the same loading source.

I-105 Forms.
(a) Contractors may obtain from the Contract Administration Office, upon request, and at no cost, MIRR forms required for use in connection with Government contracts.
(b) Contractors may print forms provided that the format and dimensions (DD Forms 250 and 250c: 8 - 1 / 2 inches x 11 inches, DD Form 250-1: 8 - 1 / 2 inches x 14 inches) are identical to the MIRR forms printed by the Government and that the forms are cast to provide for 78 characters per printed image horizontally and 62 lines vertically border to border for the DD Form 250, and 61 lines vertically border to border for the DD Form 250c.
I-106 Reproduction. This appendix may be reproduced in whole or in part.

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TABLE 2

SPECIAL DISTRIBUTION

As Required	Address	Number of Copies
Each: NAVY Status Control Activity, Army, Air Force, DSA Inventory Control Manager.	Address specified in the contract.	1 Each address
Quality Assurance Representative	Address specified by the assigned Quality Assurance Representative.	1
Transportation Office issuing GBL (attach to GBL memorandum copy).	CAO address unless otherwise specified in the contract.	1
Purchasing Office other than office issuing contract.	Address specified in the contract.	1
Foreign Military Sales Representative.	Address specified in the contract.	8
Military Assistance Advisory Group (Grant Aid Shipments).	U.S. Military Advisory Group, Military Attaché, Mission, or other designated agency address as specified in the contract.	1
Army Foreign Military Sales/ Military Assistance Program (Grant Aid)	Commander US Army Security Assistance Center ATTN: DRSAC-OP 3rd Street and "M" Avenue, Bldg 54 New Cumberland Army Depot New Cumberland, PA 17070	1

Air Force
On shipments of new production of aircraft and missiles, class 1410 missiles, 1010 aircraft (died wing, all types), 1520 aircraft (rotary wing), 1540 gliders, 1550 target drones. When above items are delivered to aircraft modification centers.

Air Force Logistics Command Aerospace Vehicle Distribution Office (MCNAPV)
Wright-Patterson AFB, Ohio 45433

A. F. Plant
Representative Office

Foreign Military Sales/ Military Assistance Program (Grant Aid)
shipments to Canada.

National Defence Headquarters
Ottawa, Ontario
Canada K1A 0K4
Attn: DPSUP53

Other Than Canada ----- Address specified in the contract.

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TABLE 1

STANDARD DISTRIBUTION

With Shipment * Consignee (via mail) (For Navy procurement, copies will be priced) (For Grant Aid/Foreign Military Sales, consignee copies are not required)	4
Contract Administration Office (Forward direct to address in Block 10 except when addressee is a DCASR, DCASD, or DCASO, and a Certificate of Conformance (see I-301, Block 21(c)(A)(4)) or the Alternative Release Procedures (see I-301, Block 21(c)(A)(2)) is involved, and acceptance is at origin, then forward through the Authorized Government Representative.)	2
Purchasing Office	1
Payment Office ** (Forward direct to addressee in Block 12 except (i) when addressee in Block 10 is a DCASR, DCASD, or DCASO and Payment Office in Block 12 is a DCASR do not make distribution; (ii) when addressee in Block 12 is HQ AFCMD attach only one copy to the required number of copies of the contractor's invoice; (iii) when acceptance is at destination and a Navy Finance Office will make payment, forward to destination; and (iv) when a Certificate of Conformance (see I-301, Block 21(c)(A)(4)) or the Alternative Release Procedures (see I-301, Block 21(c)(A)(2)) is involved and acceptance is at origin, forward the copies through the Authorized Government Representative.)	4
ADP Point for CAO (Applicable to Air Force only) (When an AFPRO is specified as the administering activity in Block 10, or HQ AFCMD is cited as Payment Office in Block 12, send one copy to HQ AFCMD immediately upon signature. If submission of delivery data is being made by mechanical means, distribution of this hard copy need not be made to HQ AFCMD.)	1

* Attach as follows:

Type of Shipment

Carload or truckload:

Affix to the shipment where it will be readily visible and available upon receipt.

Less-than-carload or truckload:

Affix to container number one or container bearing lowest number.

Mail, including parcel post:

Attach to outside or include in the package. Include a copy in each additional package of multipackage shipments.

Pipeline or tank car:

Railroad cars for coal movements

Forward with consignee copies.

** Payment by DCASRs will be based on the source acceptance copies of DD Forms 250 forwarded to the Contract Administration Office except in those rare instances where distribution will be made to DCASR Payment Offices in accordance with the above distribution schedule.

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Block 28—REMARKS. Use this space for reporting:

(a) All delays, their cause and responsible party (vessel, shore facility, Government representative, or other).

(b) Details of loading abnormalities such as product losses due to overflow, leaks, delivery of product from low level in shore tanks, etc.

(c) In the case of multiple consignees, enter each consignee, the amount consigned to each, and if applicable, the storage contract numbers appearing on the delivery order.

(d) When product title is vested in the U. S. Government, insert in capital letters "U. S. GOVERNMENT OWNED CARGO." If title to the product remains with the contractor and inspection is performed at source with acceptance at destination, insert in capital letters "CONTRACTOR OWNED CARGO."

(e) If the form covers shipments for Military Assistance Program support, enter in this space "FY-(the year)—MAP" in half-inch letters. Also indicate the MAP reference number—*i.e.*, program directive number or MAP case number if known.

(f) Seal numbers and location of seals. If space is not adequate, place this information on the ullage report or an attached supplemental sheet.

Block 29—COMPANY OR RECEIVING TERMINAL. Line out "OR RECEIVING TERMINAL" and secure the signature of the supplier's representative. The signature shall be applied to the master ditto or all copies of the form.

Block 30—CERTIFICATION BY GOVERNMENT REPRESENTATIVE. Line out "DISCHARGED." The Government representative shall date and sign the completed master ditto or all copies of the form to certify inspection and acceptance, as applicable, by the Government. The name of the individual signing this certification, as well as the names applied in Blocks 29 and 31 shall be typed or hand lettered on the master or all copies of the document. The signature in Block 30 must agree with the typed or lettered name to be acceptable to the paying office.

Block 31—CERTIFICATION BY MASTER OR AGENT. Obtain the signature of the master of the vessel or its agent. The signature shall be applied to the master ditto or all copies of the form.

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Block 19—PRIOR INSPECTION. Leave blank.

Block 20—CONDITION OF SHORE PIPELINE. Indicate condition of line (full or empty) before and after loading.

Block 21—APPROPRIATION (Loading). Indicate the appropriation number shown on the contract, purchase order or distribution plan. If the shipment is made from departmentally owned stock, show "Army, Navy or Air Force (as appropriate) owned Stock."

Block 22—CONTRACT ITEM NO. Enter the contract item number applicable to the shipment.

Block 23—PRODUCT. Enter the product nomenclature and grade as shown in the contract or specification, the stock or class number, and the NATO symbol.

Block 24—SPECIFICATIONS. Enter the specification and amendment number shown in the contract.

Block 25—STATEMENT OF QUANTITY. Enter in the "LOADED" column, the net barrels, net gallons and long tons for the cargo loaded. NOTE: If more than 1/2 of 1% difference exists between the ship and shore quantity figures an investigation shall be made immediately to determine the cause of such difference. If necessary, corrected documents shall be prepared; otherwise, a statement shall be placed in Block 28 as to the probable or actual cause of the difference.

Block 26—STATEMENT OF QUALITY.

(a) Under the heading "TESTS" list all inspection acceptance tests of the specification and any other quality requirements of the contract.

(b) Under the heading "SPECIFICATION LIMITS" list the limits or requirements as stated in the specification or contract directly opposite each entry in the "TESTS" column. Applicable waivers to technical requirements shall be listed.

(c) Under the heading "TEST RESULTS" list the test results applicable to the storage tank or tanks from which the cargo was lifted. If more than one storage tank is involved, list the tests applicable to each tank in separate columns headed by the tank number, the date the product in the tank was approved, and the quantity loaded from the tank. Each column shall also list such product characteristics as amount and type of corrosion inhibitor, etc.

Block 27—TIME STATEMENT. Line out "DISCHARGE" and "DISCHARGING." Complete all applicable entries of the time statement using local time. These dates and times shall be taken from either the vessel or shore facility log. The Government representative shall assure that the logs are in agreement on those entries used. If the vessel and shore facility logs are not in agreement, the Government representative will explain the reasons in Block 28—REMARKS. Date and time vessel left berth shall not be entered on documents placed aboard the vessel but shall appear on all other copies. All dates shall be expressed in sequence of day, month, and year with the month spelled out or abbreviated (*e.g.*, 10 Sept. 67). The term FINISHED BALLAST DISCHARGE is meant to include all times needed to complete deballasting and mopping/drying of ship's tanks. The inspection of ship's tanks for loading is normally performed immediately upon completion of drying tanks.

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Block 25—STATEMENT OF QUANTITY. Enter applicable data in proper columns.

(a) "LOADED" figures shall be taken from the loading report.
 (b) Quantities discharged shall be determined from shore tank gauges at destination.

(c) If a grade of product is discharged at more than one point, the loss or gain for that product shall be calculated by the final discharge point. Amounts previously discharged shall be as reported on discharge reports prepared by the previous discharge points. Volume figures shall be transmitted by routine message to the final discharge point in advance of mailed documents to expedite the loss or gain calculation and provide proration data when more than one department is involved.

(d) The loss or gain percentage shall be entered in the "PERCENT" column followed by "LOSS" or "GAIN" as applicable.

(e) On destination acceptance shipments, accomplish the "DISCHARGED" column only, unless instructed to the contrary.

Block 26—STATEMENT OF QUALITY.

(a) Under the heading "TESTS" enter the verification tests performed on the cargo preparatory to discharge.

(b) Under "SPECIFICATION LIMITS" enter the limits, including authorized departures (if any) appearing on the loading report, for the tests performed.

(c) Enter the results of tests performed under the heading "TEST RESULTS."

Block 27—TIME STATEMENT. Line out "LOAD" and "LOADING." Complete all applicable entries of the time statement using local time. The dates and times shall be taken from either the vessel or shore facility log. The Government representative shall assure that these logs are in agreement with entries used. If the vessel and shore facility logs are not in agreement, the Government representative will explain the reason(s) in Block 28—REMARKS. Date and time vessel left berth shall not be entered on documents placed aboard the vessel but shall appear on all other copies. All dates shall be expressed in the sequence of day, month and year with the month spelled out or abbreviated (e.g., 10 Sept 67).

Block 28—REMARKS. Use this space for reporting important facts such as:
 (a) Delays, their cause and responsible party (vessel, shore facility, Government representative, or other).

(b) Abnormal individual losses contributing to the total loss. The cause of such losses shall be indicated as well as actual or estimated volumes involved. Such losses shall include, but not be restricted to, product remaining aboard (indicate tanks in which contained), spillages, line breaks etc. Where gravity group change of receiving tank contents results in a fictitious loss or gain, such fact shall be noted. Irregularities observed on comparing vessel ullages obtained at loading point with those at the discharge point shall be noted if indicative of an abnormal transportation loss or contamination.

Block 29—COMPANY OR RECEIVING TERMINAL. Line out "COMPANY OR." Secure the signature of a representative of the receiving terminal. The signature shall be applied to the master ditto or all copies of the form.

I-601

ARMED SERVICES PROCUREMENT REGULATION

1 JULY 1976 1:25

MATERIAL INSPECTION AND RECEIVING REPORT

Part 6—Preparation of the DD Form 250-1 (DISCHARGE REPORT)

I-601 Instructions. The DD Form 250-1 shall be prepared in accordance with the following instructions when applied to a tanker or barge discharge. Abbreviations may be used where space is limited. The block numbers correspond to those on the form.

Block 1—TANKER/BARGE. Line out "TANKER" or "BARGE" as applicable and place "X" to indicate discharge report.

Block 2—INSPECTION OFFICE. Indicate Government activity performing inspection on the cargo received.

Block 3—REPORT NO. Leave blank.

Block 4—AGENCY PLACING ORDER ON SHIPPER, CITY, STATE AND/OR LOCAL ADDRESS (loading). Indicate Government agency shown on loading report.

Block 5—DEPARTMENT. Indicate Department owning product being received.

Block 6—PRIME CONTRACT OR P.O. NO. Indicate the contract or purchase order number shown on the loading report.

Block 7—NAME OF PRIME CONTRACTOR, CITY, STATE AND/OR LOCAL ADDRESS (Loading). Indicate name and location of contractor who loaded the cargo.

Block 8—STORAGE CONTRACT. Enter the number of the contract under which material is placed in commercial storage where applicable.

Block 9—TERMINAL OR REFINERY SHIPPED FROM, CITY, STATE AND/OR LOCAL ADDRESS. Indicate source of cargo.

Block 10—ORDER NO. ON SUPPLIER. Make same entry appearing on loading report.

Block 11—SHIPPED TO: (Receiving Activity, City, State and/or Local Address). Enter receiving activity's name and location.

Block 12—B/L NUMBER. Enter as appears on loading report.

Block 13—REQN. OR REQUEST NO. Leave blank.

Block 14—CARGO NO. Enter cargo number shown on loading report.

Block 15—VESSEL. Enter name of tanker or barge discharging cargo.

Block 16—DRAFT ARRIVAL. Enter draft of vessel upon arrival at dock.

Block 17—DRAFT SAILING. Enter draft of vessel after discharging.

Block 18—PREVIOUS TWO CARGOES. Leave blank.

Block 19—PRIOR INSPECTION. Enter the name and location of the Government office which inspected the cargo loading.

Block 20—CONDITION OF SHORE PIPELINE. Indicate condition of line (full or empty) before and after discharging.

Block 21—APPROPRIATION (Loading). Leave blank.

Block 22—CONTRACT ITEM NO. Enter the item number shown on the loading report.

Block 23—PRODUCT. Enter information appearing in Block 23 of the loading report.

Block 24—SPECIFICATIONS. Enter information appearing in Block 24 of the loading report.

I-601

ARMED SERVICES PROCUREMENT REGULATION

DAC #76-31 30 OCTOBER 1981 I:27
MATERIAL INSPECTION AND RECEIVING REPORT

Block 30—Certification by Government Representative. Line out "LOADED." The Government representative shall date and sign the completed master ditto or all copies of the form to certify inspection and acceptance, as applicable, by the Government. The name of the individual signing the certification as well as the names applied in Blocks 29 and 31 shall be typed or hand lettered on the master or all copies of the form. The signature in Block 30 must agree with the typed or lettered name to be acceptable to the paying office.

Block 31—Certification by Master or Agent. Obtain the signature of the master of the vessel or the vessel's agent. The signature shall be applied to the master ditto or all copies of the form.

I:28

MATERIAL INSPECTION AND RECEIVING REPORT
Part 7—Distribution of the DD Form 250-1

I-701 Distribution.

- (a) The completed DD Form 250-1 shall be distributed by the Government representative in accordance with Table 3 of this Appendix as may be amended by the provisions of the contract or shipping order.
- (b) The contractor shall furnish the Government representative sufficient copies of the completed form to permit the required distribution.
- (c) Distribution of the form shall be made as soon as possible but not later than 24 hours following completion of the form.

[See Table 3 on following pages]

I-702 Corrected DD Form 250-1. When errors are made in entries on the form which would affect payment or accountability, corrected copies shall be made. Entries corrected shall be encircled on all copies, the form plainly identified as "CORRECTED COPY" and distribution made to all recipients of the original distribution.

1 JULY 1976

I-601

ARMED SERVICES PROCUREMENT REGULATION

I-702

ARMED SERVICES PROCUREMENT REGULATION

DAC #76-31 30 OCTOBER 1981

I:29 I:30

DAC #76-31 30 OCTOBER 1981

MATERIAL INSPECTION AND RECEIVING REPORT

MATERIAL INSPECTION AND RECEIVING REPORT

DD FORM 250-1 DISTRIBUTION

TABLE 3

Type of Shipment	Recipient of DD Form 250-1	Number of Copies	
		Loading Barge	Discharge Barge
		Prepared by Shipper/Govt. Representative	Prepared by Shipper/Govt. Representative
On all overseas shipments provide for a minimum of 4 consignees. Place 1 copy (attached to ullage report) in each of 4 envelopes & mark envelopes "Consignee-First Destination," "Consignee-Second Destination," etc., for delivery via the tanker.	Each Consignee By mail (CONUS shipments only) With shipment	2 1	1 (as re-quired)
		1 1	1 (as re-quired)
	Master of Vessel	1 1	1 1
	Tanker or Barge Agent	2 2	2 2
	Contractor	(as re-quired)	(as re-quired)
	Cognizant Inspection Office	1 1	1 1
	Government Representative at each Destination Responsible for Quality	1 1	1 1
	Government Representative at Cargo Loading Point	1 1	1*
	Military Sealift Command Code 331 Washington, DC 20390	2 2	2 2
On all USNS tankers and all MSC chartered tankers and MSC			
See contract or shipping order for finance documentation and any supplemental requirements for Government-owned product shipments and receipts.	Payment Office: If this is DASC-F, send copies to Defense Fuel Supply Center ATTN: DFSC-CDX, Cameron Station Bldg 5, Alexandria, VA 22314 (Do not send copies to DASC-F)	2 2	2 2

*With copy of ullage report.

TABLE 3-Continued

Type of Shipment	Recipient of DD Form 250-1	Number of Copies	
		Loading Barge	Discharge Barge
		Prepared by Shipper/Govt. Representative	Prepared by Shipper/Govt. Representative
For shipments and receipts of DFSC financed cargoes for which DASC-F is not the Paying Office.	Accounting Office, DFSC, ATTN: DFSC-CB, Cameron Station, Alexandria, VA 22314	1 1	1 1
For shipments on all USNS tankers, MSC chartered tankers & barges, & FOB destination tankers with copy of ullage report.	DFSC-OC, Cameron Station Alexandria, VA 22314	1 1	1**
On Army ILP shipments.	US Army International Logistics Center New Cumberland Army Depot New Cumberland, PA 17070	2 2	2 2
NAVY	Navy Fuel Petroleum Office Cameron Station Alexandria, VA 22314	2 1	2 1
On all shipments to Navy-Operated Terminals			
On all shipments to AF bases	Directorate of Energy Mgmt SA ALC (SFO) Kelly AFB, TX 78241	1 1	1 1
On all CONUS loadings.	DFSC Fuel Region(s) cognizant of Shipping Point	1 1	1 1
On all shipments to CONUS Destinations.	DFSC Fuel Region(s) cognizant of Shipping and Receiving Point	1 1	0 0
For all discharges of cargoes originating at DFSCs & discharging activities at not a Defense Fuel Support Point	Accounting Office, DFSC ATTN: DFSC-CD Cameron Station Alexandria, VA 22314		1***

*** The copies of DD Form 250-1, forwarded by bases, will include the following in Block 11: Shipped to: Supplementary Address, if applicable; Signal Code; and Fund Code.

TABLE 4 JOINT PETROLEUM OFFICES
 (Areas and Addresses)

Command	Area
LANTCOM	Antilles, Bahamas, Bermuda, Cuba, Azores, Iceland, Ascension Island for Navy terminals in United Kingdom, Norway, and Portugal
USEUOCC	Western Europe, United Kingdom, Mediterranean, Turkey, Africa, Madagascar, and Middle East West of Pakistan
PACOM	Taiwan, Hawaii, Marianas, Philippines, Japan, Korea, Ryukyu, Australia, New Zealand, Burma, Thailand, Malaya, East Indies, South Pacific Islands, Ceylon, Southern Asia East of Iran, and Diego Garcia Central and South America
SOCOM	

Commands Correspondence Addresses Message Addresses

CINCLANT	Commander-in-Chief Atlantic Command ATTN: JPO Norfolk, Va. 23511	JPO CINCLANT
USCINCEUR	Headquarters United States Command ECJ4/7-LOJPO APO New York 09128	JPO USCINCEUR
CINCPAC	Joint Petroleum Office (JPO) Staff CINCPAC Box 20 Camp H. M. Smith, HI 96861	JPO CINCPAC
USCINCSO	Commander-in-Chief U.S. Southern Command ATTN: JPO APO New York 09826	JPO USCINCSO

[The next page is I:33.]

CLOSEOUT OF CONTRACT FILES

(v) make the form a part of the official contract file and close out the file as provided in S2-401 (ii).

(b) When the contract administration office is advised by the purchasing office of a revision in the closeout date (see S2-302.2(b)), and the revised closeout date falls within another file cut-off period, the contract administration office shall transfer its file to the appropriate completed series.

S2-304 Closeout of Contract Files by Paying Office. The paying office shall close out each contract file upon issuance of the final payment voucher.

S2-305 Standard Times for Contract Closing.

(a) Standard times for closing physically completed contracts are set forth below.

CATEGORY	CONTRACT COMPLETED	CALENDAR MONTHS AFTER THE MONTH IN WHICH PHYSICALLY COMPLETED
A	Fixed Price Unilateral Purchase Orders	3
B	Firm Fixed Price (Exclude "A" above)	6
C	Contracts Requiring Settlement of Overhead Rates	36
D	All other (Excluding "A" through "C" above)	20

(b) Time standards established in this Part are based upon the time required for closing the majority of contracts. It is recognized that delays beyond the above standards may occur (such as in the case of terminations). Where delays occur, contracts shall be reported in accordance with S2-306.

S2-306 Status of Physically Completed Unclosed Contracts. Contract Administration Offices shall advise the appropriate procuring contracting officers within 15 days after the end of the month following the month in which a physically completed contract has not been closed within the time periods specified in S2-305(a). This advise shall include the reasons for the delay, and the target date which has been set for closing. If the contract is not closed by the target date specified, the contract administration office shall, unless information is requested earlier by the PCO, advise the PCO of the reasons for the further delay and the new target date. MILSCAP Format Identifier PKX, Unclosed Contract Status, shall be used to provide this advice to the PCO when MILSCAP procedures apply.

[The next page is S2-19]

DPC #74-6 30 JUNE 1975

S2-19

Part 4—Review, Separation, and Retirement of Completed Contract Files**S2-401 Review of Contract Case and Cross Reference/Locator Files.**

Upon determination of contract completion under the procedures outlined in Part 3 of this Supplement, each office shall review all files pertaining to the individual contract as follows:

- (i) *duplicate or working contract case file*—remove any original or official file copies of documents and place them in the appropriate "official" file; destroy immediately any remaining material, or segregate and mark it for early disposal (see S2-504);
- (ii) *official contract case file*—remove folder for completed contract from the active file series; mark each folder or folder tab "Completed (Date)" and place folder in completed (inactive) contract file series; separate series should be established for contracts of \$10,000 or less and for contracts of more than \$10,000, to facilitate later disposal (see S2-501); and
- (iii) *cross reference/locator files*—remove any contract cross-reference data forms relating to the completed contract, mark each "Completed (Date)", and place them in completed (inactive) cross-reference/locator file series for later disposal (see S2-503).

S2-402 Review of Contractor General Files. Each office shall review contractor general files at least once annually and:

- (i) remove obsolete and superseded documents relating generally to the contractor (*e.g.*, documents no longer pertinent to any aspect of contractor's current or future capability, performance, or programs, and documents relating to a contractor who is no longer a possible source of supplies, services, or technical assistance) and dispose as authorized in S2-502(a); and
- (ii) remove any documents pertaining only to completed contracts, place those not routine in nature in inactive contractor file for later disposal (see S2-502(b)), and immediately dispose of routine documents as authorized in S2-502(b).

S2-403 Retirement of Completed Files. Completed files series shall be cut off at least annually, and new series begun to facilitate destruction in blocks—normally annual blocks. The cut-off series shall be held in the office maintaining the records for an additional period not to exceed one year and then stored locally in record-holding or staging areas, if available, until they are eligible for destruction (see Part 5); when such space is not available, the files shall then be transferred to the General Services Administration Federal Records Center servicing the area. Completed cross reference/locator files shall be held locally until eligible for destruction.

(The next page is S2-21)

U.S. GOVERNMENT PRINTING OFFICE : 1981 O-361-335/9-104

ASPS NO. 2

[FR Doc. 82-5671 Filed 3-4-82; 8:45 am]
BILLING CODE 3810-01-C

S2-403

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-2057-7]

Approval and Promulgation of Implementation Plans; Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This document approves as part of the Iowa State Implementation Plan (SIP), the state's schedule for conducting studies of sources of particulate matter that have not traditionally been controlled and for implementing the results of those studies as control strategies. The schedule is required by a conditional approval of the Iowa SIP.

EFFECTIVE DATE: April 5, 1982.

ADDRESSES: The state submission is available at the Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri; the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa; the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C.; and the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at (816) 374-3791, FTS (758-3791).

SUPPLEMENTARY INFORMATION: On November 6, 1981 (46 FR 55123), EPA proposed to approve a state submission intended to satisfy a condition of approval of the Iowa SIP.

The condition, applicable to areas in Iowa designated nonattainment for the primary and secondary total suspended particulate (TSP) ambient air quality standards (see 46 FR 22369, April 17, 1981), required the state to submit a commitment and schedule for completing studies and expeditiously implementing the results of the studies in the form of control strategies.

A schedule was submitted on June 26, 1981, which provided for studies of nontraditional source of particulate matter and for implementation by December 1983 of any control strategies found to be effective. A more detailed discussion of the state submission is in the November 6 proposal. No comments were received during the public comment period.

This schedule constitutes a proposed nonregulatory revision to the Iowa SIP. The Administrator's decision to approve the proposed revision is based on a determination that the revision meets the requirements of Sections 110 and 172 of the Clean Air Act and of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans. This revision is hereby approved as part of the Iowa SIP.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. The reason for this determination is that this revision only approves actions of the state and does not impose any requirements on any businesses.

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

This rulemaking is issued under the authority of sections 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601).

Dated: February 26, 1982.

Anne M. Gorsuch,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart Q—Iowa

1. Section 52.820 is amended by adding paragraph (c)(39) as follows:

§ 52.820 Identification plan.

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

(39) A schedule for studying nontraditional sources of particulate matter and for implementing the results of the studies in the form of control strategies was submitted on June 26, 1981 by the Department of Environmental Quality. (Non-Regulatory)

§ 52.826 [Amended]

2. Section 52.826 is amended by removing paragraph (e).

[FR Doc. 82-6084 Filed 3-4-82; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-1-FRL-2049-2]

Approval and Promulgation of Implementation Plans; Maine Revision to Department Regulation on Petroleum Liquid Transfer Vapor Recovery

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: The purpose of this Notice is to approve the State Implementation Plan (SIP) revision to exempt Irving Oil Corporation from Maine's Department Regulation 112, Petroleum Liquid Transfer Vapor Recovery, submitted on October 23, 1981 by the Maine Department of Environmental Protection (DEP). This action will be effective 60 days from the date of this Final Rulemaking Notice unless notice is received within 30 days that adverse or critical comments will be submitted.

EFFECTIVE DATE: May 4, 1982.

ADDRESSES: Copies of the Maine submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St. SW. Washington, D.C. 20460; the Office of the Federal Register, 1100 L Street, NW, Washington, DC; and the Department of Environmental Protection (DEP), Bureau of Air Quality Control, Ray Building, Hospital Street, Augusta, Maine 04330.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: In a Final Rulemaking Notice, published February 19, 1980 (45 FR 10767), EPA approved Maine Department Regulation Chapter 112, Petroleum Liquid Transfer Vapor Recovery. The regulation requires bulk gasoline terminals that load tank trucks or trailers, and that pump more than 20,000 gallons of gasoline per day to install a vapor control system. It went into effect on May 7, 1979 and became

part of the 1979 State Implementation Plan (SIP). On November 17, 1981, EPA received the Maine Department of Environmental Protection's (DEP) October 23, 1981 submittal of a revision to Department Regulation Chapter 112 to exempt the town of Searsport, Maine. Since Irving Oil Corporation (Irving) is the only petroleum liquid transfer facility in Searsport it is the only source exempted from the regulation.

Under existing Maine SIP requirements, Irving is required to recover the volatile organic compound (VOC) emissions that escape during the loading of gasoline into tank trucks at its facility. The two forms of VOC control for petroleum liquid transfer are bottom loading and top loading. Bottom loading is the state-of-the-art control method, and it is the method of control preferred by the industry and EPA. However, bottom loading requires that each tank truck be retrofitted at a cost estimated to be between \$3,200 and \$5,600 per truck. The independent dealers that presently buy gasoline from the Irving facility have indicated that they will not retrofit their trucks for bottom loading if the facility is required to comply with Department Regulation 112. Rather, they will buy their gasoline from facilities 11 miles away in the Downeast Air Quality Control Region (AQCR) where vapor recovery is not required.

Vapor recovery through top loading only requires that the facility retrofit and not the tank trucks. However, top loading is more expensive to install than bottom loading, and because it is administered by an operator on top of the truck, it is dangerous in winter icy conditions. Therefore, if Irving was to retrofit, it would opt to control by using bottom loading. Although Irving has calculated that for new equipment, electricity, labor, maintenance and debt service, \$250 would be spent for bottom loading per day only \$50 worth of gasoline would be recovered per day. The net loss of \$200 per day would be passed on to the company's customers. The state has thus determined that neither of the vapor recovery systems is reasonably available control technology (RACT) for this facility.

The state has therefore modified Department Regulation Chapter 112 to exempt Irving. In the October 23, 1981 submittal letter, the DEP Commissioner, Henry E. Warren, committed the state to reevaluate this RACT determination for Irving if gasoline terminals in the Downeast AQCR are equipped with VOC controls or if the Downeast AQCR is designated nonattainment. EPA concurs with this approach and agrees

that vapor recovery is not RACT for Irving at this time.

EPA is approving this amendment to Department Regulation Chapter 112 without prior proposal because the agency views this as a noncontroversial amendment and anticipates no comments. This action will be effective 60 days from the date of this **Federal Register** unless, within 30 days from the date of this **Federal Register**, notice is received that adverse or critical comments will be submitted. If such notice is received, the Region will publish a subsequent notice to withdraw this Direct-to-Final action before the effective date, announce a proposal action, and establish a comment period.

Action: EPA is approving this SIP revision.

Pursuant to the provisions of U.S.C. Section 605(b) I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities, and it imposes no new requirements. In addition, this action applies to only one facility.

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

Under Section 307(b)(1) of the Clean Air Act judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 301(a), Clean Air Act, is amended (42 U.S.C. 7410(a) and 7601(a)))

Dated: February 26, 1982.

Anne M. Gorsuch,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Section 52.1020 paragraph (c) is amended by adding subparagraph (16) as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *
(16) Department Regulation Chapter 112, Petroleum Liquid Transfer Vapor

Recovery, is amended to exempt the town of Searsport, Maine from this regulation. This amendment was submitted by Henry E. Warren, Commissioner of the Department of Environmental Protection on October 23, 1981, in order to meet Part D requirements for ozone.

[FR Doc. 82-26031 Filed 3-4-82; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL-2047-7]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval by the Environmental Protection Agency (EPA) of a revision to the New York State Implementation Plan (SIP). This action has the effect of allowing the General Electric Company to burn fuel oil with a maximum sulfur content of 2.8 percent, by weight, at its Rotterdam Steam Generating Facility located in Schenectady, New York, for up to three years from March 5, 1982. Receipt of this implementation plan revision request from the State was announced in the **Federal Register** on December 8, 1981 at 46 FR 60016, where its provisions are fully described.

EFFECTIVE DATE: March 5, 1982.

ADDRESSES: Copies of the SIP revision submitted by New York State and the public comment received on EPA's proposal are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Air Programs Branch—Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278.

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

Copies of the State's submission are also available for inspection during normal business hours at the following location: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On October 15, 1981 New York State informed the Environmental Protection Agency (EPA) of its intention to revise its State Implementation Plan (SIP). The State requested EPA approval of a "special limitation," issued under the provisions of Part 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. The effect of this "special limitation" is to allow the General Electric Company to burn fuel oil with a maximum sulfur content of 2.8 percent, by weight, at its Rotterdam Steam Generating Facility located in Schenectady, New York. This "special limitation" will remain in effect for up to three years from March 5, 1982. The current, normal applicable sulfur content limitation is 2.0 percent, by weight.

A notice of proposed rulemaking on this action was published in the **Federal Register** on December 8, 1981 (46 FR 60016). The reader is referred to this December 8 notice for a detailed description of the State's revision request. In its December 8 notice EPA advised the public that comments would be accepted as to whether the proposed revisions to the New York SIP should be approved or disapproved. During the comment period, which ended on January 7, 1982, EPA received one comment.

The one comment, from a private citizen, urged EPA to disapprove the New York SIP revision. The commentator noted that the General Electric "special limitation" would contribute to the acid rain problem due to the increase in sulfur dioxide emissions resulting from the use of higher sulfur content fuel oil.

EPA acknowledges that the approval of the New York SIP revision will increase sulfur dioxide emissions by approximately 2,000 tons per year. However, at this time, there is no technically reliable way of quantifying the effect of this increase, if any, on acid deposition. Furthermore, EPA does not have authority to disapprove emission increases based on acid deposition impacts.

In an effort to expedite the processing of this SIP revision, EPA used a review procedure known as "parallel processing." Under this procedure EPA proposed its action essentially at the same time as the State action was proposed. As described in EPA's notice of proposed rulemaking, approval of New York's request was contingent upon the State finally adopting its proposal in a substantially unchanged form. On January 8, 1982 the State submitted to EPA for final approval its "special limitation" affecting the

General Electric Company in a form identical to that originally submitted to EPA on October 15, 1981.

Based on EPA's review of the New York submittal and the one comment received, EPA has concluded that no violations of national ambient air quality standards or any applicable Prevention of Significant Deterioration increment will occur as a result of the use of higher sulfur content fuel oil by General Electric. Therefore, the revision meets the requirements of section 110 of the Clean Air Act, including section 110(a)(2)(E), and is approved.

This action is being made immediately effective because it imposes no hardship on the affected sources, and no purpose would be served by delaying its effective date.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). The attached rule constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action only approves a state action. It imposes no new requirements. In addition, this action applies to only one source.

The Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291.

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

Dated: February 26, 1982.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart HH—New York

1. Section 52.1670, paragraph (c) is amended by adding new subparagraph (c)(65) as follows:

§ 52.1670 Identification of plan.

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

(65) Revision submitted on January 8, 1982 by the New York State Department of Environmental Conservation which grants a "special limitation" to relax to 2.8 percent, by weight, for up to three years from [insert publication date], the sulfur-in-fuel oil limitation applicable to the General Electric Company's Rotterdam Steam Generating Facility located in Schenectady, New York.

[FR Doc. 82-6046 Filed 3-4-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[FCC 82-70]

Frequency Allocation and Radio Treaty Matters; General Rules and Regulations; Addition of Footnote Regarding Government Usage in the Fixed and Mobile Services at a Certain GHz Band.

AGENCY: Federal Communications Commission.

ACTIONS: Final rule.

SUMMARY: The Commission has modified the rules by adding a footnote to the Table of Frequency Allocations. This footnote reduces the status of the allocation to the Government fixed and mobile services at 14.4-14.5 GHz to a secondary basis; it provides temporary conditions for several important existing Government operations. This action is taken to provide priority stations to the non-Government fixed-satellite service.

DATE: Effective March 9, 1982.

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

FOR FURTHER INFORMATION CONTACT: Lawrence Petak, (202) 653-8162, Room 7310.

SUPPLEMENTARY INFORMATION:

Adopted: February 11, 1982.

Released: February 23, 1982.

In the matter of an amendment of part 2 of the Commission's rules to add a footnote regarding Government usage in the fixed and mobile services at 14.4-14.5 GHz.

1. The current Table of Frequency Allocations, § 2.106 of the Commission's Rules and Regulations, provides a primary allocation to the fixed-satellite service at 14.0-14.5 GHz. This allocation supports Earth-to-space transmissions which complement space-to-Earth transmissions within the fixed-satellite service at 11.7-12.2 GHz. These bands (12/14 GHz) are being utilized by domestic satellites which operate with small antenna earth stations to provide communications services directly to customer premises. The 14.0-14.5 GHz band is also being used for uplinks to INTELSAT satellites with corresponding downlinks in the 10.95-11.2 and 11.45-11.7 GHz bands for international services. Although the fixed satellite service at 12/14 GHz is only beginning to develop, we expect small antenna earth stations to be used at many locations throughout the United States for domestic satellite services.

2. Prior to the Space World Administrative Conference (Space WARC), which was convened in Geneva in June, 1971, the band 14.4-14.5 GHz was allocated exclusively for Government use in the fixed and mobile services within the United States. At that Conference, the band was re-allocated internationally by adding the fixed-satellite service. Later, during the domestic implementation of the results of the Space WARC, § 2.106 of the Commission's Rules was modified to include an allocation to the fixed satellite service at 14.4-14.5 GHz for the non-Government sector. The allocation to the fixed and mobile services for the Government sector was continued. This Government allocation has supported several microwave communication requirements of the Federal agencies.

3. In accordance with normal practices where space and terrestrial services share the spectrum on a co-equal basis, the fixed-satellite service users are required to coordinate each new earth station with fixed and mobile service users and vice versa. To date, the Commission has been performing such coordination for its licensees with the National Telecommunication and Information Administration. This arrangement will become impractical as the earth stations grow in number, and it could eliminate advantages associated with the customer-premise applications envisioned at 12/14 GHz.

4. The Commission has recommended to the NTIA that the Government allocation to the fixed and mobile services at 14.4-14.5 GHz be reduced to secondary status. By virtue of this

status, the coordination requirement would be eliminated. Furthermore, the fixed and mobile services would be required to protect satellites on the geostationary orbit from harmful interference. They also would be required to accept an interference caused by earth station operations.

5. NTIA has agreed to adopt the Commission's recommendation and will reduce the Government allocation to the fixed and mobile services to secondary status. However, it has requested that several important existing operations retain a primary status for a period of five years, after which they will either be reaccommodated or continue to operate on a secondary basis. During the interim five year period, commencing January 1, 1982, new fixed-satellite earth stations in the vicinity of the terrestrial stations would be coordinated between the FCC and NTIA. Particulars of these Government operations are described in Appendix A.

6. This change of Government allocation at 14.4-14.5 GHz and the provision of temporary conditions for the Government operations is reflected

by the addition of a new footnote to the Table of Frequency Allocations in § 2.106. The text of the new footnote, US234, is given at Appendix B.

7. Because this amendment will not affect existing FCC licensees and reflects an NTIA action regarding the Government allocation which will result in an increase in spectrum availability to the non-Government users of this band, compliance with the prior provision of the Administrative Procedure Act (5 U.S.C. 553) is unnecessary.

8. Accordingly, it is ordered That, effective March 9, 1982, § 2.106 of the rules is amended as set forth in Appendix B. Authority for this action is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Note.— Appendix A will not appear in the CFR.

APPENDIX A

Operation	Points of communication	Frequency (MHz)	Emission	Power (W)
Point Mugu, CA.....	From 34° 07' N. 119° 07' W. to 34° 00' N. 119° 38' W.....	14420	4000F9	1
Fort Bragg, NC.....	From 35° 08' N. 79° 05' W. to 35° 10' N. 79° 01' W.....	14421.25	40000F9	.8
Vandenberg, CA.....	Transportable terminals within 25 km radius of 34° 44' N. 120° 35' W.....	14415	20000F9	.2

Appendix B

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 2.106 is revised by adding footnote US234 at Column 6 for the band 14.4-14.5 GHz and by including its text at the list of footnotes following the Table of Frequency Allocations.

§ 2.106 Table of frequency allocations.

United States		Federal Communications Commission		
Band (giga-hertz)	Allocation	Band (giga-hertz)	Service	Class of station
5	6	7	8	9
14.4-14.5	G. NG. (US203) (US207) (US234)	14.4-14.5	Fixed-Satellite Space Re-search.	Earth Space.

* * * * *

US234 In the band 14.4-14.5 GHz, all Government fixed and mobile stations, effective December 31, 1981, shall be on a secondary basis to stations in the non-Government fixed-satellite service. Exceptionally, the Government operations listed below, which were in existence on December 31, 1981, may continue to operate on a coequal primary basis with stations in the non-Government fixed-satellite service until December 31, 1986.

Operation	Points of communication
Point Mugu, CA.....	From 34° 07' N. 119° 07' W. to 34° 00' N. 119° 38' W.
Fort Bragg, NC.....	From 35° 08' N. 79° 05' W. to 35° 10' N. 79° 01' W.
Vandenberg, CA.....	Transportable terminals within 25 km radius of 34° 44' N. 120° 35' W.

[FR Doc. 82-5968 Filed 3-4-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

Delegations To Individual Commissioners; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Reinstatement of final rules; corrections.

SUMMARY: In Ex Parte No. 55 (Sub-No. 39) *Suspension Board Matters* (45 FR 5739, January 24, 1980), the Commission revised certain references to Suspension Board Matters and procedure relating to that board. Those revisions inadvertently removed 49 CFR 1011.5(b)(2), Delegation to Individual Commissioners, which contained the delegation to the Commission's Vice Chairman to handle matters involving admission, disbarment or discipline of practitioners before the Commission. The rule is reinstated.

EFFECTIVE DATE: March 5, 1982.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202-275-0956.

SUPPLEMENTARY INFORMATION:

PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

This notice corrects an inadvertent error. 49 CFR 1011.5(b)(2) relating to delegation of matters regarding practitioners before the Commission to the Vice Chairman was removed erroneously. That rule is hereby reinstated. The rule is as follows:

§ 1011.5 Delegations to individual Commissioners.

* * * * *

(b) * * *

(2) Matters involving the admission, disbarment or discipline of practitioners before the Commission under rules 7 through 11 of the General Rules of Practice (49 CFR 1100.7-1100.11).

* * * * *

This action will not significantly affect either the quality of the human environment or conservation of energy resources and will not affect small businesses.

Authority: 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: August 20, 1981.

By the Commission, Chairman Taylor,

Commissioners Gresham, Clapp, and Gilliam.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-6043 Filed 3-4-82; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Parts 1201, 1206 and 1207

[Docket No. 37465]

Business Entertainment Expenses

AGENCY: Interstate Commerce Commission.

ACTION: Final rule; adoption of guidelines.

SUMMARY: The Motor Carrier Act of 1980, Pub. L. 96-296 (MC Act) and the Staggers Rail Act of 1980, Pub. L. 96-454 (Staggers Act) legalized previously illegal business entertainment expenses. This legislation also required the Commission to establish guidelines for carriers to follow when accounting for these expenditures. This rule establishes those guidelines. Depending upon the nature of the expenditure these items will be accounted for as either an operating or a nonoperating expense.

DATE: This is to be effective on April 5, 1982.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION: On July 1, 1980, the MC Act became law and on October 14, 1980, the Staggers Act became law. This legislation now allows regulated carriers to engage in previously prohibited entertainment of customers or potential customers to the extent that such practices are lawful in unregulated industries. Prior to the enactment of this legislation certain business entertainment expenses would have constituted violations of the anti-rebating and antidiscrimination provisions of chapters 107 and 119 of Title 49 of the United States Code. Both of these Acts require the Commission to establish guidelines to attempt to distinguish between (1) sales related expenses that have always been permissible and (2) those expenses that previously would have constituted illegal rebates or discrimination but which are now permitted. The importance of this distinction is that only the first category of expenses can be included in the carriers' cost of service or the rate base. All other entertainment expenditures now permitted by this legislation are to be accounted for as non-operating expenses.

On January 6, 1981, at 46 FR 1323, we published a Notice of Proposed

Rulemaking (NPR) requesting comments on accounting for business entertainment expenses. We discussed various approaches to handling business entertainment expenses and asked all interested parties to comment on the following issues: (1) What guidelines should the Commission use on determining whether a business entertainment expense should be accounted for as an operating or non-operating expense, and (2) Should the Commission attempt to develop standards to identify still remaining unlawful practices.

Review of Responses

Ten respondents (listed in Appendix B) submitted comments, summarized below, on the NPR.

The Association of American Railroads, the American Trucking Associations, Inc., Yellow Freight System, Inc. (Yellow Freight), Pilot Freight Carriers, Inc., and the Norfolk & Western Railway Co., submitted very similar comments. All of the above respondents, except for Yellow Freight, favor adopting a brief policy statement formulating the guidelines for carriers to follow. Yellow Freight favors adopting the NPR's guidelines. In addition, all of the above respondents believe that the Commission should not attempt to prescribe specific regulations for determining what expenses still constitute unlawful rebates or discrimination.

Lee Way Motor Freight, Inc. (Lee Way), Matlack, Inc. (Matlack), and Central Transport favor adopting Internal Revenue Service guidelines for business entertainment expenses. Lee Way also argues that the Commission should not attempt to formulate guidelines to determine unlawful expenses.

The Department of Defense, Regulatory Law Office (DOD) does not object to any proposed guidelines. DOD did not comment on establishing guidelines to determine unlawful expenditures. However, DOD suggested that the rulemaking mention that Federal Government employees, under the terms of 18 USC 201 and Executive Order 11222 of May 8, 1965, may not accept any form of business entertainment now lawful for carriers to offer present or potential customers.

ATO, Inc. does not believe that there should be any drastic change in the existing guidelines. It recommends that the practice of business entertainment be abolished.

Conclusions

Both the MC Act and the Staggers Act make it lawful for regulated carriers to engage in entertainment practices that are legal for non-regulated industries. We must issue guidelines advising carriers how to account for entertainment expenditures. See 49 U.S.C. 10751(C).

Any newly authorized business entertainment expense shall not be taken into account in determining the cost of service or the rate base. See 49 U.S.C. 10751(b). Thus, all newly authorized business entertainment expenses will be accounted for as non-operating expenses.

With this in mind it is now possible to break business entertainment expenses into two categories:

(1) Business entertainment expenses that were legal prior to this legislation. These expenses will continue to be included in the cost of service or the rate base, and

(2) Business entertainment expenses that are legal because of this legislation. These expenses will not be included in the cost of service or the rate base.

In attempting to establish guidelines for carriers to follow the above categories become very helpful. We will not use Internal Revenue Service regulations to determine whether an item is an operating or non-operating expense. Prior to the MC Act and Staggers Act many expenditures deductible for tax purposes were considered illegal rebates or discrimination for Commission purposes. Allowing these items to be included in the cost of service or the rate base because they are deductible for tax purposes violates this legislation. The MC Act and the Staggers Act specifically require the newly permitted business entertainment expenditures to be accounted for as non-operating expenses. It is also clear that adoption of Federal Trade Commission commercial bribery regulations would do little to clarify whether an item is an operating or non-operating expense. Likewise, state commercial bribery statutes are so diverse as to make this standard impossible to apply.

After reviewing the legislation and the comments from interested parties we will not develop detailed regulations but rather issue a new instruction giving the carriers the guidelines to follow. The new instruction recognizes that lawful business entertainment expenses shall not constitute an illegal rebate or discrimination. In choosing not to adopt detailed regulations to determine which expenditures may or may not be included in the carriers' rate base we

recognize that the actual expenditures incurred will rarely duplicate or be similar to the examples given.

Business entertainment will be accounted for as an operating expense when the entertainment can be shown to be related to the sales or marketing activity and reasonable in relation to the business conducted, and the business purpose for the entertainment can be adequately supported. Business entertainment will be accounted for as a non-operating expense when it is primarily related to recreation, or when it is more directly related to the convenience or comfort of the individuals than to the transaction of business. In all instances the burden of proof will fall on the carrier involved. In order to assist the Commission in regulating these expenditures, the Annual Report will be revised to include a footnote to the Results of Operations requiring disclosure of total business entertainment expenditures charged to the non-operating expense accounts.

We do not believe that Congress intended us to identify remaining unlawful practices. Additionally, DOD's suggestion relating to business entertainment expenditures and government employees is beyond the scope of this rulemaking.

This action will not significantly affect either the quality of the human environment, the conservation of energy resources or small entities.

Accordingly, we are amending 49 CFR Parts 1201, 1206 and 1207 by adding to each part the instruction set forth in Appendix A.

(49 U.S.C. 10321 and 10751 and 5 U.S.C. 553)

Decided: February 22, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham, and Clapp.

Agatha L. Mergenovich,
Secretary.

Appendix A

Amend Parts 1201, 1206, and 1207 of Title 49 of the Code of Federal Regulations as follows:

PART 1201—RAILROAD COMPANIES

Add the following section as General Instructions 1-16 Business Entertainment Expenses.

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Add the following section as Instruction 2-37 Business Entertainment Expenses.

PART 1207—COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Add the following section as Instruction 36 Business Entertainment Expenses.

(a) Business entertainment expenses are to be accounted for as operating expenses when incurred in conjunction with sales or marketing related activities. Sales or marketing related activities are those that emphasize a carrier's ability to provide efficient, timely and competitive service. These activities include outlays designed to promote new business as well as outlays incurred in maintaining existing business. The entertainment expenditures must be reasonable in relation to the business conducted and the business purpose for the entertainment must be adequately supported. Examples of this type of activity include the following:

- (1) Salespersons' salaries and travel expenses, advertising, promotional and educational material;
- (2) The conduct of shipper symposiums, conferences, meetings and traffic related functions;
- (3) The use of direct mail solicitations and the publication and distribution of routing guides and service directories;
- (4) Incidental promotional materials such as road atlases, calendars, pens, scratchpads, and other materials of nominal value;
- (5) The conduct of business oriented lunches and dinners, public affairs programming, conferences and customer service calls;
- (6) Sponsoring sales promotion functions, involving a number of customers or potential customers.

It must be noted that an activity listed above is not to be automatically accounted for as an operating expense. A carrier must be able to justify that an activity was primarily sales or marketing related.

(b) Business entertainment expenses are to be accounted for as non-operating expenses when they cannot be shown to be related to the sales or marketing activity. These are expenses that are primarily related to recreation or to the convenience and comfort of the individuals rather than to the transaction of business. Examples of this type of activity include the following:

- (1) Recreational or resort entertainment, including but not limited to, fishing, hunting, tennis, golfing, skiing or other sporting or recreational trips or outings;
- (2) Expense paid transportation in any carrier owned, leased or furnished vehicles, planes, helicopters, boats, yachts, or other methods;
- (3) Expense paid lodging in any carrier owned, leased or furnished motels, hotels, apartments, condominiums, lodges, rooms and other places of overnight accommodation;
- (4) Paid admission to any sporting, cultural, educational, recreational, or entertaining occurrence or event;

(5) Gifts such as athletic equipment, food or liquor, beverages of all types, smoking materials, clothing and personal accessories;

(6) The furnishing of lunches, dinners, appetizers or beverages where there is no true business purpose;

(7) Social occasions such as holiday parties.

It must be noted that an activity listed above is not to be automatically accounted for as a non-operating expense. If a carrier can justify that the activity was primarily sales or marketing related, it may be accounted for as an operating expense.

Note.—The examples listed above are not inclusive, but are intended as a guide to give carriers an indication of what will or will not be permitted to be recovered through the rate structure. In all instances the burden of proof will fall on the carrier involved.

Appendix B—Respondents to Notice of Proposed Rulemaking, Docket No. 37465 Business Entertainment Expenses

American Trucking Association, Inc.
Association of American Railroads
A-T-O Inc.
Central Transport
Department of Defense
Lee Way Motor Freight, Inc.
Matlack, Inc.
Norfolk and Western Railway Company
Pilot Freight Carriers, Inc.
Yellow Freight System, Inc.

[FR Doc. 82-6044 Filed 3-4-82; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1249

[No. 38568]

Revisions to Annual Motor Carrier Reporting Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is eliminating a number of supporting schedules contained in the Form M (Annual Report for Motor Carriers of Property) that it no longer uses on a regular basis. The Commission is also eliminating the Annual Report Supplement on Corporate Disclosure. Elimination of these annual reporting requirements will result in a reduced reporting burden for the carriers involved.

DATE: This action is to be effective for the reporting year beginning January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne D. Howard, (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Act authorizes the Commission to require and prescribe the form of annual, periodic, and special reports filed by carriers subject to its regulation. The information reported by these carriers helps to fulfill the

regulatory responsibilities of the Commission in the areas of rate regulation, valuation of transportation property, operating rights, mergers, acquisitions, abandonments and discontinued service.

On September 16, 1981, at 46 FR 45967, the Commission published a Notice of Proposed Rulemaking (NPR) requesting comments on the proposed elimination of certain annual reporting requirements. In that NPR the Commission proposed to: (1) Eliminate certain supporting schedules contained in the Form M that the Commission no longer uses regularly (see Appendix), (2) eliminate the Annual Report Supplement on Corporate Disclosure (this report was required from carriers having gross operating revenues of \$20 million or more), and (3) require only the highest ranking carrier within a consolidated group to file the consolidated financial information.

Review of Responses

A total of twenty-nine respondents submitted comments. The following respondents supported the NPR: American Trucking Associations, Inc., Riss International, M&G Convoy, Inc., Complete Auto Transit, Inc., DSI Transports, Inc., T.H. Compton, Inc., United Van Lines, CRST, Inc., Carolina Freight Carriers Corporation, The 7 Santini Brothers, CODE Express, Inc., Overnite Transportation Company, Consolidated Freightways, Hall's Motor Transit, Chemical Leaman Tank Lines, Inc., Clairmont Transfer Co., Georgia Highway Express, Inc., Holmes Transportation, Inc., McLean Trucking Company, Meridian Express Company, ARA Services, Inc., Campbell "66" Express, Inc., Arkansas Best Corporation, St. Johnsbury Trucking Company, Inc., Herman Bros., Inc. and National Bus Traffic Association, Inc.

Clark Tank Lines wants the Commission to eliminate additional annual reporting requirements.

The International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America generally supports the reduction of reporting requirements which can be demonstrated to be non-essential. However, they are concerned that any reduction in reporting requirements not deprive the Commission or the public of vital information. In their view, filing of information concerning transactions with officers, shareholders and employees (Schedule 320), investments and advances—affiliated companies (Schedule 520), payables to affiliated companies—current and long-term (Schedule 540), and compensation of

officers and directors (Schedule 800-B) should be retained.

Rate Comparison Services, Inc. believes that while it may be true that a number of schedules proposed for elimination are of little use to the Commission, several of the schedules may be of interest and value to parties outside of the Commission. They believe that Schedule 800-B should be retained.

Conclusions

The Commission recognizes that a number of supporting schedules contained in the Form M are used by parties outside of the Commission. However, the Commission also has the responsibility to require only information necessary to regulate properly the motor carrier industry. To recognize publicly this responsibility, the Commission on May 7, 1979, served a notice instituting a policy to require only information necessary to meet the Commission's needs in performing its regulatory function. In addition, because of recent budget cuts, the Commission can no longer afford to act as a data collection agent for all of the various private interests. In conclusion, we believe that elimination of the aforementioned annual reporting requirements is in the best interest of all parties involved. However, the Commission reserves the right to request specific information when needed for a particular regulatory function.

Regulatory Flexibility Act: Pursuant to 5 U.S.C. 605(b), the Secretary of the Commission has certified that the requirements of the Regulatory Flexibility Act do not apply to this final rule since it will not have a significant impact on a substantial number of small businesses. The Commission is eliminating certain annual reporting requirements: no new accounting or reporting requirements for regulated carriers are introduced in this proceeding.

This action does not significantly affect the quality of the human environment, the conservation of energy resources or small entities.

Accordingly, we adopt in Appendix A for the reporting year ending December 31, 1981, the changes to the annual report which are described in 49 CFR Part 1249.

This rule is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 26, 1982.

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

Agatha L. Mergenovich,
Secretary.

Appendix

The Commission is eliminating the following items from the annual reporting requirements for motor carriers of property, under 49 CFR Part 1249—Reports of Motor Carriers.

Carriers should note that the 1981 Form M was scheduled for printing before this proceeding was approved. Thus, the schedules to be eliminated will still appear in the 1981 Form M. Carriers should not complete the schedules eliminated by this proceeding.

(1) The following schedules are eliminated from the Form M:

Schedule 300—Compensating Balances And Short-Term Borrowing Arrangements
Schedule 310—Receivables From Affiliates

Schedule 320—Transactions With Officers, Stockholders, And Employees

Schedule 400—Leases

(A)—Rental Expense Of Lessee
(B)—Minimum Rental Commitments
(C)—Lessee Disclosure
(D)—Lease Commitments—Present Value

Schedule 500—Other Intangible Property And Accumulated Amortization

Schedule 510—Investments And Advances—Affiliated Companies

Schedule 520—Undistributed Earnings From Certain Investments In Affiliated Companies

Schedule 530—Other Investments And Advances

Schedule 540—Payables To Affiliated Companies—Current And Long Term

Schedule 610 C—Transactions Between Noncarrier Subsidiaries Of Respondent And Other Affiliated Companies Or Persons For Services Received Or Provided

Schedule 610 D—Other Transactions Between Noncarrier Subsidiaries Of Respondent And Other Affiliated Companies Or Persons

Schedule 710—Commodities Transported In Intercity Service By Tank Or Hopper Type Vehicles

Schedule 800 B—Compensation Of Officers, Directors, Etc.

Schedule 900—Competitive Bidding—Clayton Antitrust Act.

(2) The Annual Report Supplement on Corporate Disclosure is eliminated. This Report was only required from carriers having gross operating revenues of \$20 million or more.

(3) The instruction requiring consolidated financial information from each carrier in a consolidated group is amended so that only the highest ranking carrier in the consolidated group will file the consolidated financial information.

[FR Doc. 82-6039 Filed 3-4-82; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 47, No. 44

Friday, March 5, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement; Voluntary State Tax Withholding

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management is proposing regulations to implement the State tax withholding program under the provisions of Section 1705 of Public Law 97-35, The Omnibus Budget Reconciliation Act of 1981, which requires the Office of Personnel Management to enter into agreements with the various States to permit voluntary State income tax withholding from civil service annuities.

DATE: Comments must be received on or before May 3, 1982.

ADDRESS: Send or deliver written comments to Craig B. Pettibone, Assistant Director for Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, Room 4351, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Eugene Littleford, (202) 632-4634.

SUPPLEMENTARY INFORMATION: Section 1705 of Public Law 97-35, The Omnibus Budget Reconciliation Act of 1981, requires the Office of Personnel Management (OPM) to enter into agreements at the request of a State to permit voluntary State income tax withholding from civil service annuities. The purpose of these regulations is to provide a regulatory basis for the collection of any amounts erroneously transferred to a State by OPM in the performance of an agreement, and otherwise modify the regulations of OPM to make them consistent with the State tax withholding program.

Prior to program implementation, OPM will offer States an opportunity to enter into a standard agreement for withholding. OPM has given notice of its

standard agreement in the notice section of today's *Federal Register*. By entering this agreement, a State will be able to provide annuitants with information about the program and collect annuitants' requests for participation. Qualified requests can then be sent to OPM, which, in turn, will process the requests received from the States, and make periodic payments and reports to the States.

State income tax deductions made from annuity payments which, due to death, non-receipt, or other deficiency in the payment process, are returned to the Treasury will be considered erroneous payments and OPM will collect these by offset from future payments due the State. Other tax deductions paid to the State will be deemed properly paid, and an annuitant seeking adjustment of amounts already withheld will contact the State which received payment. OPM has found this appropriate, in that the amounts withheld are not erroneous on their face in view of the annuitant's tax liability to the State, and in that each State presents taxpayers with an opportunity to effect a settlement of accounts on a periodic basis.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to amend 5 CFR Part 831 as follows:

PART 831—RETIREMENT

1. In § 831.1705, paragraph (a)(6) is revised to read as follows:

§ 831.1705 Retirement benefits—amount, when payable.

(a) * * *

(6) Property withheld for Federal and State income tax purposes, if amounts withheld are not greater than they would be if the individual claimed all dependents to which he or she was entitled.

* * * * *

2. Subpart S is added to read as follows:

Subpart S—State Income Tax Withholding

Sec.

831.1901 Federal-State agreements.

831.1902 Collection of overpayments.

Authority: 5 U.S.C. 8345(k).

* * * * *

Subpart S—State Income Tax Withholding

§ 831.1901 Federal-State agreements.

OPM will enter into an agreement with any State within 120 days of an application for agreement from the appropriate State official. The agreement will be the standard agreement offered by OPM to each State. The agreement will provide that OPM shall withhold State income tax [in the case of] the monthly annuity of any annuitant who properly submits a request.

§ 831.1902 Collection of overpayments.

If a State receives an overpayment because a payment made by OPM included deductions from a cancelled annuity check, OPM will offset the overpayment from the next recurring payment due the State. If there are no further payments due the State, OPM will inform the State in writing of the amount due. Within 60 days of the date of receipt of that communication the State will make payment of the amount due.

[FR Doc. 82-5875 Filed 3-4-82; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE**Food Safety and Inspection Service****9 CFR Parts 317 and 381**

[Docket No. 81-053P]

Reporting of Obsolete Labels**AGENCY:** Food Safety and Inspection Service, USDA.**ACTION:** Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) proposes to amend the Federal meat and poultry products inspection regulations to remove the requirement that official establishments provide the Agency a report on obsolete labels. Since the meat and poultry inspection manual provides that the inspector in each official establishment also reports obsolete labels, there currently existing a dual reporting procedure, which has caused confusion and inefficiency. By adopting this proposal the Agency would be eliminating a reporting and recordkeeping requirement for industry while improving the efficiency of FSIS labeling files.

DATE: Comments must be received on or before May 4, 1982.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments concerning the proposed amendments to the poultry products inspection regulations may be made to Mr. Robert G. Hibbert, (202) 447-6042. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:**Executive Order 12291**

The Agency has made a initial determination that this proposed rule is not a "major rule" under Executive Order 12291. It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets.

The only alternative to the proposal considered was maintaining the status quo. Current policy allows inconsistencies between the meat and poultry inspection regulations and the meat and poultry inspection manual, resulting in unnecessary costs for industry and the Federal government through duplicative reporting.

Effect on Small Entities

The Administrator has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). If promulgated, it would essentially eliminate the paperwork required of industry for reporting to the Department those labels that are no longer in use.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Regulations Office. Comments should reference the docket number located in the heading of this document. Any person desiring an opportunity for oral presentation of views concerning the proposed amendments to the poultry products inspection regulations must make such request to Mr. Hibbert so that arrangements may be made for the presentation. A transcript shall be made of all comments presented orally. All comments submitted pursuant to this proposal 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

Section 317.14 of the Federal meat inspection regulations (9 CFR 317.14) and § 381.141 of the Federal poultry products inspection regulations (9 CFR 381.141) provide procedures for the reporting of obsolete labels to the Administrator. Section 17.22(j) of the meat and poultry inspection manual also provides a separate set of procedures for the reporting of obsolete labels by inspectors.

The Federal meat and poultry products inspection regulations (9 CFR 317.14 and 9 CFR 381.141) require the official establishment to report to the Administrator those approved labels that are no longer in use. These regulations prescribe that information concerning obsolete labels must be submitted once a year in quadruplicate, unless the Administrator determines a need for reporting the information more

frequently. The regulations also specify that the reports be submitted in list form.

The meat and poultry inspection manual (§ 17.22(j)) requires the inspector at each official establishment to report labels that are no longer in use. It prescribes that upon notification by the plant management or by the Standards and Labeling Division (SLD) that a label is obsolete, the inspector is responsible for removing the label and the attached transmittal form from the official file. The manual requires that the inspector then return the label to the plant management and return the transmittal form to SLD for data recording, indicating the date and the word "rescinded" on the form.

The inconsistencies between the two reporting procedures have created confusion over who has the responsibility for reporting obsolete labels. This confusion has caused duplication in reporting for some establishments and a complete failure of reporting in others. This has resulted in unnecessary expense and inefficiency.

Proposal

Therefore, the Administrator is proposing to revise § 317.14 of the Federal meat inspection regulations (9 CFR 317.14) and § 381.141 of the poultry products inspection regulations (9 CFR 381.141) to establish reporting procedures for obsolete labels similar to those provided for in § 17.22(j) of the meat and poultry inspection manual. The proposal, if adopted, would provide for the following revisions to the meat and poultry products inspection regulations: (1) the responsibility for reporting obsolete labels would lie with the inspector at each official establishment; (2) each label that is no longer in use would be removed from the official file by the inspector and returned to plant officials; and, (3) the transmittal form, which accompanies the label and bears the official approval number, would be dated, marked with the word "rescinded", and forwarded to the SLD by the inspector for data recording.

PART 317—LABELING, MARKING DEVICES AND CONTAINERS

Accordingly, the Administrator proposes to amend Part 317 of the Federal meat inspection regulations and Part 381 of the poultry products inspection regulations as follows:

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

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21

U.S.C. 71 *et seq.*, 601 *et seq.* (33 U.S.C. 466-466k).

2. Section 317.14 would be revised to read as follows:

§ 317.14 Reporting of obsolete labels.

Upon notification from the plant management of an official establishment that a label is no longer in use, or upon notification from the Standards and Labeling Division that a label is no longer approved, the inspector at the official establishment shall remove the label and accompanying transmittal sheet from the official file. The inspector shall return the label to the plant management. Additionally, the inspector shall forward the transmittal sheet, which bears the official approval number, to the Standards and Labeling Division for data recording. Prior to forwarding the transmittal sheet, the inspector shall identify the sheet with the date and the word "rescinded".

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

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

Authority: Sec. 14, 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 Pub. L. 91-224 and by other laws (33 U.S.C. 1171(b)).

4. Section 381.141 would be revised to read as follows:

§ 381.141 Reporting of obsolete labels.

Upon notification from the plant management of an official establishment that a label is no longer in use, or upon notification from the Standards and Labeling Division that a label is no longer approved, the inspector at the official establishment shall remove the label and accompanying transmittal sheet from the official file. The inspector shall return the label to the plant management. Additionally, the inspector shall forward the transmittal sheet, which bears the official approval number, to the Standards and Labeling Division for data recording. Prior to forwarding the transmittal sheet, the inspector shall identify the sheet with the date and the word "rescinded".

Done at Washington, D.C. on: February 23, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-6048 Filed 3-4-82; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 545 and 563

[No. 82-135]

Amendments on Forward Commitments, Financial Options Trading, and Financial Futures Trading

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Board proposes to amend its regulations to permit institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC" or the "Corporation") to trade financial options on organized exchanges and to make conforming amendments in the regulations governing the extent to which insured institutions may engage in forward commitment activities. The proposal would permit institutions to buy options and to write call options without position limit and to write put options subject to limitations on outstanding positions. The proposal would require authorization by the institution's board of directors, notification of Board supervisory personnel, and recordkeeping similar to existing requirements for financial futures contracts and forward commitments. The proposal also specifies the regulatory accounting treatment for options trading. The position limit for forward commitments also would be restructured. The proposal also solicits comments on whether current limits on long financial futures positions should be modified and whether market-to-market accounting for forward commitment activities should be required in some circumstances.

The proposed regulation would provide insured institutions with a means to reduce their exposure to interest-rate movements.

COMMENTS MUST BE RECEIVED BY: May 3, 1982.

ADDRESS: Send comments to Director, Information Services, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: John P. Soukenik ((202) 377-6427), Office of General Counsel, Peter M. Barnett ((202) 377-6445), Office of General Counsel, Michael S. Joseph ((202) 377-6994), Office of Examinations and Supervision, or Jerry Hartzog ((202) 377-6782), Office of Policy and Economic Research, at the above address.

SUPPLEMENTARY INFORMATION:

Background

In February of 1981, the Securities and Exchange Commission ("SEC") authorized the Chicago Board Options Exchange ("CBOE") to establish a market in options on Government National Mortgage Association ("GNMA") securities. In April of last year, the Chicago Board of Trade ("CBOT") filed a petition in the United States Court of Appeals for the Seventh Circuit challenging the authority of the SEC to authorize the CBOE to establish a GNMA options market. The Commodity Futures Trading Commission ("CFTC") joined the lawsuit disputing the jurisdiction of the SEC and, in August of 1981, adopted final regulations that would authorize the trading of options on futures contracts on domestic commodity exchanges, including options on GNMA and other financial futures contracts. No decision on the merits of the case has been rendered by the court, but a stay against the opening of trading in GNMA options was ordered. However, on December 2, 1981, a joint CBOT/CBOE special committee announced a joint trading proposal covering options on financial instruments and submitted the proposal to their respective boards of directors and memberships, and on December 7, 1981, the SEC and CFTC announced that they have resolved a range of issues regarding the jurisdictional bounds of each agency. It is believed that these actions signal resolution of the issues that have blocked opening of the GNMA options market.

On July 2, 1981, the Board adopted final amendments to its regulations governing use of financial futures markets by institutions the accounts of which are insured by the FSLIC. *See*, Board Resolution No. 81-380 (July 2, 1981); 46 FR 36829 (July 16, 1981). At that time the Board stated that it was studying a proposal to trade options on GNMA securities on the CBOE and would address options trading in a separate regulation. While trading GNMA options on the CBOE has not yet commenced, the Board believes that the structure for trading is sufficiently established to propose regulations to authorize insured institutions to participate in that market when it opens.

The GNMA Options Market

An option is an agreement giving the holder the right to buy or sell specified securities at a fixed price and for a fixed period of time. In the case of the options market proposed by the CBOE, the

security is a GNMA security representing an interest in a pool of mortgage loans insured by the Federal Housing Administration or guaranteed by the Veterans Administration. The stated rate of interest, or face coupon rate, for a GNMA security is at least 50 basis points less than the interest rate borne by the underlying pool or mortgages in which the GNMA represents an interest. For the purpose of pricing option contracts, GNMA prices and yields are quoted on the assumption that the mortgages underlying the security all having a 30-year term, will have level payments for twelve years but will be repaid in full at the end of the twelfth year. While actual experience for a particular pool of mortgages may differ, these assumptions provide a basis for assessment and comparison of the current market value of different coupon GNMA's that are traded in options contracts.

The GNMA options market proposed by the CBOE is an organized exchange dealing in option contracts on GNMA pass-through securities. The structure and operation of the market is similar to the futures market in GNMA securities except the contract is "standby" rather than "firm." This means that an option contract makes delivery of the security optional for a fixed period of time while a futures contract makes delivery mandatory at the expiration of the contract. The holder (or buyer) of an option may either have an option to sell a security (a "long put") or to purchase a security (a "long call") at a fixed price prior to the expiration date. Depending on the circumstances, the holder may elect to make (in the case of a put) or to take (in the case of a call) delivery of the security, to offset the position by taking the opposite position at the current market price, or to allow the option to expire. The writer (or seller) of the option incurs the obligation to sell (a "short call") or to purchase (a "short put") the security at the discretion of the option holder. Provided that the option has not been exercised by the holder, the writer can offset the position by taking the opposite position at the current market price, or hold it until the expiration date. If the holder exercises the option, the writer must make or take delivery.

Potential Benefits to Institutions From Options Trading

As discussed by the Board in adopting its final rules on financial futures trading, savings and loans face interest-rate risk exposure from two sources. The primary interest-rate risk arises from the mismatched maturity structure of assets and liabilities. By borrowing

short and lending long, institutions are subject to earnings erosion in periods of rising interest rates. The second type of interest-rate risk exposure for institutions arises from their activities as mortgage originators and sellers and mortgage-related securities issuers. For instance, institutions may commit in advance to make, sell, or issue mortgage-related securities, based on, mortgages not yet originated. If the price of those mortgages is determined in advance, the institution is subject to unexpected interest-rate movements.

An institution may use option positions matched against appropriate cash or forward market transactions to reduce its exposure to interest-rate movements. An institution may use long puts to reduce interest-rate exposure from its mortgage origination activities. For instance, an institution may issue a stand-by or optional commitment to a builder to provide permanent financing at a predetermined rate. If interest rates rise after the commitment is made, the institution will realize losses in the form of the opportunity cost of making below-market-rate mortgages. An option to sell GNMA securities (a long put) could be used to reduce interest-rate risk during the period the commitment is outstanding. If interest rates rise, the value of the put will rise to offset the opportunity cost associated with taking below-market-rate mortgages into portfolio.

Short calls can be used to offset the risk associated with existing asset positions. For instance, if short GNMA calls are matched against a pool of mortgages, the savings and loan receives current income in the form of option commitment fees in return for foregoing the possibility of gains in the value of the assets if interest rates decline. When the call is written, a portion of the amount received represents an option commitment fee and should be recognized as income over the term of the option. If interest rates remain constant or rise the institution incurs no gain or loss on the option if it were written at an exercise price that created no immediate exercise value. If interest rates fall, the institution incurs a loss on the option that offsets the rise in the value of the mortgage loans. Thus a steady fee income is substituted for potential gains in the market value of assets, reducing the variability of the institution's profitability.

Short calls and long puts are extensions of each other. The combination of a short call and a long put can be equivalent to a short futures position. Given the asset and liability

maturity imbalance of savings and loans and the nature of commitments typically made by them, most interest-rate risk reduction by institutions is likely to involve short futures, long puts, and short calls.

An institution may use a long call option to purchase GNMA securities to reduce the risk associated with firm forward commitments to sell mortgages not yet originated, but subject to origination under a stand-by commitment to originate. If interest rates fall unexpectedly, the institution would incur losses in discounting the mortgages to bring their yield to that required by the commitment. An option to buy GNMA securities matched against the forward commitment would increase in value as interest rates fall to offset the loss incurred on the firm forward commitment. The long call in conjunction with the stand-by commitment to originate would function in much the same manner as the long futures market position permitted in section 563.17-4 of the Insurance Regulations (12 CFR 563.17-4 (1981)). A long call also could be used to lock-in current market rates for future investments in GNMA securities and mortgages.

Proposed Rule

In order to establish permissible uses of options on financial instruments, the Board is proposing to adopt a new regulation as follows:

Authorized contracts. The markets for exchange-traded options have not yet opened, and only one contract—the GNMA option on the CBOE—has been approved by the regulatory authorities for those markets. However, applications have been filed for the approval of several additional contracts and for trading on exchanges other than the CBOE. The Board believes that its rules should be flexible enough to avoid the need for amendment as new types of option contracts are approved for trading by the appropriate regulatory authorities and to allow insured institutions to participate in the development of these markets. Therefore, the Board is proposing to permit institutions to trade any options approved by the SEC or designated by the CFTC and based upon a security in which the institution is authorized to invest. This would include the GNMA options contract as well as options on futures contracts that institutions are permitted to trade pursuant to § 563.17-4.

Authorized transactions and position limits. As discussed above, insured institutions may benefit from the use of

options positions—both puts and calls—to reduce the interest-rate risk exposure of their cash and forward market positions. Savings and loans often grant discretionary contract terms to customers as part of their ordinary business practices and would be able to reduce the risk inherent in those discretionary contracts by holding option contracts of an offsetting nature. The Board is proposing to permit options transactions without numerical limit for long puts and long calls. The Board believes that the costs of purchasing options will discourage superfluous use of long options.

Since short call options reduce the profit volatility of the "borrow short and lend long" maturity structure of savings and loans, the Board is proposing to permit institutions to enter into short call positions without limit. This parallels the treatment of forward commitments to sell securities, which are not limited by Board regulations. The Board believes that the margin requirements of the CBOE would discourage excessive call writing. However, the public is invited to comment on whether the Board should establish a regulatory limit on the extent to which institutions may take short call positions.

Short puts, on the other hand, tend to have adverse effects on savings and loan profit volatility in most circumstances. Since losses from short put options occur when interest rates rise and savings and loan profitability tends to decrease, the Board proposes a strict numerical limit on such contracts. Moreover, because short put options and forward commitments to purchase securities have similar effects on savings and loan profitability, the Board proposes to impose a numerical limit on the aggregate amount of these positions. The proposal would permit institutions to write put options and issue forward commitments to purchase securities up to a limit of 5 percent of assets if its net worth is less than 3 percent of assets, up to 10 percent of assets if its net worth is 3 percent to less than 5 percent of assets, and up to 15 percent of assets if its net worth is 5 percent or more of assets.

Board of directors' authorization. The Board believes that it is essential for an institution to formulate a strategy that relates the trading of options contracts to the legitimate business of the institution and for the board of directors to indorse the strategy. Therefore, the proposal would require specific authorization from its board of directors before an institution could engage in options trading, the adoption of written

policies and internal control procedures with respect to such trading. Internal control procedures would include specification of the personnel authorized to engage in options trading, along with their duties, responsibilities and position limits. The board of directors also would be required to establish an institutional position limit and review all outstanding contract positions and unrealized gains and losses on outstanding contracts at each regular meeting.

Notification. The proposal would require that an institution engaging in financial options transactions notify the District Directors—Examinations of the Federal Home Loan Bank District in which it is located of such activity. An institution would be required to report the sum of its long put and short call positions, the sum of its long call and short put positions and its unrealized gains and losses on these positions on the Board's monthly report.

Recordkeeping requirements. In order to provide examiners with a basis for evaluating options transactions, the proposal would specify recordkeeping requirements for an insured institution engaging in options trading. These include: (1) A register of all outstanding options contracts; (2) a record of each options contract outstanding, the purpose for which the contract was entered into, and any cash market transaction(s) or position(s) against which it is matched; and (3) retention of the records specified in (1) and (2) for all closed-out options transactions for a period of three years.

Accounting. There is currently no single recognized accounting treatment for debt options transactions. While accounting guidelines for debt options transactions likely will be considered by the Financial Accounting Standards Board ("FASB"), it is unlikely that a definitive statement will be forthcoming in the near future. In light of the options trading proposed to be authorized and the importance of the manner in which options transactions are accounted for in terms of their impact on institution profitability, the Board believes that it is necessary to establish its own accounting rules to be used by insured institutions engaging in options transactions. Accordingly, certain basic principles are included in the proposed regulation. These principles will be revaluated at the time accounting guidelines for options are issued by the FASB.

The accounting treatment proposed would be a combination of mark-to-market and hedge accounting techniques. Hedge accounting could be used for recognizing gains and losses on

long and short call, and long put, option positions which are properly matched against cash or forward market positions. Hedge accounting treats the gain or loss from an option position as an adjustment to the carrying amount of the cash or forward market position against which the option is properly matched. Unmatched long and short call positions, unmatched long put positions and any short put positions would be accounted for on a marked-to-market basis.

For all options transactions subject to hedge accounting, the Board would require that the transactions be matched properly against cash or forward market positions and that the options transactions reduce the interest-rate risk of those corresponding transactions. Proper matching necessitates the pairing of an option and an existing asset, liability, or written commitment, whether firm or standby. Matching options against anticipated cash flow would *not* be an acceptable matching. Cross hedging and direct hedging of options and cash or forward market positions would be permitted. Matching need not be on a dollar-per-dollar basis; however, an institution would be required to set forth the rationale for its hedge ratios in its written options strategy.

The proposal would require the total option premium to be divided into two components: the option commitment fee and the immediate exercise value of the option. The commitment fee would be recognized as an expense or revenue item over the term of the option. Changes in the immediate exercise value of the option would be treated as gains and losses and would be subject to hedge accounting treatment.

The immediate exercise value would be computed by comparing the adjusted or effective exercise price of the highest coupon GNMA that is currently deliverable with the cash market price of that same coupon GNMA. In general, the highest coupon GNMA that is deliverable is determined by the FHA-VA mortgage rate ceiling. However, when that ceiling is decreased, there is a grace period (the greater of 45 days or the expiration date of the nearby contract) during which the former (higher) coupon GNMA can be delivered. The highest coupon deliverable GNMA is usually the cheapest deliverable GNMA and thus option prices tend to reflect prices of that particular GNMA. Thus, the immediate exercise value is usually best estimated by reference to that cheapest deliverable GNMA.

Application to all insured institutions. Because the trading of options on organized exchanges will affect the interest-rate risk exposure of all insured institutions, the Board proposes to apply the regulation governing exchange-traded options to all insured institutions to ensure that options are used in a manner consistent with safe financial policies and management and to provide uniformity in examination and enforcement. State-chartered institutions should note, however, that their legal authority to trade option contracts derives from state law.

Financial Futures Transactions

The regulations governing financial futures trading by insured institutions permit the use of long futures positions only in connection with forward commitments to sell mortgages not yet originated or the issuance of mortgage-related securities to be based upon mortgages not yet originated. Long futures positions are permitted only to the extent that an institution's forward commitments to sell exceed 10 percent of long-term assets. The Board limited the use of long positions because the asset and liability structure of savings and loan associations generally exposes institutions to losses when interest rates rise unexpectedly, similar to the risk inherent in long futures positions. Thus, an institution's interest-rate risk exposure typically is increased, rather than lessened, by long futures positions.

In adopting the futures regulation, the Board recognized that as institutions changed their operating methods and restructured their balance sheets, broader authority to trade futures contracts would be appropriate. The Board stated its intention to monitor changes in the industry and to review the futures regulation as appropriate. Since it now is proposing regulations permitting the use of options contracts, the Board believes that review of the futures regulation is appropriate at this time. Therefore, the Board is soliciting comments on whether and to what extent existing limits on long futures positions may be modified. Suggestions for modification should discuss how expanded use of long futures positions would reduce the net interest-rate risk exposure of an insured institution and present specific examples of techniques for using long positions.

Forward Commitment Limitations

The proposed amendment to § 563.17-3 of the Insurance Regulations (12 CFR 563.17-3 (1981)) would refine further the current limitations on forward commitment activities. Under the proposal, newly-authorized transactions

in short put options and currently-authorized forward commitments to purchase securities would be subject, in the aggregate, to the limitations set forth in § 563.17-3. The proposal would limit the combined activities of an institution in forward commitments and short put options based on its net-worth-to-assets ratio. The proposal would establish a three-tiered structure to allow an institution with a relatively low net worth to engage in the newly-authorized transactions subject to a lower percentage-of-assets limitation.

The Board also is soliciting comments on the proper accounting treatment for forward commitments of insured institutions. In particular, the Board is interested in comments on whether and under what circumstances mark-to-market accounting may be required for forward commitments and whether the accounting for forward commitments should parallel the proposed accounting for options transactions.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule would apply only to institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

3. *Impact of the proposed rules on small institutions.* The proposal would permit institutions to engage in options-trading activities regardless of size and would impose reporting, recordkeeping and other regulatory requirements uniformly based upon the extent of trading activity. To the extent that small institutions effectively reduce interest-rate risk by using options market transactions, the proposal would benefit their operations. These benefits and attendant risks have been discussed elsewhere in the supplementary information regarding the proposal. There is no disproportionate effect of small institutions.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap or conflict with the proposal.

5. *Alternatives to the proposed rules.* The basic regulatory requirements included in the proposal are of limitations on the types of options transactions permitted, a written policy

endorsed by the institution's board of directors, maintenance of a register documenting options transactions and their purpose, establishment of internal control mechanisms, and providing quarterly notice to the District Director-Examinations. A limitation on transactions, internal control procedures and monitoring by the supervisory staff are minimally necessary requirements to ensure that options trading is undertaken in a safe and sound manner and that losses which an institution might incur are limited. It would not be possible to eliminate or modify these requirements for smaller entities and still expect them to engage in options trading in a reasonable manner.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 545 and 563, Subchapters C and D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Add a new § 545.30, to read as follows:

§ 545.30 Financial options transactions.

A Federal association may engage in financial options transactions in compliance with § 563.17-5 of this chapter.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

2. Amend § 563.17-3 by revising paragraph (c)(2) to read as follows:

§ 563.17-3 Forward commitments:

* * * * *

(c) *Limitations.* * * *

(2) *Percent of assets.* An insured institution's outstanding forward commitments to purchase securities plus short put options authorized by § 563.17-5 of this Part may not exceed an amount equal to 5 percent of its assets if net worth is 3 percent or less of assets, 10 percent of its assets if net worth is over 3 percent but less than 5 percent of assets, or 15 percent of its assets if net worth is 5 percent or more of assets.

* * * * *

3. Add a new § 563.17-5, to read as follows:

§ 563.17-5 Financial options transactions.

(a) *Definitions.* As used in this section, the following definitions apply unless the context otherwise requires:

(1) *Call.* An option which gives the holder the right to purchase qualifying securities at a price on or before the expiration date specified in the financial options contract.

(2) *Deliverable security.* A security whose terms satisfy the requirements for fulfilling delivery obligations of an option.

(3) *Effective exercise price.* The yield equivalent price of a security whose coupon rate differs from the standard instrument specified in the option.

(4) *Financial options contract.* An agreement to make or take delivery of a standardized security upon demand by the holder of an options contract at any time prior to the expiration date specified in the agreement, under terms and conditions established by an exchange designated or regulated by the Commodity Futures Trading Commission or the Securities Exchange Commission.

(5) *Immediate exercise value.* The market value gained by exercising an option with the highest-coupon deliverable GNMA at its effective exercise price compared to purchasing (or selling) an identical security with the same coupon rate in the cash market.

(6) *Long position.* The holding of a financial options contract with the option to make or take delivery of securities.

(7) *Option commitment fee.* The option premium minus the immediate exercise value of the option.

(8) *Put.* An option which gives the holder the right to sell qualifying securities at a price on or before the expiration date specified in the financial options contract.

(9) *Qualifying securities.* Securities issued by an insured institution or in which the institution is authorized to invest.

(10) *Short position.* A commitment through a financial options contract to stand ready during the term of the contract to make or take delivery of securities.

(b) *Permitted transactions.* To the extent that it has legal power to do so, an insured institution may engage in financial options transactions provided in this paragraph (b) of this section.

(1) *Long positions.* An insured institution may enter into long positions without numerical limit.

(2) *Short positions.* An insured institution may enter into short call

positions without numerical limit. An institution may enter into short put options in an amount that together with the amount of its forward commitments to purchase securities does not exceed the limitations set forth in § 563.17-3(c)(2) of this part.

(c) *Authorized contracts.* An insured institution may engage in financial options transactions using any financial options contracts designated by the Commodity Futures Trading Commission or approved by the Securities and Exchange Commission, and based upon a security in which the institution has authority to invest.

(d) *Board of directors' authorization.* Prior to engaging in financial options transactions, an institution's board of directors must authorize such activity. In authorizing options, the board of directors shall consider any plan to engage in writing or purchasing financial options contracts, shall endorse specific written policies, and shall require the establishment of internal control procedures. For options positions that will be matched with cash or forward market positions, policy objectives must be specific enough to outline permissible options contract strategies, taking into account price and yield correlations between assets or liabilities and the financial options contracts; the relationship of the strategies to the institution's operations; the rationale for the ratio of the value of options positions to the value of the matched cash market positions; and how the options strategy reduces the institution's interest-rate risk exposure. For unmatched option positions, policy objectives must specify the relationship of the strategy to the institution's operations. Prudent business judgment shall be exercised by participating institutions engaging in financial options transactions in order to maintain a safe and sound financial position. Internal control procedures shall include, at a minimum, periodic reports to management, segregation of duties and internal review procedures. In addition, the minutes of the meeting of the board of directors shall set forth limits applicable to financial options transactions, identify personnel authorized to engage in financial options transactions, and set forth the duties, responsibilities and limits of authority of such personnel. The board of directors shall review the position limit, all outstanding options contract positions, and the unrealized gains or losses on those positions at each regular meeting of the board.

(e) *Notification.* An institution shall notify the District Director-Examinations of the Federal Home Loan

Bank District in which it is located before it engages in financial options transactions. The institution shall report the sum of its long put and short call positions and the sum of its long call and short put positions together with the total unrealized gain or loss from such positions on the Federal Home Loan Bank Board Monthly Report.

(f) *Recordkeeping requirements.* An institution engaging in financial options transactions shall maintain records of such transactions in accordance with the following requirements:

(1) *Contract register.* The institution shall maintain a contract register adequate to identify and control all financial options contracts and sufficient to indicate at any time the amounts of financial options contracts required to be reported on its monthly report. At a minimum, the register shall list the type, amount, expiration date and the cost of or income from each contract.

(2) *Other documentation.* The institution shall maintain as part of the documentation of its financial options strategy a schedule of any cash market or forward commitment position with which the option is matched and the purpose of each contract.

(3) *Maintenance of records.* The records designated in this paragraph (f) shall be maintained for all financial options closed-out during the preceding three years.

(g) *Accounting.* (1) *Purchase or sale.* Upon initial purchase or sale of a financial options contract, a memorandum entry of the information specified in paragraph (f)(1) of this section shall be made and appropriate margin accounts shall be established.

(2) *Option commitment fee.* The option commitment fee paid or received shall be amortized to income or expense over the term of the option, except as provided in paragraph (g)(3)(ii) of this section.

(3) *Options contracts.* (i) Gains or losses on options contracts that are matched with assets or liabilities carried at the lower of cost or market value or carried at market value shall be considered in determining the market value of the asset or liability.

(ii) Options positions that are matched with assets or liabilities carried at cost or to be carried at cost shall be accounted for as follows:

(a) if a commitment fee will be or has been received with respect to the matched asset, the option commitment fee shall be treated as an adjustment of such fee. The adjusted commitment fee shall then be treated as a fee paid or

received in connection with the matched asset;

(b) if a commitment fee has not been received with respect to a matched asset, the option commitment fee shall be amortized to income or expense over the commitment period by the straightline method.

(c) Any resulting gain or loss from an option position shall be treated as a discount or premium on the matched asset or liability;

(d) In the event that the cash market or forward commitment position with which an option is matched is sold or will not occur, the option shall be marked-to-market.

(iii) The immediate exercise value of short puts and other unmatched option positions shall be carried at their current market value.

(Sec. 409, 94 Stat. 160, secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943-48 Comp., p. 1071)

Dated: February 25, 1982.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-5992 Filed 3-4-82; 8:45 am]

BILLING CODE 6720-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[ARC-3-FRL-2065-7]

Federal Assistance Limitations and Construction Moratorium; State of Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Proposed action.

SUMMARY: Section 176(b) of the Clean Air Act requires EPA to withhold Clean Air Act funds from any area where a state or local government has failed to implement an approved or promulgated State Implementation Plan ("SIP"). Section 173(4) and 40 CFR 52.24 impose a moratorium on the construction of major new stationary sources and major modifications of existing stationary sources in any area where EPA finds that a State is not carrying out an approved Part D SIP.

On October 5, 1981 the Pennsylvania legislature passed a bill over the Governor's veto which prohibits the expenditure of any public funds to implement a vehicle inspection program. Pennsylvania's ozone and carbon monoxide SIPs require implementation of an inspection/maintenance program

in the Pittsburgh, Philadelphia, and Allentown-Bethlehem-Easton areas. As a result of this action, EPA is today proposing to find that the Commonwealth of Pennsylvania is no longer implementing its ozone and carbon monoxide SIPs in these three areas. If EPA takes final action affirming these findings, funding limitations and a construction moratorium will apply in these three areas.

DATES: Written comments or requests for a hearing must be submitted by March 25, 1982.

ADDRESSES: Comments and requests for a hearing should be sent to Sheldon M. Novick, Regional Counsel, Environmental Protection Agency, Region III, Sixth and Walnut Street, Philadelphia, Pennsylvania 19106.

FOR FURTHER INFORMATION CONTACT: Sheldon M. Novick, Regional Counsel, Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, PA 19106, (215) 597-9821.

SUPPLEMENTARY INFORMATION:

A. Background

The Clean Air Act Amendments of 1970 required each state to submit a State Implementation Plan ("SIP") to provide for attainment and maintenance of each of the national ambient air quality standards.

The Clean Air Act Amendments of 1977 added a new Part D to the Act which requires states to revise SIPs for any area which has not yet attained a national ambient air quality standard. The revised plan must meet specific requirements outlined in sections 172 and 173 of the Act, and generally must provide for attainment of the national ambient air quality standard by December 31, 1982.

For areas where a state demonstrates that it cannot attain the ozone (O₃) or carbon monoxide (CO) standards by 1982, section 172(a)(2) allows EPA to extend the attainment deadline to 1987. If an extension is granted, the state must also meet the additional requirements of section 172(b)(11). One of these requirements is submittal, by July 1, 1979, of a schedule for implementation of a vehicle inspection/maintenance ("I/M") program in the area with the extended attainment deadline.

Pursuant to section 172(a)(2) of the Act, the Commonwealth of Pennsylvania submitted a Part D SIP which demonstrated that the O₃ and CO standards could not be attained by 1982 in the Philadelphia and Pittsburgh areas, and that the O₃ standard could not be attained by 1982 in the Allentown-Bethlehem-Easton area. Consequently, Pennsylvania requested an extension for attainment of the O₃ and CO standards

in these areas. As required by section 172(b)(11)(B), Pennsylvania also submitted schedules for the implementation of I/M in these areas. These schedules incorporated the terms of a 1978 Consent Decree requiring the Commonwealth to implement I/M.¹

On May 20, 1980 (45 FR 33604), EPA approved the Commonwealth's revised SIPs for O₃ and CO, including the extension requests and the I/M schedules.

B. Pennsylvania's Failure To Implement I/M

On October 5, 1981 the Pennsylvania General Assembly enacted House Bill 456. Section 2, which was effective immediately upon enactment, provides that the executive branch of the State government may not "expend any public funds for the establishment and administration of any system for the periodic inspection of emissions of motor vehicles."

As required by the Consent Decree Schedule (modified by a Court order of June 16, 1981), on October 10, 1981 the Pennsylvania Department of Transportation published in the *Pennsylvania Register* final regulations for the use of emission analyzers in the Commonwealth's I/M program. The Consent Decree schedule next required the Commonwealth to develop an I/M data collection system by December 6, 1981. Apparently, the Commonwealth has not fulfilled this requirement. Nor has the Commonwealth taken any other action to implement I/M.

Moreover, on October 18, 1981 counsel for the Commonwealth filed in the United States District Court for the Eastern District of Pennsylvania a Motion to Stay and Modify the Consent Decree and Order which require the Commonwealth to implement I/M. In its supporting memorandum, the Commonwealth admitted that the enactment of House Bill 456 prevents it from taking further action to implement I/M.

C. Consequences of a Failure To Implement a Part D SIP

Section 176(b) prohibits EPA from making grants under the Clean Air Act in an area where a state or local government fails to implement an approved or promulgated SIP. EPA

¹In 1976 and 1977, a citizen's group and EPA sued the Commonwealth to compel it to fulfill an earlier commitment to implement I/M which was approved by EPA as a SIP revision in 1973. *Delaware Valley Citizen's Council for Clean Air v. Commonwealth of Pennsylvania and United States v. Commonwealth of Pennsylvania* (E.D. Pa. Civ. Nos. 76-2068 and 77-619). The Consent Decree applies only in the Philadelphia and Pittsburgh areas; in its Part D SIP, the state committed to apply the provisions of the decree in the Allentown-Bethlehem-Easton area.

interprets section 176(b) to require a cut-off of funds only for the specific government which actually fails to carry out a SIP. Under this interpretation, if state and county agencies share responsibility for SIP implementation in a particular area, and only the state stops implementing the SIP, EPA can continue to fund the county while cutting off funds for the state.

Section 173(4) provides that a moratorium on the construction of new major stationary sources and the modification of existing major stationary sources applies in any area where a state is not implementing an approved plan. EPA has incorporated this construction moratorium into each state's SIP. See 40 CFR 52.24 (1981). Both the statute and the regulation make the ban pollutant-specific. For example, if a state fails to carry out its ozone SIP, only the construction of ozone sources is prohibited.

The Clean Air Act does not establish procedures for implementing either section 176(b) or section 173(4). EPA is using the notice and comment procedure required for informal rulemakings under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.* Consequently, EPA is providing an opportunity to comment on its finding that a state or local government has failed to implement a plan before imposing either the funding cut-off under section 176(b) or the construction moratorium under section 173(4).

In addition, section 105(e) requires EPA to provide an opportunity for a hearing before disapproving any application for section 105 funds. EPA will provide a public hearing if it receives a request within 20 days of the publication of this notice (March 25, 1982).

D. Proposed Findings and Action

Based on the Commonwealth's representation that it cannot proceed with I/M implementation, and the Commonwealth's apparent failure to meet its I/M schedule, EPA is proposing to find that the Commonwealth is no longer implementing its O₃ and CO plans in the Philadelphia, Pittsburgh, and Allentown-Bethlehem Easton areas.

1. Cut-off of Clean Air Act Funds

EPA is proposing to withhold Clean Air Act funds from the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Resources, the two state agencies which have SIP responsibilities in the Pittsburgh, Philadelphia and Allentown-Bethlehem-Easton areas.

More specifically, EPA is proposing to withhold funds from the Pennsylvania

Department of Transportation for the development of I/M. When EPA entered into the Consent Decree in 1978, it agreed to provide \$400,000 for I/M implementation. EPA has not yet awarded \$172,000 of this amount. EPA is proposing to withhold this \$172,000 until the Commonwealth restores its I/M funding.

EPA is also proposing to withhold all funds for the regional offices of the Pennsylvania Department of Environmental Resources with jurisdiction in the I/M areas. For those regional offices which have jurisdiction over an area larger than an I/M area, EPA has estimated the percentage of the regional population in the I/M area. EPA is proposing to withhold the same percentage of federal funds from these regional offices. The total amount to be withheld is \$563,352.

EPA is not proposing to withhold any funds to be used in areas of the state which do not need I/M.

In the Pittsburgh and Philadelphia areas, state agencies share SIP implementation responsibilities with two local agencies. EPA is not proposing to withhold funds from these local agencies, which have no responsibility to implement I/M. No local agencies receive Clean Air Act funds in the Allentown-Bethlehem-Easton area.

2. Construction Moratorium

EPA is also proposing to ban construction of major new stationary sources and major modifications of existing stationary sources of O₃ and CO in the Philadelphia, Pittsburgh and Allentown-Bethlehem-Easton areas. This ban will apply to all major sources and modifications which have not yet received preconstruction permits required under the State's new source review program for nonattainment areas.

EPA will consider any future actions or commitments by the Commonwealth before making a final determination on this proposal. If the Commonwealth resumes I/M implementation prior to EPA's final action on this matter, EPA will withdraw this proposal.

E. Request for Comment

EPA is soliciting comment on its proposed finding that Pennsylvania is no longer implementing its O₃ and CO plans. EPA will consider all comments received within 20 days of the publication of this notice (March 25, 1982).

EPA is providing only 20 days for the submittal of comment on this proposal because the public has previously been notified of EPA's intent to make this finding. EPA provided notice of its intent

in the Notice of Deficiency published on December 3, 1981 (46 FR 58593).

F. Miscellaneous

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

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This proposed action will not affect any small business, governmental jurisdiction, or organization as defined in the Regulatory Flexibility Act.

(Sec. 110, 172, 173(4), 176(b); sec. 301, the Clean Air Act, 42 U.S.C. 7410, 7502, 7503(4), 7506(b) and 7601)

Dated: February 24, 1982.

Ann M. Gorsuch,
Administrator.

[FR Doc. 82-5960 Filed 3-4-82; 8:45 am]
BILLING CODE 6560-26-M

40 CFR Part 52

[A-5-FRL-2054-8]

Approval and Promulgation of Revisions to the State Implementation Plan; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes rulemaking on a revision to the Ohio State Implementation Plan (SIP) pursuant to Part D of the Clean Air Act (Act). The revision pertains to Chapter 3745-35 of the Ohio Administrative Code. The purpose of this notice is to discuss EPA's evaluation of the revision and to solicit public comments on the revision and on EPA's proposed approval.

DATE: Comments on this revision and on EPA's proposed approval must be received by April 5, 1982.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review. (It is recommended that you telephone Richard Clarizio at (312) 886-6029 before visiting the Region V office).
Environmental Protection Agency,
Region V, Air Programs Branch, 230
South Dearborn Street, Chicago,
Illinois 60604;

Ohio Environmental Protection Agency,
Office of Air Pollution Control, 361
East Broad Street, Columbus, Ohio
43216.

Comments on this proposed rule should be addressed to: (Please submit

an original and three copies if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, USEPA, Region V, 230 South Dearborn, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Air Programs Branch, USEPA, Region V, 230 South Dearborn, Chicago, Illinois 60604 (312) 886-6029.

SUPPLEMENTARY INFORMATION: EPA is today proposing to approve rules 01 through 04 of Chapter 3745-35 of the Ohio Administrative Code (rules 3745-35-01 through 04). The State of Ohio submitted these rules to EPA on February 25, 1980. Presented below is a synopsis of rules 3745-35-01 through 04.

Rule 3745-35-01 sets forth the definitions to be used in rules 3745-35-02 through 04. Generally, this rule incorporates by reference the definitions contained in rule 3745-15-01. The rule does, however, supply specific definitions for the terms "air contaminant source" and "applicable air pollution control law."

Rule 3745-35-02 establishes the procedures and requirements which a source must comply with prior to operation. This rule applies to all new and existing sources, including those sources which are subject to EPA's new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS). Generally this rule requires an owner of an air contaminant source to apply for and obtain a permit to operate from the Ohio Environmental Protection Agency (OEPA).

A permit applicant must demonstrate that its sources will be operated in compliance with all applicable air pollution control rules and that they will comply with any other requirements which the Director of OEPA may determine are necessary. Finally, the rule states that the signed permit application represents an agreement by the applicant that he shall operate and maintain the source and the control equipment in a manner designed to assure compliance with applicable air pollution control law.

Rule 3745-35-03 establishes the procedures and requirements which an existing source must comply with in order to obtain a variance. The variance if granted, may, under certain prescribed conditions, allow a source either: (1) to emit an air pollutant at a specified level which exceeds the amount allowed by applicable law or (2) to achieve compliance with an applicable law by a date later than provided for in the law. According to paragraph (E)(2)(f) of the rule, the variance is not effective until after EPA approves it.

Paragraph (E)(2)(d) of this rule incorporates within the rule the concept of a "bubble". With a "bubble" the owner of a pollutant source reduces emissions from one or more emission points at a plant by more than is required by law. In exchange for this reduction the owner is allowed to increase emissions by a similar amount at other specified emission points within the same plant. EPA notes that although it is proposing to approve paragraph (E)(2)(d) as part of rule 3745-35-03 the State must continue to submit individual "bubbles" to EPA for review and approval to ensure that they comply with EPA's Bubble Policy (See 44 FR 71780). If the State adopts and submits to EPA for approval as part of the SIP a rule which sufficiently incorporates the Bubble Policy requirements, then individual "bubbles" will not need to be submitted for review and approval.

Rule 3745-35-04 states the general policy for reviewing permits to operate and variances for the OEPA. It basically states that where more than one alternative would satisfy any applicable requirement of the law then OEPA should "encourage the implementation of the least costly alternative." Further, it directs the Director of OEPA to consider economics whenever he acts pursuant to the requirements of applicable air pollution control law. However, it specifically states that economic hardship shall be no excuse for a source's violating any requirement of applicable air pollution control law. Finally, this rule states that the Director shall act upon the permit and variance applications according to the chronological order of submission.

EPA notes that the authority given the Director of OEPA in rules 3745-35-02 (C)(4)(b) can be exercised only to the extent that it does not violate Part 60 of Title 40 of the Code of Federal Regulations (40 CFR 60). Rule 3745-35-02 (C)(4)(b) allows the Director to "exempt classes of sources * * * from the requirements of performance testing where economic and technical considerations justify such an exemption". 40 CFR 60.8(b) only allows site specific exemptions. It does not allow for class-wide exemptions from the performance test requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), the administrator certified on January 27, 1981 (46 FR 8709), that approvals or conditional approvals of SIPs under sections 110 and 172 of the Clean Air Act and revisions of attainment status designations under section 107(d) would not, if promulgated, have a significant economic impact on a substantial number of small entities. Today's action approves an action

submitted by the State pursuant to the provisions of Section 110 of the Act and imposes no new requirements beyond those which the State has already imposed.

This regulation was exempted from review by the Office of Management and Budget (OMB) under Section 3 of Executive Order 12291.

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

Dated: February 2, 1982.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 82-6032 Filed 3-4-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL-2060-6]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On August 31, 1981, the Illinois Environmental Protection Agency (IEPA) submitted a proposed revision to the Illinois State Implementation Plan (SIP) to the EPA in the form of a July 9, 1981, Order of the Illinois Pollution Control Board (IPCB) R-77-15 amending Chapter 2 of the IPCB rules and regulations by establishing Rule 204(c)(1)(E). Rule 204(c)(1)(E) relaxes the existing sulfur dioxide (SO₂) emission limitations for solid fuel combustion sources having actual heat input not greater than 250 million BTUs per hour owned or operated by Bemis Company, Inc.; Celotex Corporation or Sherex Corporation from 1.8 lbs. SO₂/MMBTU (under Rule 204(c)(1)(A)) to 5.5 lbs. SO₂/MMBTU. On November 17, 1981, IEPA submitted additional information in support of the proposed SIP revision. This rulemaking solicits public comments on the submittals and on EPA's proposed rulemaking action to approve these submittals.

DATE: Comments must be received on or before April 5, 1982.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review:

Environmental Protection Agency,
Region V, Air Programs Branch, 230
South Dearborn Street, Chicago,
Illinois 60604;
Environmental Protection Agency,
Public Information Reference Unit, 401
M Street, SW., Washington, D.C.
20460;

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

Comments on this proposed rule should be addressed to: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6036.

SUPPLEMENTARY INFORMATION: On August 31, 1981, the IEPA submitted to EPA a July 9, 1981 IPCB Order (R-77-15) as a proposed SIP revision. The Order amends Rule 204(c)(1) of Chapter 2 of the IPCB rules and regulations by establishing Rule 204(c)(1)(E) which reads as follows:

Rule 204(c) Sulfur Dioxide Emission for Existing Fuel Combustion Sources
(1) Solid Fuel Burned Exclusively

(E) Notwithstanding any other provision of this rule, no person shall cause or allow the emission of sulfur dioxide into the atmosphere in any 1-hour period from any existing solid fuel combustion source located in the Peoria major metropolitan area and having an actual heat input not greater than 250 million BTU per hour, owned or operated by Bemis Company, Inc., Celotex Corporation or Sherex Corporation to exceed 5.5 pounds per million BTU of actual heat input on or after July 20, 1981.

The Order revises the existing SO₂ emission limits for the small coal-fired boilers owned by Bemis Company Inc., Celotex Corporation or Sherex Corporation from 1.8 lbs. SO₂ MMBTU (per Rule 204(c)(1)(A)) to 5.5 lbs SO₂/MMBTU. IEPA submitted copies of several modeling analyses, a State operating permit, transcripts of State hearings and other documents on August 31, 1981 and on November 17, 1981, to support this SIP revision.

The Bemis, Celotex and Sherex facilities are located in Peoria County within an area which has been designated as nonattainment for the SO₂ National Ambient Air Quality Standards (NAAQS) see (CFR 81.314). The coal-fired boilers at Bemis, Celotex and Sherex are all rated at less than 250 MMBTU/hr and have historically burned coal with an average sulfur content between 2.4 and 2.8 percent with corresponding emission rates approximating 4.6-5.0 lbs SO₂/MMBTU. Consequently, Rule 204(c)(1)(E) essentially permits status quo emissions at these facilities. Since actual

emissions will not be increased, the new emission limits for these sources will not consume any PSD increment.

Illinois submitted several modeling analyses which were performed in order to show that the proposed emission limits for Bemis, Celotex and Sherex will protect the SO₂ NAAQS. The modeling analyses used the EPA reference models RAM, MPTER and CRSTER and include emissions from all major SO₂ sources in the Peoria area. Five years of Peoria National Weather Service surface and upper air meteorological data were employed with an adequate model receptor grid network. Background concentrations from non-inventoried SO₂ sources were determined from available SO₂ monitoring data in Peoria. More detailed information on the modeling analyses is contained in the Technical Support Document in Docket No. 153, located at the Region V office listed above.

The modeling analyses show that a stack height increase at Sherex is necessary to assure attainment and maintenance of the SO₂ NAAQS with the proposed emission limit of 5.5 lbs/MBTU. Consequently, Illinois EPA has conditioned Sherex's operating permit to require that the company increase the height of their stack which serves coal-fired boilers numbered 1 and 2 from 42.7m to at least 58.2m. The new stack at Sherex conforms with the Good Engineering Practice (GEP) stack height regulations (February 8, 1982). The GEP regulations allow a de minimus stack height of 65 m for all sources. After completion of this taller stack at Sherex, the results of the modeling analyses demonstrate that the SO₂ NAAQS will be attained and maintained in the Peoria area.

Insofar as interstate intransport of SO₂ emissions is concerned, the Agency's air quality models are not considered accurate beyond 50 km from the source(s) and thus it is not possible to quantify the SO₂ impact of the Peoria sources on distant states. However, the increase in allowed SO₂ emissions from Bemis, Celotex and Sherex should not have an adverse impact on SO₂ air quality in any other state. The total maximum allowable SO₂ emissions from these industrial boilers are relatively small (less than 10,000 tons per year) and the emissions are dispersed from relatively short stacks (less than 65 m). Consequently, long range transport of SO₂ from these sources should not be significant and should not have an adverse impact on the SO₂ air quality in any other State (Iowa, 120, km away, is the closest state to the Peoria area.)

IEPA has provided adequate technical support to demonstrate that the SIP

relaxation to 5.5 lbs/MMBTU for the coal-fired boilers with actual heat input less than 250 MMBTU/hr at Bemis, Celotex and Sherex will not cause or contribute to violations of the SO₂ NAAQS or applicable PSD increments. Therefore, EPA proposes to approve Illinois Rule 204(c)(1)(E) as contained in IPCB Order R-77-15 as a SIP revision.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified on January 27, 1981 (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action, if promulgated, only approves a State action and, therefore, imposes no new requirements.

This regulation was exempted from review by the Office of Management and Budget (OMB) under section 3 of Executive Order 12291. Any regulatory requirements which may occur as a result of this action will be dealt with in a separate notice.

This notice of Proposed Rulemaking is issued under the authority of sections 110 and 172 of the Act as amended (42 U.S.C. 7410 and 7502).

Dated: February 19, 1982.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 82-6030 Filed 3-4-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL-2035-7]

Satisfaction of State Implementation Plan Approval Conditions for Particulate and Ozone Control Strategies—Illinois

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: In its February 21, 1980, final rulemaking (45 FR 11472), the Environmental Protection Agency (EPA) conditionally approved the Illinois control strategies for Total Suspended Particulates (TSP) and for ozone (O₃). On October 1, 1981, the State of Illinois submitted information in satisfaction of the TSP strategy approval condition which required the State to study the potential air quality impact from storage piles with uncontrolled emission of less than 50 tons per year. On February 11, 1981, the State submitted information in satisfaction of the O₃ control strategy approval condition which required the State to conduct a study to demonstrate that the three pound per hour, 15 pound per day exemption for solvent metal

cleaners contained in Rule 205(k) represents Reasonably Available Control Technology (RACT). This rulemaking solicits public comments on the submittals and on EPA's proposed rulemaking action to approve these submittals.

DATE: Comments must be received on or before April 5, 1982.

ADDRESSES: Written comments should be sent to the following address: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Please submit an original and three copies if possible. Copies of the materials submitted by the State and by the public during the comment period announced in this notice of proposed rulemaking may be examined during normal business hours at the following EPA offices:

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

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

FOR FURTHER INFORMATION CONTACT:
Randolph O. Cano, Regulatory Analysis
Section, Air Programs Branch, Region V,
U.S. Environmental Protection Agency,
230 South Dearborn Street, Chicago,
Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: In its
February 21, 1980, Final Rulemaking (45
FR 11472), EPA conditionally approved
the Illinois control strategies for TSP
and for O₃. This notice proposes to
approve the satisfaction of one approval
condition for each of these strategies.

TSP Control Strategy

The TSP control strategy approval condition required the State to conduct an analysis of the potential air quality impact from storage piles with uncontrolled emissions of less than 50 tons per year, to submit the results of any analysis to EPA, to submit any necessary regulations to the Illinois Pollution Control Board (IPCB), and promulgate and submit any necessary regulations to EPA.

The State submitted the required report to EPA on October 1, 1981. The report concluded that TSP emissions from small industrial storage piles represent less than one percent of the industrial TSP emissions in Illinois non-attainment counties and only about five percent of the storage pile emissions. According to the report, the spatial

distribution of these small storage pile sources is such that their impacts do not have a substantial additive effect on air quality. Based on these findings, the State concluded that there was no need for further regulations. The State considers their October 1, 1981, submittal sufficient for satisfaction of the conditional SIP approval relating to control of industrial related storage pile emissions.

EPA has reviewed the State's submittal including the required report and agrees that no further regulations are necessary. EPA, therefore, proposes to find that the State's submittal satisfies the plan approval condition.

O₃ Control Strategy

The O₃ control strategy approval condition proposed for satisfaction today required the State to conduct a study to demonstrate that the three pound per hour, 15 pound per day exemption for solvent metal cleaners contained in Rule 205(k) represents RACT, to submit the results of the study to EPA, to submit any necessary regulations to the IPCB and promulgate and submit any necessary regulations to EPA.

EPA study (EPA 905/4-80-008) *Volatile Organic Compound Emissions from Solvent Cleaning Operations in the State of Illinois* was prepared to satisfy the report requirement. It reached two conclusions: (1) The Illinois rule is more stringent than the EPA "presumptive norm" contained in the Control Techniques Guidelines (CTG) and (2) the allowable emissions from the Illinois rule are within five percent of those resulting from a rule consistent with the CTG.

The State reviewed this report and in a February 11, 1981, letter to EPA noted their agreement with these findings and indicated that because there was no need for further regulations, this condition is satisfied.

EPA has reviewed this study and the State's February 11, 1981, letter. EPA agrees with the report's findings and the State's assertion regarding this plan. EPA, therefore, proposes to find that the State's action satisfies this plan approval condition.

All interested parties are invited to comment on the State's submissions and on EPA's rulemaking proposing satisfaction of these SIP plan approval conditions. All comments received will be available for inspection at Region V, Air Programs Branch, 230 South Dearborn, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified on January 27, 1981, that the attached rule will not, if promulgated, have a

significant impact on a substantial number of small entities. This action only proposes that two SIP approval conditions have been satisfied. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This proposed regulation is not major because it only indicates that two SIP approval conditions have been satisfied and imposes no new requirements. These actions were exempted from review by the Office of Management and Budget under section 3 of Executive Order 12291.

This proposed rulemaking is issued under the authority of sections 110 and 172 of the Clean Air Act.

Dated: January 11, 1982.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 82-6029 Filed 3-4-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-7-FRL-2056-1]

Revision to State Implementation Plan; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Kansas submitted revisions to its State Implementation Plan (SIP) in 1979 and 1980. On April 3, 1981, EPA took final action to approve certain elements of the Kansas plan while certain other portions of the plan were conditionally approved (46 FR 20164). On September 15, 1981, the Kansas Department of Health and Environment made a submission for the purpose of fulfilling one of these conditions. The condition required the state to submit additional information to substantiate its determination that those sources of particulate listed in Appendix DK of the state particulate plan which are not equipped with control equipment meet the requirements of reasonably available control technology (RACT).

The purpose of today's notice is to advise the public of EPA's proposed action on the September 15, 1981 submission and to invite public comment.

DATE: Comments must be received on or before May 4, 1982.

ADDRESSES: Comments should be addressed to Mary C. Carter, Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Copies of the state submission are available for inspection during normal business hours at the above address and at the following locations:

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460; and Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66101.

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

SUPPLEMENTARY INFORMATION: On April 3, 1981, EPA conditionally approved certain portions of the Kansas SIP with regard to the requirements of Part D of the Clean Air Act, as amended. A detailed discussion of that action can be found in the *Federal Register* notice published on that date (46 FR 20164).

In its original SIP submittal in 1979, the state certified that all major point sources in the Kansas City, Kansas, nonattainment area were required to meet regulations representing RACT. However, the submittal indicated that some of the sources had no control equipment. Therefore, one of the conditions promulgated by EPA required the state to submit additional information to substantiate its determination of RACT for those point sources of particulate listed in Appendix DK of the State particulate plan which are not equipped with control equipment. In addition, the state was required to implement any recommended control measures which might be identified and to submit acceptable compliance schedules for completing the actions which may be necessary to control these sources at the RACT level, so that Kansas City attains the particulate standard by the December 31, 1982 deadline. EPA stated in the April 3 notice that it believed further engineering evaluation of possible control equipment for those uncontrolled sources may be appropriate. The state agreed to accept the findings of a RACT determination study being conducted by the local agency, the Kansas City-Wyandotte County Department of Health (KCWCDH). The state further agreed to take the appropriate follow-up actions that the study found to be necessary to implement RACT controls on these sources.

The RACT determination study conducted by the KCWCDH was

completed and submitted to EPA in August 1981. The report does not address all of the sources in Appendix DK which are not equipped with control equipment, as specified in the April 3 condition. However, EPA has learned, through further communication with the local agency, that some of the sources in Appendix DK which are shown as having no control equipment either no longer exist, have not been operating for the last year, or have undergone process modifications to reduce particulate emissions. The remaining point sources which do not have control equipment represent only two percent of the Wyandotte County particulate emission inventory. In addition, for at least one of these uncontrolled sources there is no reasonably available control equipment.

On September 15, 1981, the Kansas Department of Health and Environment (KDHE) submitted a letter which acknowledged receipt of the KCWCDH RACT determination study report, affirmed acceptance of the findings of the report, and concluded that no new actions needed to be taken by that agency. The letter affirmed that enforcement actions will continue to be taken to assure that point sources of particulate comply with current Kansas regulations. The letter requested that the applicable condition on the SIP be removed.

The EPA has reviewed the September 15, 1981, submission from the KDHE and has determined that it does not meet the requirements of the April 3, 1981 condition on approval of the Kansas SIP because the submission only addresses some of those uncontrolled sources listed in Appendix DK. However, recent information indicates that some of the uncontrolled sources listed in Appendix DK either no longer exist, have not been operated for the last year, or have undergone process modifications to reduce particulate emissions. Additionally, EPA feels that reasonably available control measures generally do not exist for the remaining uncontrolled point sources listed in Appendix DK. Therefore, EPA is proposing to remove the April 3, 1981 condition on the Kansas SIP identified earlier in this notice.

Proposed Action

EPA proposes to remove the applicable condition on the Kansas SIP.

Pursuant to the provision of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached

rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

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

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

Dated: February 4, 1982.

John Franke, Jr.,
Regional Administrator.

[FR Doc. 82-6028 Filed 3-4-82; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-503; RM-3823]

Radio Broadcast Services; FM Broadcast Station in Greenfield and Springfield, Missouri; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: This action denies a request by John A. Watkins to have FM Channel 228A in Greenfield, Missouri, reassigned to Springfield, Missouri. Petitioner requested that his original petition be withdrawn, thus terminating the proceeding.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: February 16, 1982.

Released: February 25, 1982.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Greenfield and Springfield, Missouri), BC Docket No. 81-503, RM-3823.

1. The Commission has before it for consideration a Notice of Proposed Rule Making, 46 FR 42703, published August 24, 1981, in response to a petition filed by John A. Watkins ("petitioner"), President of the Watkins Investment Company, licensee of FM Station KRFG (Channel 228A) in Greenfield, Missouri.

Petitioner seeks to have Channel 228A deleted from Greenfield, Missouri, and reassigned to Springfield, Missouri, as that community's fifth FM assignment. The request is conditioned upon "the approval of a new and modified license for KRFG at the new location * * * Springfield, Missouri.

2. Greenfield (population 1,394),¹ seat of Dade County (population 7,883), is located approximately 192 kilometers (120 miles) southeast of Kansas City, Missouri, and approximately 51 kilometers (32 miles) northwest of Springfield, Missouri. Station KRFG, licensed to petitioner, is presently the only local aural service in Greenfield. Springfield (population 133,116), seat of Green County (population 185,302), is located approximately 224 kilometers (140 miles) southeast of Kansas City, Missouri. Springfield is currently served locally by two daytime-only AM stations, four full-time AM stations, four FM stations, and one noncommercial FM station.

3. In our Notice of Proposed Rule Making, we stated that, although we had several misgivings about the proposal, we had decided to seek comments on petitioner's request to reassign Channel 228A to Springfield. We pointed out, however, that should the Commission ultimately decide to reassign Channel 228A to Springfield, Commission policy requires that the channel be opened to competing applications. Permitting all interested parties to apply for the channel at Springfield would allow the Commission to select the applicant which would best serve the public interest. Thus, if it were decided to reassign Channel 228A, the license of Station KRFG would not be modified to specify Springfield as its city of license. We further stated that if the petitioner does not wish to risk a comparative application proceeding for Channel 228A at Springfield, we would be inclined to act favorably toward a request from petitioner to withdraw his petition.

4. Petitioner filed "Comments, Motion to Modify, or In Alternative, Motion to Withdraw Petition for Rule Making." Petitioner again urged the Commission to modify the proposed rule making so that the change would be effective only upon KRFG presenting a suitable application for a construction permit to begin operation in Springfield upon termination of operation at Greenfield. If such modification cannot be made, petitioner requests that his original petition be withdrawn so that other possible solutions can be explored.

5. Comments opposing the reassignment of Channel 228A to Springfield were filed by Salina Broadcasting, Inc. ("Salina"), licensee of Stations KWTO(AM) and KWTO-FM, Springfield; and by Springfield Great Empire Broadcasting, Inc., licensee of Station KTTS-FM, Springfield. Each has stated that Greenfield should not lose its only FM station in favor of a twelfth radio station at Springfield. Further, Watkins has not submitted sufficient economic data providing a basis for finding that Greenfield cannot support an FM station. As for the modification of license to specify a new city, Commission policy founded upon the *Ashbacker*² case, requires the channel to be opened to competing applicants. Accordingly, petitioner's request for modification of the rule making should be denied, the request to withdraw the petition should be granted, and the proceeding terminated.

6. In its reply, Watkins offers his station's confidential financial reports into evidence to demonstrate the losses it has sustained and its need to terminate its Greenfield operation. Watkins pledges that it would aid the establishment of a noncommercial educational facility for Greenfield with its equipment.

7. Petitioner's request for modification of the rule making will be denied. When a channel is reassigned to a new community, the channel must be opened to competing applications. *Riverside and Santa Ana, California*, 65 F.C.C. 2d 920, 924 (1977), *reconsideration denied*, 68 F.C.C. 2d 557 (1978). That policy is well established and we know of no basis upon which to base a different conclusion. Without such modification Watkins is unwilling to pursue the channel reassignment. Thus the issues relevant to the reassignment are rendered moot.

8. In view of the foregoing, it is ordered, That petitioner's Motion to Modify the rule making is denied, and that the request to withdraw the original petition is granted.

9. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission,
Martin Blumenthal,
Acting Chief, Policy and Rules Division
Broadcast Bureau.

[FR Doc. 82-6083 Filed 3-4-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of Status—Tar River Spiny Mussel (*Canthyria* sp.)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Review.

SUMMARY: The Service is reviewing the status of the Tar River spiny mussel (*Canthyria* sp.) to determine if this species and its habitat should be provided protection under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended. This species, believed to exist only within the Tar River, North Carolina, has been identified by the North Carolina Wildlife Resources Commission as a species whose numbers appear to have been significantly reduced. The Service has also received two unsolicited research proposals on this species which include information on the status of this mussel. Based on information provided through the Notice of Review process and other data, the Service will determine if the Tar River spiny mussel should be proposed for inclusion on the Federal List of Endangered and Threatened Species. The Service also is requesting information on environmental and economic impacts and effects on small entities that would result from listing the Tar River spiny mussel as an Endangered or Threatened species, and information on possible alternatives to the listing.

DATE: Information regarding the status of this species should be submitted on or before June 3, 1982.

ADDRESSES: Interested persons, organizations, agencies, and governments are requested to submit comments to Area Manager, U.S. Fish and Wildlife Service, 50 South French Broad Avenue, Plateau Building, Room A-5, Asheville, NC 28801. Comments and material relating to this notice are available for public inspection by appointment during normal business hours at the above address.

¹ Population figures are derived from the 1980 U.S. Census, Advance Reports.

² *Ashbacker Radio Corp v. FCC*, 326 U.S. 327 (1945).

FOR FURTHER INFORMATION CONTACT:

Mr. Richard G. Biggins or Ms. Nora Murdock, U.S. Fish and Wildlife Service, 50 South French Broad Avenue, Plateau Building, Room A-5, Asheville, NC 28801 (Telephone 704/258-2850 ext. 321 commercial; or 672-0321, FTS).

SUPPLEMENTARY INFORMATION:**Background**

The Tar River spiny mussel (*Canthyrta* sp.), believed to exist only within North Carolina's Tar River Drainage, was first discovered in the Tar River at Tarboro, Edgecombe County, North Carolina, in 1968. Although other malacologists have repeatedly surveyed the Tar River for this mussel since 1968, fewer than 20 live specimens have been observed. All known live specimens have been taken from the stretch of river between Sparta and Tarboro, Edgecombe County, North Carolina. A relic shell was taken near Spring Hope, Nash County, North Carolina. Clark (1980) reports that in 1977 he visited the site of the 1968 discovery and found no living mussels.

The North Carolina Wildlife Resources Commission (Hazel, 1979) identified the Tar River spiny mussel as State "Endangered species" whose numbers appear to have been significantly reduced. Fuller (1971) lists the species as being in danger of extinction. In a report to the North Carolina Wildlife Resources Commission, Porter (1979) describes the Tar River spiny mussel as follows: "May be extinct. Known only from Tar River, North Carolina. . . . This species most certainly should be listed as endangered." Two research proposals, Clark (1980) and Porter (1980), submitted to the Service indicate that this mussel may qualify for Federal protection.

Little is known of the Tar River spiny mussel's life history. It has been found in sand and mud substrate, and may inhabit shallow to deep water habitat. The species appears most threatened by siltation resulting primarily from agricultural runoff. However, water projects such as reservoirs, sewage treatment facilities and channel clearance projects may have had a negative impact on the species in the past.

Factors Affecting Listing a Species and Critical Habitat

The Service's listing regulations (50 CFR 424.11(b)) state:

(b) A species shall be listed if the Director determines on the basis of the best scientific and commercial data available to him after conducting a review of the species' status that the species is Endangered or Threatened because of any one or a combination of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it;

(3) Disease or predation;

(4) Absence of regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat; and

(5) Other natural or manmade factors affecting its continued existence.

Section 3 of the Endangered Species Act defines "Critical Habitat" as follows:

. . . include (a) areas within the geographical area occupied by the species at the time that species is listed which are essential to the conservation of the species and (b) which may require special management considerations or protection; and specific areas outside the geographic area occupied by the species at the time, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service's listing regulations (§ 424.12) further state in part:

(a) Critical Habitat shall be specified to the maximum extent prudent at the time a species is proposed for addition to the list * * *

(b) The Director shall consider in determining what areas are Critical Habitat those physiological, behavioral, ecological, and evolutionary requirements essential to the conservation of the species and which may require special management considerations or protection. These requirements include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and generally,

(5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of listed species. . . .

(c) The Director shall identify the significant activities which would either affect an area considered for designation as Critical Habitat or be likely to be affected by the designation, and shall consider the reasonably probable economic and other impacts of the designation upon such activities * * *.

Effects of This Notice of Review

This notice is a public announcement of the Service's intent to collect data on the status of the Tar River spiny mussel and its habitat, and to solicit information on likely economic and other impacts which would result were the species and its Critical Habitat proposed and listed.

This notice does not formally bring the Tar River spiny mussel under the protection of the Endangered Species

Act (ESA) nor does it commit the Service to subsequently propose it for listing. Consequently, there will be no effect on Federal activity through Section 7 of the Act. This notice also does not imply any prohibition on taking of the species as stated in Section 9. The Service does believe, however, that the Tar River spiny mussel is a species of concern which may warrant such protection.

Public Comments Solicited

The Service is seeking comments from the Governor of North Carolina on this species and its potential Critical Habitat. With this Notice of Review, the Service is also inviting and requesting anyone who may have information on this species to contact the Area Manager, U.S. Fish and Wildlife Service, at the above address. Although all comments are welcome, the Service has particular interest in receiving comments on the following:

1. Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the Tar River spiny mussel.

2. The location of Critical Habitat and the reasons why any habitat occupied by this mussel should or should not be determined to be Critical Habitat as provided for by Section 4 of the Act.

3. Additional information concerning the range and distribution of the Tar River spiny mussel.

4. Current or planned activities which may adversely affect the Tar River or the mussel.

5. Information on environmental and economic impacts and effects on small entities (including small businesses, small organizations, and small governmental jurisdictions) and on federally funded or authorized projects that would result from listing the Tar River spiny mussel as an Endangered or Threatened species and designating Tar River spiny mussel Critical Habitat, and information on possible alternatives to a listing. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, Executive Order 12291 on Federal regulation and the Regulatory Flexibility Act, and in preparing any required analyses of effect.

The Service will analyze all extant data, as well as data resulting from this review, and from any future research. If the analysis indicates that the Tar River spiny mussel merits Endangered or Threatened status, the Service will propose the species for listing. Such a proposal would afford additional opportunity for interested parties to comment prior to any decision by the Service to formally list the Tar River spiny mussel.

The following documents were consulted in preparing this notice:

Clark, Arthur H. 1980. Research proposal: A status Survey Report on the Tar River Spiny Mussel. Submitted to U.S. Fish and Wildlife Service, September 17, 1980, 10 pp.

Fuller, S.L.H. 1977. Freshwater and Terrestrial Mollusks, p. 143-194. In: Cooper, J.E., Sarah S. Robinson, and J.B. Funderberg (eds). Endangered and Threatened Plants and Animals of North Carolina. N.C. Museum of Natural History, Raleigh, N.C. 444 pp.

Hazel, Robert. 1979. Letter to Harold Benson, U.S. Fish and Wildlife Service. Subject: Species Recommended for Study to Determine Eligibility for Designation as Threatened or Endangered by N.C. Wildlife

Resources Commission Endangered Species Advisory Committee. October 25, 1979. 6 pp.

Porter, Hugh J. 1979. Letter to Frank B. Barick, North Carolina Wildlife Resources Commission; Subject: Mollusk Report—Prioritization of Potentially Endangered Species for Pre-designation Study. September 24, 1979. 7 pp.

Porter, Hugh J. 1980. Research Proposal: Rarity of the Tar River Spiny Mussel, *Canthyria* sp., Within North Carolina Freshwater Drainages. Submitted to U.S. Fish and Wildlife Service. December 18, 1980, 11 pp.

This Notice of Review was prepared by Richard Biggins, U.S. Fish and Wildlife Service, Asheville Area Office, 50 South French Broad Avenue, Plateau Building, Room A-5 Asheville, North Carolina 28801 (Telephone 704/258-2850, ext. 321).

Dated: February 26, 1982.

G. Ray Arnett,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-6059 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 47, No. 44

Friday, March 5, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Emergency Conservation Program (ECP) Payments; Determination of Primary Purpose for Amounts That May Be Excluded From Income

Note.—This document originally appeared in the *Federal Register* for Wednesday, March 3, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Agricultural Stabilization and Conservation Service.

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Determination.

SUMMARY: The purpose of this notice is to announce the determination by the Secretary of Agriculture that certain Federal payments made to farmers under the Emergency Conservation Program (ECP) are made primarily for purposes of conserving soil and water resources, protection or restoring the environment, improving forests, or providing a habitat for wildlife. This determination by the Secretary is made in accordance with section 126(b) of the Internal Revenue Code of 1954, as amended by section 543 of the Revenue Act of 1978 and the Technical Corrections Act of 1979. The effect of this determination is to make it possible for recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes if certain other conditions are met.

FOR FURTHER INFORMATION CONTACT: Director, Conservation and Environmental Protection Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6221.

SUPPLEMENTARY INFORMATION: This action has been reviewed in accordance

with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified as "not major." It has been determined that these program provisions will not result in (1) an annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individuals, industries, Federal, State or local government agencies or geographic regions; (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Emergency Conservation Program; Number—10.054; as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local governments are informed of this action.

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

Section 126 of the Internal Revenue Code of 1954, as amended by the Revenue Act of 1978 and the Technical Corrections Act of 1979, provides that certain payments which are made to persons under programs administered by the Department of Agriculture may be eligible for exclusion from gross income if certain determinations are made. One such determination involves the Secretary of Agriculture who must determine whether certain payments issued to persons under designated programs listed in section 126(a) are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making any such determination the Secretary of Agriculture must evaluate each of those designated programs based upon criteria set forth at 7 CFR Part 14.

One of the conservation programs listed in the section 126(a) is the Emergency Conservation Program (ECP) authorized by Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 note). This program is funded annually by the agriculture appropriations acts.

The objective of the ECP is to share with eligible persons the cost of rehabilitating farmlands damaged by wind and water erosion, floods, hurricanes, or other natural disasters and undertaking, water conservation or water enhancement measures during periods of severe drought.

Except for severe drought and wind erosion, cost-sharing payments are made to eligible producers under the program for replacing or restoring farmlands or structures to a condition similar to that existing prior to the natural disaster. Cost-sharing is not offered for the solution of conservation problems existing prior to the disaster.

Emergency Conservation Program practices for which cost-sharing may be authorized to rehabilitate farmlands to pre-disaster conditions, conserves soil and water resources, or protect or restore the environment are as follows:

- (a) Removing debris from farmland.
- (b) Grading, shaping, releveling or similar measures.
- (c) Restoring permanent fences.
- (d) Restoring structures and other installations.
- (e) Emergency wind control measures.
- (f) Drought emergency measures.
- (g) Other emergency conservation measures.

The ECP authorizing legislation, regulations, and operating procedures have been carefully examined using the criteria established by the Department of Agriculture under 7 CFR Part 14 for making "primary purpose" determinations. Based upon this examination, it has been concluded that the payments under the ECP are made for the purpose of rehabilitating farmlands damaged by wind and water erosion, floods, hurricanes and other natural disasters and to provide water conservation or enhancement measures during periods of severe drought. An "Emergency Conservation Program (ECP) Decision: Primary Purpose Determinations for Federal Tax Purpose" has been prepared and is available upon request from the

Conservation and Environmental Protection Division, ASCS.

Determination

Therefore, I have determined, in accordance with section 126(b)(1) of the Internal Revenue Code of 1954, as amended, that all payments made for those emergency conservation practices approved under the ECP after September 30, 1979, are made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife.

Signed at Washington, D.C. on February 23, 1982.

John R. Block,

Secretary U.S. Department of Agriculture.

[FR Doc. 82-5779 Filed 3-2-82; 8:45 am]

BILLING CODE 1505-01-M

Forestry Incentives Program (FIP) Payments; Determination of Primary Purpose for Amounts That May Be Excluded From Income

Note.—This document originally appeared in the *Federal Register* for Wednesday, March 3, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Agricultural Stabilization and Conservation Service.

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Determination.

SUMMARY: The purpose of this notice is to announce the determination by the Secretary of Agriculture that certain Federal payments made to private nonindustrial landowners under the Forestry Incentives program (FIP) are made primarily for purposes of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife. This determination by the Secretary is made in accordance with section 126(b) of the Internal Revenue Code of 1954, as amended by section 543 of the Revenue Act of 1978 and the Technical Corrections Act of 1979. The effect of this determination is to make it possible for recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes if certain other conditions are met.

FOR FURTHER INFORMATION CONTACT:

Director, Conservation and Environmental Protection Division, Agricultural Stabilization and Conservation Service, U.S.D.A., P.O. Box 2415, Washington, D.C. 20013, (202) 447-6221.

SUPPLEMENTARY INFORMATION: This action has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum NO. 1512-1 and has been classified as "not major." It has been determined that these program provisions will not result in (1) an annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individuals, industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Forestry Incentives Program; Number—10.064; as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local governments are informed of this action.

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

Section 126 of the Internal Revenue Code of 1954, as amended by the Revenue Act of 1978 and the Technical Corrections Act of 1979, provides that certain payments which are made to persons under designated programs administered by the Department of Agriculture may be eligible for exclusion from gross income if certain determinations are made. One such determination involves the Secretary of Agriculture who must determine whether certain payments issued to persons under designated programs listed in section 126(a) are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making any such determination the Secretary of Agriculture must evaluate each of those designated programs based upon criteria set forth at 7 CFR Part 14.

One of the conservation programs listed in section 126(a) is the Forestry Incentives Program (FIP) authorized by section 4 of the Cooperative Forestry

Assistance Act of 1978 (16 U.S.C. 2103). This program is funded annually by agriculture appropriations acts.

FIP provides technical and financial assistance to private nonindustrial landowners through annual and longterm (3 to 10 years) agreements to increase the supply of timber from these private nonindustrial forest lands.

Cost-sharing payments are made to eligible applicants under the program for the satisfactory installation of forestry practices developed primarily to meet a definite need to accomplish one or more of the following:

- (a) Increased afforestation of suitable open lands.
- (b) Reforestation of cutover or other nonstocked or understocked forest lands.
- (c) Timber stands improvement.
- (d) Intensive multipurpose management.
- (e) Protection of forest resources.

Eligible national cost-sharing practices are planting trees (FP1), improving a stand of trees (FP2), and a few special forestry practices approved at the national level for special situations not covered by practices FP1 and FP2.

The FIP authorizing legislation, regulations, and operating procedures have been carefully examined using the criteria established by the Department of Agriculture under 7 CFR Part 14 for making "primary purpose" determinations. Based upon this examination, it has been concluded that payments under the FIP are made for the purpose of providing financial assistance to private nonindustrial landowners for carrying out forest improvement practices. A "Forestry Incentives Program (FIP) Record Decision: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from the Conservation Environmental Protection Division, Agricultural Stabilization and Conservation Service.

Determination

Therefore, I have determined, in accordance with section 126(b)(1) of the Internal Revenue Code of 1954, as amended, that all payments made for those forestry practices under the FIP after September 30, 1979, are made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife.

Signed at Washington, D.C., on February 23, 1982.

John R. Block,
Secretary, U.S. Department of Agriculture.

[FR Doc. 82-5778 Filed 3-7-82; 8:45 am]

BILLING CODE 1505-01-M

Food and Nutrition Service

Level of Donated-Food Assistance or Cash in Lieu Thereof for Nutrition Programs for the Elderly; Fiscal Year 1982

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the value of donated foods or cash in lieu thereof to be provided by the Secretary during the period October 1, 1981 through September 30, 1982, for nutrition services under the Older Americans Act of 1965, as amended.

FOR FURTHER INFORMATION CONTACT:

Gwena Kay Tibbits, Chief, Program Monitoring and Policy Development Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22303, (703) 756-3660.

EFFECTIVE DATE: October 1, 1981. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), any reporting or recordkeeping provisions that are included in this final rule will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

SUPPLEMENTARY INFORMATION:

Classification: This action which implements a mandatory provision of Section 311 of the Older Americans Act of 1965, has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified as "nonmajor" because it does not meet any of three criteria in the definition of "major rule" in the Executive Order. It will not have an annual effect on the economy of \$100 million or more, will not cause a major increase in costs or prices, and will not have a significant impact on competition, employment, productivity, innovation, or the ability of U.S. enterprises to compete.

The action has also been reviewed with regard to the requirements of Pub. L. 96-354, the Regulatory Flexibility Act of 1980. Gene P. Dickey, Acting Administrator of the Food and Nutrition Service has certified that it will not have a significant economic impact on a substantial number of small entities.

Notice is hereby given that pursuant to section 311(a)(4) of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f), the level of assistance in food commodities or, where applicable, cash in lieu thereof, to be provided by the Secretary of Agriculture to recipients of grants or contracts for the operation of nutrition services under Titles III and VI of the Act for the period October 1, 1981 through September 30, 1982 will be 51.50 cents per meal. Title III provides for congregate and home-delivered nutrition services to persons aged 60 and older and their spouses; Title VI provides for nutrition services that are comparable to those provided under Title III for older Indians represented by tribal organizations of Indian Tribes. The legislation requires the Secretary, in donating foods or providing cash in lieu thereof to nutrition programs for the elderly funded under the Act, to maintain a minimum level of assistance during each fiscal year after Fiscal Year 1978 of not less than 30 cents per meal. That amount shall be adjusted on an annual basis for each fiscal year to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics (BLS) of the Department of Labor. The minimum level of assistance at 51.50 cents per meal includes such an adjustment and reflects an increase in that series of 8.65 percent as reported by BLS for the period September 1980 through August 1981.

Section 9 of Pub. L. 97-115, approved December 29, 1981, amended section 311 of the Act by adding a new subsection (d) to (1) authorize appropriations of \$93,200,000 for Fiscal Year 1982, \$100,000,000 for Fiscal Year 1983, and \$105,000,000 for Fiscal Year 1984 to carry out the provisions of section 311(a)(4) and (2) authorize the Secretary to reduce the level of assistance per meal to be provided in commodities or, where applicable, cash in lieu thereof, in any fiscal year in which compliance with section 311(a)(4) costs more than the amount appropriated. Funds for commodity assistance under section 311 were appropriated by Pub. L. 97-51, Continuing Appropriations for Fiscal Year 1982, approved October 1, 1981. The Department anticipates that the appropriation of \$93,200,000 for Fiscal Year 1982 will be sufficient to provide the minimum level of assistance of 51.50 cents per meal without reduction.

(Catalog of Federal Domestic Assistance No. 10.550)

Dated: March 1, 1982.

Gene P. Dickey,
Acting Administrator, Food and Nutrition Service.

[FR Doc. 82-6092 Filed 3-4-82; 8:45 am]

BILLING CODE 3410-30-M

Packers and Stockyards Administration

Depositing of Stockyards; Johnson City Livestock Market, Inc., Johnson City, Tennessee, et al.

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921 as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, and location of stockyard	Date of posting
TN-129 Johnson City Livestock Market, Inc., Johnson City, Tennessee.	June 10, 1959.
TN-148 Newbern Sales Barn, Inc., Newbern, Tennessee.	May 25, 1959.

Notice or other public procedure has not proceeded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register**. This notice shall become effective March 5, 1982.

(42 Stat. 159, as amended and supplemented (7 U.S.C. 181 *et seq.*))

Done at Washington, D.C. this 1st day of March 1982.

Jack W. Brinckmeyer,
Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 82-6093 Filed 3-4-82; 8:45 am]

BILLING CODE 3410-02-M

Posted Stockyards; Dundee Community Auction, Dundee, Michigan, et al.

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as

amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility number, name, and location of stockyard	Date of posting
MI-145 Dundee Community Auction, Dundee, Michigan.	Jan. 23, 1982.
MI-166 Faulkton Livestock Exchange, Inc., Faulkton, South Dakota.	Jan. 2, 1982.

Done at Washington, D.C., this 1st day of March 1982.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 82-6094 Filed 3-4-82; 8:45 am]

BILLING CODE 3410-02-M

Soil Conservation Service

North Hocking Watershed, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone 614-469-6962.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500), and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the North Hocking Watershed, Fairfield County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood prevention and watershed protection. The planned works of improvement includes one mile of levees, one dry floodwater retarding structure, a flood warning system, and the planting of field border strips in upland areas of the watershed.

The Notice of a Finding of No Significant Impact (FONSI) has been

forwarded to the Environmental Protection Agency, 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 evaluation are on file and may be reviewed by contacting Robert R. Shaw.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register** (April 5, 1982).

[Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable]

Dated: February 23, 1982.

Robert R. Shaw,

State Conservationist.

[FR Doc. 82-6082 Filed 3-4-82; 8:45 am]

BILLING CODE 3410-16-M

Village of South Range, Michigan

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines, (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Village of South Range, RC&D Measure, Houghton County, Michigan.

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

This measure concerns a plan for the installation of measures for flood prevention. These measures will

include: installing a 2,000 foot diversion, 660 lineal feet of 54-inch reinforced concrete culvert, 520 lineal feet of 60-inch reinforced concrete culvert, 7 drop inlet structures, headwall for a 60-inch outlet, a 2,700 foot outlet, 14-inch water line relocation, 4 culvert crossings, a 54-inch reinforced concrete flared inlet, a riprap ditch bottom and seed and mulch as required. Total construction cost is estimated to be \$314,800, with RC&D funds paying 100% of this cost.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 5, 1982.

[Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable]

Dated: February 22, 1982.

Homer R. Hilner,

State Conservationist.

[FR Doc. 82-5710 Filed 3-4-82; 8:45 am]

BILLING CODE 3410-16-M

Juniper Canyon Watershed, Oregon; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, U.S.D.A.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT:

Stanley N. Hobson, Acting State Conservationist, Soil Conservation Service, 1220 S. W. Third Avenue, Portland, Oregon 97204, telephone (503) 221-2751 or FTS 423-2751.

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, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Juniper Canyon Watershed, Crook County, Oregon.

The environmental evaluation of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the

environment. As a result of these findings, Stanley N. Hobson, Acting State conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for flood prevention and watershed protection. Alternatives under consideration to reach these objectives include systems for conservation land treatment, nonstructural flood prevention measures, floodways, and channels.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Meetings will be held in Prineville to determine the scope of the evaluation of the proposed action. The place, time and date of meetings will be announced in the local newspapers. Further information on the proposed action, or the scoping meeting may be obtained from Stanley N. Hobson, Acting State Conservationist, at the above address or telephone (503)221-2751 or FTS 423-2751.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Stanley N. Hobson,
Acting State Conservationist.
February 25, 1982.
[FR Doc. 82-5842 Filed 3-4-82; 8:45 am]
BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Electronic Instrumentation Technical Advisory Committee; Change in Meeting Date

The meeting of the Electronic Instrumentation Technical Advisory Committee scheduled for March 11, 1982, has been rescheduled for March 18, 1982, at 9:30 a.m. in Room 5611 Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, D.C. The agenda and other information relating to the Committee meeting, as published in the **Federal Register** (47 FR

8036) on Wednesday, February 24, 1982, remain unchanged.

Dated: March 2, 1982.
Richard Isadore,
Acting Director, Office of Export Administration.

[FR Doc. 82-6099 Filed 3-4-82; 8:45 am]
BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Availability of the Program Development Plan for the National Marine Sanctuary Program

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Office of Coastal Zone Management announces the availability of the Program Development Plan for the National Marine Sanctuary Program. This Plan was prepared to describe the Program's mission, goals, and operational policy and guide its continued implementation accordingly. The plan anticipates revised procedures and criteria for identifying and selecting sites for consideration as potential marine sanctuaries. Copies are available by written request from the Sanctuary Programs Office at the address listed below.

FOR FURTHER INFORMATION CONTACT: John Epting, (202) 634-4236.

ADDRESS: Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven St., NW., Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION: Since its establishment in 1972, pursuant to Title III of the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434), the National Marine Sanctuary Program has had a number of years of operating experience. Through this experience and as a result of considerable commentary on the Program, a number of refinements in operational policy and procedure have been designed and are described in the Program Development Plan.

The purpose of the Plan is to describe a policy and administrative framework for the future implementation of the Program. It provides a detailed description of the Program's mission, goals, and operational policy; the revised site identification and selection criteria; the nomination and designation process; and the elements and purposes of the site-specific management plans that will be developed for each sanctuary prior to designation.

The draft Program Development Plan was released in March 1981. Federal agency and public workshops were held on the Plan in April 1981. The final Plan has been developed consistent with comments received.

Some measure of new rulemaking will be necessary to adopt the changes described in the Plan. Proposed rules amending the National Marine Sanctuary Program Regulations (15 CFR Part 922) are being prepared at this time. NOAA will follow established rulemaking procedures, including publishing draft and final rules in the **Federal Register**, in the course of amending these regulations.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: February 22, 1982.
William Matuszeski,
Acting Assistant Administrator for Coastal Zone Management.
[FR Doc. 82-5939 Filed 3-4-82; 8:45 am]
BILLING CODE 3510-08-M

Caribbean Fishery Management Council and Administrative Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), has established an Administrative Subcommittee. The Council and its Administrative Subcommittee will hold separate meetings. The Council will hold its 40th regular meeting to consider status reports on fishery management plans (FMPs) under development; draft FMP framework for the shallow-water reef fish fishery; draft FMP for coastal pelagics resources; draft Caribbean section of the Atlantic Billfish FMP; draft FMP for the fishery resources of the Puerto Rican and St. Croix geological platforms; draft FMP for Atlantic Swordfish, and discuss other administrative and Council matters. The Administrative Subcommittee will meet to consider matters related to the Council's budget and regular administrative operations.

DATES: The Council's public meeting will convene on Wednesday, April 21, 1982, at approximately 1:30 p.m., and will adjourn on Thursday, April 22, 1982, at approximately 3 p.m. The Council's public Administrative Subcommittee meeting will also convene on Wednesday, April 21, 1982, at

approximately 9:30 a.m., and will adjourn at approximately noon.

ADDRESS: The public meetings will take place at the Conference Room of the Hotel Pierre, 104 de Diego Avenue, Santurce, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753-4926.

Dated: March 2, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-6095 Filed 3-4-82; 8:45 am]

BILLING CODE 3510-22-M

Fishermen's Contingency Fund

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notification of claims pursuant to title IV of the Outer Continental Shelf

Lands Act Amendments of 1978 (title IV). Notification 04-82.

SUMMARY: 50 CFR 296.6 requires that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claims received under the title IV Program. Any interested person may, on or before April 5, 1982, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

IMPORTANT DATE: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before April 5, 1982.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Charles L. Cooper, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric

Administration (NOAA), Washington, D.C. 20235 (telephone 202-634-4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require that upon receipt of a timely-filed claim which is not clearly ineligible because of statutory exemptions from eligibility, the Chief, FSD publish a 30-day notice of the claim in the **Federal Register**. Upon expiration of the 30-day period following publication of the **Federal Register** notice, the claim will be referred to the Administrative Law Judge (ALJ) (50 CFR 296.6(a)(1)(iii)).

Dated: March 1, 1982.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

The following claims have been received:

Claim No.	Nature of loss and location	Amount	
FCF-18-82	On 1-21-82 claimant lost a 60 ft. net and a poly "p" rope while trawling for shrimp at the following coordinates: 29°26'13.72" N., 92°56'29.28" W.	\$1,135.00 0 0	Gear loss. Economic loss. Consequential loss.
		1,135.00	Total.
FCF-19-82	On 12-19-81 claimant lost a tail bag, net, headline, corkline, and netting while trawling for shrimp at the following coordinates: 29°06'39.45" N., 89°43'22.80" W.	785.00 0 0	Gear loss. Economic loss. Consequential loss.
		785.00	Total.
FCF-20-82	On 11-25-81 claimant lost a 60 ft. net, shackles, and poly "p" line while trawling for shrimp at the following coordinates: 29°13'32.97" N., 92°31'05.30" W.	1,178.50 0 9.79	Gear loss. Economic loss. Consequential loss.
		1,188.29	Total.
FCF-21-82	On 1-18-82 claimant lost a net while trawling for shrimp at the following coordinates: 28°34'27.99" N., 90°58'29.99" W.	Unknown* Unknown Unknown	Gear loss. Economic loss. Consequential loss.
		Unknown	Total.
FCF-22-82	On 1-19-82 claimant lost 2 nets while trawling for shrimp at the following coordinates: 29°13'17.83" N., 90°59'41.97" W.	Unknown* Unknown Unknown	Gear loss. Economic loss. Consequential loss.
		Unknown	Total.
FCF-23-82	On 1-19-82 claimant lost a net while trawling for shrimp at the following coordinates: 28°45'30.18" N., 90°51'01.18" N.	Unknown* Unknown Unknown	Gear loss. Economic loss. Consequential loss.
		Unknown	Total.
FCF-24-82	On 1-23-82 claimant lost a complete side of his rig while trawling for shrimp at the following coordinates: 28°47'41.87" N., 91°15'55.70" W.	Unknown* Unknown Unknown	Gear loss. Economic loss. Consequential loss.
		Unknown	Total.
FCF-25-82	On 1-20-82 claimant lost 2 40 ft. nets, cables, bridle, wooden doors, and dummy door while trawling for shrimp at the following coordinates: 28°54'34.31" N., 91°30'44.31" W.	3,000.00* 0 0	Gear loss. Economic loss. Consequential loss.
		3,000.00	Total.
FCF-26-82	On 1-25-82 claimant lost a pair of 11x14 wood doors and nylon netting while trawling for shrimp at the following coordinates: 28°41'44.98" N., 91°22'07.40" W.	5,845.76 0 0	Gear loss. Economic loss. Consequential loss.
		5,845.76	Total.

Claim No.	Nature of loss and location	Amount	
FCF-27-82	On 2-5-82 claimant lost a net and accessories, trawl doors, and dummy door while trawling for shrimp at the following coordinates: 28°46'57.52" N., 91°22'39.26" W.	Unknown* Unknown Unknown	Gear loss. Economic loss. Consequential loss.
FCF-28-82	On 2-10-82 claimant lost 2-50 ft. nets and tickler chain while trawling for shrimp at the following coordinates: 28°53'35.70" N., 91°21'20.03" W.	Unknown Unknown* Unknown Unknown	Total. Gear loss. Economic loss. Consequential loss.
FCF-29-82	On 1-25-82 claimant lost a 60 ft. net, bag, and poly "p" line while trawling for shrimp at the following coordinates: 7980X11100.5, 7980Y26939.9.	Unknown 1,335.00 0 400.00	Total. Gear loss. Economic loss. Consequential loss.
FCF-30-82	On 2-13-82 claimant lost equipment for one complete side while trawling for shrimp at the following coordinates: 7980X28531.6, 7980Y46808.8.	1,735.00 5,227.20 0 5,227.20	Total. Gear loss. Economic loss. Consequential loss. Total.

*Amounts not yet reported at this publishing.

[FR Doc. 82-6105 Filed 3-4-82; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Accreditation Process for Insulation, Concrete, and Carpet Programs

AGENCY: Assistant Secretary for Productivity, Technology and Innovation, Commerce.

ACTION: Notice updating announcement of availability of the laboratory accreditation programs for thermal insulation materials, freshly mixed field concrete, and carpet.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the Department of Commerce (DOC) updates its announcement of January 23, 1980, on the availability of the laboratory accreditation programs (LAPs) for thermal insulation materials (the "Insulation LAP"), freshly mixed field concrete (the "Concrete LAP"), and carpet (the "Carpet LAP"). A separate notice following this notice includes revised fees for these three LAPs. Laboratories that are interested in becoming accredited under any of these LAPs may request an application package by contacting the NVLAP Manager.

EFFECTIVE DATE: April 5, 1982.

FOR FURTHER INFORMATION CONTACT: John W. Locke, NVLAP Manager, National Bureau of Standards, Technology Building, Room B06, Washington D.C. 20234; (301) 921-2368.

SUPPLEMENTARY INFORMATION:

Background

Availability of the laboratory accreditation programs (LAPs) for thermal insulation materials (the "Insulation LAP"), for freshly mixed field concrete (the "Concrete LAP"), and

for carpet (the "Carpet LAP") was announced in a **Federal Register** notice of January 23, 1980 (45 FR 5572-5598). That notice described the accreditation process and the general and specific criteria to be used in accrediting laboratories. As announced in a July 17, 1981 **Federal Register** notice (46 FR 37029-37040), these criteria for accrediting laboratories were made part of the text of the NVLAP Procedures by adding additional sections to Part 7a of Title 15 of the Code of Federal Regulations. After two years of experience accrediting laboratories under the process described in the January 23, 1980 notice, DOC has identified a few changes to the process that it is now implementing as described below.

Additional Test Method

In a letter dated October 30, 1981, Mr. Edwin J. Mears of Apache Building Products Company requested that DOC add test method ASTM D2126, Procedure C (NVLAP Code 01/D27) to the Insulation LAP. DOC has deemed such an addition suitable and is including this test method as part of the LAP. Application requests for this test method should be addressed to the NVLAP Manager.

Unannounced Visits

In announcing the availability of these LAPs, it was stated: "In addition to regularly scheduled laboratory visits, unannounced visits * * * may be initiated * * *" (45 FR 5572-5598). Experience has shown that in order to insure the availability of management and staff to demonstrate equipment and perform tests, a call to the laboratory from one day to one week before the visit may be necessary. Therefore, in the future these unannounced visits will be known as "monitoring visits" which may or may not be announced in advance of the visit. Monitoring visits may occur at

any time. These visits may be initiated based on random selection or in response to a specific need because, in the opinion of DOC, the laboratory appears to have a testing problem. In general, a complete review of the laboratory is not contemplated for the monitoring visit. In the case of randomly selected visits, key aspects of the laboratory will be checked. In the case of visits due to an apparent problem, aspects relating to the problem, and possibly other selected key aspects as well, will be checked. Failure of the laboratory to cooperate with NVLAP assessors will be grounds for adverse accreditation action.

Accreditation Process

The updated accreditation process for these three LAPs is described below. The description is followed by appendices summarizing operational information for each LAP, including the frequency and nature of on-site visits, the available test methods, and the proficiency testing requirements. This updated description of the accreditation process, its appendices, and the criteria appearing in 15 CFR Part 7a supersede the **Federal Register** notice of January 23, 1980 referenced above.

Dated: March 2, 1982.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Accreditation Process for Insulation, Concrete, and Carpet Laboratory Accreditation Programs

Requesting an Application. Any testing laboratory interested in becoming accredited for these LAPs should contact the NVLAP Manager, National Bureau of Standards, Technology Building, Room B06, Washington, D.C. 20234, (301) 921-2368. The NVLAP Manager will send an

application package tailored to the specific test methods in which the laboratory is interested. An application request letter should identify the specific test methods under each LAP in which the laboratory is interested (see the Appendices for the test method lists). No commitment by the laboratory will be implied by such a request. Likewise, the NVLAP Manager will only send an application package, and will take no further action unless and until a formal application for accreditation contained in the application package is properly completed and returned.

Application Package. The application package includes an application form with a test method selection list and fee schedule, and a guide to the requirements for accreditation.

Fees. In a separate notice appearing in this issue of the *Federal Register*, DOC announces the fees for these LAPs. The fees notice provides interested laboratories with the information needed to calculate the fees associated with the scope of accreditation desired. All fees must be paid before any initial decision of accreditation is made. Failure to pay renewal fees on a timely basis will lead to automatic expiration of accreditation at the end of the laboratory's current accreditation period.

Enrollment. After payment of the required fees, the laboratory is scheduled for an on-site laboratory visit and is notified of any additional written information which must be supplied, and of any applicable proficiency testing requirements which must be completed, for the evaluation.

Basic Conditions for Accreditation. In order for a laboratory to be accredited under the NVLAP procedures, it shall agree in writing to the following basic conditions:

- (1) Be examined and audited, initially and on a continuing basis;
- (2) Pay accreditation fees and charges;
- (3) Avoid reference by itself and forbid others utilizing its services from referencing its NVLAP accredited status in consumer media and in product advertising or on product labels, containers and packaging or the contents therein, or in any other way which might convey the concept of product certification by DOC (Note: a NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services advertising media.);
- (4) Maintain compliance with applicable general and specific criteria and with applicable requirements of the

NVLAP Procedures (15 CFR Parts 7a, 7b, and 7c);

(5) Participate in proficiency testing that may be required for attaining or maintaining accreditation.

Criteria. The NVLAP criteria for evaluating laboratories, which are described in §§ 7a.19-7a.30 of the NVLAP Procedures (15 CFR Part 7a), address a laboratory's organizational structure, technical management, professional and ethical business practices, and system for assuring the quality of test results. The criteria also address aspects of a laboratory directly related to the reliable performance of each test method for which the laboratory desires accreditation, including staff competence and training, facilities and equipment, test plans, calibration procedures, record keeping, data handling procedures, and quality control checks and audits.

On-site Visits. Regularly scheduled on-site visits are conducted to assess a laboratory's compliance with the NVLAP criteria. In addition, monitoring visits of limited scope are used to assure that accredited laboratories continue to comply with the criteria or to resolve any testing problems that an accredited laboratory may appear to have. The on-site assessor will conduct an exit interview with the laboratory's management at the conclusion of an on-site visit to summarize his or her findings. A written report is prepared by the NVLAP assessor after each on-site visit. Each laboratory is notified when deficiencies are identified and is given an opportunity to correct them before formal accreditation recommendations are prepared or any action to revoke accreditation is commenced. The laboratory shall permit the on-site assessor to review and examine any records or other documents required by the criteria. Also, if a hearing under 5 U.S.C. 556 has been instituted under the NVLAP Procedures, the laboratory shall permit DOC personnel to review and copy any records or other documents required by the criteria. Failure of the laboratory to cooperate with the on-site assessor will be grounds for adverse accreditation action.

Proficiency Testing. Proficiency testing is an integral part of the NVLAP accreditation process. Of utmost importance to the user of laboratory services is information as to whether or not a laboratory consistently obtains reliable results. While the existence of facilities, equipment, and personnel which meet the criteria establish a laboratory's overall capability to obtain good results, for certain methods an analysis of actual test results is also necessary to determine if the overall

capability does in fact produce the desired results. A laboratory's failure to participate fully in the conduct of required proficiency testing may also be grounds for adverse accreditation action.

Evaluation and Recommendations. A team of evaluators composed primarily of peers in the applicable testing areas uses the following inputs to review each laboratory:

- (1) Written information supplied by the laboratory;
- (2) Results of proficiency testing; and
- (3) Written reports of on-site visits to the laboratory.

If deficiencies are identified the laboratory is given written notification of them, and a reasonable period (ordinarily 30 days) in which to correct or resolve them. After further review of the above inputs and the laboratory's response to any notification of deficiencies, the team will make an accreditation recommendation for the laboratory.

Accreditation Decision. Based on these recommendations, a decision is made whether to grant or deny initial accreditation for new laboratories or renewal for previously accredited laboratories. When decided, the laboratory is notified by letter of its accreditation status. If accreditation denial is proposed, the notification states the reason.

Appeals. A laboratory for which denial of accreditation is proposed has 30 days from the date of receipt of the notification to request a hearing. The notification will identify to whom a request for a hearing should be sent. If a hearing is not requested, the denial becomes final. If a hearing is requested, it is held pursuant to 5 U.S.C. 556.

Accreditation Period. Laboratories are granted accreditation for one year with individual laboratory anniversary dates occurring on the first of January, April, July, or October. A laboratory will be assigned only one anniversary date which will be closest to the time that its evaluation is completed and which assures that the accreditation period is a minimum of one year.

Accreditation Renewal. Each accredited laboratory is sent a renewal application form before its current accreditation expires (anniversary date). The lead time will be sufficient to complete the evaluation for renewal for the following year. The laboratory may use the renewal application form to add or drop test methods from its current accreditation.

Termination. Any accredited laboratory may voluntarily terminate its accreditation at any time. This option

may be used by a laboratory for any reason.

Revocation. If the Secretary of Commerce or his designee finds that an accredited laboratory has violated the terms of its accreditation, he may, after consultation with the laboratory, notify the laboratory that he proposes to revoke its accreditation. As in the case of a denial, the laboratory has 30 days in which to appeal a proposed revocation by requesting a hearing. A proposed revocation will identify to whom a request for a hearing should be sent. If the hearing is not requested, the revocation becomes final. If a hearing is requested, it is held pursuant to 5 U.S.C. 556.

Public Notification. Accreditation actions are published in the **Federal Register** within 30 days of such action and in NVLAP quarterly and annual reports.

Compliance with Existing Laws. NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing Federal, State, and local statutes, ordinances, or regulations that may be applicable to its operations, including consumer protection and antitrust laws.

Appendix 1

Operational Information for the Insulation LAP

On-site Visits. Regularly scheduled on-site visits will occur once a year for the first two

years that a laboratory is enrolled in the LAP and every two years thereafter. In addition, up to one-tenth of the laboratories will be subject to monitoring visits each year.

List of Methods and Proficiency Testing Requirements. The test methods for the Insulation LAP are shown in Table 1. The test methods are the latest versions applicable and are identified by a NVLAP Code, a recognized test method designation, and a short title. Test methods which require proficiency testing are identified by an asterisk (*) following the applicable NVLAP Code. The adequacy of a laboratory's performance will be based on a statistical analysis of returned proficiency test data. Laboratories exhibiting extreme test results will be subject to closer assessment during the on-site visits.

TABLE 1

NVLAP code	Test method designation	Short title
01/C01	ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill).
01/C02	HH-I-515 (para. 4.8.5 in D version Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill).
01/D01	ASTM C136	Sieve or screen analysis.
01/D02	ASTM C167	Thickness and density; Blanket and batt.
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness; Board (cellulosic fiber).
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber).
01/D05	ASTM C209 (para. 13 in 72 version), by D1037 (para. 100-106 in 72 version).	Water absorption, 24 hour; Board (cellulosic fiber).
01/D06	ASTM C209 (para. 13 in 72 version), by D1037 (para. 107-110 in 72 version).	Linear expansion; Board (cellulosic fiber).
01/D07	ASTM C272	Water absorption; Core materials.
01/D08	ASTM C302	Density; Performed pipe insulation.
01/D09	ASTM C303	Density; Performed block insulation.
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method.
01/D11	ASTM C356	Linear shrinkage; Soaking heat; Performed high temperature insulation.
01/D12	ASTM C411	Hot-surface performance; High temperature insulation.
01/D13	ASTM C519	Density; Loose-fill (fibrous).
01/D14	ASTM C520	Density; Granular loose-fill.
01/D15	ASTM D756	Weight and shape changes; Accelerated service (proc. A); Plastics.
01/D16	ASTM D756	Weight and shape changes; Accelerated service (proc. B); Plastics.
01/D17	ASTM D756	Weight and shape changes; Accelerated service (proc. E); Plastics.
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics.
01/D19	ASTM D2126	Response to thermal and humid aging (proc. B); Rigid cellular plastics.
01/D20	ASTM D2126	Response to thermal and humid aging (proc. D); Rigid cellular plastics.
01/D21	ASTM D2126	Response to thermal and humid aging (proc. E); Rigid cellular plastics.
01/D22	ASTM D2126	Response to thermal and humid aging (proc. F); Rigid cellular plastics.
01/D23	ASTM D2842	Water absorption; Rigid cellular plastics.
01/D24	ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill).
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill).
01/D26*	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill).
01/D27	ASTM D2126	Response to thermal and humid aging (proc. C); Rigid cellular plastics.
01/F01	ASTM D777 (as modified by HH-B-100B)	Flammability; Paper and paperboard.
01/F02*	ASTM E84	Surface burning characteristics; Building materials.
01/F05	ASTM E136	Behavior of Materials in a Vertical Tube Furnace.
01/F06	ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency; Cellulosic fiber (loose-fill).
01/F07*	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber loose-fill).
01/F08*	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill).
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A).
01/S02	ASTM C203	Breaking load/flexural strength; Performed block insulation.
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber).
01/S04	ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber).
01/S05	ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber).
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface.
01/S07	ASTM C273	Shear test; Sandwich construction.
01/S08	ASTM C446	Breaking load/modulus of rupture; Performed pipe insulation.
01/S09	ASTM D781	Puncture test; Paperboard and fiberboard.
01/S10	ASTM D828	Tensile breaking strength; Paper and paperboard.
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead).
01/T01*	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate.
01/T04*	ASTM C236	Thermal conductance; Guarded hot box.
01/T05	ASTM C335	Thermal conductivity; Pipe insulation.
01/T06*	ASTM C518	Thermal transmission properties; Heat flow meter.
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber).
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous).
01/V02	ASTM D591	Starch in paper; Qualitative test.
01/V03	ASTM D2020	Mildew (fungus) resistance; Paper and paperboard.
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A).
01/V05	HH-I-515 (para. 4.8.6 in D version, Amendment 1)	Fungus; Cellulosic fiber (loose-fill).
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill).

*Proficiency testing required.

Appendix 2

Operational Information for the Concrete LAP

On-Site Visits. The on-site visit for the Concrete LAP is performed by the Cement and Concrete Reference Laboratory (CCRL) which is an inspection service for cement and concrete laboratories sponsored by the American Society for Testing and Materials (ASTM). Generally, as scheduling permits, the CCRL will conduct an initial visit to an applicant laboratory within six months of application for NVLAP accreditation and thereafter on approximately a 2½ year cycle. In addition to the regularly scheduled CCRL visits, up to one-tenth of the laboratories will be subject to monitoring visits each year. In cases where a laboratory wishes to expedite an accreditation request, it may be possible to arrange a special on-site visit for an additional fee to CCRL.

Arrangements for the on-site visit are made directly by CCRL with laboratories applying for NVLAP accreditation. A date will be selected for the visit and a written confirmation will be sent by the CCRL to the laboratory.

In cases where a laboratory has subscribed to the CCRL inspection service prior to seeking NVLAP accreditation, an on-site visit may not be required for initial accreditation. When a laboratory has undergone a regular CCRL inspection within two years prior to applying for accreditation, the results of that inspection will be accepted in lieu of an additional on-site visit provided that the laboratory:

- (1) Authorizes NVLAP staff and technical experts to review that CCRL report;
- (2) Provides evidence that all deficiencies noted in the CCRL report have been corrected;
- (3) Agrees to undergo a CCRL/NVLAP on-site visit on its next regularly scheduled on-site date;
- (4) Completes a questionnaire which elicits information on NVLAP requirements which were not addressed by the CCRL inspection; and
- (5) Pays the NVLAP administrative fee.

Those applicants not having a CCRL inspection within two years prior to submittal of its application will be contacted by CCRL concerning the scheduling of an on-site visit. All fees associated with the inspection will be collected for the CCRL by ASTM. The CCRL inspection report will be made available for review by NVLAP personnel. The NVLAP administrative fee will be collected separately. Failure of an applicant or accredited laboratory to pay either a CCRL inspection fee or NVLAP administrative fee on a timely basis will be grounds for adverse accreditation action.

Proficiency Testing Requirements. The proficiency testing requirements for the Concrete LAP consist of two programs: (1) A "within-laboratory program" and (2) a "between-laboratory program." The within-laboratory program provides a method to monitor the average variation in sets of companion cylinders made by laboratory personnel. The between-laboratory program provides a method by which a NVLAP participating laboratory can compare the

results of compression tests it performs with those of another laboratory. To carry out this program a participating laboratory must locate at least one other laboratory which is willing to cooperate in the program. Both programs must be implemented by a laboratory within 90 days after application for accreditation. The programs are intended to provide a laboratory a means of checking the reliability of its test results.

Both proficiency programs provide statistical methods for a laboratory to monitor the results of compression tests of cylindrical concrete specimens (cylinders). Both proficiency programs require a laboratory to submit periodic reports to NVLAP. Failure to submit the required reports may result in adverse accreditation action.

List of Test Methods and Test Method Grouping. The test methods included in the Concrete LAP are arranged into two groups as shown in Table 2. These are: (1) Field Group (NVLAP Code 02/G01) which contains ASTM C31, C172, C143, C138, and C231, and (2) Field and Laboratory Group (NVLAP Code 02/G02) which contains the same five test methods plus ASTM C39. Laboratories may seek accreditation for either group by demonstrating competency for all of the test methods in the chosen group. Laboratories will not be accredited for individual test methods except that optional method ASTM C173 (NVLAP Code 02/A02) may be selected at no extra charge with either group. Accreditation will not be granted for ASTM C173 alone.

TABLE 2

NVLAP code/test method designation**	Short title	Field group (02/G01)	Field and laboratory group (02/G02)
02/M01 ASTM C31	Making and Curing Concrete Test Specimens in the Field.	X	X
02/M03 ASTM C172	Sampling Fresh Concrete	X	X
02/P01 ASTM C143	Slump of Portland Cement Concrete	X	X
02/W01 ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.	X	X
02/A01 ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.	X	X
02/S01 ASTM C39	Compressive Strength of Cylindrical Concrete Specimens.		X
02/A02 ASTM C173	Air Content of Freshly Mixed Concrete Concrete by the Volumetric Method.	Optional	Optional.

**Most recent edition published.

Appendix 3

Operational Information for the Carpet LAP

On-site Visits. Regularly scheduled on-site visits will occur every two years. In addition, up to one-tenth of the laboratories will be subject to monitoring visits each year.

List of Test Methods and Proficiency Testing Requirements. The test methods for the Carpet LAP are shown in Table 3. The test methods are the latest versions

applicable and are identified by a NVLAP Code, a recognized test method designation, and a short title. Test methods which require proficiency testing are identified by an asterisk (*) following the applicable NVLAP Code. The adequacy of a laboratory's performance will be based on a statistical analysis of returned proficiency test data. Laboratories exhibiting extreme test results will be subject to closer assessment during the on-site visits.

TABLE 3

NVLAP code	Test method designation	Short title
03/C01*	AATCC 16E	Colorfastness to Light (Xenon Arc).
03/C02	AATCC 8	Colorfastness to Crocking.
03/D01*	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings. Pile Weight—Uncoated (Para. 10-19). Pile Weight—Coated (Para. 20-29) as modified by UM 44C. Pile Thickness—(Para. 30-36). Tuft Height—(Para. 37-45) as modified by UM 44C. Shrinkage.
03/D02	DDD-C-95A	
03/S01*	ASTM D1335 Federal Test Method Standard 191-5100. Federal Test Method Standard 191-5950.	Tuft Bind of Floor Coverings. Textile Test Method—Breaking Strength. Textile Test Method—Delamination.
03/E01	AATCC 134/CRI 102	Electrostatic Propensity of Carpets.
03/F01	ASTM E84	Surface Flammability (Carpet).
03/F02	UL 992	Surface Flammability.
03/F03	DOC FF1-70	Methenamine Pill Test.
03/F04*	ASTM E648	Radiant Panel (Carpet).
03/B01	UM 44C, Addendum 3	Attached Cushion Tests.
03/B02	UM 44C, Addenda 2 and 3	Attached Cushion Tests.

*Proficiency testing required.

[FR Doc. 82-6097 Filed 3-4-82; 8:45 am]

BILLING CODE 3510-13-M

National Voluntary Laboratory Accreditation Program; Fees for Insulation, Concrete, and Carpet Programs

AGENCY: Assistant Secretary for Productivity, Technology and Innovation, Commerce.

ACTION: Notice of fee revisions for the laboratory accreditation programs for thermal insulation materials, freshly mixed field concrete, and carpet.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the Department of Commerce (DOC) hereby announces the revisions to the fees for the laboratory accreditation programs (LAPs) for thermal insulation materials (the "Insulation LAP"), freshly mixed field concrete (the "Concrete LAP"), and carpet (the "Carpet LAP"). A separate notice appearing in this issue of the *Federal Register* describes the accreditation process for these three LAPs. Laboratories that are interested in becoming accredited under any of these LAPs may request an application package by contacting the NVLAP Manager.

EFFECTIVE DATE: April 5, 1982.

FOR FURTHER INFORMATION CONTACT: John W. Locke, NVLAP Manager, National Bureau of Standards, Technology Building, Room B06, Washington, DC 20234, (301) 921-2368.

SUPPLEMENTARY INFORMATION:

Background

The fees of the Insulation, Concrete, and Carpet LAPs were announced in a *Federal Register* notice of January 23, 1980 (45 FR 5599-5600) for laboratories interested in applying for NVLAP accreditation under any of the three LAPs. In accordance with paragraph (c) of §§ 7a.10 and 7b.10 of the NVLAP Procedures (15 CFR Parts 7a and 7b), notice is hereby given of revisions to those fees as set out below. After two years of experience evaluating laboratories under the fees published in the January 23, 1980 notice, DOC has found it necessary to revise the fees to offset increased evaluation costs and to identify additional charges for foreign laboratories and for special evaluations.

Basis of Fees

NVLAP evaluation fees are based on the premise that all the operational cost incurred by DOC in evaluating laboratories seeking accreditation are recovered from fees charged to the applicant laboratories. This includes processing applications, preparing evaluation reports and certificates, as

well as the work-hours, travel, and per diem costs of assessors used in the evaluation process. The fees will vary depending on assessor time requirements caused by the complexity of the test methods and the frequency with which the assessors must visit the laboratories in each of the LAPs. Administrative costs associated with the development of these LAPs are not recovered by these fees but are paid from NVLAP's budget of appropriated funds.

Anniversary Dates

Up to now, anniversary dates for yearly renewal of NVLAP accreditations have depended upon the dates of the accreditation certificates. The resulting numerous anniversary dates throughout the year cause a number of problems:

(1) Planning and implementing the evaluation cycle becomes more difficult and expensive;

(2) Paperwork costs increase (e.g., recommendations for renewal have to be prepared and new certificates have to be sent out before each anniversary date);

(3) Printing costs increase (e.g., if anniversary dates occurred throughout the year, as many as 12 monthly reports would be required since the NVLAP procedures state that accreditation actions will be reported in the *Federal Register* the following month).

Henceforth, in the interest of reducing the costs of administering NVLAP, DOC will ordinarily confer and announce initial and renewal accreditations four times per year. All laboratories will have one of four anniversary dates (i.e., January 1, April 1, July 1, or October 1). All accreditation actions will ordinarily be made during one of the months preceding these anniversary dates (i.e., during December, March, June, or September). Quarterly reports of accreditation actions will continue to be published in the *Federal Register* with monthly reports published, as needed, to announce revocations and terminations of accreditation or special accreditations which occur more than one month before the end of any quarter.

New accreditations will be conferred for a period of one year which will begin on the first day of the quarter after all requirements have been completed successfully. That date becomes a laboratory's anniversary date. Accreditation for additional LAPs or test methods will be conferred effective the first day of the first quarter which begins after completion of all requirements for those LAPs or methods, and would run to a laboratory's

anniversary date. Accordingly, accreditations for additional LAPs or test methods may initially be for less than one year.

An accredited laboratory requesting additional test methods before its anniversary date will be granted accreditation for those methods at the next quarterly date, provided enough information was gained during the previous on-site visit to justify accreditation for those test methods. If additional information is required, an accreditation decision will be postponed until it has been obtained. A laboratory requesting faster service will be required to pay a special evaluation charge (in addition to the regular fixed and variable charges) to cover actual travel, per diem, and labor costs incurred to carry out the special evaluation.

Starting with this year's accreditations, laboratories whose accreditations are being renewed will be sent new certificates with expiration dates (December 31, March 31, June 30, and September 30) in phase with the new anniversary dates (January 1, April 1, July 1, and October 1). July anniversary dates will shift to October 1, October and December anniversary dates will shift to January 1, and March anniversary dates will shift to April 1, thus giving all accredited laboratories now enrolled in the program an extension of their current accreditation beyond the regular one year period.

Fees for Foreign Laboratories

Foreign laboratories are offered NVLAP accreditation on the same basis and meeting the same criteria as is required of domestic laboratories, except that the costs for travel of assessors and for mail of proficiency testing materials outside of the continental United States will be added to the normal charges for the LAPs requested. Upon application, a foreign laboratory must make arrangement for paying the standard evaluation fee in U.S. currency. As soon as an assessor has been scheduled to visit the foreign laboratory, the laboratory will be notified of the additional cost of travel due DOC. Arrangements for paying this cost in U.S. currency must be completed before the assessor leaves the United States. If travel time from port of embarkation to the foreign destination takes more than 4 hours but less than 20 hours, the foreign laboratory will also be required to pay for the wage of the assessor for one day. Travel time for the return trip will also be billed to the laboratory. For travel times greater than

20 hours, the assessor's wage equivalent of 2 days wages for each trip will be charged. As soon as an assessor has been scheduled to visit the foreign laboratory, the laboratory will also be notified of the additional cost for assessor's wages due DOC before an assessor leaves the United States. More than one assessor may be required to assess the laboratory if it requests accreditation in more than one LAP, just as is required for accrediting domestic laboratories.

Processing Applications

Some applicant laboratories have difficulty in correcting identified deficiencies promptly. DOC incurs administrative costs to maintain such applicants on the "active" list. Until now, there has not been any provision to charge additional fees for these costs. Henceforth, if a laboratory has not completed all requirements for accreditation within one year from the first day of the next quarter following receipt of its application, it will be billed an administrative fee equivalent to the annual evaluation fee in order to continue its application in an active status. As an alternative, it may request that its application be suspended until such time that it is ready to be accredited. The full annual evaluation fee will be required when it is ready to be accredited.

Performing On-Site Visits and Evaluating Laboratories

Because of cost-of-living increases of about 8 percent per year over the last two years, fixed and variable charges have been raised on the average about 16 percent to offset these increased costs. DOC is closely analyzing the costs of each LAP with hopes of reducing them without compromising the technical integrity of the accreditation process.

Proficiency Testing Costs

To simplify the NVLAP fee calculation for applicant laboratories, the charges for proficiency testing have been included in the variable (or per test method) charges, rather than being charged separately as in previous years.

Monitoring Visits

The charges also include a contingency factor to cover the costs associated with conducting monitoring visits to accredited laboratories. The purpose of these monitoring visits is to review the performance of the laboratories between regularly scheduled visits. Laboratories will be selected for these monitoring visits either randomly or in response to testing

problems perceived by the evaluation staff. The laboratories may or may not be contacted in advance of such monitoring visits. Based on the experience of the past two years, DOC has concluded that the number of monitoring visits can be reduced from the goal of up to one-third of the laboratories originally stated in the January 23, 1980 notice announcing the fees. The new goal, monitoring visits of up to one-tenth of the laboratories, will provide effective surveillance of the accredited laboratories.

Dated: March 2, 1982.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Fees for Evaluating a Laboratory

NVLAP Fee Model. The general NVLAP fee model is expressed by the following equation: $F = A + B + C + D + E$; where:

F is the total fee for evaluation.

Component A is a fixed administrative charge associated with a given LAP.

Component B is a variable charge depending on the test methods for which the laboratory requests accreditation.

Component C is a charge associated with on-site visits for certain LAPs.

Component D is a charge associated with the extra costs of evaluating foreign laboratories, including costs for travel of assessors and for mail of proficiency testing materials outside the continental United States.

Component E is a one-time charge that covers extra costs for actual travel, per diem, and labor costs incurred to carry out a special evaluation for those applicants requiring faster service than the normal evaluation schedule for the given LAP allows.

Some components of the fee model are not applicable for certain LAPs.

Multiple LAP Enrollment. If a laboratory is participating in more than one LAP, the fixed administrative charge *A* will be prorated since many of the administrative costs for each LAP cover the same operations as in other LAPs. The total fixed charge for multiple LAP enrollment is determined by selecting the largest *Component A* value and adding 20 percent of the remaining *Component A* values for the LAPs in which a laboratory is enrolled.

Appendix 1.—Fee Model for the Insulation LAP

Generally, the Insulation LAP fee model for domestic laboratories is: $F = A + B$; where:

Component A is an annual fixed charge of \$870 that covers administrative costs associated with the operation of the LAP.

Component B is an annual variable charge that covers part of the costs of the regularly scheduled on-site visits and the costs of proficiency testing. *Component B* is the sum of the variable charges for each of the test methods in this LAP for which the laboratory requests accreditation. The variable charge for each test method is listed by NVLAP Code below. An asterisk (*) on variable charges for these test methods indicates that the proficiency testing charges have been included. For complete designations of the test methods, refer to the list in Appendix 1 of FR Doc. 82-6097 appearing elsewhere in this issue.

Test method	Annual fee (dollars)	Test method	Annual fee (dollars)
01/C01	120	01/F01	60
01/C02	120	01/F02	*310
01/D01	60	01/F05	60
01/D02	60	01/F06	170
01/D03	60	01/F07	*310
01/D04	60	01/F08	*260
01/D05	120	01/S01	120
01/D06	120	01/S02	120
01/D07	60	01/S03	120
01/D08	60	01/S04	120
01/D09	60	01/S05	120
01/D10	120	01/S06	120
01/D11	60	01/S07	120
01/D12	60	01/S08	120
01/D13	120	01/S09	120
01/D14	120	01/S10	120
01/D15	120	01/S11	120
01/D16	120	01/T01	*310
01/D17	120	01/T04	*290
01/D18	120	01/T05	170
01/D19	120	01/T06	*310
01/D20	120	01/T09	120
01/D21	120	01/T10	120
01/D22	120	01/V02	60
01/D23	120	01/V03	60
01/D24	120	01/V04	120
01/D25	120	01/V05	60
01/D26	*260	01/V06	60
01/D27	120		

Appendix 2.—Fee Model for the Concrete LAP

Generally, the Concrete LAP fee model for domestic laboratories is: $F = A + C$; where:

Component A is an annual fixed charge of \$600 that covers administrative costs associated with the operation of the LAP.

Note. If also participating in the Insulation LAP, this charge is only 20% of \$600.00, or \$120.00.

Component C is the charge for the on-site visits by the inspection organization, ASTM's Cement and Concrete Reference Laboratory (CCRL), authorized by DOC to conduct NVLAP on-site visits. The CCRL charge per visit for the Field Group of test methods is \$975 and for the Field and Laboratory Group of test methods is \$1150.00. For complete designations of the test methods, refer to the list in Appendix 2 of FR Doc. 82-6097 appearing elsewhere in this issue. Any laboratory that has been inspected by CCRL within two years prior to its application does not pay the fee for *Component C* until the time of their next CCRL inspection. Any laboratory that has not been inspected by CCRL within two years prior to its application must be inspected and pay the

required fee for Component C. The fee associated with this inspection is not an annual fee. Either \$975 or \$1150.00 will be invoiced and collected by ASTM for CCRL with each inspection. Regularly scheduled inspections will occur on the average of once every 2½ years.

Appendix 3.—Fee Model for Carpet LAP

Generally, the Carpet LAP fee model for domestic laboratories is: $F = A + B$;

where:

Component A is an annual fixed charge of \$400 that covers administrative costs associated with the operation of the LAP.

Note.—If also participating in either the Insulation or Concrete LAPs, this charge is only 20% of \$400.00, or \$80.00.

Component B is an annual variable charge that covers part of the costs of the regularly scheduled on-site visits and the costs of proficiency testing. Component B is the sum of the variable charges for each of the test methods in this LAP for which the laboratory requests accreditation. The variable charge for each test method is listed by NVLAP Code below. An asterisk (*) on variable charges for these test methods indicates that the proficiency testing charges have been included. For complete designations of the test methods, refer to the list in Appendix 3 of (FR Doc. 82-6097 appearing elsewhere in this issue.)

Test method	Annual fee (dollars)	Test method	Annual fee (dollars)
03/C01	*190	03/F01	170
03/C02	60	03/F02	170
03/D01	*200	03/F03	60
03/D02	60	03/F04	*240
03/S01	*130	03/B01	170
03/E01	60	03/B02	230

[FR Doc. 82-6098 Filed 3-4-82; 8:45 am]

BILLING CODE 3510-13-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 82-11]

Roper Corporation and Sears, Roebuck and Co.; Publication of Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a Complaint under the Consumer Product Safety Act.

SUMMARY: Under Provisions of its rules of practice for adjudicative proceedings (16 CFR 1025, 45 FR 29206), the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it issues under the Consumer Product Safety Act. Printed below is a Complaint in the matter of Roper Corporation, a Corporation, and Sears, Roebuck and Company, a Corporation.

Dated: March 2, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

SUPPLEMENTARY INFORMATION:

In the Matter of Roper Corporation, a corporation and Sears, Roebuck & Company, a corporation.

Complaint

Nature of the Proceedings

1. This is an adjudicative proceeding for notice and remedial action for a substantial product hazard or hazards and for a civil penalty pursuant to sections 15, 19 and 20 of the Consumer Product Safety Act (CPSA), as amended, 15 U.S.C. 2064, 2068 and 2069. This proceeding is governed by the rules of practice for adjudicative proceedings before the Consumer Product Safety Commission, 16 CFR 1025.

Jurisdiction

2. This proceeding is instituted pursuant to sections 15, 19 and 20 of the CPSA, 15 U.S.C. 2064, 2068, and 2069.

Parties

3. Respondent Roper Corporation (Roper or Respondent) is a corporation organized and existing under the laws of the State of Delaware with its principal corporate offices at 1905 West Court Street, Kankakee, Illinois 60901.

4. Respondent Sears, Roebuck & Company (Sears or Respondent) is a corporation organized and existing under the laws of the State of New York with its principal corporate offices at Sears Tower, Chicago, Illinois 60684.

5. Respondent Roper manufactured earth-tilling machinery known as roto-tillers or roto-spaders with the brand names "Roto-Tiller" and "Giant Tiller," (hereafter, collectively, the "Roto-Tiller") from 1963 through 1979 for use by consumers in tilling gardens or other land around permanent or temporary households or residences and schools. The Roto-Tiller is, therefore, a "consumer product" within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

6. Respondent Roper manufactured and sold the Roto-Tiller nationwide for use by consumers. Respondent Roper, therefore, is a "manufacturer" of a "consumer product" which it "distributed in commerce," as these terms are defined in section 3(a) (1), (4), (8), (11) and (12) of the CPSA, 15 U.S.C. 2051(a) (1), (4), (8), (11) and (12).

7. Respondent Sears purchased the "Roto-Spaders," from Roper and sold them under private label, nationwide, for use by consumers as stated in paragraph 6 of the Complaint from 1964

through 1980. Respondent Sears is, therefore, a "retailer" and a "private labeler" of a "consumer product" which it "distributed in commerce," as these terms are defined in sections 3(a) (1), (6), (7), (11) and (12) of the CPSA, 15 U.S.C. 2052(a) (1), (6), (7), (11) and (12).

The Consumer Product

8. The "Roto-Spader" and the "Giant Tiller" are gasoline-powered machines for tilling the earth. The machines were made in several models, including those listed on Attachment A apprehended hereto, with engines of different horsepower. The Sears and Roper models were identical in their essential design characteristics.

9. The tines of the Roto-Tiller are at the front of the machine, with two wheels directly behind them. The tines drive the machine in both its forward and reverse gears.

10. The Roto-Tiller has a friction clutch and two or three gears, depending on the model, one or two forward and one reverse. The gear shift is located between the handlebars. The clutch is engaged by means of a handle or lever (clutch control handle lever) on the handlebar of the Roto-Tiller. The clutch control handle must be squeezed or pressed upward to engage the clutch.

11. The clutch control handle can be locked by means of a latch pin or button which fits through a hole in the clutch control handle and keeps it up. (This latch pin or button and the clutch control handle with the hole is hereafter referred to as the "clutch locking mechanism.")

12. While the clutch control handle is locked, the clutch remains engaged, the machine continues to operate if the engine is running, and the tines continue to turn.

Count I

Substantial Product Hazard

13. The clutch control handle on the Roto-Tiller can be locked, keeping the clutch engaged while the machine is operating in its reverse gear.

14. The Roto-Tiller can be shifted from a forward gear through neutral to a reverse gear or from neutral to reverse with the clutch lever locked.

15. When placed in reverse, the Roto-Tiller backs up and out of the trench which it has dug and moves back toward the operator at a rate of 2 to 3 feet per second. Once the machine is placed in reverse, its tines may contact the feet of a stationary operator in one second or less.

16. When it is placed in reverse, the Roto-Tiller tines "walk back" under the

machine and the handlebars of the machine rotate forward and away from the operator unless the operator retains his grip, keeps backing away from the machine and applies a large downward force on the handlebars.

17. If the operator remains stationary (even momentarily) or does not move fast enough when the machine is locked in reverse, he loses control of the Roto-Tiller; and it continues to quickly move backward toward him.

18. If the operator is close to a wall or other obstruction, loses his footing, moves forward or remains stationary to shift gears or for any other reason and the machine becomes locked in reverse, he will be unable to hold it away from him due to the power of the machine's engine.

19. Between 1963 and 1981, there have been at least nine serious injuries involving seven lacerations of the scrotum and lacerations and fractures of the legs and feet, and amputation of a leg, resulting in permanent disabilities to the victims. Other similar grievous bodily injuries have occurred and are likely to continue to occur as a result of defects in the design of the Roto-Tillers.

20. Respondent Roper manufactured and distributed in commerce approximately 220,000 Roto-Spaders and 2,685 Giant Tillers from 1963 through 1980.

21. Respondent Sears sold at retail and distributed in commerce approximately 220,000 Roto-Spaders from on or about 1963 through 1980.

22. The clutch locking mechanism can be locked intentionally, or without the conscious intent of the operator with the machine in reverse due to reasonably foreseeable fatigue and other foreseeable operating factors. This constitutes a defect in the Roto-Tiller within the meaning of section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2).

23. The Roto-Tiller can be shifted from a forward gear through neutral to reverse or from neutral to the reverse gear while the clutch lever remains locked. This constitutes a defect in the Roto-Tiller within the meaning of section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2).

24. Because of the traumatic lacerations, and the loss of limbs and flesh caused by the Roto-Tiller, the number of accidents that have already occurred and the potential for future tragic accidents, the hundreds of thousands of products distributed, the presence of the defects in all of the Roto-Tillers, and the occurrences of injury during normal and reasonably foreseeable use of the Roto-Tiller, the defect or defects in the machine create a substantial risk of injury within the

meaning of section 15(a)(2), (c) and (d), CPSA, 15 U.S.C. 2064(a)(2), (c) and (d).

25. The Roto-Tiller presents a substantial product hazard or hazards to the public within the meaning of sections 15(a)(2), (c) and (d), 15 U.S.C. 2064(a)(2), (c), and (d).

Count II

Failure To Inform the Commission

26. The allegations of paragraphs 1-25 are hereby realleged.

27. As early as 1975, and no later than 1979, Respondents had obtained information which reasonably supported the conclusion that the Roto-Tiller contained a defect which could create a substantial product hazard.

28. Respondents failed to inform the Commission pursuant to section 15(b) of the CPSA, 15 U.S.C. 2064(b).

29. A failure to furnish information pursuant to section 15(b) is a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), and subjects Respondents to civil penalties under Section 20 of the CPSA, 15 U.S.C. 2069.

Relief Sought

Wherefore: Complaint Counsel asks that the Commission:

A. Determine that the Roto-Spader and Giant Tiller present a substantial product hazard or hazards within the meaning of section 15(a)(2), 15 U.S.C. 2064(a)(2), and that notification under section 15(c) of the CPSA, 15 U.S.C. 2064(c), is required to adequately protect the public, and

1. Order Respondent Sears to give public notice of the defects in the Roto-Spaders by

a. Placing posters 18" by 36" in conspicuous locations in each of their retail outlets for three months, preferably March, April and May;

b. Placing a full page advertisement in its next Spring/Summer general merchandise catalogue at the front and in any special catalogues advertising power equipment or garden equipment;

c. Placing paid television and radio advertisements nationwide;

d. Placing half page advertisements in all its advertising supplements in local newspapers nationwide from March through Memorial Day; and

e. Mailing notice in the form of a bill-stuffer to all of its charge customers, and all customers known to have purchased a Roto-Spader.

2. Order Respondent Roper to give public notice of the defects by placing newspaper ads and radio ads in areas where the giant Tiller was sold, and in garden and other specialty publications and by providing posters 18" by 36" to its customers other than Sears with a

letter asking that they be posted for three months.

3. The form and content of each notice shall be provided to the Commission staff for its approval.

B. Determine that the Roto-Spader and Giant Tiller present a substantial product hazard or hazards within the meaning of section 15(a)(2), 15 U.S.C. 2064(a)(2), and that action under section 15(d) of the CPSA, 15 U.S.C. 2064(d), is in the public interest and order Respondents either to refund the purchase price of the Roto-Spader and Giant Tiller, to replace the machines with like or equivalent products which do not contain the defects described here, or to repair the machines so that they do not present substantial product hazards to the public.

C. Order Respondents to reimburse any consumer who avails himself of any remedy provided as a result of this proceeding for any reasonable and foreseeable expenses incurred in availing himself of that remedy in accordance with section 15(e), of the CPSA, 15 U.S.C. 2064(e).

D. Order Respondents to keep records:

1. Of the notice required to be given in paragraph A;

2. Of the number of refunds and of the amount of each refund made; of the number replacements and kind of each replacement made; and of the number of repairs and the kind of each repair made under paragraph B;

3. Of the number of reimbursements and the amount of each reimbursement made for reasonable and necessary expenses of consumers under paragraph C.

E. Order Respondents to provide copies of all of the records specified in paragraph D above and/or extracts of information from them, and copies of posters, catalogues, and advertising used to give notice to the Commission staff at their request.

F. Order Respondents to file reports with the Commission staff containing information specified in paragraph D above and other information that may be requested to determine compliance with any order issued in this proceeding at 30-day intervals until the actions required in paragraphs A through E above are completed. The format of such reports shall be submitted and be acceptable to the Commission staff.

G. Order Respondents to permit inspections at their places of business to verify data in reports and records submitted and ascertain compliance with the order or orders issued in this proceeding.

H. Order Respondents to notify the Commission at least 30 days prior to any change in their business (such as incorporation, dissolution, assignment, sale, or declaration of bankruptcy) that results in the emergence of a successor corporation, the creation or dissolution of subsidiaries, the dissolution of the corporation, or any other change that might affect compliance obligations under any Commission order for a period of two years after issuance of the order or orders in this proceeding.

I. Order Respondents Sears and Roper to each pay a civil penalty of \$500,000 pursuant to section 20 of the CPSA, 15 U.S.C. 2069, for their violations of section 19(a)(4) of the CPSA.

J. Grant such other and further relief as the Commission deems necessary to protect the public health and safety and to implement the CPSA.

Issued by order of the Consumer Product Safety Commission.

Dated: February 24, 1982.

Carlos L. Perez,

Acting Associate Executive Director,
Directorate of Compliance and
Administrative Litigation.

[FR Doc. 82-6016 Filed 3-4-82; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Altered Systems of Records; Correction

AGENCY: Department of the Air Force, DOD.

ACTION: Notice of altered systems or records/correction.

SUMMARY: This document corrects the entry under the *Retention and disposal* captions of four Air Force system notices that were published in the *Federal Register* on February 4, 1982 (FR Doc. 82-2888; 47 FR 4285).

FOR FURTHER INFORMATION CONTACT:

Mr. Jon E. Updike, HQ USAF/DAAD(S), Room 4A-10881, the Pentagon, Washington, D.C. 20330. Telephone (202) 694-3431.

Accordingly, under the "*Retention and disposal*" caption for the following four system notices appearing at 47 FR 4285, February 4, 1982, add:

"Computer files are destroyed by overwriting or degaussing".

F12501 SPO E

System name: Registration Records (Excluding Private Vehicle).

F12501 SPO G

System name: Complaint/Incident Reports.

F12501 SPO J

System name: Traffic Accident and Violation Reports.

F12501 SPO A

System name: Vehicle Administration Records.

M. S. Healy

OSD Federal Register Liaison Officer,
Department of Defense.

February 26, 1982.

[FR Doc. 82-5526 Filed 3-4-82; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Rocky Flats Plant Site; Record of Decision

This Record of Decision has been prepared pursuant to Regulations of the Council on Environmental Quality (40 CFR Part 1505) and Implementing Procedures of the Department of Energy (45 FR 20694).

Decision:

The Department of Energy (DOE) has decided to continue operating the Rocky Flats Plant with modifications to the existing facilities, including improved environmental controls on planned facilities and operational changes to better control plant effluents and further reduce the levels of radiation exposure.

Project Description:

The Rocky Flats Plant is a government-owned, contractor-operated facility. The plant is located in northern Jefferson County, Colorado, 7 to 10 miles from the communities of Arvada, Boulder, Broomfield, Golden, and Westminster. It is bounded on the west by State Highway 93, on the south by State Highway 72, on the east by Jefferson County Highway 17, and on the north by State Highway 128. The site consists of approximately 6,500 acres (about 10 square miles) of Federally owned land, with roughly 100 plant structures centrally located on 385 acres. Primary operations at the plant involve processing of plutonium, beryllium, uranium, and other metals; fabrication and assembly of weapon-related components; separation and recovery of materials including americium; and related research and development work.

A detailed analysis of environmental impacts associated with current, planned, and alternative plant operations is presented in the Final

Environmental Impact Statement (EIS) Rocky Flats Plant Site (DOE/EIS-0064).

Description of Alternatives:

The following alternatives were considered by DOE in reaching its decision.

1. *No change (no action) in current activities:* no change in the present facilities and operations; termination of several safety and environmental protection projects currently underway.

2. *Continued operations with completion of modifications to the existing facility and operational changes currently underway (proposed action):* completion of several changes to existing plant systems, i.e., a new facility for plutonium recovery, a new facility for treating liquid process waste, a system for total plant water recycle and removal of certain onsite plutonium contaminated soils.

3. *Relocation:* complete transfer of operations from the existing location to a new site or sites followed by demolition, decontamination and restoration of the existing site; or a partial transfer of operations that involves processing and handling of radioactive materials and the decontamination of the plant and site, with only those processes for nonradioactive material remaining at Rocky Flats.

4. *Terminate operations:* cease operations without provisions for production capabilities at another location(s). Subalternatives include: (1) halting all operations and placing the facilities in ready-standby; (2) complete shutdown, total decommissioning and partial decontamination; or (3) complete shutdown, total decommissioning, complete decontamination, and site restoration.

5. *Continued operations and completion of changes currently underway, together with additional mitigation measures:* undertake possible actions which would influence plant operations and reduce plant impact on the environment, real or potential, consisting of more extensive actions regarding plutonium-contaminated soils, and improvements to the structural integrity of plant buildings.

Basis for Decision

Requirements for nuclear weapons production are mandated by Congress and the President as a part of the overall national defense policy. The Department's discretion is limited to the manner in which it meets the prescribed level of nuclear weapons needs (e.g., the location of production facilities). Since the types of activities undertaken at

Rocky Flats are essential to the production of nuclear weapons, the alternative of terminating these activities would be contrary to DOE's mandate from Congress and the President and is, therefore, unacceptable.

A decision to relocate the Rocky Flats Plant operations to another location would result in a substantial economic commitment of \$2.2 billion (in 1976 dollars). The socioeconomic and environmental benefits resulting from a relocation to a more remote site do not outweigh an investment of this magnitude. A partial relocation of the operations at an estimated cost of \$2.0 billion (in 1976 dollars) is also considered imprudent.

The remaining alternatives involve continued operation of the Rocky Flats Plant with varying levels of improvements to either plant operations or environmental controls. The social, economic, and environmental consequences of the no-action (no-change) alternative are described in detail in DOE/EIS-0064. This analysis supports the conclusion that the current operations at Rocky Flats are conducted in an environmentally acceptable manner.

The department has decided to adopt the alternative of continued operations of the plant with completion of changes currently underway. The modifications to the current operations will increase protection of employees, the environment, the effectiveness of plutonium recovery, and reduce energy consumption. Since construction of these projects has begun, it would be imprudent not to complete the projects and fully realize their benefits.

Additional measures to minimize harm were considered but not adopted. The basis for this decision is that the projects either would not provide significant improvements in environmental protection or the projects are being studied for future consideration. Detailed information is provided in DOE/EIS-0064, section 5.5.

Further description of the alternatives and the pertinent factors leading to the decision to adopt Alternative 2 is provided below. A complete analysis of the social, economic, and environmental impacts of each alternative is provided in DOE/EIS-0064.

Discussion of Alternatives:

(1) No change (No Action) in Current Activities

If the no-action alternative were to be chosen and the plant continued to operate, the radiological impacts on persons living within 50 miles of the

plant would be negligible, both in terms of dose received as compared to natural background radiation and in terms of health (cancer mortality or genetic) risks. The maximum health risk to an individual for the worst credible accident would be less than the risk of death from a common accident. Accident risks are described in greater detail in DOE/EIS-0064, section 3.2.

(2) Completion of Changes Currently Underway

This alternative involves continued operation of the Rocky Flats Plant with modifications to the existing facility and operational changes in order to increase protection of employees, the environment, and reduce energy consumption. The projects include: replacement of the Plutonium Recovery Facility and process waste-treatment facilities; a waste-treatment facility to further control the release of toxic and radioactive effluents; the total recycling of all plant aqueous wastes; and the partial removal of contaminated soil that is located within the boundaries of the plant. Since construction of these projects has begun, any disruption of the onsite ecology has already occurred. Completion of these projects would further reduce radiological impact of normal plant operations (see Table 5-1, DOE/EIS-0064 for specific amounts) in the vicinity of the plant.

(3) Relocation

Moving the Rocky Flats Plant operations to another location would reduce the environmental impacts at Rocky Flats by transferring similar impacts to the relocation site. In order to achieve a net reduction in the environmental effects by relocating the Rocky Flats Plant to another site, the new site would have to be more remote. The acceptability of another location would depend on a number of factors, such as the availability of a skilled or trainable work force at the new site; the potential impact of having to attract a work force to an existing small community or establishing a community to support the plant; and the availability of electric power, water, gas, and transportation at the new site. A conservative estimate of cost associated with relocating the current Rocky Flats Plant operations elsewhere and leaving the current site in a condition suitable for unrestricted use is approximately \$2.2 billion (in 1976 dollars). This cost estimate includes removal of all buildings and assumes that conversion begins almost immediately. The time required for relocation is estimated at about 10 years. Relocation would result

in a reduction of 5 percent or less or radiological dose from normal operations to persons currently living within 50 miles of the Rocky Flats Plant. Risks in the area from accidental releases would be eliminated.

If only the radioactive materials processing functions were to be moved to another site, leaving at Rocky Flats all functions involving nonradioactive materials, the estimated cost would still be about \$2 billion (in 1976 dollars). This would require facilities at a new site and partial decontamination at the Rocky Flats site. Such a partial relocation would result in about a 63 percent reduction in personnel at Rocky Flats and a 50 percent reduction in the plant's local purchases. The net result of such partial relocation would be the reduction of doses from normal operations and any future accidents at Rocky Flats, with concomitant increases at the new location. Although relocation might lead to some reduced impacts at the new site in comparison with present operations, improvements to the existing site and facilities would be more cost-effective.

Terminate Operations

Terminations of plant operations, although eliminating impacts of future plant operations on the natural environment, is not consistent with the current national defense policy and, therefore, is rejected as unacceptable. Placing the plant on standby (one of the termination considerations) would cost an estimated \$17.8 million (in 1976 dollars); the annual revenue loss therefrom to the region would be about \$61 million (1976 dollars). Complete shutdown, decontamination, and partial demolition of the plant would cost \$322 million (in 1976 dollars) and would reduce area revenues by about \$200 million per year. Complete demolition and total restoration of the site are estimated (in 1976 dollars) at \$526 million, with local revenue losses of \$111.8 million a year.

(5) Continued Operations With Additional Mitigation Measures

The list of possible projects considered includes further removal of plutonium-contaminated soil and improving the structural integrity of existing buildings at the plant. None of the projects provide sufficient benefits, at this time, to warrant the additional cost (see section 5.5 of DOE/EIS-0064).

Discussion of Environmentally Preferred Alternative(s):

Based solely on environmental considerations, the alternative of

terminating plants operations was considered. Although this alternative would result in short-term adverse environmental impacts, principally of a socioeconomic nature, the long-term effects would be less than the impacts resulting from adoption of other alternatives. However, this alternative is not considered acceptable because of the need for operations similar to those performed at Rocky Flats to meet nuclear weapons production requirements that are beyond the scope of DOE's decisionmaking authority. Of the alternatives available to DOE to meet its defense production responsibilities, the continued operation of Rocky Flats with completion of projects currently underway and additional mitigation measures (Alternative 5) is considered the environmentally preferred alternative.

Considerations in Implementation of the Decision:

The new plutonium recovery facility will result in plutonium recovery operations being performed in greater safety, with greater operating economy, and an increase in plutonium recovered with a concomitant reduction in the amount of plutonium waste. The probability of spreading contaminants by fire or other accidents will be decreased. This new facility is being built more rigid earthquake, tornado, fire, and other specifications required by the DOE's criteria for new plutonium facilities.

The new waste treatment plant has been designed to handle the present workload at Rocky Flats, the maximum possible output from the new recovery plant, and any increase in plant process liquid waste through 1985. It is an important element of the overall DOE program for achieving as low as practicable releases of effluents. Low-level waste solutions will be dried which will result in reduced dusting, volume, shipping, and storage cost. The primary benefit from the waste treatment facility will be the elimination of further need for low-level process waste storage in the solar evaporation ponds. This removes the possibility of seepage from the ponds or carryover from high winds. The risk of an impoundment failure becomes zero, and the associated potential risk to Great Western Reservoir is eliminated.

The process waste system and the sanitary waste systems are completely separate. Work is progressing toward the elimination of all routine liquid discharges from the plant. A water control and recycle project will provide facilities for the purification and recycling of all sanitary effluent and

cooling tower blowdown water. The water will be purified by using the reverse osmosis process. It will be reused in the existing raw-water system that supplies makeup water to the cooling towers. Upon completion of: (1) The new plutonium recovery and process waste treatment facilities, and (2) the sanitary water recycle system, the capability to control the discharge of pollutants in any liquid effluent from the plant will have been completely upgraded. Treated sanitary effluent water no longer flows into Great Western Reservoir, which stores raw water for the city of Broomfield.

Ongoing environmental air, water, soil, stack effluent, and liquid discharge monitoring programs will be continued. The plant will proceed toward its goal of zero discharge of pollutants to the waters of the United States and will continue to limit all environmental impacts to levels as low as practicable in accordance with DOE policy. Although Alternative 5 is considered an environmentally preferred alternative, the additional measures to mitigate adverse effects do not provide sufficient benefits, at this time, to warrant additional cost and, therefore, are not adopted.

Conclusion:

The work performed at Rocky Flats is essential to comply with our national defense weapons requirements. The proposed course of action is the continued operation of the Rocky Flats Plant with completion of modifications to the existing facility and operational changes currently underway. Effluent improvement technologies continue to be developed, and installation of improved effluent mitigating measures, as they become available, should further reduce pollutant discharges to even lower levels than are experienced at the present time.

Dated: February 17, 1982.

Herman E. Roser,

Assistant Secretary for Defense Programs.

[FR Doc. 82-5942 Filed 3-4-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ST81-314]

Channel Industries Gas Co.; Application for Extension and Approval of Rates

March 2, 1982.

Take notice that on December 30, 1981, Channel Industries Gas Company (Applicant), 720 Two Allen Center, 1200

Smith Street, Houston, Texas 77002, filed in Docket No. ST81-314 an application pursuant to Subpart C of Part 284 of the Commission's Regulations for the extension of transportation of natural gas for Energy Gathering, Inc. (E. G.) for a term ending on July 23, 1982, and for approval of the note for such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it currently transports up to 100,000 Mcf of gas per day on an interruptible basis for E. G., a local distributing company, which purchases said gas from Natural Gas Pipeline Company of America (Natural). It is stated that Applicant transports said gas from the existing interconnection point between Applicant's and Natural's pipelines near Devers in Liberty County, Texas, to the existing interconnection point between Applicant's pipeline and that of United Texas Transmission Company at Cedar Bayou in Chambers County, Texas. It is asserted initial deliveries commenced on July 23, 1981.

Applicant proposes to extend the subject transportation service through July 23, 1982, under the existing terms and conditions. In addition, Applicant proposes to establish an alternative redelivery point to be constructed by E. G. at a point on Applicant's existing 30-inch A-S pipeline at Cedar Bayou in Chambers County, Texas. It is noted that said meter station would be operated by Applicant.

It is stated that pursuant to its transportation agreement with E. G., Applicant proposes to charge E. G. a fee of 9.0 cents per Mcf redelivered. Applicant submits that the transportation rate proposed is fair and equitable and not in excess of the rates and charges which interstate pipelines would be permitted to charge for providing similar transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-5976 Filed 3-4-82; 8:45am
BILLING CODED 6717-01-M

[Project No. 5596-000]

**The City of Bedford, Virginia;
Application for a Major License**

March 2, 1982.

Take notice that the City of Bedford, Virginia (Applicant) filed on November 2, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and continued operation of a water power project to be known as the Bedford Hydroelectric Project No. 5596. The project would be located on the James River in Bedford and Amherst Counties, Virginia. Correspondence with the Applicant should be directed to: City of Bedford, Attn: Mr. D. K. Cook, City Manager, P.O. Drawer 807, Bedford, Virginia 24523.

Project Description—The proposed project would consist of: (1) An existing dam with a maximum height of 17 feet and an approximate overall length of 1,680 feet; (2) an existing, 57-acre reservoir, at a normal pool elevation of 628 feet m.s.l.; (3) an existing 1,200-foot long canal with an average water surface width of 70 feet, which will be enlarged up to a total width of 180 feet; (4) a proposed powerhouse with an installed capacity of 4,800 kW; (5) an existing powerhouse with an installed generating capacity of 1,090 kW; (6) an approximately 1,640-foot long service road to be relocated to provide room for the widening of the canal; and (7) appurtenant facilities. The Applicant estimates that the average energy output would be 26.2 GWh.

Purpose of Project—The City of Bedford will use all of the power output of the project to supply its municipal electrical distribution system.

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.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 7, 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 May 7, 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. 82-5977 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5928-000]

Cornell University; Application for License (5 MW or Less)

March 2, 1982.

Take notice that Cornell University (Applicant) filed on January 29, 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 Ithaca Falls Project No. 5928. The project would be located on Fall Creek at Ithaca, in Tompkins County, New York. Correspondence with the Applicant should be directed to: Mr.

Henry Doney, Director of Utilities and Facilities Engineering, Cornell University, Ithaca, New York 14853.

Project Description—The proposed run-of-the-river project would consist of: (1) An existing concrete dam, 142 feet long and approximately 5 feet high; (2) a reservoir of negligible storage capacity with the surface at spillway crest elevation of 541.8 feet m.s.l.; (3) an existing intake structure (to be replaced) at the left (south) abutment of the dam; (4) an existing water conveyance structure acting as a forebay, consisting of a 200-foot long tunnel and a 105-foot long channel; (5) a new headgate structure, 14 feet high and 35 feet wide; (6) a new 4.75-foot diameter penstock, 670 feet long; (7) a new powerhouse with an installed capacity of 3,000 kW; (8) a tailrace about 100 feet long; (9) an 8.3-kV transmission line, 170 feet long; and (10) other appurtenances. Applicant estimates annual generation would be 8,600,000 kWh.

Purpose of Project—Project energy would be marketed to the local utility 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—This application was filed as a competing application to Ithaca Falls Development Association's application for Project No. 5878 filed on January 15, 1982. Anyone desiring to file a competing application must submit to the Commission, on or before May 6, 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 May 6, 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. 82-5978 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4509]

Deep River Hydro; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 2, 1982.

Take notice that on December 30, 1981, Deep River Hydro (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. 4509) would be located on the Haw River, in Alamance County, North Carolina. Correspondence with the Applicant should be directed to: William H. Lee, Deep River Hydro, 1212 Kensington Blvd; Fort Wayne, Indiana 46805.

Project Description—The Applicant's proposed project would consist of: (1) An existing dam consisting of a concrete gravity section with a maximum height of 29 feet and approximately 700 feet long, and an earth embankment section approximately 315 feet long with a ten foot wide crest; (2) an existing 325-acre reservoir with a storage capacity of 5,600 acre-feet at normal pool elevation 446.0 m.s.l.; (3) an existing powerhouse containing hydroelectric generating equipment with a rated capacity of 1,500 kW; and (4) appurtenant facilities. The annual generation is estimated to be 8 GWh.

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 North Carolina Wildlife Resources Commission 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 April 19 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 its 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 April 19, 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, 825 North Capitol Street, NE., Washington, D.C. 20426. 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. 82-5979 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-22-000]

Geological Survey and Getty Oil Co.; Request for Withdrawal of Final Well Category Determination

March 1, 1982.

In the matter of: United States Geological Survey, Section 108 Determinations; and Getty Oil

Company, A. B. Coates "C" Well No. 19, Lea County, New Mexico, MMS Docket No. NM-0830-80, FERC No. JD81-00956, A. B. Coates "C" Well No. 23, Lea County, New Mexico, MMS Docket No. NM-0828-80, FERC No. JD80-58397.

On February 11, 1982, Getty Oil Company, P.O. Box 1404, Houston, Texas 77001 (Getty) submitted to the Federal Energy Regulatory Commission (Commission) a request to withdraw its application for stripper well determinations under section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3318 (Supp. II 1978) respecting its A. B. Coates "C" Well Numbers 19 and 23 located in Lea County, New Mexico. Getty states that on June 24, 1980, Getty submitted to the United States Geological Survey (USGS) an application for a natural gas stripper well category determination on the subject wells. The USGS issued favorable determinations on September 15, 1980. The Commission received notice of the determinations on September 18, 1980, and after lapse of the 45-day review period, the determinations became final on November 2, 1980, pursuant to § 275.202(a) of the Commission's regulations.

In its request for withdrawal, Getty states that a review of its records indicates that these wells had completions in more than one formation upon which the application was based and that the production data qualifying the well was not total well production. Section 271.804(a)(1) of the Commission's regulations states that for purposes of determining the rate of production from a well for which a stripper well determination is sought: The total volume of natural gas produced from the well shall constitute its daily production regardless of whether the well is completed in more than one interval or the production is separately metered from separate intervals. Getty states that according to its records, and in checking with the purchaser, Getty has never paid nor collected the stripper well price for these wells and that, accordingly, there is no refund due as a result of the withdrawal of these applications.

Because the well category determinations have become final, the Commission may reopen each determination, pursuant to § 275.205(a) of the regulations, if "(1) in making the determination the Commission or the jurisdictional agency relied on any untrue statement of material fact; or (2) there was omitted a statement of material fact necessary in order to make the statements made not misleading in

light of the circumstances under which they were made. . . ."

With respect to the question of refunds arising out of this request for withdrawal of the subject well category determinations, notice is hereby given that the question of whether refunds, plus interest as computed under § 154.102(d) of the Commission's regulations, will be required is a matter subject to review and final determination of the Commission.

Any person desiring to be heard or to make any protest with reference to the requested withdrawal should, on or before April 5, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of § 1.8 or § 1.10 of the Rules of Practice and Procedure. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-5989 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5901-000]

Mason County Public Utility District No. 1; Application for Preliminary Permit

March 2, 1982.

Take notice that Mason County Public Utility District No. 1 (Applicant) filed on January 19, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No 5901 to be known as the Jefferson Creek Hydroelectric Project located on Jefferson Creek, a tributary of Hamma Hamma River in Mason 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. John P. Robertson, Manager, Public Utility District No. 1 of Mason County, Rt. 5, Box 555, Shelton, Washington 98584.

Project Description—The proposed project would consist of: (1) A 60-foot long, 15- to 20-foot high diversion structure; (2) a 8,000-foot long, 5-foot diameter penstock; (3) a powerhouse with an installed capacity of 6,300 kW; and (4) a 5.6-mile long, 12-kV transmission line from the powerhouse

to an existing transmission line owned by the Mason County Public Utility District No. 1. The Applicant estimates that the average annual energy production would be 25 million kWh. The project is located on U.S. Federal lands owned by Olympic National Forest.

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 24 months during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be \$165,000.

Competing Applications—This application was filed as a competing application to Hydro Resource Company's application for Project No. 5531 filed on October 16, 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 C.F.R. 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 April 19, 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. 82-5980 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5646-001]

Kenneth T. Meredith; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 2, 1982.

Take notice that on January 15, 1982, Kenneth T. Meredith (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. 5646), known as Crooke's Falls, would be located on Lake Fork of the Gunnison River near Lake City in Hinsdale County, Colorado. Correspondence with the Applicant should be directed to: Stephen K. Meredith, P.O. Box 571, Lake City, Colorado 81235.

Project Description—The existing Applicant owned facilities consist of: (1) A dam having two concrete abutments each about 14-foot long and having a breached 20-foot long center section; (2) 19-inch diameter and 45-inch diameter intakes through the left (west) abutment; (3) 19-inch diameter and 45-inch diameter steel penstocks; (4) a powerhouse foundation; (5) a 150-yard long 14.4-kV transmission line; and (6) appurtenant facilities.

Applicant proposes to: (1) Reconstruct the dam to be a 62-foot long and about 13-foot high structure; (2) install new trashracks; (3) create a reservoir with a surface area of about 2 acres and a storage capacity of about 7.5 acre-feet at normal surface elevation 8,750 feet msl; (4) install a new penstock; and (5) construct a powerhouse containing a

generating unit rated at 500-kW and a generating unit rated at 1000-kW each operated run-of-river under a 65-foot head. Applicant estimates that the average annual energy output would be 3,252,729 kWh.

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 State of Colorado Department of Natural Resources 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 confirmed 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 April 19, 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 its 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 April 19, 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, 825 North Capitol Street, N.E., Washington, D.C. 20426. 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. 82-5981 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-189-000]

Panhandle Eastern Pipe Line Co.; Notice of Application

March 2, 1982.

Take notice that on February 2, 1982, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-189-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor and related facilities on Applicant's existing gas supply system in Oklahoma and Kansas, all as more fully set forth in the application which is on file with the

Commission and open to public inspection.

Applicant proposes to construct and operate compressor and related facilities appurtenant to its existing Anadarko Basin West End pipeline systems connecting the Texas, Kansas and Oklahoma gas supply areas to its mainline at its Haven, Kansas, compressor station. Specifically, Applicant proposes to construct and operate a 400 horsepower compressor at its proposed Oakdale compressor station in Woods County, Oklahoma. Applicant further proposes to replace a 575 horsepower compressor at the Matkin Station, Seward County, Kansas, with a new 300 horsepower compressor.

Applicant explains that the proposed compressor horsepower would assist Applicant in recovering contractual volumes of natural gas from reservoirs which have suffered declines in pressure and would enable Applicant to meet contractual obligations to its producers with respect to reducing the line pressures.

Applicant estimates the total cost of the proposed facilities to be \$1,555,000 which costs would be financed from internally generated funds and short-term bank borrowing as necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 82-5982 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 2062-000]

Public Utility District No. 1 of Okanogan County; Application for License (5 MW or Less)

March 2, 1982.

Take notice that Public Utility District No. 1 of Okanogan County (Applicant) filed on October 23, 1981, 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 Enloe Project No. 2062. The project would be located on the Similkameen River, near Oroville, in Okanogan County, Washington. Correspondence with the Applicant should be directed to: Harold T. Brazil, Manager, Okanogan County PUD No. 1, P.O. Box 912, Okanogan, Washington 98840.

Project Description—The proposed project would consist of: (1) The existing 54-foot high concrete arch-gravity Enloe Dam with flashboards; (2) a 90-acre reservoir; (3) two intake structures; (4) two 800-foot long, 88-inch diameter steel penstocks; (5) two steel surge tanks; (6) a powerhouse containing two restored generating units, each rated at 1,860 kW; (7) a tailrace; (8) a 0.25-mile long transmission line; and (9) appurtenant facilities. The project would be operated on a run-of-the-river basis.

Purpose of Project—The energy generated by the project would be utilized by the Applicant or be banked with the Bonneville Power Administration.

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, on or before May 7, 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 May 7, 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. 82-5983 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5948-000]**Public Utility District No. 1 of Lewis County, Washington; Application for Preliminary Permit**

March 2, 1982.

Take notice that Public Utility District No. 1 of Lewis County, Washington (Applicant) filed on February 5, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5948 to be known as the Smith Creek Project located on Smith Creek, within the 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, P.O. Box 330, Chehalis, Washington 98532.

Project Description—The proposed project would consist of: (1) an 8-foot high concrete-gravity diversion structure with crest at elevation 2,840; (2) a diversion pipeline 12,700 feet long and penstock 3,700 feet long; (3) a powerhouse at elevation 1,080 containing a turbine generator with 8.3 MW capacity and 30.0 GWh annual energy output; and (4) transmission line 1.1 miles long. The potential market for power output includes customers within the Applicant's distribution system and 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 feasibility and to support application for a license to construct and operate the project. The estimated cost of the permit activities is \$200,000.

Competing Applications—This application was filed as a competing application to Hydro Resource Company's application for Project No. 5293 filed on October 28, 1981, and Capital Development Company's application for Project No. 5324, filed on September 4, 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 April 19, 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. 82-5984 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5951-000]**Mr. Gordon Ravenscroft; Application for Preliminary Permit**

March 2, 1982.

Take notice that Mr. Gordon Ravenscroft (Applicant) filed on February 8, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-

825(r)] for Project No. 5951 to be known as the Johnson Grade Water Power Project located on Billingsley Creek in Gooding, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Vernon F. Ravenscroft, President, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description—The proposed project would consist of: (1) A 5-foot high by 8-foot long splash board to act as a diversion structure; (2) a 6-foot high by 10-foot wide by 950-foot long rectangular concrete ditch to be used as a conduit to the penstocks; (3) two 48-inch diameter, 55-foot long penstocks; (4) two turbine-generating units with a rated capacity of 350 kW each; and (5) a 1-mile long 34.5-kV transmission line connecting to an existing Idaho Power Company Line. The Applicant estimates a 3 million kWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 30-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of the 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 \$9,300. Power would be sold to Idaho Power Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 7, 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 May 7, 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 May 5, 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 May 7, 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. 82-5985 Filed 3-4-82; 8:45am]

BILLING CODE 6717-01-M

[Docket No. CP82-163-000]

**Texas Eastern Transmission Corp.;
Notice of Application**

March 2, 1982.

Take notice that on January 18, 1982, Texas Eastern Transmission

Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-163-000 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 Consolidated Edison of New York, Inc. (Con Ed), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Con Ed has purchased a supply of natural gas from Equitable Gas Company (Equitable). Applicant proposes to transport for a term ending October 31, 1982, up to 103,000 dekatherms (dt) equivalent of natural gas per day for Con Ed pursuant to a transportation agreement dated January 12, 1982. It is asserted that Applicant would receive the subject gas at the existing point of interconnection between Applicant and Equitable located at Applicant's meter station 355 in Westmoreland County, Pennsylvania, or at other mutually agreeable existing delivery points in Applicant's Zone C, and would transport and redeliver equal quantities, less quantities retained for applicable shrinkage, to Con Ed at the existing point of interconnection between Applicant and Con Ed located at Applicant's meter station 058 in Richmond County, New York, or at other mutually agreeable existing points of delivery.

Applicant further requests that in the alternative Applicant be authorized to transport and deliver the stated quantities of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Con Ed at the existing point of interconnection between Applicant and Transco at Transco's meter station 249 in Montgomery County, Pennsylvania, or at other mutually agreeable existing points of delivery pursuant to an agreement between Con Ed and Transco.

It is asserted that Con Ed would pay Applicant under Applicant's presently applicable effective TS-1 basic rate schedule a rate of 13.98 cents per dt equivalent delivered by Applicant to Con Ed. In addition, Con Ed would pay Applicant under Applicant's presently applicable effective TS-1 excess rate 16.02 cents per dt equivalent for gas delivered which when added to quantities delivered by Applicant to Con Ed under its Rate Schedules TS-1 and SS-II and other transportation agreements exceed the combined total curtailment of natural gas sales to Con Ed under Applicant's firm sales rate schedules. Applicant would retain for applicable shrinkage an amount of gas

equal to 3.0 percent of the quantities transported for the period from April 16 through November 15 of each year and 6.0 percent of the quantities transported for the period from November 16 through April 15 of each year.

Applicant proposes to retain all revenues resulting from transportation of gas for Con Ed.

It is asserted that the proposed transportation for Con Ed would enable Con Ed to implement its agreement to purchase gas from Equitable and would help fulfill its need for a greater natural gas supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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 or 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. 82-5986 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-158-000]

Transcontinental Gas Pipe Line Corp. et. al.; Notice of Application

March 3, 1982.

Take notice that on January 18, 1982, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, Columbia Gulf Transmission Company (Columbia Gulf) P.O. Box 683, Houston, Texas 77001, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-158-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in the offshore Texas area, 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 Applicants have gas dedicated to them in the Brazos Area Blocks A-1, A-17, A-19, A-20, A-22, A-23, A-28, A-30, A-33, A-34, A-40, A-47, A-70, A-76, A-105, A-133, 437, 501, 504 and 578, Mustang Island Area Blocks A-65, A-85, and A-124, Galveston Area Blocks A-113, 391, 392, and 393, and Matagorda Island Area Blocks A-7 and 620, all offshore Texas. It is further submitted that gas has been discovered in Brazos Block A-106 but is currently uncommitted. Applicants state that 11 such blocks are in the vicinity of Transco's Central Texas Gathering System (CTGS) which extends in a southeasterly direction from Transco's Compressor Station No. 30, Wharton County, Texas, to a Transco junction platform in Brazos Block 538 and then splits into two legs—one extending in a southwesterly direction from Block 538 to Brazos Block A-133 and the other extending east from Block 538 to Brazos Block A-1.

Applicants explain that part of the CTGS is the North Markham Separation and Dehydration Plant in Matagorda County, Texas (Markham plant), and the separation and dehydration facilities at the Markham plant are owned by Transco while processing facilities near the Markham plant are owned and operated by Marathon Oil Company (Marathon). It is further explained that the Markham plant is currently undergoing a Phase I expansion to add

separation and dehydration facilities and that after such expansion the separation facilities would be capable of handling 550,000 Mcf of natural gas per day. Applicants also state that a Phase II expansion involving additional separation and dehydration facilities is planned and after such expansion the separation facilities would be capable of handling 1,200,000 Mcf of natural gas per day.

It is asserted that the current capacity of the CTGS is 369,000 Mcf of gas per day and therefore, Applicants propose to expand the CTGS to a total capacity of 1,119,000 Mcf per day to handle gas expected to be available to the CTGS.

Applicants specifically propose to construct jointly, as coowners, the Project Central Texas Loop (PCTL) consisting of approximately 23.51 miles of 36-inch pipeline loop from Transco's Compressor Station No. 30 to the Markham plant, approximately 32.53 miles of 36-inch loop from the Intracoastal Canal to Transco's junction platform in Brazos Block 538, approximately 30.12 miles of 30-inch loop from such junction platform to Cities Service Gas Company's "A" production platform in Brazos Block A-76 and measuring and regulating facilities at the Markham plant. Applicants state that the PCTL would be operated by Transco on behalf of itself and the other Applicants.

It is asserted that the PCTL would add 750,000 Mcf of gas per day to the capacity of the CTGS and based upon the above ownership interests in the PCTL the entitlements to capacity in the PCTL would be as follows: Transco—361,000 Mcf per day, Tennessee—203,000 Mcf per day, Columbia Gulf—120,000 Mcf per day, Mich Wis—50,000 Mcf per day, and Northern—160,000 Mcf per day.

Applicants estimate the cost of the proposed facilities to be \$142,150,000 which cost would be shared as follows: Transco—48.1333 percent, Tennessee—27.0667 percent, Columbia Gulf—16 percent, Mich Wis—6.6667 percent, and Northern—2.1333 percent. Applicants state that the proposed facilities would be financed initially through revolving credit arrangements, short-term loans or funds on hand, and that permanent financing would be undertaken as part of Applicants' respective overall long-term financing programs at later dates.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25 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 Section 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 with the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-5990 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 2970-002]

The Village of Argyle, Wisconsin; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 2, 1982.

Take notice that on May 26, 1981, The Village of Argyle, Wisconsin (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. 2970 would be located on the Pecatonica River near Argyle, in Lafayette County, Wisconsin. Correspondence with the Applicant should be directed to: Ms. Marjorie Treuthardt, P.O. Box 246, Argyle, Wisconsin 53504.

Project Description—The Argyle Hydroelectric Project would consist of: (1) An existing concrete dam that is 40

feet long and 6 feet high; (2) an existing powerhouse located on the east bank of the river; and (3) appurtenant facilities. Applicant estimates the capacity of the project would be 50 kW, and the annual energy output would be 71 MWh.

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 Wisconsin Department of Natural Resources 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 April 19, 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 April 19, 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. 82-5987 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-188-000]

Wisconsin Power & Light Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Summary Disposition in Part, Granting Intervention, Denying Request for Rejection, and Establishing Hearing and Price Squeeze Procedures

Issued February 25, 1982.

On December 29, 1981, Wisconsin Power and Light Company (WPL), tendered for filing a two-step rate increase to 33 municipal and two investor-owned utilities served under WPL's rate schedule W-3, and to five rural electric cooperatives served under WPL's rate schedule W-2.¹ WPL

¹ See Attachment A for customers and rate schedule designations.

requests that the first step increase be made effective on an interim basis as of March 1, 1982, and that the second step become effective prospectively upon the ultimate Commission determination in this proceeding of the just and reasonable rate level. Based on the calendar 1982 test period, the first step rates would result in an increase of approximately \$4,608,000 (10.82%), and the second step would produce an increase of approximately \$6,339,000 (14.89%).

Notice of the filing was issued on January 5, 1982, with responses due on or before January 22, 1982. The Public Service Commission of Wisconsin filed a timely notice of intervention. On January 22, 1982, WPL's five rural electric cooperative customers (Cooperatives) filed a protest and petition to intervene. The Cooperatives request that the proposed rates be suspended for five months on the basis of their claims that WPL has used an excessive rate of return, overstated O&M and depreciation expenses, and allocated excessive regulatory and customer service expenses to the wholesale customers.

Also on January 22, 1982, the Municipal Wholesale Power Group (MWPG) filed a petition to intervene on behalf of 26 municipal customers served under WPL's W-3 rate schedule. MWPG requests that the Commission reject WPL's filing on the grounds that it is incomplete and poses unduly discriminatory consequences. According to MWPG, the rates discriminate against the municipal customer class when compared to rates for similar wholesale service to the cooperative customers and a wholly-owned WPL subsidiary. Additionally, MWPG alleges that WPL's proposed fuel adjustment clause improperly contains estimated future nuclear fuel costs which are not identifiable or actual. Alternatively, MWPG requests a five month suspension, identifying 21 questionable cost of service items. MWPG also alleges that the filed rates may result in a price squeeze.

On February 1, 1982, Madison Gas and Electric Company (MGE), a customer under the W-3 rate schedule, petitioned for leave to intervene out of time. MGE states that it did not have sufficient notice of the filing to intervene in a timely manner.

WPL filed a response to the Cooperatives' pleading on February 8, 1982. WPL challenges the contention that its proposed first step rates merit a five month suspension.

Discussion

Initially, we find that participation in this proceeding by the Cooperatives, MWPG, and MGE is in the public interest; we further find that good cause exists to permit MGE to intervene out of time. Consequently, we shall grant the petitions to intervene. The Commission notes that the timely-filed notice of intervention is sufficient to initiate participation in this proceeding by the Public Service Commission of Wisconsin.

As a threshold matter, we have reviewed WPL's filing and find that it substantially complies with the Commission's filing requirements.² We cannot conclude on the basis of the pleadings alone that the rate proposal is unduly discriminatory as suggested by MWPG. As a result, we shall deny the motion to reject WPL's filing.

Our review, however, indicates that treatment by WPL of two cost of service items requires summary disposition. As to both its first and second step increases, WPL has allocated EPRI expenses to its wholesale customers in contravention of clear Commission precedent.³ Also, the cost support for WPL's second step rates includes accumulated deferred investment tax credits (ADITC) as a separate component of the capital structure. This treatment also is contrary to well-established precedent.⁴ Accordingly, summary disposition will be ordered as to these two issues. However, because the revenue impact of the associated revisions would be relatively small, we shall not require the company to refile its rates at this time. The remaining matters raised by the intervenors present questions of law or fact best resolved on the basis of an evidentiary hearing.

Having considered the issues addressed by the intervenors, we find that WPL's first step interim rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept these rates

for filing and suspend them as ordered below.

In a number of suspension orders,⁵ we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

Such circumstances have been presented here. While the issues identified by the intervenors warrant further inquiry at hearing, our preliminary review suggests that the proposed first step rates may not produce excessive revenues. Under these circumstances, we believe that a nominal suspension and a refund obligation will adequately protect the affected customers pending a hearing. Accordingly, we shall suspend these rates for one day to become effective, subject to refund, on March 2, 1982.

Concerning WPL's second step rates, consistent with the company's proposal, they shall become effective, if at all, prospectively following the Commission's final determination as to just and reasonable rates.

In accordance with the Commission's policy established in Arkansas Power and Light Company, Docket No. ER79-339 (August 6, 1979), we shall phase the price squeeze issue raised by the intervenors.

The Commission orders:

(A) MWPG's request to reject WPL's filing is hereby denied.

(B) WPL's proposed first step interim rates are hereby accepted for filing and suspended for one day, to become effective on March 2, 1982, subject to refund.

(C) WPL's proposed second step rates are hereby accepted for filing, as modified by summary disposition; these rates may become effective, if at all, prospectively following the Commission's final determination as to just and reasonable rates in this proceeding.

(D) Summary disposition is hereby ordered, as noted in the body of this

order, with respect to WPL's treatment of EPRI expenses and ADITC. WPL shall reflect these determinations in any compliance cost of service and rates at the conclusion of this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of WPL's rates.

(F) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; Provided, however, that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and provided, further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding on or before March 1, 1982.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 824 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(I) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures being after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(J) The Secretary shall promptly publish this order in the **Federal Register**.

² See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

³ E.g., *Public Service Company of New Mexico*, Opinion No. 133 (November 9, 1981); *Northern States Power Company*, Docket No. ER81-653-000 (October 2, 1981); and *Illinois Power Company*, Docket No. ER77-531 (April 10, 1980).

⁴ E.g., *Virginia Electric and Power Co.*, Opinion No. 118 (April 10, 1981); *Carolina Power and Light Co.*, Opinion No. 19 (August 2, 1979); *Public Service Company of New Mexico*, Docket No. ER81-187-000 (February 27, 1981); *Public Service Company of Oklahoma*, Docket No. ER78-511 (October 12, 1978); *Virginia Electric and Power Co.*, Docket No. ER78-522 (August 30, 1978).

⁵ E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

By the Commission.

Kenneth F. Plumb,
Secretary.

ATTACHMENT A.—WISCONSIN POWER & LIGHT
CO., DOCKET NO. ER82-188-000

[Item—General Rate Increase; dated—Undated; filed—Dec.
29, 1981]

Rate W-3 (municipal and investor owned utilities)	Rate schedule ¹	Supplement No.	Supersedes supp. No.
City of Evansville.....	29	16	14
Village of Gresham.....	31	17	15
Village of New Glarus.....	39	16	14
Village of Hustisford.....	71	15	13
City of Sun Prairie.....	73	15	13
City of Plymouth.....	75	14	12
Village of Muscoda.....	76	16	14
City of Boscobel.....	77	14	12
City of Cuba City.....	79	15	13
City of Waupun.....	82	14	12
City of Brodhead.....	83	16	15
Village of Sauk City.....	84	13	11
City of Juneau.....	86	13	11
City of Benton.....	88	13	11
City of Reedsburg.....	89	13	11
Village of Hazel Green.....	91	12	10
Village of Mt. Horeb.....	92	13	11
Village of Prairie du Sac.....	95	13	11
City of Sheboygan Falls.....	98	12	10
City of Lodi.....	101	12	10
Village of Pardeeville.....	102	11	9
Village of Wonewoc.....	107	9	7
Village of Mazomanie.....	108	9	7
Village of Waunakee.....	109	9	7
Village of Belmont.....	110	9	7
Village of Footville.....	111	9	7
City of Stoughton.....	115	7	5
Village of Black Earth.....	116	7	5
Cross Plains Electric Compe- ny.....	117	6	4
Pioneer Power & Light Com- pany.....	118	7	5
City of Schullsburg.....	120	5	3
City of Princeton.....	121	6	4
City of Wisconsin Rapids.....	122	5	3
City of Wisconsin Dells.....	125	5	3
City of Columbus.....	126	5	3
Columbus Rural Electric Co- operative.....	128	4	3
Waushara County Electric Coop., Inc.....	129	4	3
Adams Marquette Electric Coop.....	112	11	10
Central Wisconsin Electric Co- operative.....	113	9	8
Rock County Electric Coop. Assoc.....	119	7	6

¹ FERC after R.S. 116; otherwise designated FPC.

[FR Doc. 82-5988 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-20-005]

**Algonquin Gas Transmission Co.; Rate
Change Pursuant to Purchased Gas
Cost Adjustment Provision**

March 1, 1982.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on February 19, 1982, tendered for filing Substitute 58th Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that Substitute 58th Revised Sheet No. 10 is being filed in substitution of 58th Revised Sheet No. 10 filed by Algonquin Gas in Docket No. TA82-1-20-003 on January 28, 1982, as its semi-annual PGA filing pursuant to

Section 17 of the General Terms and Conditions of Algonquin Gas' FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that Substitute 58th Revised Sheet No. 10 reflects a revision in the underlying rates of its pipeline supplier, Texas Eastern Transmission Corporation ("Texas Eastern") that were placed into effect by a motion filed February 12, 1982, effective February 14, 1982 under its major rate increase filing in Docket No. RP81-109. Such Motion rates filed by Texas Eastern also included revised purchased gas costs under substitute February 1, 1982 rates filed by Texas Eastern on February 8, 1982 pursuant to Ordering Paragraph C of the Commission's Order issued January 29, 1982, in Docket No. TA82-1-17-002 (PGA82-1).

Algonquin Gas proposes the effective date of Substitute 58th Revised Sheet No. 10 to be March 1, 1982, the same date as proposed effective for 58th Revised Sheet No. 10.

Algonquin Gas notes that a copy of this filing is being served upon 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, DC 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 March 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. 82-5944 Filed 2-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-20-004]

**Algonquin Gas Transmission
Company; Rate Filing Under Rate
Schedule STB**

March 1, 1982.

Take notice that Algonquin Gas Transmission Company (Algonquin) of February 19, 1982, tendered for filing Sixth Revised Sheet No. 10-C to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin states that Sheet No. 10-C is being filed to reflect in Algonquin's Rate Schedule STB, an increase in Texas Eastern Transmission Corporation's (Texas Eastern) Rate Schedule SS-II. Texas Eastern's increase in its Rate Schedule SS-II was effectuated by Texas Eastern's Motion to place its Docket No. RP81-109 rates into effect on February 14, 1982.

Algonquin requests that the proposed effective date of the filing be February 14, 1982.

Algonquin requests permission to add a surcharge, if necessary, to the next succeeding month's billing to recover such rates effective February 14, 1982.

Algonquin notes that a copy of this filing is being served upon 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 Procedure (18 CFR 1.8, 1.10). All such petitions or 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. Protests or petitions shall be filed on or before March 19, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5945 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-23-000; Docket No. 80262; FERC No. JD81-8426]

**Colorado Oil and Gas Conservation
Commission, Section 108 NGPA
Determination, Northwest Pipeline
Corp.; Request for Withdrawal of Final
Well Category Determination**

March 1, 1982.

On May 28, 1981, Northwest Pipeline Corporation (Northwest) submitted a letter to the Colorado Oil and Gas Conservation Commission (Colorado) requesting that its application for a stripper well determination for its Bondad 33-10 #18 Well (subject well) under section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3318 (Supp. II 1978), be withdrawn. By letter filed January 13, 1982, Northwest informed the Federal Energy Regulatory Commission (Commission) of its earlier

withdrawal request and explained the basis for its request.

On December 8, 1980, Colorado notified the Commission of its deferred determination that the subject well qualified as a stripper well under section 108 of the NGPA based in part on a 90-day production period ending April 30, 1980. That determination became final on January 22, 1981 by operation of § 275.202(a) of the Commission's regulations. However, on October 23, 1980, in the period between Northwest's application for stripper well determination and Colorado's determination, both Colorado and the Commission received notice from Northwest of disqualification of the subject well due to increased production during the 90-day production period ending July 31, 1980 during which the subject well produced at a daily average of 81 Mcf at 14.73 psia. Finally, as a result of a Commission Staff audit, it became apparent that daily production from the subject well may have exceeded 60 Mcf at 14.73 psia for the period March through May, 1980. On December 14, 1981, the Director of the Commission's Division of NGPA Compliance sent Northwest a letter requesting an explanation of the foregoing discrepancy.

In Northwest's letter response filed January 13, 1982, Northwest explained that, prior to April, 1981, it used a pressure base of 15.025 psia in reporting production volumes. When corrected to 14.73 psia at 60 degrees Fahrenheit as required by section 2(29) of the NGPA the average daily production from the subject well for the period May, 1979 through July, 1980 exceeded 60 Mcf at 14.73 psia. Northwest states that it inadvertently failed to forward to the Commission a copy of its withdrawal request filed May 28, 1981, with Colorado. Northwest also states that it has a 100 percent working interest in the subject well, which is a cost-of-service well, and that the only refunds due invoice royalty owners.

Because the well category determination has become final, the Commission must reopen the determination, pursuant to § 275.205(a) of the regulations, if "(1) in making the determination the Commission or the jurisdictional agency relied on any untrue statement of material fact; or (2) there was omitted a statement of material fact necessary in order to make the statements made not misleading in light of the circumstances under which they were made. * * *

With respect to the question of refunds arising out of this request for withdrawal of the subject well category determination, notice is hereby given

that the question of whether refunds, plus interest as computed under § 154.102(d) of the Commission's regulations, will be required is a matter subject to review and final determination of the Commission.

Any person desiring to be heard or to make any protest with reference to the requested withdrawal should, on or before April 5, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of §§ 1.8 or 1.10 of the Rules of Practice and Procedure. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-5046 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF82-59-000]

**Community Linen Rental Services;
Application for Commission
Certification of Qualifying Status of a
Cogeneration Facility**

March 1, 1982.

On January 25, 1982, Community Linen Rental Services of Los Angeles, California, 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 proposed facility will be a topping-cycle cogeneration facility which uses natural gas as its primary energy source and No. 2 fuel oil as a standby backup fuel. It will be located at Community Health Care Services, 711 S. San Joaquin St., Stockton, California 95203. The power production capacity of the facility will be 500 kilowatts. Installation of the facility will begin in April 1982. No 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 or 1.10 of the Commission's rules of practice and procedure. All such petitions or

protests must be filed on or before April 5, 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. 82-5047 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-197-000]

**Florida Gas Transmission Co.;
Application**

March 3, 1982.

Take notice that on February 8, 1982, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP82-197-000 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 Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Transco has contracted to purchase certain quantities of natural gas to be produced from the Black Creek Field area, Stone County, Mississippi. Applicant asserts that pursuant to a transportation agreement dated July 13, 1981, and amended January 5, 1982, it has agreed to transport for Transco up to 3.5 billion Btu per day of natural gas from the Black Creek Field area to either of two existing points of interconnection between the parties' facilities near Vermilion and St. Helena Parishes, Louisiana. Applicant submits that the transportation agreement is for a primary term of fifteen years from the date of initial delivery.

Applicant proposes to charge Transco a facility charge of 11.4 cents for each million Btu delivered at the points of delivery plus a transportation rate of .08 cent per million Btu delivered at the points of delivery or a minimum charge of \$500 per month.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 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. 82-5948 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP82-39-001]

Lawrenceburg Gas Transmission Corp.; Amendment to Proposed Changes in FERC Gas Tariff

March 1, 1982.

Take notice that Lawrenceburg Gas Transmission Corporation (Lawrenceburg), on February 17, 1982 tendered for filing two (2) substitute gas tariff sheets in order to amend its previously proposed general increase in its jurisdictional wholesale gas rates as contained in its FERC Gas Tariff, First Revised Volume No. 1, proposed to become effective February 28, 1982.

The amended filing reduces Lawrenceburg's requested increase from \$48,895 to \$41,484 and reflects the cost of service effect of a reduction in the requested rate of return from 15.22% to 13.30%.

Copies of this amended filing were served upon Lawrenceburg's two

jurisdictional wholesale customers and to the 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 protest should be filed on or before March 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. 82-5949 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA82-1-14-002 (PGA 82-1(a))]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

March 1, 1982.

Take notice that on February 17, 1982 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two (2) substitute gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, all of which are dated as issued on February 12, 1982 proposed to become effective February 1, 1982, and identified as follows:

- Substitute Twenty-Sixth Revised Sheet No. 4
- Substitute Twenty-Four Revised Sheet No. 18.

Lawrenceburg states that its substitute tariff sheets were filed to reflect a reduction in its cost of gas purchased from Texas Gas Transmission Corporation which occurred subsequent to its PGA filing made on December 23, 1981. The Commission by letter order issued January 26, 1982 had accepted Lawrenceburg's PGA filing subject to revision to reflect any decreases in its cost of gas purchased from Texas Gas.

Copies of this filing were served upon Lawrenceburg's jurisdictional 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 should be filed on or before March 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. 82-5950 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF82-74-000]

Massachusetts Hydro Association; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 1, 1982.

On February 9, 1982, Massachusetts Hydro Association of Boston, Massachusetts filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a hydroelectric small power production facility located on the Lawrence canal off the Merrimack River in Lowell, Massachusetts. The capacity of the facility is 500 kilowatts. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. The facility uses water from the same impoundment as Lowell Hydroelectric Project (Boott Mills; Proprietors of the Locks and Canals on Merrimack River—QF80-16-000) but combined capacity of all facilities dependent upon the impoundment is less than 80 megawatts.

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 April 5, 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. 82-5951 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-335-000]

The Montana Power Co.; Filing

March 1, 1982

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on February 22, 1982, tendered for filing in accordance with section 35 of the Commission's regulations, a Letter Agreement with Washington Water Power Company ("Washington"). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Edison.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by \$2,659,580.00, based upon energy delivered from April 1, 1981 through October 31, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

Montana requests waiver of notice requirements and that the Agreement be made retroactively effective to September 16, 1981, the date service commenced. It is also requested that this Agreement be cancelled retroactively effective to October 31, 1981, the date that the Agreement expired of its own terms and has not been renewed.

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, Northeast, 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 March 17, 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. 82-5952 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-334-000]

Montana Power Co.; Notice of Filing

March 1, 1982.

Take notice that the Montana Power Company (Montana) on February 22, 1982, tendered for filing in accordance with Section 35 of the Commission's Regulations, a Letter Agreement with the City of Burbank (Burbank). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Burbank.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by \$1,215,272.58 based upon energy delivered from September 21, 1981 through the term of the Letter Agreement, as amended. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 21, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

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 March 17, 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. 82-5953 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-16-002]

National Fuel Gas Supply Corp.; Proposed Tariff Change

March 1, 1982.

Take notice that on February 17, 1982, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Revised Substitute Thirty-Seventh Revised Sheet No. 4, proposed to be effective February 1, 1982.

National states that the purpose of this revised tariff sheet is to comply with Commission Order dated February 1, 1982, requiring that National reflect the proper rate of Texas Eastern

Transmission Corporation. National further states that Revised Substitute Thirty-Seventh Revised Sheet No. 4 reflects a decrease in National's rates of 2.08¢.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory 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, 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 and 1.10). All such petitions or protests should be filed on or before March 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. 82-5954 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM79-3]

Natural Gas Policy Act of 1978; Receipt of Report of Determination Process

Issued: March 3, 1982

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency	Date
Alabama State Oil and Gas Board.....	Nov. 30, 1978.
State of Alaska Oil and Gas Conservation Commission.....	Dec. 11, 1978.
State of Arizona Oil and Gas Conservation Commission.....	Dec. 14, 1978.
Arkansas Oil and Gas Commission.....	Feb. 12, 1979.
State of California Department of Conservation Division of Oil and Gas.....	Dec. 4, 1978.
State of Colorado Department of Natural Resources.....	Dec. 5, 1978.
(Supplemental Report)	Apr. 4, 1979.
(Revised Supplemental Report)	Apr. 18, 1979.
State of Florida Department of Natural Resources.....	Jan. 3, 1979.
State of Illinois, Department of Mines & Minerals, Oil and Gas Division.....	Jan. 5, 1979.

Agency	Date
State of Indiana Department of Natural Resources.	Dec. 26, 1978.
(Supplemental Report).....	Mar. 26, 1979.
Kansas State Corporation Commission Conservation Division.	Nov. 30, 1978.
Commonwealth of Kentucky Department of Mines and Minerals, Division of Oil & Gas Conservation.	Feb. 5, 1979.
State of Louisiana Department of Conservation.	Nov. 29, 1978.
State of Michigan, Department of Natural Resources Geological Survey Division.	Dec. 1, 1978.
(Supplemental Report).....	Mar. 7, 1979.
State Oil and Gas Board of Mississippi.....	Nov. 30, 1978.
Missouri Department of Natural Resources.	Jan. 26, 1982.
State of Montana Department of Natural Resources and Conservation.	Jan. 29, 1979.
State of Nebraska Oil and Gas Conservation Commission.	Dec. 15, 1978.
State of New Mexico Energy and Minerals Department, Oil Conservation Division.	Nov. 29, 1978.
New York State Department of Environmental Conservation.	Feb. 23, 1979.
(Supplemental Report).....	May 2, 1979.
State of North Dakota Geological Survey.....	Jan. 4, 1979.
State of Ohio Department of Natural Resources Division of Oil and Gas.	Dec. 6, 1978.
State of Oklahoma Corporation Commission.	Mar. 29, 1979.
State of Oregon, Department of Geology and Mineral Industries.	Oct. 23, 1979.
Osage Agency Osage County, Oklahoma Bureau of Indian Affairs.	Apr. 2, 1979.
State of Pennsylvania Department of Environmental Resources, Division of Oil and Gas.	Dec. 26, 1978.
State of Tennessee Oil and Gas Board.....	Dec. 19, 1978.
Railroad Commission of Texas.....	Nov. 30, 1978.
(Supplemental Report).....	May 22, 1979.
United States Department of Energy.....	Mar. 28, 1980.
United States Department of Interior, Geological Survey.	Jan. 19, 1979.
(Supplemental Report).....	July 18, 1979.
(Supplemental Report).....	Feb. 25, 1980.
State of Utah, Department of Natural Resources, Division of Oil, Gas, and Mining.	Jan. 30, 1979.
Commonwealth of Virginia, Department of Labor and Industry, Division of Mines and Quarries.	Dec. 4, 1978.
West Virginia Department of Mines, Oil and Gas Division.	Nov. 30, 1978.
State of Wyoming Office of Oil and Gas Conservation Commission.	Dec. 4, 1978.

The latest plan filed was submitted by the Missouri Department of Natural Resources, on January 26, 1982.

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-5955 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-152-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

March 3, 1982.

Take notice that on January 13, 1982, Northern Natural Gas company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-152-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity

authorizing the construction and operation of certain compressor facilities in Stevens County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate two 1,000 horsepower compressor units at Applicant's existing Stevens County No. 6 gathering station, Stevens County, Kansas. Applicant states that both units would operate in parallel with the existing units No. 1 and No. 2.

Applicant submits that the proposed compressor units are required to assist Applicant in meeting the required volume capacity for the 1982-83 heating season and thereafter from the Hugoton System and to operate at or below the 75 psig contractual line pressure. Applicant states that the suction pressure of the No. 6 gathering station is averaging approximately 74 psig with a heating season capacity of 35,000 Mcf per day. It is explained that Applicant's desired unit suction pressure would be 57 psig with a heating season capacity of 41,300 Mcf per day. Applicant asserts that without the installation of the proposed facilities it could incur a potential deficiency payment of \$1,539,000 for three years.

Applicant estimates the cost of the proposed facilities to be \$1,747,450 which costs would be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 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. 82-5956 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-193-000]

Northern States Power Co. (Wisconsin); Order Accepting for Filing and Suspending Proposed Service Agreement, Granting Intervention and Consolidating Proceedings

Issued: February 26, 1982.

On December 29, 1981, Northern States Power Company (Wisconsin) (NSP-W) tendered for filing an unexecuted service agreement between NSP-W and the City of Black River Falls, Wisconsin (Black River).¹ According to NSP-W, Black River has elected to receive partial requirements service under rate schedule LP-1, which was submitted by NSP-W in Docket No. ER81-653-000, and accepted for filing and suspended for one day by Commission order issued October 2, 1981.² NSP-W requests that the proposed service agreement become effective on February 28, 1982, so that it may replace Black River's present contract which expires on February 27, 1982.³

Notice of the filing was issued on January 8, 1982, with responses due on or before January 29, 1982. A timely petition to intervene was jointly filed by Black River, and the Wisconsin Public Power Incorporated System (System)

¹ Designated: Northern States Power Company (Wisconsin) Service Agreement under FERC Electric Tariff Original Volume No. 1 Undated (Supersedes Rate Schedule FPC No. 54, as supplemented).

² NSP-W's filing in Docket No. ER81-653-000 was submitted on August 3, 1981.

³ Black River owns and operates diesel generating units and purchases its additional requirements from NSP-W. Black River's present contract with NSP-W provides for capacity credits in recognition of the fact that NSP-W may request that the City operate its diesel units. NSP-W, however, is phasing out its own diesel generation, and had notified Black River that it will not renew the present contract.

(collectively referred to as Petitioners).⁴ Petitioners request: (1) That they be granted intervenor status; (2) that the proposed service agreement be suspended for one day and set for hearing; (3) that the instant docket be consolidated with the proceeding in Docket No. ER81-653-000; and (4) that the issues in this proceeding concerning the terms and conditions and design of partial requirements service under rate schedule LP-1 be made subject to the Commission's decision in an earlier NSP-W rate proceeding pending in Docket No. ER80-181-000.⁵

On February 1, 1982, NSP-W filed a response to Petitioners' pleading which concurs with Petitioners' first three requests, but objects to the fourth request. NSP-W states that while it is possible that certain issues which will be decided in Docket No. ER80-181-000 should control in the instant proceeding, a ruling to that effect at the present time would be premature and would deprive NSP-W of an opportunity to demonstrate either that the issues in the two proceedings are, in fact, different, or that circumstances have changed.

On February 5, 1981, Petitioners filed a reply to NSP-W's response which states that Black River should not be required to relitigate issues which are before the Commission in Docket No. ER80-181-000, and that the parties to this proceeding should be bound by the Commission's decision in Docket No. ER80-181-000 unless it can be shown that circumstances have substantially changed.

Discussion

Initially, the Commission finds that participation by Petitioners is in the public interest. Accordingly, we shall grant the petition to intervene.

Our review of NSP-W's filing indicates that the proposed service agreement has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or other unlawful. Accordingly, we shall accept the proposed agreement for filing and suspend its operation as directed below.

In a number of suspension orders,⁶ we have addressed the considerations

underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul or other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Although Petitioners have expressed concerns relating to the terms and conditions of the service being offered, the rate schedule which NSP-W seeks to apply to Black River (LP-1) was previously suspended for one day and set for hearing in Docket No. ER81-653-000. Furthermore, Petitioners have sought only a one day suspension, and such suspension will afford Black River access to the desired service immediately upon expiration of its existing contract. Pending the outcome of hearings, a nominal suspension and a refund obligation should adequately protect Black River. Therefore, we shall accept the proposed service schedule for filing and suspend it for one day to become effective, subject to refund, on March 1, 1982.

We find that common questions of law and fact are presented in Docket No. ER82-193-000 and Docket No. ER81-653-000. Accordingly, we shall consolidate those dockets for the purposes of hearing and decision.

With regard to Petitioners' request that issues in this proceeding concerning the terms, conditions, and design of partial requirements service under rate schedule LP-1 be made subject to the Commission's decision as to identical issues in Docket No. ER80-181-000, we note that such course of action was adopted by the Commission when considering the LP-1 rate schedule in Docket No. ER81-653-000.⁷ Moreover, we agree with Petitioners that the same issues decided in Docket No. ER80-181-000 should not be litigated anew in this proceeding. The partial requirements service being offered in Docket No. ER81-653-000 represents a generally available tariff rate which was presumably developed by NSP-W to accommodate any potential municipally-owned partial requirements customer.

⁴1980 (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

⁵See the Commission's order issued on October 2, 1981, in that docket at pages 7 and 8.

We would be extremely hesitant to entertain arguments by the company as to the inappropriateness of components of the tariff each time a new customer is included under the LP-1 schedule. Nonetheless, we do not believe that NSP-W should be denied an opportunity to demonstrate that the issues in the two proceedings are materially different, or that circumstances have substantially changed. Accordingly, we shall order that the issues raised in this proceeding regarding the terms, conditions, and design of partial requirements service under the LP-1 rate schedule be made subject to the final resolution of those issues in Docket No. ER80-181-000 in the absence of a showing that the issues are materially different, or that circumstances have substantially changed since NSP-W's submittal in Docket No. ER81-653-000.

The Commission Orders

(A) NSP-W's proposed service agreement is hereby accepted for filing and suspended for one day, to become effective on March 1, 1982, subject to refund.

(B) Petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however*, that participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and *provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of NSP-W's proposed service agreement for Black River. Issues concerning the terms, conditions, and design of partial requirements service under the LP-1 rate schedule shall be subject to a final determination of those issues in Docket No. ER80-181-000 in the absence of a showing that the issues are materially different, or that circumstances have substantially changed since NSP-W's submittal in Docket No. ER81-653-000.

⁴The petition states that System is a municipal electric company formed by approximately 30 Wisconsin Municipalities (including Black River) to plan for and provide bulk power to its members.

⁵An initial decision in Docket No. ER80-181-000 was issued by the presiding judge on February 1, 1982. The partial requirements rate schedule which is referred to as Schedule B in Docket No. ER80-181-000 was redesignated as Schedule LP-1 in Docket No. ER81-653-000.

⁶E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29,

(D) Docket Nos. ER82-193-000 and ER81-653-000 are hereby consolidated for purposes of hearing and decision.

(E) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-5957 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-333-000]

Oklahoma Gas and Electric Co.; Filing

March 1, 1982.

Take notice that on February 22, 1982, Oklahoma Gas and Electric Company (Oklahoma) tendered for filing Notice of Cancellation of Rate Schedule FERC No. 111, between Oklahoma and Arkansas Power & Light Company. The Agreement expired under its own terms September 30, 1981.

Oklahoma requests an effective date of September 30, 1981, 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 §§ 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 March 17, 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. 82-5958 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-215-001]

Southern Natural Gas Co., et al.; Petition To Amend

March 3, 1982.

Take notice that on February 3, 1982, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, and Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-215-001 a joint petition pursuant to sections 7(c) of the Natural Gas Act to amend the order issued September 30, 1981, in the instant docket so as to authorize Florida Gas to participate in the construction and operation of facilities certificated by such order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued September 30, 1981, in the instant docket Southern, Transco, Natural and Northern were authorized to construct and operate a pipeline, receiving station and appurtenant facilities in order to transport to a point of interconnection with the existing Matagorda Offshore Pipeline System (MOPS) the natural gas reserves that Southern, Transco, Natural and Northern have acquired in Mustang Island Area Blocks 741, 755, 757, 758, 762, and 763 and in Matagorda Island Area Blocks 700 and 713, offshore Texas.

Petitioners state that by assignment of gas purchase contract, Southern has assigned to Florida Gas fifty percent of Southern's ownership interest in the natural gas reserves produced in Mustang Island Block 758 by Union Texas Petroleum Corporation, Mobil Producing Texas & New Mexico Inc., and Unidel Oil Corporation. In order to transport to the MOPS system such natural gas reserves, Petitioners propose

that the order issued September 30, 1981, in the instant docket, be amended so as to allow Florida Gas to participate in the construction and operation of the certificated facilities described above.

Petitioners propose to reallocate the cost and ownership of the facilities certificated in the following manner:

Petitioner	Percentage
(a) Pipeline:	
Southern.....	31.8182
Florida.....	6.0606
Transco.....	37.8787
Natural.....	10.6061
Northern.....	13.8364
(b) Receiving station:	
Southern.....	45.0000
Natural.....	35.0000
Florida.....	20.0000

It is submitted that these ownership percentages are based on each Petitioner's proportional interest in the gas reserves to be transported by the certificated facilities; the percentages of ownership in the facilities corresponding to any uncommitted reserves have been allocated proportionately to Petitioners; and upon commitment of any presently uncommitted gas reserves, ownership percentages may be redetermined retroactively.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 25, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-5959 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 605]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 2, 1982.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION								
RECEIVED: 02/16/82 JA: CA								
-TEXALTA OIL & GAS INC	0403920026	103	T & G #3		MOFFAT RANCH		400.0	PACIFIC GAS & ELE
8218723	82-5-0001				MOFFAT RANCH		80.0	PACIFIC GAS & ELE
8218724	82-5-0002	0403920028	103	T & G #4				
KANSAS CORPORATION COMMISSION								
RECEIVED: 02/11/82 JA: KS								
-COMANCHE PRODUCTION, INC.	1505350579	102-4	COMANCHE #1		ELLSWORTH		73.0	NORTHERN NATURAL
8218732	K81-1229							
RECEIVED: 02/11/82 JA: KS								
-HAWKINS OIL & GAS INC	1502520489	103	WELLS #1-28		MCKINNEY		182.5	KANSAS POWER & LI
8218731	K81-1190							
MICHIGAN DEPARTMENT OF NATURAL RESOURCES								
RECEIVED: 02/10/82 JA: MI								
-SUN OIL COMPANY (DELAWARE)	2114334308	103	N-W-L-O-C-U-S A #9 #3		ST HELEN		7.6	DOW CHEMICAL CO
8218740					NORWICH		18.0	DOW CHEMICAL CO
8218741	2111334452	103	NORWICH UNIT #4-106		NORWICH		11.0	DOW CHEMICAL CO
8218742	2111334453	103	NORWICH UNIT #4-107		NORWICH		1.0	DOW CHEMICAL CO
8218735	2111333699	103	NORWICH UNIT #4-91		NORWICH		21.0	DOW CHEMICAL CO
8218734	2114333583	103	NORWICH UNIT #6-16		NORWICH		3.0	DOW CHEMICAL CO
8218733	2111333105	103	NORWICH UNIT #9-15		NORWICH		89.0	DOW CHEMICAL CO
8218739	2114334113	103	ROSCOMMON STATE BANK UNIT #1		ST HELEN		90.2	DOW CHEMICAL CO
8218736	2114333920	103	STATE AUSABLE #0 #1		ST HELEN		34.0	DOW CHEMICAL CO
8218737	2114334251	103	STATE AUSABLE #0 #1		ST HELEN		130.0	DOW CHEMICAL CO
8218738	2114334252	103	STATE AUSABLE #0 #2		ST HELEN			
NORTH DAKOTA INDUSTRIAL COMMISSION								
RECEIVED: 02/08/82 JA: ND								
-AL-AQUITAINE EXPLORATION LTD	3300700735	103-2	BW 3-27		WHISKEY JOE		500.0	WESTERN GAS PROCE
8218704	459							
RECEIVED: 02/16/82 JA: ND								
-BURNETT OIL CO INC	3310500862	103	EDITH BLIKRE #1		LINDAHL-MADISON		2.0	AMINOIL USA INC
8218730	460				LINDAHL-MADISON		2.0	AMINOIL USA
8218727	463	3310500915	103	FEDERAL LAND BANK #1	LINDAHL-MADISON		8.0	AMINOIL INC
8218726	464	3310500883	103	GERMUNDSON #1	LINDAHL-MADISON		2.0	AMINOIL USA INC
8218728	462	3310500950	103	JEROL COHRICK #1	LINDAHL-MADISON		58.0	AMINOIL USA INC
8218729	461	3310500960	103	MERLIN R JOHNSON #1				
RECEIVED: 02/08/82 JA: ND								
-CHAMPLIN PETROLEUM COMPANY	3305301213	102-2	MCGREGOR 125-23 #2		ELLSWORTH		292.0	MONTANA-DAKOTA UT
8218698	453							
RECEIVED: 02/08/82 JA: ND								
-PATRICK PETROLEUM CORP OF MICHIGAN	3310500800	102-2	FEDJE #1		BONE TRAIL		38.0	PHILLIPS PETROLEU
8218701	456				TR		27.0	WESTERN GAS PROCE
8218699	454	3300700651	102-2	HAMILL #1-27	TR		131.0	WESTERN GAS PROCE
8218700	455	3300700653	102-2	HAMILL #3-27				

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JD	JA	JKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8218702	457		3300700602	102-2		MOSSER #1-25	TR	40.0	WESTERN GAS PROCE
8218703	458		3302300192	102-2		STATE #1-36		40.0	PHILLIPS PETROLEU
				RECEIVED:	02/16/82	JA: NO			
8218725	465		3305301210	102-3		STATE #13-36		5.0	AMINOIL USA INC
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
				RECEIVED:	02/10/82	JA: NM			
-ARCO OIL AND GAS COMPANY			3002527541	103		H S RECORD #6		9.4	PHILLIPS PETROLEU
8218708			3002527540	103		LEA 407 STATE #6		11.5	PHILLIPS PETROLEU
-ARGE OIL COMPANY				RECEIVED:	02/10/82	JA: NM			
8218707			3002527499	103		DIANE STATE #1		320.5	WARREN PETROLEUM
-DOYLE HARTMAN OIL OPERATOR			3002527335	103		W H KING #3		37.0	EL PASO NATURAL G
8218712			3002527335	103		02/10/82		0.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	02/10/82	JA: NM			
8218719			3002527407	103		EAST HAT MESA STATE UNIT #1		200.0	INTERNORTH INC
-INTERNORTH INC				RECEIVED:	02/10/82	JA: NM			
8218706			3002526982	103		TONTO STATE COM #1		0.0	GAS CO OF NEW MEX
-KENAI OIL AND GAS INC				RECEIVED:	02/10/82	JA: NM			
8218715			3004523524	102-2		NEW MEXICO STATE #1		350.0	SOUTHERN UNION GA
-SOUTHLAND ROYALTY CO				RECEIVED:	02/10/82	JA: NM		600.0	NORTHWEST PIPELIN
8218717			3004524085	103		MANGUM "B" COM #1-E		12.0	WARREN PETROLEUM
8218718			3003922834	103		SIMMS FEDERAL #2		0.0	SOUTHERN UNION GA
8218716			3032527238	103		STATE "E" COM #2		0.0	SOUTHERN UNION GA
8218714			3004500000	108-PB		YOUNG #1		0.0	TRANSWESTERN PIPE
-YATES PETROLEUM CORPORATION				RECEIVED:	02/10/82	JA: NM			
8218726			3001523665	103		HOFFMAN PL #2		0.0	TRANSWESTERN PIPE
8218711			3000520829	103		LOVELESS "LO" STATE #6		0.0	CITIES SERVICE CO
8218709			3034523832	103		LOVELESS "LO" STATE #7		0.0	CITIES SERVICE CO
8218710			3000520833	103		LOVELESS "LO" STATE #8		0.0	CITIES SERVICE CO
8218721			3001523906	103		PLATT "PA" #5		0.0	TRANSWESTERN PIPE
8218722			3001523948	103		PLATT "PA" #6		0.0	TRANSWESTERN PIPE
SOUTH DAKOTA DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT									
				RECEIVED:	02/08/82	JA: SD			
-SAM G HARRISON			4006320250	102-4		HOMER TRUMAN 1-8		10.0	JERRY A MCCJTCHIN
8218705				RECEIVED:	02/08/82	JA: SD			
TEXAS RAILROAD COMMISSION									
				RECEIVED:	02/11/82	JA: TX			
-ALCORN PRODUCTION CO			4217730985	102-2	103	J B PATTESON #1		135.7	VALERO TRANSMISSI
8218659			F-31-046111	RECEIVED:	02/11/82	JA: TX			
-ALPAR RESOURCES INC				RECEIVED:	02/11/82	JA: TX			
8218587			F-13-042780	103		CAMPBELL RANCH #2-63		365.0	PIONEER NATURAL G
-AMERADA HESS CORPORATION			4239330857	RECEIVED:	02/11/82	JA: TX			
8218616			F-8A-045169	103		SEMINOLE SAN ANDRES UNIT #4009		0.0	PHILLIPS PETROLEU
8218617			F-8A-045172	103		SEMINOLE SAN ANDRES UNIT #4012		0.0	PHILLIPS PETROLEU
8218618			F-8A-045205	103		SEMINOLE SAN ANDRES UNIT #4130		0.1	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/11/82	JA: TX			
8218570			F-10-039474	102-2		CHARLINE PAINE #2		36.5	TRANSWESTERN PIPE
-ARK-LA-TEX PETROLEUM INC			4229530959	RECEIVED:	02/11/82	JA: TX			
8218613			F-09-044899	102-4		J V LYLES #1		14.6	FAGADAU ENERGY CO
-ARKANSAS LOUISIANA GAS CO			4207732271	RECEIVED:	02/11/82	JA: TX			

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JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8218621	F-05-045289	4220330734	107-TF	ABNEY "J" #8	WASKOM (LOWER COTTON	0.0	ARKANSAS LOUISIAN	
8218619	F-06-045287	4220330740	107-TF	HONELL #3	WASKOM (LOWER COTTON	300.0	ARKANSAS LOUISIAN	
8218620	F-06-045288	4231530549	107-TF	WALKER #3	RODESSA (COTTON VALLE	650.0	ARKANSAS LOUISIAN	
-BEN J TAYLOR			RECEIVED:	02/11/82	J A: TX			
8218615	F-78-045165	4236731963	103	LOCKHART #1	CAL-TEX (CADD00)	10.0	LONE STAR GAS CO	
-BORDER EXPLORATION CO			RECEIVED:	02/11/82	J A: TX			
8218562	F-78-037917	4214330705	103	A H BLACKWELL G U #2	X-RAY (MARBLE FALLS)	36.0	VALERO TRANSMISSI	
-CHAMPLIN EXPLORATION INC			RECEIVED:	02/11/82	J A: TX			
8218603	F-03-044355	4205131303	102-2	A M BARNETT #2 (RRC ID #14183)	GUDDINGS (AUSTIN CHAL	24.0	CLAJON GAS CO	
8218602	F-03-044354	4235131304	102-2	AM BARNETT #1 (RRC ID #14183)	GIDDINGS (AUSTIN CHAL	120.0	CLAJON GAS CO	
8218607	F-03-044427	4228730517	102-2	GARWOOD GERDES "B" #2 (RRC #12519)	GIDDINGS (AUSTIN CHAL	180.0	PGP GAS PRODUCTS	
8218610	F-03-044456	4228730600	102-2	GARWOOD GERDES "E" #1 (RRC #12519)	GIDDINGS (AUSTIN CHAL	85.0	CLAJON GAS CO	
8218605	F-03-044423	4228730693	102-2	GARWOOD GERDES "F" #1 (RRC #12519)	GIDDINGS (AUSTIN CHAL	365.0	CLAJON GAS CO	
8218622	F-03-045318	4228730540	102-2	GARWOOD GERDES D #1 (RRC ID #12519)	GIDDINGS (AUSTIN CHAL	20.0	CLAJON GAS CO	
8218639	F-03-046044	4214930916	102-2	HENRY BOEHKE "B" #1 (RRC #14368)	GIDDINGS (AUSTIN CHAL	2.4	PHILLIPS PETROLEU	
8218629	F-03-045571	4214930909	102-2	HENRY E BOEHKE #1 (RRC ID #14292)	GIDDINGS (AUSTIN CHAL	24.0	PHILLIPS PETROLEU	
8218558	F-03-046103	4214930977	102-2	MILTON MUTSCHINK #2 (RRC ID #14654)	GIDDINGS (AUSTIN CHAL	24.0	PHILLIPS PETROLEU	
8218597	F-03-043407	4214930676	102-2	VICTOR ELIAS #1 (RRC ID #14103)	GIDDINGS (AUSTIN CHAL	6.0	PHILLIPS PETROLEU	
8218550	F-03-030177	4238730611	102-2	WOOD #1 (RRC ID #13373)	GIDDINGS (AUSTIN CHAL	18.0	CLAJON GAS CO	
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	02/11/82	J A: TX			
8218560	F-03-036779	4205100000	102-2	A BERAN #2	GIDDINGS	0.0	FERGUSON CROSSING	
-CHEVRON U S A INC			RECEIVED:	02/11/82	J A: TX			
8218646	F-8A-046058	4241532034	103	SACROC UNIT #35-6	KELLY - SNYDER	90.0	EL PASO NATURAL G	
8218645	F-8A-046057	4241532035	103	SACROC UNIT #37-9	KELLY - SNYDER	128.0	EL PASO NATURAL G	
8218647	F-8A-046059	4241532036	103	SACROC UNIT #38-5	KELLY - SNYDER	88.0	EL PASO NATURAL G	
8218644	F-8A-046056	4241531931	103	SACROC UNIT #65-14	KELLY - SNYDER	85.0	EL PASO NATURAL G	
-CLAYTON W WILLIAMS JR			RECEIVED:	02/11/82	J A: TX			
8218559	F-03-035971	4214900000	102-2	BILLY T HINZE #1	GIDDINGS	0.0	VALERO TRANSMISSI	
8218568	F-03-039270	4205100000	102-2	CHMELAR-KUBECKA UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI	
8218577	F-03-041592	4205100000	102-2	KAZMIR-MATCEK UNIT A #1	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI	
-COMOCO INC			RECEIVED:	02/11/82	J A: TX			
8218679	F-8A-046158	4211531577	103	F ACKERLY DEAN UNIT #67 RRC #60687	ACKERLY (DEAN SAND)	17.2	TEXACO	
8218575	F-04-041296	4242731552	103	T B SLICK EST H-536 #165	RINCON (VICKSBURG 706	300.0	TENNESSEE GAS PIP	
8218637	F-08-046026	4200332862	103	UNIVERSITY-5-#9 ID #01652	FUHRMAN-MASCHO	45.6	PHILLIPS PETROLEU	
-COROONA RESOURCES INC			RECEIVED:	02/11/82	J A: TX			
8218590	F-78-042954	4213300000	108	ANDERSON #2	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO	
8218591	F-78-042957	4213300000	108	HARRIS FISHER #1	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO	
8218589	F-78-042932	4213300000	108	MCDONALD #1	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO	
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED:	02/11/82	J A: TX			
8218651	F-03-046080	4270330233	102-4	STATE TRACT 520-L NE/4 #5A	EL GORDO (12,070)	0.0	HOUSTON PIPELINE	
-COTTON PETROLEUM CORPORATION			RECEIVED:	02/11/82	J A: TX			
8218655	F-7C-046091	4246131782	103	UNIVERSITY 3-6 #1	SPRAYBERRY (TREND ARE	85.0	PHILLIPS PETROLEU	
-CRB OIL & GAS INC			RECEIVED:	02/11/82	J A: TX			
8218634	F-31-045681	4250731588	102-4	LEE RANCH #9	LEE RANCH (SAN MIGUEL	120.0	NORTHERN NATURAL	
-D & G GAS & OIL CO			RECEIVED:	02/11/82	J A: TX			
8218631	F-31-045593	4228330833	103	SOUTH TEXAS SYNDICATE #113-2	WASHBURN RANCH WEST (	229.0	TRANSCO COMPANIES
-DAVID FASKEN			RECEIVED:	02/11/82	J A: TX			
8218638	F-8A-046029	4216530277	108	W E COOK #11 #1	BRUNLEY (LOWER CLEARF	5.0	EL PASO NATURAL G	
-DAWSON EXPLORATION INC			RECEIVED:	02/11/82	J A: TX			
8218630	F-02-045592	4225500000	102-4	DAWSON EXP INC #1 VALERO RRC#6096	COY CITY (7100)	0.0	VALERO TRANSMISSI	
-DELTA DRILLING CO			RECEIVED:	02/11/82	J A: TX			
8218558	F-7C-035357	4243500000	103	107-TF SHURLEY "A" #4	SAWYER (CANYON)	0.0	NORTHERN NATURAL	
-EL PASO NATURAL GAS COMPANY			RECEIVED:	02/11/82	J A: TX			

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JD NO	JA DAT	API NO	SEC(1)	SEC(2)	WELL NAME	NO ID #	FIELD NAME	PROL	PURCHASER
8218547	F-10-003124	4208726152	108-ER	RECEIVED: 02/11/82	LUTES 4		PANHANDLE EAST	24.2	EL PASO NATURAL G
-ESENJAY	PETROLEUM CORP		102-4	103	EDWIN WALLEK #1			150.0	UNITED GAS PIPELI
8218612	F-02-044729	4202531432	RECEIVED:	02/11/82	JAS: TX			73.7	PHILLIPS PETROLEU
-EXPANDO	OIL CO		102-2	103	CARLSON-JACOBS UNIT #1			10.6	NORTHERN NATURAL
8218580	F-03-042314	4214931091	RECEIVED:	02/11/82	JAS: TX			15.0	PHILLIPS PETROLEU
-EXXON	CORPORATION		108	103	EL SINORE CATTLE CO #1			7.0	EL PASO NATURAL G
8218657	F-03-046100	4237100000	RECEIVED:	02/11/82	JAS: TX			360.0	TEXAS EASTERN TRA
8218572	F-08-040325	4200332790	103	103	FULLERTON CLEARFORK UNIT #2341			0.0	VALERO TRANSMISSI
8218608	F-08-044444	42010332674	RECEIVED:	02/11/82	JAS: TX			145.0	SHELL OIL CO
-HILLIARD	OIL & GAS INC		103	103	J B TURB A/C 1 #248U			28.0	CAMPEON PIPELINE
8218567	F-06-039174	4206730335	RECEIVED:	02/11/82	JAS: TX			17.5	FERGUSON CROSSING
-HOWELL	DRILLING INC		103	103	107-TF HASKELL YOUNG #1			36.0	DELHI GAS PIPELIN
8218598	F-03-043977	4228500000	RECEIVED:	02/11/82	JAS: TX			0.0	NATURAL GAS PIPE
-J CLEO	THOMPSON & JAMES CLEO THOMPS		103	103	107-TF ADOLPH MAREK GAS UNIT #1			4.4	NATURAL GAS PIPE
8218614	F-7C-045013	4210533342	RECEIVED:	02/11/82	JAS: TX			0.0	SOUTHWESTERN GAS
-KAISER	OIL (US) LTD		103	103	137-TF THOMPSON #15			16.5	SOUTHWESTERN GAS
8218569	F-05-039310	4229330531	RECEIVED:	02/11/82	JAS: TX			0.0	NATURAL GAS PIPE
-KEITH D	GRAHAM		102-2	103	107-TF LED STUART #1			0.4	GETTY OIL CO
8218627	F-03-045496	4204130552	RECEIVED:	02/11/82	JAS: TX			0.0	GETTY OIL CO
-WAYNARD	OIL COMPANY		102-4	103	GOEN #3 #1-Y			100.0	
8218632	F-03-045621	4205131893	RECEIVED:	02/11/82	JAS: TX			6.0	
-WCBRAYER	OIL CORP		103	103	TATUM #4			3.0	
8218585	F-06-042595	4218330494	RECEIVED:	02/11/82	JAS: TX			0.0	
-MITCHELL	ENERGY CORPORATION		108	103	107-TF JOHN L M THOMAS G U #1			110.4	NATURAL GAS PIPE
8218549	F-09-022577	4249700000	RECEIVED:	02/11/82	JAS: TX			4.4	NATURAL GAS PIPE
8218554	F-09-004118	4249700000	108-ER	103	CLARENCE J HARRISON #1			0.0	NATURAL GAS PIPE
8218554	F-7B-032998	4236700000	108-ER	103	G T LEMAY #3			0.0	NATURAL GAS PIPE
8218556	F-09-044381	4223700000	102-4	103	G W JALLAS #1			16.5	SOUTHWESTERN GAS
8218552	F-09-032977	4249700000	108-ER	103	J W LOVING EST #7-L			0.0	NATURAL GAS PIPE
-MOBIL	PRDG TEXAS & NEW MEXICO INC		RECEIVED:	02/11/82	JAS: TX			0.4	GETTY OIL CO
8218624	F-08-045458	4233530849	103	103	S L KUTCH #2			0.0	GETTY OIL CO
8218625	F-03-045462	4233530856	RECEIVED:	02/11/82	JAS: TX			100.0	
-MONSANTO	COMPANY		107-DP	103	W O NIBLETT #1			6.0	
8218633	F-08-045638	4247531728	103	103	W J WATSON #3C			9.0	
8218663	F-7C-046120	4210533385	RECEIVED:	02/11/82	JAS: TX			3.0	
8218667	F-7C-046124	4210533375	103	103	W J WATSON #33			6.0	
8218666	F-7C-046123	4210533614	103	103	JUAREZ #1			6.0	
8218664	F-7C-046121	4210533550	103	103	UNIVERSITY WEGER 51-3 #1			3.0	
8218662	F-7C-046119	4210533627	103	103	UNIVERSITY WEGER 51-3 #10			6.0	
8218660	F-7C-046117	4210533377	103	103	UNIVERSITY WEGER 51-3 #17			5.0	
8218669	F-7C-046127	4210533503	103	103	UNIVERSITY WEGER 51-3 #18			3.0	
8218668	F-7C-046126	4210533505	103	103	UNIVERSITY WEGER 51-3 #25			14.0	
8218661	F-7C-046118	4210533378	103	103	UNIVERSITY WEGER 51-3 #4			6.0	
-MOORE	MCCORMACK OIL & GAS CORP		RECEIVED:	02/11/82	JAS: TX			65.0	MOORE MCCORMACK G
8218604	F-06-044380	4200131246	102-4	103	BEACH #1			0.4	CABOT CORP
-MR OIL	CO		RECEIVED:	02/11/82	JAS: TX			32.4	PRISM ENTERPRISES
8218584	F-09-042373	4247500000	108	103	RICHTER LOUIS #14				
-NORTH	RIDGE CORP		RECEIVED:	02/11/82	JAS: TX				
8218583	F-7B-042487	4213300000	102-4	103	J W BARNES #1				

JD NC	JACK	APT NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	VOLUME	635	PAGE	003	PROG	PURCHASER
8218582	F-73-042485	4213300000	102-4			J W BARNES #3	RANGER N W (MARBLE FA	12.6				12.6	PRISM ENTERPRISES
8218581	F-73-042483	4213300000	102-4			J W BARNES #5	RANGER N W (MARBLE FA	12.6				12.6	PRISM ENTERPRISES
-PAR PRODUCING CO			RECEIVED:	02/11/82	JA: TX								
8218643	F-8A-046054	4241532065	103			BECK UNIT #1	TOWLE (CANYON)	4.1				4.1	SUN OIL CO
-PETROLERO EXPLORATIONS INC			RECEIVED:	02/11/82	JA: TX								
8218648	F-7B-046074	4208332566	103			CLAYTON #1 ID 17549	COLEMAN COUNTY REGULA	17.2				17.2	LONE STAR GAS CO
8218649	F-7B-046076	4208332647	103			HALLMARK-KEEL "A" #1	COLEMAN COUNTY REGULA	30.7				30.7	LONE STAR GAS CO
-PETRUS OPERATING CO INC			RECEIVED:	02/11/82	JA: TX								
8218596	F-06-043358	4240131157	102-4	103		C M LANGFORD #1	EZIM (PETTIT)	6.0				6.0	VALERO TRANSMISSI
-PHILLIPS EXPLORATION INC			RECEIVED:	02/11/82	JA: TX								
8218606	F-03-044424	4228730711	102-2			GARWOOD GERDES G #1	GIDDINGS (AUSTIN CHAL	365.0				365.0	CLAJON GAS CO
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	02/11/82	JA: TX								
8218555	F-08-033119	4215333416	108			EMBAR #53	GOLDSMITH NORTH (SAN	0.4				0.4	EL PASO NATURAL G
8218601	F-10-049303	4217900000	103			HUSTED #3	PANHANDLE GRAY	0.0				0.0	
8218564	F-10-038624	4223331109	103			INGERTON C #4	PANHANDLE HUTCHINSON	0.3				0.3	EL PASO NATURAL G
8218574	F-10-040587	4217900000	103			LEHMAN #8	PANHANDLE GRAY	0.0				0.0	
8218351	F-10-030506	4242100000	108			MARGA #1	TEXAS HUGOTON	21.0				21.0	PANHANDLE EASTERN
8218561	F-10-037431	4234130684	103			RUTH BUSH #3	WEST PANHANDLE	0.0				0.0	EL PASO NATURAL G
8218599	F-09-044037	4248731172	108			WAGGONER ESTATE A #2	ROCK CROSSING (CANYON	3.0				3.0	PHILLIPS PETROLEU
8218573	F-10-040448	4223331137	103			YAKE G #12	PANHANDLE HUTCHINSON	0.0				0.0	PANHANDLE EASTERN
-PLACID OIL COMPANY			RECEIVED:	02/11/82	JA: TX								
8218571	F-03-039942	4247330320	107-DP			ELIZABETH SORSBY #1	PANG LLAN	1825.0				1825.0	LONE STAR GAS CO
-RAY HERRING			RECEIVED:	02/11/82	JA: TX								
8218680	F-09-045161	4250300000	103			ATWOOD #2	HEATHER CONGLOMERATE	108.0				108.0	SUN GAS TRANSMISS
8218609	F-7B-044453	4242932641	103			KEITH #1	JOHNNY (CONGL UPPER)	110.0				110.0	WARREN PETROLEUM
-RETAMCO INC			RECEIVED:	02/11/82	JA: TX								
8218635	F-03-045765	4214931027	103			COLLINS #1	GIDDINGS (BUDA)	34.7				34.7	PHILLIPS PETROLEU
-SAGE ENERGY CO			RECEIVED:	02/11/82	JA: TX								
8218626	F-7C-045484	4238331632	103			UNIVERSITY 10 #5	FARMER (SAN ANDRES)	16.4				16.4	NORTHERN NATURAL
-SEARCH DRILLING CO			RECEIVED:	02/11/82	JA: TX								
8218682	F-10-046166	4229531084	103			DANIELS #3-554	BRADFORD (TONKAWA)	91.0				91.0	PHILLIPS PETROLEU
-SEATEX ENERGY CORP			RECEIVED:	02/11/82	JA: TX								
8218654	F-7B-046087	4236332528	108			D L HART #1	PALO PINTO CO REG GAS	9.1				9.1	SOUTHWESTERN GAS
-SHELL OIL CO			RECEIVED:	02/11/82	JA: TX								
8218676	F-08-046134	4213500000	108			EAST HARPER UNIT NO 230	HARPER	0.9				0.9	PHILLIPS PETROLEU
8218653	F-02-046084	4246930533	108			6 A MUSSELMAN "A" #3	HELEN GOHLKE (WILCOX	14.0				14.0	TEXAS EASTERN TRA
8218674	F-8A-046132	4216500000	108			LOWE H L #11-U	WASSON 72	0.7				0.7	SHELL OIL CO
8218675	F-8A-046133	4216500000	108			LOWE H L #9	WASSON 72	1.2				1.2	SHELL OIL CO
8218652	F-02-046083	4212330386	108			MATTHEW-KUESTER #20	HELEN GOHLKE (1000)	12.0				12.0	HOUSTON PIPE LINE
8218673	F-C8-046131	4247500000	108			SEALY SMITH FDN #159	MONAHANS (CLEAR FORK)	3.3				3.3	EL PASO NATURAL G
8218671	F-C8-046129	4213500000	108			TXL -L- A/C 1 #8	GOLDSMITH W (SAN ANDR	0.7				0.7	SHELL OIL ET AL
8218677	F-08-046135	4213500000	108			TXL NORTH UNIT #750-L	TXL (TUBB)	18.7				18.7	SHELL OIL ET AL
8218672	F-8A-046130	4216500000	108			WILLARD NW #20-U	WASSON 72	6.6				6.6	SHELL OIL CO
-SOLID PETROLEUM CO			RECEIVED:	02/11/82	JA: TX								
8218636	F-7C-045822	4217331166	103			M V BRYANS C #5	CALVIN (DEAN)	34.0				34.0	EL PASO NATURAL G
-SOUTHERN ROYALTY INC			RECEIVED:	02/11/82	JA: TX								
8218611	F-03-044576	4202531606	103			LINWEY #1	TYNAM EAST (1000)	73.0				73.0	DELHI GAS PIPELIN
-SPARKMAN PRODUCING CO			RECEIVED:	02/11/82	JA: TX								
8218592	F-04-042976	4224900000	103			GOODE #3	ALMOND (5260)	16.0				16.0	NUE-WELLS PIPELIN
-SUPERIOR OIL CO			RECEIVED:	02/11/82	JA: TX								
8218588	F-03-042785	4205131790	102-2	103		F MATCEK #3	GIDDINGS (AUSTIN CHAL	0.0				0.0	
-SUPRON ENERGY CORPORATION			RECEIVED:	02/11/82	JA: TX								
8218623	F-7C-045353	4245304740	103			TURNER #4	PERCY TURNER (WOLFCAM	8.0				8.0	ESPERANZA PIPELIN

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JD NO	JA INT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
-TAUBERT & STEED			RECEIVED:	02/11/82	JA: TX			
8218681	F-06-046165	4249931012	102-4		THELMA CLEMENTS UNIT #1	NEUHOFF (WOODBINE)	62.8	UNITED GAS PIPELI
-TAYLOR OPERATING COMPANY			RECEIVED:	02/11/82	JA: TX			
8218650	F-09-046078	4223700000	103		W M BYARS #1 (85-73)	BOONSVILLE (BEND CONG	146.0	NATURAL GAS PIPEL
-TDC ENGINEERING INC			RECEIVED:	02/11/82	JA: TX			
8218641	F-73-046047	4215131335	102-4		BILLY C BOWDEN #3	SYLVESTER (FLIPPEN)	9.0	PALO DURO PIPELIN
8218640	F-78-046046	4215131246	102-4		M W WILLIAMSON #1 (17163)	SYLVESTER (FLIPPEN)	9.0	PALO DURO PIPELIN
-TEE OPERATING CO			RECEIVED:	02/11/82	JA: TX			
8218563	F-03-038620	4214930859	102-2	103	CHARLOTTE #1	GIDDINGS (AUSTIN CHAL	0.0	
-TENNECO OIL COMPANY			RECEIVED:	02/11/82	JA: TX			
8218566	F-03-03963	4205131324	102-2		J W STERL #1	TEXAS - HUGOTON	10.0	PHILLIPS PETROLEU
8218562	F-03-038962	4205131575	102-2		LAUDERDALE #2	GIDDINGS (AUSTIN CHAL	525.0	PHILLIPS PETROLEU
-TEXACO INC			RECEIVED:	02/11/82	JA: TX			
8218678	F-7C-046155	4246100000	108		LAUDERDALE #3	GIDDINGS (AUSTIN CHAL	525.0	PHILLIPS PETROLEU
-TEXAS OIL & GAS CORP			RECEIVED:	02/11/82	JA: TX			
8218578	F-05-041974	4240131212	102-4		UPTON K FEE #2	TEXEL (PENN)	7.2	PHILLIPS PETROLEU
-THOMAS D COFFMAN INC			RECEIVED:	02/11/82	JA: TX			
8218576	F-03-041444	4214931160	102-2		GANDY #1	MINJEN (TRAVIS PEAK 8	0.0	
-TXO PRODUCTION CORP			RECEIVED:	02/11/82	JA: TX			
8218594	F-10-042996	4221131177	103		MARSHALL UNIT #1 128331	GIDDINGS (AUSTIN CHAL	200.0	SOUTH CEN-TEX GAS
8218593	F-10-042995	4221131365	103		LOCKHART #1	FELDMAN (TONKAWA)	0.0	PHILLIPS PETROLEU
-U S OPERATING INC			RECEIVED:	02/11/82	JA: TX			
8218595	F-03-043354	4228730821	102-2		LOCKHART #B #1	FELDMAN (TONKAWA)	250.0	PHILLIPS PETROLEU
8218579	F-03-042035	4228730988	102-2		MABEL #1 RRC ID N/A	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
-WAGNER & BROWN			RECEIVED:	02/11/82	JA: TX			
8218628	F-C8-045528	4243130683	103		MELISSA #1 RRC ID N/A	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
-WALSH AND WATTS INC			RECEIVED:	02/11/82	JA: TX			
8218656	F-78-046009	4215131329	103		GLASS "K" #2-4	CONGER (PENN)	204.0	VALERO TRANSMISSI
-WEST-TEX DRILLING COMPANY			RECEIVED:	02/11/82	JA: TX			
8218683	F-73-046167	4215100000	102-4		ROBERTSON #2 (LEASE NO 11149)	JUDY GAIL (CANYON SAN	19.0	LONE STAR GAS CO
-WESSELY ENERGY CORPORATION			RECEIVED:	02/11/82	JA: TX			
8218586	F-05-042633	4239530237	103		PAUL MATCHETT #B - #1 (95132)	LOTT-ALEXANDER (SWAST	75.0	PALO DURO PIPELIN
-ZONERGY INC			RECEIVED:	02/11/82	JA: TX			
8218557	F-03-035175	4205100000	102-2		JAMES H DUNN - #P-105	BALD PRAIRIE (COTTON	450.0	TEXAS UTILITIES F

VIRGINIA DEPARTMENT OF LABOR & INDUSTRY								

-PHILADELPHIA OIL COMPANY			RECEIVED:	02/08/82	JA: VA			
8218686	4505120377	4505120377	103		ASA B BISE - #P-112	NORA	19.4	KENTUCKY WEST VIR
8218693	4505120377	4505120377	107-TF		ASA BISE #P-112	NORA	31.4	KENTUCKY WEST VIR
8218688	4505120301	4505120301	107-TF		EARL HILTON - #P-84	NORA	39.0	KENTUCKY WEST VIR
8218691	4519520356	4519520356	107-TF		J A ODLE - #P-104	NORA	43.5	KENTUCKY WEST VIR
8218692	4519520357	4519520357	107-TF		M E & W R HENRY #P-102	NORA	15.0	KENTUCKY WEST VIR
8218689	4519520346	4519520346	107-TF		P R SMITH - #P-130	NORA	58.7	KENTUCKY WEST VIR
8218684	4505120421	4505120421	107-DV		P R SMITH #P-130	NORA	15.0	KENTUCKY WEST VIR
8218697	4505120421	4505120421	107-TF		SAMUEL HENSLEY - #P-103	NORA	32.6	KENTUCKY WEST VIR
8218590	4505120403	4505120403	103		WILSON ROSE - #P-126	NORA	21.3	KENTUCKY WEST VIR
8218687	4505120403	4505120403	107-TF		WILSON ROSE - #P-126	NORA	12.3	KENTUCKY WEST VIR
8218694	4505120404	4505120404	103		WILSON ROSE - #P-127	NORA	58.4	KENTUCKY WEST VIR
8218685	4505120404	4505120404	107-TF		WILSON ROSE - #P-127	NORA	34.6	KENTUCKY WEST VIR
8218695	4505120404	4505120404	107-TF			NORA	45.4	KENTUCKY WEST VIR

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 FIELD NAME

 NORA

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 PROC PURCHASER

 101.6 KENTUCKY WEST VIR

JD NO 8218696
 JA DKT

 API NO 4505120417
 D SEC(1) 107-TF
 SFC(2) WILSON ROSE - #P-129
 WELL NAME

OTHER PURCHASERS

 VOLUME NO 605

- 8218726 AMERADA HESS CORP
- 8218727 AMERADA HESS CORP
- 8218728 AMERADA HESS CORP
- 8218729 AMERADA HESS CORP
- 8218730 AMERADA HESS CORP

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before March 22, 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 (1000 ft rule)
102-4: New onshore reservoir

102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-CB: 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. 82-0681 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 604]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 2, 1982.

JD NO	J4	JKI	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALL STATES OIL & PRODUCING CO INC									
8218254			3410322554	107-TF	02/09/82	HERRMANN #2	GRANGER	10.0	COLUMBIA GAS TRAN
-AMERICAN EXPLORATION CO									
8218258			3411923804	108	02/09/82	C HANES #1		10.0	LIBBEY OWENS FORD
8218261			3415722619	108		G GUILLEN #1		10.0	LIBBEY OWENS FORD
8218260			3415722618	108		G GUILLEN #2		10.0	LIBBEY OWENS FORD
8218255			3411923232	108		G PROUTY #1		10.0	EAST OHIO GAS
8218256			3411923275	108		G PROUTY #2		10.0	EAST OHIO GAS
8218262			3415723294	108		S IMMEL #1		10.0	COLUMBIA GAS TRAN
8218259			3412723697	108		V GROVES #1		10.0	ELJER PLUMBINGWAR
8218257			3411923447	108		W ROBISON #1		10.0	NATIONAL GAS & OI
-AMERICAN PETROEL INC									
8218259			3416726462	107-DV	02/09/82	BINEGAR #1	LAWRENCE	12.0	
8218265			3416723592	108		FARMERS LIVESTOCK AUCTION CO #1		0.2	COLUMBIA GAS TRAN
8218263			3416723578	108		FARMERS LIVESTOCK AUCTION CO #2		4.0	COLUMBIA GAS TRAN
8218267			3416723664	108		FARMERS LIVESTOCK AUCTION CO #3		5.0	COLUMBIA GAS TRAN
8218268			3416723740	108		FRANCIS/LINCICOME #1		2.0	COLUMBIA GAS TRAN
8218264			3416723589	108		ROY E WETZ #1		4.0	COLUMBIA GAS TRAN
8218266			3416723601	108		ROY E WETZ #2		2.0	COLUMBIA GAS TRAN
8218270			3416726873	107-DV		VALENTINE #1	NEW MATAMORAS	109.0	
-AMERICAN WELL MANAGEMENT COMPANY									
8218272			3408322936	103	02/09/82	GAYLORD RINE #3	MARTINSBURG	18.0	
8218271			3408322901	103		RALPH COLOPY #1	BRINKHAVEN	18.0	
-APPALACHIAN EXPLORATION INC									
8218274			3410322375	103	107-TF	V T SCANLAN #1	GRANGER	10.0	COLUMBIA GAS TRAN
8218275			3410322376	103	107-TF	V T SCANLAN #2	GRANGER	10.0	COLUMBIA GAS TRAN
8218276			3410322377	103	107-TF	V T SCANLAN #4	GRANGER	10.0	COLUMBIA GAS TRAN
-APPALACHIAN PETROLEUM CORP									
8218277			3416726572	107-DV	02/09/82	JIA: OH	MARIETTA	3.5	COLUMBIA GAS TRAN
-ARAPAMO VENTURES OF NEW YORK INC									
8218280			3416725241	103	02/09/82	JIA: OH	MUSKINGUM	0.0	
8218278			3412122245	103	107-TF	DAVID REYNOLDS #1	JACKSON	23.8	
8218279			3412122401	107-DV	107-TF	RAYLE KEITH #1	JACKSON	0.0	
-ARS JOINT VENTURE									
8218253			3411522525	103	02/09/82	JIA: OH	BRISTOL	16.0	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC									
8218281			3415102644	108	02/09/82	JIA: OH	CANTON	13.0	ASHLAND PETROLEUM
-ATLAS ENERGY GROUP INC									
8218288			3415521802	102-2	107-TF	BIRO #1	KINSMAN	15.0	COLUMBIA GAS TRAN
8218289			3415521833	102-2	107-TF	CARR #2	VERNON	26.0	COLUMBIA GAS TRAN
8218282			3415521686	102-2	107-TF	G DRAA #1	VERNON	18.0	COLUMBIA GAS TRAN

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JD NO	JA	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8218285		3415521750	102-2	107-TF	HUNKUS #2	VERNON	27.0	COLUMBIA GAS TRAN
8218291		3415521872	102-2	107-TF	LIEBERT UNIT #1	KINSMAN	26.0	COLUMBIA GAS TRAN
8218287		3415521789	102-2	107-TF	M CEBULA UNIT #1	VERNON	18.0	COLUMBIA GAS TRAN
8218286		3415521754	102-2	107-TF	MACK #1	VERNON	23.0	COLUMBIA GAS TRAN
8218292		3415521945	102-2	107-TF	QUEALE #2	VERNON	20.0	COLUMBIA GAS TRAN
8218285		3415521735	102-2	107-TF	SWARTZ THURBER UNIT #1	VERNON	27.0	COLUMBIA GAS TRAN
8218290		3415521862	102-2	107-TF	TRIBBY UNIT #1	KINSMAN	22.0	COLUMBIA GAS TRAN
8218284		3415521737	102-2	107-TF	ZIMMET EVANS UNIT #1	VERNON	22.0	COLUMBIA GAS TRAN
-BANDS COMPANY INC				RECEIVED: 02/09/82	JA: OH			
8218293		3411121987	107-DV		WORKMAN #1	WASHINGTON	5.0	COLUMBIA GAS TRAN
-BELDEN & BLAKE & CO #79				RECEIVED: 02/09/82	JA: OH			
8218297		3415123648	103		D & C BOLTON 1-341157	MARLBORO	36.5	
8218296		3415123645	103		K & H ZELLERS 6-341028	MARLBORO	36.5	
8218295A		3415123642	103		L & W HAMMOND 2-341149	MARLBORO	36.5	
8218295B		3415123642	D 107-TF		L & W HAMMOND 2-341149	MARLBORO	36.5	
8218294A		3401921411	103		WHITACRE-GREER 34-341056	BROWN	36.5	
8218294B		3401921411	D 107-TF		WHITACRE-GREER 34-341056	BROWN	36.5	
-BEREA OIL AND GAS CORPORATION				RECEIVED: 02/09/82	JA: OH			
8218299		3411925883	103	107-TF	L FRICK #6	RICH HILL	0.0	COLUMBIA GAS TRAN
8218298		3411925882	103	107-TF	W BARNA #3	RICH HILL	0.0	COLUMBIA GAS TRAN
-BILL BLAIR INCORPORATED				RECEIVED: 02/09/82	JA: OH			
8218300		3402920803	103	107-TF	GROVE #2	HOMEWORTH	14.0	EAST OHIO GAS CO
8218303		3402920854	103	107-TF	MCCOY #1	HOMEWORTH	16.0	EAST OHIO GAS CO
8218304		3402920863	103	107-TF	SMITH #2	HOMEWORTH	22.0	EAST OHIO GAS CO
8218305		3402920865	103	107-TF	SMITH #4	HOMEWORTH	18.0	EAST OHIO GAS CO
8218301		3402920843	103	107-TF	STOFFER #4	HOMEWORTH	12.0	EAST OHIO GAS CO
8218302		3402920844	103	107-TF	STOFFER #5	HOMEWORTH	14.0	EAST OHIO GAS CO
-BLAUSER WELL SERVICE INC				RECEIVED: 02/09/82	JA: OH			
8218324		3410522238	103		ROY E FICK #2	CHESTER	8.9	COLUMBIA GAS TRAN
-BROWN PETROLEUM CORP				RECEIVED: 02/09/82	JA: OH			
8218327		3407523285	103		MOORE #3	KILLBUCK	1.0	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED: 02/09/82	JA: OH			
8218328		3416923036	103	107-TF	ZOLLINGER #1	WAYNE	9.0	
-CARL E SMITH PETROLEUM INC				RECEIVED: 02/09/82	JA: OH			
8218319		3410522144	D 107-TF		ROBERT ELBERFELD #231	ORANGE	24.0	COLUMBIA GAS TRAN
-CARLTON OIL CORP				RECEIVED: 02/09/82	JA: OH			
8218332		3416725222	107-DV		EDGAR #2	NEWPORT	50.0	
8218329		3411222051	107-DV		HOWARD CLINE #1	WASHINGTON	50.0	
8218331		3412122527	107-DV		WAGNER #1	JACKSON	0.0	
8218330		3412122476	107-DV		WICKENS #1	JACKSON	50.0	
-CLARENCE K TUSSEL JR				RECEIVED: 02/09/82	JA: OH			
8218330		3400721769	103	107-TF	J KENNEDY #1	MONROE	30.0	
8218328		3400721625	103	107-TF	J SIMAK #1	MONROE	30.0	
8218329		3400721768	103	107-TF	P NOVAK #2	KINGSVILLE	30.0	
-CUYAHOGA EXPLORATION & DEVELOPMENT				RECEIVED: 02/09/82	JA: OH			
8218335		3411222589	103		DECKER #1	GRAYSVILLE	18.3	
8218336		3411222594	103		DECKER #4	GRAYSVILLE	18.2	
-DOLPHA ANDERSON				RECEIVED: 02/09/82	JA: OH			
8218373		3416726826	107-TF		W C HANGER (UNIT) #1	WATERTOWN	7.3	COLUMBIA TRANSMIS
-DOMESTIC OIL & GAS CO				RECEIVED: 02/09/82	JA: OH			
8218337		3403124424	103		CROWTHERS #3-4424	NEWCASTLE	0.0	
8218338		3407523194	103		J MORRIS #1	RICHLAND	5.0	
-DUSTY DRILLING COMPANY INC				RECEIVED: 02/09/82	JA: OH			

JD 10	JD 11	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8218340		3411522308	103		C HILL #1	DEERFIELD	0.0	COLUMBIA GAS TRAN
8218342		3411522336	103		C HILL #3	DEERFIELD	0.0	COLUMBIA GAS TRAN
8218343		3411522337	103		C HILL #4	DEERFIELD	0.0	COLUMBIA GAS TRAN
8218344		3411522338	103		C HILL #5	DEERFIELD	0.0	COLUMBIA GAS TRAN
8218346		3411522346	103		C HILL #6	DEERFIELD	16.0	COLUMBIA GAS TRAN
8218345		3411522339	103		C HILL #7	DEERFIELD	0.0	COLUMBIA GAS TRAN
8218341		3411522310	103		HILL #2	DEERFIELD	0.0	COLUMBIA GAS TRAN
8218359		3411522277	103		R PATTERSON #1	DEERFIELD	0.0	COLUMBIA GAS TRAN
8218349		3416726975	103	RECEIVED: 02/09/82	JA: OH			
8218347		3416726973	103		BAKER-LAMB #1			
8218348		3416726974	103		EDDY #2			
8218351		3408322001	108	RECEIVED: 02/09/82	JA: OH			
8218350		3408321943	108		MC MILLAN #4			
8218352		3409920702	108	RECEIVED: 02/09/82	JA: OH			
8218334		3416922836	107-TF		MCMILLAN #3			
8218333		3416922136	107-TF		MARY BERARDI #1			
8218353		3415521927	103	RECEIVED: 02/09/82	JA: OH			
8218354		3420922475	133	RECEIVED: 02/09/82	JA: OH			
8218356		3411922587	108	RECEIVED: 02/09/82	JA: OH			
8218359		3410521779	108	RECEIVED: 02/09/82	JA: OH			
8218357		3410521762	108	RECEIVED: 02/09/82	JA: OH			
8218358		3410521778	108	RECEIVED: 02/09/82	JA: OH			
8218360		3416725617	107-DV	RECEIVED: 02/09/82	JA: OH			
8218361		3405320418	108	RECEIVED: 02/09/82	JA: OH			
8218365		3405320522	108		CLYDE R GUTBERLET #1			
8218373		3410521834	108		CROW & MORGAN #1			
8218372		3410521895	108		CROW & MORGAN #4			
8218362		3405320493	108		DENNIS PALMER #1			
8218374		3405320520	108		HERALD & DOLAN #3			
8218366		3410521941	108		JAMES DREHEL #8			
8218371		3405320533	108		JAY HALL JR #1			
8218368		3410521873	108		MARY DARNELL #1			
8218370		3410521843	108		NANCY REED #2			
8218364		3405320521	108		P C WILLIAMS #1			
8218367		3410521812	108		RICHARD REUTER #1			
8218377		3412722907	108	RECEIVED: 02/09/82	JA: OH			
8218379		3412725115	103	RECEIVED: 02/09/82	JA: OH			
8218378		3412725052	103	RECEIVED: 02/09/82	JA: OH			
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JD NO	JA	JKT	API NO	D SEC(1)	SEC(2)	SELL NAME	FIELD NAME	PROD	PURCHASER
8218537			3400720335	108		KANANEN-SUPPLEE UNIT #1			
8218538			3400721525	103	107-TF	ROBERTS #1	DENMARK	0.0	EAST OHIO GAS CO
					RECEIVED: 02/09/82	JA: OH			0.0
8218420			3403123017	108		CONKLE ESTATE #1			
8218421			3407521755	178		RAYMOND BIRD #1			
					RECEIVED: 02/09/82	JA: OH			
8218388			3415320839	103	107-TF	BLOSSOM MUSIC CENTER #3	NORTHAMPTON		
8218383			3413322222	103	107-TF	LANGE-STONESTREET #1	FREEDOM	0.0	REPUBLIC STEEL CO
8218384			3413322223	103	107-TF	LANGE-STONESTREET #2	FREEDOM	0.0	REPUBLIC STEEL CO
8218385			3413322224	103	107-TF	LANGE-STONESTREET #3	FREEDOM	0.0	REPUBLIC STEEL CO
8218386			3413322225	103	107-TF	LANGE-STONESTREET #4	FREEDOM	0.0	REPUBLIC STEEL CO
8218380			3413329736	103	107-TF	LANGE-STONESTREET #5	FREEDOM	0.0	REPUBLIC STEEL CO
8218389			3415329841	103	107-TF	PARRY #1	NORTHAMPTON	0.0	REPUBLIC STEEL CO
8218390			3415320842	103	107-TF	PARRY #2	FREEDOM	0.0	REPUBLIC STEEL CO
8218387			3413322300	103	107-TF	PITTMAN #1	FREEDOM	0.0	REPUBLIC STEEL CO
8218382			3413321936	103	107-TF	WASON INDUSTRIAL CENTRE SECOND #2	AURORA	0.0	REPUBLIC STEEL CO
8218381			3413321934	103	107-TF	WASON INDUSTRIAL CENTRE SECOND #3	AURORA	0.0	EAST OHIO GAS CO
					RECEIVED: 02/09/82	JA: OH			
			3416724854	108		ALBERT BOSNER #2-A			
8218393			3407523270	103		PAHOUNDIS #5	SPRING MOUNTAIN	12.8	GAS TRANSPORT INC
8218391			3407523529	103		PAHOUNDIS #6	SPRING MOUNTAIN	10.0	COLUMBIA GAS TRAN
					RECEIVED: 02/09/82	JA: OH			
			3416724783	108		FRANK BALL #2-A			
8218395			3416724728	108		FRANK BALL #3			
8218394			3416724946	108		FRANK BALL #4			
8218397			3416725021	168		FRANK BALL #5			
8218398			3416724820	108		HARRY LAFABER #1			
8218396					RECEIVED: 02/09/82	JA: OH			
			3405923005	107-TF		SAY #1	BUCKEYEVILLE	25.0	
8218399					RECEIVED: 02/09/82	JA: OH			
			3411925234	103		HUBER #3	MONROE	12.0	
8218400					RECEIVED: 02/09/82	JA: OH			
			3408322130	108		CHAPIN #1			
8218401					RECEIVED: 02/09/82	JA: OH			
			3415123475	103	107-TF	BOETTNER #1	PLAIN	21.9	REPUBLIC STEEL CO
8218425			3415123487	103	107-TF	CUNNINGHAM UNIT #1	BETHLEHEM	21.9	REPUBLIC STEEL CO
8218428			3415123470	103	107-TF	DAWSON #1	NIMISHILLEN	32.9	REPUBLIC STEEL CO
8218423			3415123473	103	107-TF	FLINTKOTE CO UNIT #22	MARLBORO	14.5	REPUBLIC STEEL CO
8218424			3415123481	103	107-TF	P & I MILLER UNIT #2	LAKE	7.3	REPUBLIC STEEL CO
8218427			3415123466	103	107-TF	STERNER UNIT #1	BETHLEHEM	36.0	REPUBLIC STEEL CO
8218422			3415123480	103	107-TF	WITTE UNIT #1	MARLBORO	5.5	REPUBLIC STEEL CO
8218426					RECEIVED: 02/09/82	JA: OH			
			3413120050	107-DV		AARON & KATHY ADAMS #1	MARION	3.3	
8218410			3413120051	107-DV		ALBERT C BRUNNER #1	MARION	4.5	
8218411			3414200260	107-DV		ALTON & MARIE DEEMER #1	MADISON	2.2	
8218416			3413120044	107-DV		DAVID ARNDT #1	UNION	7.7	
8218404			3414520258	107-DV		DONALD & DONNA JONES #1	MADISON	0.3	
8218414			3413120042	107-DV		DONNA & KAREN RAPP #1	MARION	0.7	
8218402			3414520259	107-DV		ELBIE & BROOKIE COLLINS #1		0.4	
8218415			3413120048	107-DV		GARY & TRUDIE DAVIS #1	UNION	3.1	
8218408			3413120049	107-DV		GEORGE E LEIST JR #1	UNION	3.5	
8218409			3414520262	107-DV		H L & MABEL BARKER #1	MADISON	0.4	
8218418			3414520264	107-DV		HOMER JENKINS #1	JEFFERSON	0.7	

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JD NO	JA DAT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8218413		3413120053	107-DV		JAKE & OSCAR AMLIN #1	SEAL	12.5	
8218403		3413120043	107-DV		JAMES & DONNA HATTLE #1	UNION	2.9	
8218405		3413120045	107-DV		JOHN & JULIA DAVIS #1	BEAVER	1.5	
8218406		3413120046	107-DV		R D & P S SOUTHWORTH #1	SCIOTO	12.2	
8218417		3414520261	107-DV		W C & BESSIE FANNIN #1	MADISON	17.2	
8218412		3413120052	107-DV		WILLIAM & GLADYS CORNETT #1	UNION	1.8	
8218407		3413120047	107-DV		WILMER & WANDA ROE #1	SCIOTO	0.3	
-MILLER DAY ISELI ENERGY CO.								
8218430		3411122432	RECEIVED:	02/09/82	JA: OH			
8218429		3411122423	107-DV		BLANEY #1-28	BETHEL	275.0	COLUMBIA GAS TRAN
8218431		3411122433	107-DV		BLANEY #2-28	BETHEL	475.0	COLUMBIA GAS TRAN
8218432		3411122445	107-DV		CLINE #1-25	CENTER	250.0	COLUMBIA GAS TRAN
-NATIONAL PRODUCTION CORPORATION								
8218435		3408924124	RECEIVED:	02/09/82	JA: OH			
8218436		3408924170	103		COULTER #2	HOPEWELL	6.0	NEW ZANE GAS CO
8218437		3408924247	103		COULTER #3	HOPEWELL	6.0	NEW ZANE GAS CO
-NEIL R. WYNN								
8218541		3416724592	RECEIVED:	02/09/82	JA: OH			
8218544		3416725422	103		WALTER MORRISON #1	FRANKLIN	10.0	NATIONAL GAS & OI
8218546		3416726618	103		CARVER #1	WARREN	2.0	GAS TRANSPORT INC
8218545		3416726594	103		FIELDS #1	WARREN	2.0	GAS TRANSPORT INC
8218543		3416726942	103		LE MASTERS #3	WARREN	2.5	GAS TRANSPORT INC
8218540		3416724124	103		LE MASTERS #4	WARREN	2.0	GAS TRANSPORT INC
8218542		3416724812	103		N WYNN #2	WARREN	1.5	GAS TRANSPORT INC
-NEW FRONTIER EXPLORATION INC								
8218440		3416923047	RECEIVED:	02/09/82	JA: OH			
8218439		3415723649	103		107-TF FLOYD MILLER #3	CHIPPEWA	18.0	
8218438		3415125573	103		107-TF ROBERT CARLISLE #4	MILLER	24.0	
-NOBLE OIL CORP								
8218444		3413322267	RECEIVED:	02/09/82	JA: OH			
8218442		3413323957	107-TF		ACEMER #4	PALMYRA	22.0	AMERICAN ENERGY S
8218443		3413321254	108		COOLEY #3			
8218441		3413320938	108		COOLEY #3			
-NORTH SHORE INDUSTRIES & WINDSOR AS								
8218445		3416725823	RECEIVED:	02/09/82	JA: OH			
-OHIO OIL & GAS CO								
8218450		3415522013	RECEIVED:	02/09/82	JA: OH			
8218446		3415521936	107-TF		ADDICOTT #1	GRANDVIEW	18.3	COLUMBIA GAS TRAN
8218448		3415521998	107-TF		GRIFFIN #5	CORTLAND	20.0	COLUMBIA GAS TRAN
8218449		3415522001	107-TF		MOLLOHAN #1	VIENNA	0.0	COLUMBIA GAS TRAN
8218447		3415521984	107-TF		OHIO REALTY #1	CORTLAND	20.0	COLUMBIA GAS TRAN
-OILTECH INC								
8218453		3407522808	RECEIVED:	02/09/82	JA: OH			
8218451		3407522389	107-TF		RICE #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
8218454		3407522959	107-TF		BRUMME #4	MECHANIC	0.0	COLUMBIA GAS TRAN
8218452		3407522395	107-TF		CARLOS SMITH #2	MECHANIC	0.0	COLUMBIA GAS TRAN
-OXFORD OIL CO								
8218456		3403122788	RECEIVED:	02/09/82	JA: OH			
8218457		3403122825	108		CARLOS SMITH #3	MECHANIC	6.0	COLUMBIA GAS TRAN
8218472		3416726791	107-DV		JACK & LEONA HOYMAN #1	MECHANIC	4.0	NATIONAL GAS & OI
8218466		3411924752	108		ERNEST FRY #1	N-R	4.0	NATIONAL GAS & OI
8218467		3411924784	108		ERNEST FRY #2	SALEM	11.0	
8218463		3411923597	108		IVAN GROVES #1		7.0	NATIONAL GAS & OI
			108		JOHN GRAHAM #1		7.0	NATIONAL GAS & OI
			108		JOHN GRAHAM #3		7.0	NATIONAL GAS & OI
			108		JOHN GRAHAM #4		7.0	NATIONAL GAS & OI

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8218462		3411921232	108		L H LUMAN #2	WASHINGTON	2.5	NATIONAL OIL & GA
8218469		3412723392	108		LOIS WEISENSTINE #1		4.0	NATIONAL OIL & GA
8218458		3411122203	107-DV		ORVILLE BURKHART #1		12.0	
8218471		3412724203	108		PERRY CO CHEESE CO #1			
8218465		3411924354	108		PUTNAM UNIT #1		2.5	NATIONAL OIL & GA
8218459		3411521525	108		RUSSELL MCNEAL #1		10.0	NATIONAL OIL & GA
8218460		3411522062	108		TEMPLE-ROY J MILLER #1		1.0	NATIONAL OIL & GA
8218451		3411522208	108		TEMPLE-ROY J MILLER #2		1.0	NATIONAL OIL & GA
8218468		3412723014	108		TEMPLE-SWARD #1		4.5	NATIONAL OIL & GA
8218470		3412723995	108		THEODORE WILLIAMS #1		8.0	NATIONAL OIL & GA
8218464		3411923741	108		WILLIAM TERRY #1		17.0	NATIONAL OIL & GA
-PAGE P. SLAKEMORE								
8218306		3416720841	107-DV	RECEIVED: 02/09/82	ALLOWAY #1	GRANDVIEW	3.0	COLUMBIA GAS TRAN
8218318		3416724859	107-DV		B & E BOOTH #2	GRANDVIEW	0.4	COLUMBIA GAS TRAN
8218323		3416725765	107-DV		CISLER-FOX #1-A	GRANDVIEW	2.5	COLUMBIA GAS TRAN
8218310		3416724470	107-DV		CONRAD HACE #1	GRANDVIEW	0.8	COLUMBIA GAS TRAN
8218313		3416724625	107-DV		CORBETT #2	GRANDVIEW	0.2	COLUMBIA GAS TRAN
8218312		3416724624	107-DV		CORBETT #4	GRANDVIEW	0.3	COLUMBIA GAS TRAN
8218320		3416725039	107-DV		ELVA MARSHALL #2	GRANDVIEW	0.0	COLUMBIA GAS TRAN
8218321		3416725046	107-DV		FREDERICK MILLER 1-C	GRANDVIEW	4.5	COLUMBIA GAS TRAN
8218308		3416724372	107-DV		KNOWLTON HEIRS 1	GRANDVIEW	12.0	COLUMBIA GAS TRAN
8218319		3416724860	107-DV		LINDAMOOD #1	GRANDVIEW	0.2	COLUMBIA GAS TRAN
8218316		3416724710	107-DV		LLOYD ROMICK / USA 2	GRANDVIEW	0.8	COLUMBIA GAS TRAN
8218315		3416724693	107-DV		LLOYD ROMICK 1	GRANDVIEW	2.9	COLUMBIA GAS TRAN
8218311		3416724559	107-DV		LUCILLE TEITZEL 2	GRANDVIEW	2.9	COLUMBIA GAS TRAN
8218314		3416724691	107-DV		MILLER HEIRS #1-A	GRANDVIEW-LUDLOW	6.3	COLUMBIA GAS TRAN
8218317		3416724843	107-DV		SCHWARTZ #2	GRANDVIEW	8.0	COLUMBIA GAS TRAN
8218322		3416725575	107-DV		T A RACER #2	GRANDVIEW	1.5	COLUMBIA GAS TRAN
8218309		3416724388	107-DV		VIRGIL AMOS 1	GRANDVIEW	3.0	COLUMBIA GAS TRAN
8218307		3416724322	107-DV		WOODROW & RUBY KNOWLTON 1	GRANDVIEW	1.8	COLUMBIA GAS TRAN
-PENN-OHIO ENERGY CORP							5.9	COLUMBIA GAS TRAN
8218476		3407522273	107-TF	RECEIVED: 02/09/82	DAN & ERVIN RABER #1	MECHANIC TOWNSHIP	20.0	COLUMBIA GAS TRAN
8218475		3407522696	107-TF		OLLIE LOWE #6	MECHANIC	27.0	COLUMBIA GAS TRAN
8218474		3405520328	107-TF		RAYMOND & HELEN KELLOGG #1	CLARIDON TOWNSHIP	35.0	EAST OHIO GAS CO
8218473		3405520324	107-TF		ROBERT & ANNE FENWICK #1	CLARIDON TOWNSHIP	35.0	EAST OHIO GAS CO
-PETROLEUM SECURITIES FUND - 80								
8218477		3407322431	103	RECEIVED: 02/09/82	EMANS MARY #2	WASHINGTON	30.0	
8218478		3407322433	103		EMANS MARY #4	WASHINGTON	29.0	
8218479		3407322445	103		EMANS MARY #5	WASHINGTON	25.0	
-POI ENERGY INC								
8218480		3407212133	107-TF	RECEIVED: 02/09/82	LAKE CARDINAL #1	ROME	9.0	COLUMBIA GAS TRAN
8218481		3407212155	107-TF		SIGAL #1	ROME	45.0	
8218482		3415320669	107-TF		THOMAS-DREW #3	HUDSON	15.0	
-PREMIUM ENERGY INC							25.0	
8218483		3407523033	103	RECEIVED: 02/09/82	S MCMABB #1	MONROE	9.0	COLUMBIA GAS TRAN
-R GENE BRASEL DBA BRASEL								
8218325		3405320712	103	RECEIVED: 02/09/82	R O J 1-C	ADDISON	2.0	COLUMBIA GAS TRAN
8218326		3405320713	103		R O J 2-C	ADDISON	2.0	COLUMBIA GAS TRAN
-RELIABLE EXPLORATION & DRILLING CO								
8218489		3412122670	RECEIVED: 02/09/82		BIG "C" RANCH #1	ENOCK TOWNSHIP	50.0	COLUMBIA GAS TRAN
8218486		3411122525	107-DV		CLYDE YOCKEY #1	FRANKLIN TOWNSHIP	0.0	
8218488		3412122659	107-DV		HEISLER #1	ELK TOWNSHIP	50.0	COLUMBIA GAS TRAN
8218490		3412122672	107-DV		ORANGE COAL #1	ENOCK TOWNSHIP	50.0	COLUMBIA GAS TRAN

JD NO	JA TX	API NO	SEC(1) SFC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8218487		3412122658	107-DV	PABST #1	ELK TOWNSHIP	L.0	
8218485		3411122360	107-DV	VERNON REICH #1	SUMMIT TOWNSHIP	100.0	
-RESOURCE EXPLORATION INC			RECEIVED:	02/09/82			
8218492		3407521881	107-RT	JOHN KNAPP #1	HARDY TOWNSHIP	20.0	COLUMBIA GAS TRAN
8218493		3407521882	107-RT	THOMAS P BERNARD #1	HARDY TOWNSHIP	20.0	COLUMBIA GAS TRAN
8218491		3406720186	108	WILLIAM KIMBERLIN #2	WASHINGTON TOWNSHIP	40.0	COLUMBIA GAS TRAN
-RWCO OPERATING INC			RECEIVED:	02/09/82			
8218503A		3416922877	103	BRICKER #7	FRANKLIN	12.0	COLUMBIA GAS TRAN
8218503B		3416922877	D 107-TF	BRICKER #7	FRANKLIN	12.0	COLUMBIA GAS TRAN
8218501		3416922853	103	107-TF CORBETT #4	FRANKLIN	12.0	COLUMBIA GAS TRAN
8218505		3416922883	103	107-TF D BECKER #2	CHESTER	12.0	COLUMBIA GAS TRAN
8218494		3416922355	103	107-TF IRVIN #1	CHESTER	12.0	COLUMBIA GAS TRAN
8218504		3416922879	103	107-TF J WIRT #2	CANOAAN	12.0	COLUMBIA GAS TRAN
8218495		3416922498	103	107-TF K HARTMAN #1	FRANKLIN	12.0	COLUMBIA GAS TRAN
8218506		3416922892	103	107-TF K HARTMAN #4	FRANKLIN	12.0	COLUMBIA GAS TRAN
8218500		3416922612	103	107-TF L SIGLER #4	PLAIN	12.0	COLUMBIA GAS TRAN
8218497		3416922599	103	107-TF R BECHTEL #7	CHESTER	12.0	COLUMBIA GAS TRAN
8218498		3416922600	103	107-TF R MARTIN #2	CHESTER	12.0	COLUMBIA GAS TRAN
8218499		3416922604	103	107-TF R MARTIN #3	CONGRESS	12.0	COLUMBIA GAS TRAN
8218507		3416922912	103	107-TF RICHARDS #6	CHESTER	12.0	COLUMBIA GAS TRAN
8218508		3416922914	103	107-TF SHAUM #1	CHESTER	12.0	COLUMBIA GAS TRAN
8218502		3416922914	103	107-TF SHAUM #3	CHESTER	12.0	COLUMBIA GAS TRAN
8218496		3416922674	103	107-TF TEGMEIER #3	CONGRESS	12.0	COLUMBIA GAS TRAN
8218496		3416922561	103	107-TF W HARTMAN #1	CONGRESS	12.0	COLUMBIA GAS TRAN
-ROBERT W ORR JR			RECEIVED:	02/09/82			
8218455		3411925867	107-TF	ELMER & BERTHA HARDING #1	MUSKINGUM TOWNSHIP	26.0	COLUMBIA GAS TRAN
-RPJ ENERGY FUND MANAGEMENT INC			RECEIVED:	02/09/82			
8218484		3408322990	103	BUNNELL #1	MOUNT VERNON	50.0	
-S & R OIL CO			RECEIVED:	02/09/82			
8218511		3416922500	107-TF	AMSTUTZ #1	HOOSTER	300.0	NOT YET DETERMINE
8218510		3416922499	107-TF	AMSTUTZ #2	HOOSTER	300.0	NOT YET DETERMINE
-SANDHILL ENERGY INC (OH)			RECEIVED:	02/09/82			
8218513		3416726870	103	HORACE & PATSY DANNER #3	NEW MATAMORAS	15.0	NOT YET DETERMINE
8218512		3416726874	103	HORACE & PATSY DANNER #4	NEW MATAMORAS	12.5	
-SCHRIMSHER OIL & GAS EXPLORATION			RECEIVED:	02/09/82			
8218518A		3416922775	103	BECKLER UNIT #2	HOOSTER	20.0	EAST OHIO GAS CO
8218518B		3416922775	D 107-TF	BECKLER UNIT #2	HOOSTER	20.0	EAST OHIO GAS CO
8218515		3415320981	103	107-TF HUDSON ESTATES #3	HOOSTER	20.0	
8218516		3415320984	103	107-TF JONES UNIT #1	HUDSON	20.0	
8218514		3415324922	103	107-TF LACO ASSOCIATES #1	HUDSON	20.0	
8218517A		3416922744	103	WILLOUR-RULE #1	HOOSTER	20.0	
8218517B		3416922744	D 107-TF	WILLOUR-RULE #1	HOOSTER	20.0	
-SUPERIOR PETROLEUM INC			RECEIVED:	02/09/82			
8218520		3411120352	107-DV	STIRES #1	WAYNE	25.0	TEXAS EASTERN TRA
-SUSAN C GORMLEY			RECEIVED:	02/09/82			
8218555		3411920763	108	ROY A MCCONAHAMA #2	ELK	1.0	NATIONAL GAS & OI
-THE MUTUAL OIL & GAS COMPANY			RECEIVED:	02/09/82			
8218433		3412122625	107-DV	ORANGE COAL #1-A	ELK	50.0	
8218434		3412122627	107-DV	ORANGE COAL #1-A	ELK	50.0	
-TIGER OIL INC			RECEIVED:	02/09/82			
8218525		3412725325	D 107-DV	FRANCES NOLL #1	READING	0.0	COLUMBIA GAS TRAN
8218521		3405320694	D 107-DV	JAMES W PRICE #1	JAMES W PRICE #1	0.0	COLUMBIA GAS TRAN
8218523		3405320703	D 107-DV	JAMES W PRICE #2	GALLIPOLIS	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	SEC(1)	SFC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER	VOLUME	PAGE
8218522		3405323695	D	107-DV	JAMES W PRICE #3	GALLIPOLIS	0.0	COLUMBIA GAS TRAN		
8218524		3412128693		107-DV	MANCEL FORSHEL #2	ELK	0.0	COLUMBIA GAS TRAN		
	-TRIPLE GAS CO			RECEIVED: 02/09/82	JA: OH					
8218526		3400922402		103	DEPUE #5	AMES	0.0	COLUMBIA GAS TRAN		
8218527		3400922403		103	DEPUE #6	AMES	0.0	COLUMBIA GAS TRAN		
	-VESCORP INDUSTRIES INC			RECEIVED: 02/09/82	JA: OH					
8218533		3415122954		108	JOHNSON #1		10.0	TIMKEN CO		
8218532		3413321744		108	PARKER #1		0.0	TIMKEN CO		
8218535		3415122958		108	PUCCI #1		10.0	TIMKEN CO		
8218531		3413321585		108	SARRIS #1		10.0	TIMKEN CO		
8218536		3415122959		108	STARK COUNTY COMMISSIONERS #1		10.0	TIMKEN CO		
8218534		3415122956		108	STEEPLETON #1		10.0	TIMKEN CO		
	-WILLIAM F HILL			RECEIVED: 02/09/82	JA: OH					
8218375		3407523452		103	JOHN LATECKI #1	GLENMONT	8.0			
8218376		3407523504		103	M LYNN WELKER #1	MONROE	6.0			
	-WORTHINGTON OIL COMPANY INC			RECEIVED: 02/09/82	JA: OH					
8218539		3408924301		107-DV	FARMCO #1	NEWARK NORTH	10.0	COLUMBIA GAS TRAN		

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 March 22, 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 (1000 ft rule)
102-4: New onshore reservoir

102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-BG: Geopressed 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

Kennedy F. Plumb,
Secretary.

[FR Doc. 82-6080 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 603]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 2, 1982.

JD NO	JA DAT	API NO	D SEC(1)	SEC(2)	WELL NAME	RECEIVED:	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD									

-ENHANCED ENERGY RESOURCES									
8218150	1-29-8213PD	0112520035	02/05/82	JA: AL	U S PIPE & FOUNDRY 10-6 #4	107-TF	BROOKWOOD COAL DEGASI	4.6	SOUTHERN NATURAL
8218149	1-29-8228PD	0112520030	02/05/82	JA: AL	U S PIPE & FOUNDRY 11-10 #6	107-TF	BROOKWOOD COAL DEGASI	4.6	SOUTHERN NATURAL
8218151	1-29-8216PD	0112520042	02/05/82	JA: AL	U S PIPE & FOUNDRY 11-5 #13	107-TF	BROOKWOOD COAL DEGASI	4.6	SOUTHERN NATURAL
-EXXON CORPORATION									
8218146	1-29-825PD	0105320156	02/05/82	JA: AL	L & N RAILROAD #30-4B	107-DP	JAY/LEC	900.0	ST REGIS PAPER CO
-GRACE PETROLEUM CORPORATION									
8218148	1-29-827PD	0107520361	02/05/82	JA: AL	SIZEMORE 3-3	102-4	NORTH BLOWHORN CREEK	0.0	SOUTHERN NATURAL
8218147	1-29-826PD	0107520371	02/05/82	JA: AL	SIZEMORE 3-4	102-4	NORTH BLOWHORN CREEK	0.0	SOUTHERN NATURAL
8218141	11-13-8112PD	0105720247	02/05/82	JA: AL	TUCKER 35-11	103	NORTHEAST DAVIS CHAPE	0.0	TENNESSEE GAS PIP
8218142	1-29-821PD	0107520026	02/05/82	JA: AL	W A DELANEY 15-12	108	EAST DETROIT	0.0	NORTHWEST ALABAMA
-MICHIGAN OIL COMPANY									
8218145	1-29-824PD	0107520379	02/05/82	JA: AL	DELLA PERKINS 14-9 #1	102-2	BLOOMING GROVE	146.0	WARRIOR DRILLING
-PETROLEUM CORPORATION OF TEXAS									
8218139	10-9-819PD	0107520312	02/05/82	JA: AL	FRANK BURNETTE 11-2 #2	102-4	NORTH BLOWHORN CREEK	40.2	SOUTHERN NATURAL
8218140	11-13-811PD	0107520313	02/05/82	JA: AL	FRANK BURNETTE 11-7 #3	102-4	NORTH BLOWHORN CREEK	20.1	SOUTHERN NATURAL
-TERRA RESOURCES INC									
8218144	1-29-823PD	0107520295	02/05/82	JA: AL	GILMER #25-15	102-4	BLOWHORN CREEK	300.0	WARRIOR DRLG & EN
8218143	1-29-822PD	0105720176	02/05/82	JA: AL	LAWRENCE #27-4	102-4	MCCRACKEN MOUNTAIN	275.0	WARRIOR DRLG & EN
-WARRIOR DRILLING & ENG CO INC									
8218152	1-29-8219PD	0105720191	02/05/82	JA: AL	HODGES - SOUTH 28-5	102-4	MCCRACKEN MOUNTAIN	72.0	SOUTHERN NATURAL
8218155	1-29-8222PD	0105720191	02/05/82	JA: AL	HODGES - SOUTH 28-5	102-4	MCCRACKEN MOUNTAIN	396.0	SOUTHERN NATURAL
8218153	1-29-8220PD	0105720164	02/05/82	JA: AL	L MCCONNELL 20-9	102-4	MUSGROVE CREEK	10.0	SOUTHERN NATURAL
8218154	1-29-8221PD	0105720151	02/05/82	JA: AL	WATT 9-1	102-4	MCCRACKEN MOUNTAIN	250.0	SOUTHERN NATURAL

KANSAS CORPORATION COMMISSION									

-ANADARKO PRODUCTION COMPANY									
8218161	K81-0823	1512920501	02/05/82	JA: KS	HOEME #A #2	103	PANOMA	37.0	PANHANDLE EASTERN
-CONTINENTAL ENERGY									
8218158	K81-0621	1505520446	02/05/82	JA: KS	IRRIGATED LAND DEVELOPMENT #1	103	HUGOTON	8.7	NORTHERN NATURAL
-EDMISTON OIL CO INC									
8218156	K81-0440	1509520981	02/05/82	JA: KS	WHITNER #1	103	SPIVEY-GRABS	50.0	
-MCCOY PETROLEUM CORP									
8218160	K81-0792	1507720692	02/05/82	JA: KS	CALVERT GAS UNIT #1	103	SULLIVAN	300.0	PEOPLES NATURAL G
-THE MAURICE L BROWN COMPANY									
8218159	K81-0378	1509320587	02/05/82	JA: KS	HARSHBARGER #1	103	HUGOTON	360.0	PANHANDLE EASTERN
-VEGA OIL AND GAS MANAGEMENT INC									
8218162	K81-0516	1512920505	02/05/82	JA: KS	D L KREY #1	103	PANOMA FIELD	30.0	PANHANDLE EASTERN
8218157	K81-0514	1512920490	02/05/82	JA: KS	R W MCDONALD UNIT #1-31	103	HUGOTON	35.0	PANHANDLE EASTERN
-WALLACE OIL & GAS INC									

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROC	PURCHASER
8218198	12484	3507121118	108		HARKINS 2-19	UNNAMED	1.9	CITIES SERVICE GA
8218197	12482	3507120970	108		HONICK 1-23	UNNAMED	1.1	CITIES SERVICE GA
8218196	12480	3507120896	108		HONICK 3-23	UNNAMED	1.1	CITIES SERVICE GA
8218206	12495	3507120907	108		HORINEK #1-4	UNNAMED	2.5	CITIES SERVICE GA
8218194	12471	3507121606	108		JOHNS 2-24	UNNAMED	4.3	CITIES SERVICE GA
8218200	12505	3507121197	108		KUCERA #1-8	UNNAMED	1.1	CITIES SERVICE GA
8218195	12473	3507121168	108		MILLER #1-28	UNNAMED	3.8	CITIES SERVICE GA
8218224	12503	3507120810	108		SEABOCH 1-26	UNNAMED	8.4	CITIES SERVICE GA
8218225	12509	3507121024	108		SEABOCH 2-26	UNNAMED	6.2	CITIES SERVICE GA
-COTTON PETROLEUM CORPORATION			RECEIVED:	02/08/82	JA: OK		200.0	UNITED GAS PIPELI
8218219	16463	3501521079	107-DP		MCVEY #1	N W VERDEN		
-DOME PETROLEUM CORP			RECEIVED:	02/08/82	JA: OK		91.2	SOHIO PETROLEUM C
8218228	12223	3504921119	102-4		HENDERSON #1	FOSTER S E	182.5	SOHIO PETROLEUM C
8218227	12222	3504920523	102-4		PAN AM COOK #1-6	S E FOSTER		
-DOUBLE EAGLE EXPLORATION			RECEIVED:	02/04/82	JA: OK		10.0	AMINOIL USA INC
8218170	10699	3510321145	103		CARLILE 1	S W GANSELL		
-ECC OIL CO			RECEIVED:	02/04/82	JA: OK		23.5	OKAN GAS CO
8218178	11935	3514721838	108		C SUMPTER #1 C NE/4	NW/4 29-25N-14E OGLESBY GAS FIELD		
-FUNK EXPLORATION INC			RECEIVED:	02/08/82	JA: OK		0.0	WESTERN GAS INTER
8218226	11137	3500721835	102-4		AMEN #1	N W GREENOUGH		
-GENERAL AMERICAN OIL COMPANY OF TEX			RECEIVED:	02/04/82	JA: OK		5.0	GETTY OIL CO
8218187	12203	3513722670	103		SPEARS #21	SHO-VEL-TUM		
-HADSON PETROLEUM CORP			RECEIVED:	02/08/82	JA: OK		730.0	EL PASO NATJRAL G
8218233	16352	3505121148	107-DP		SMELLEY #1-16	NORTH RUSH SPRINGS		
-HAROLD O COURSON			RECEIVED:	02/04/82	JA: OK		10.0	PHILLIPS PETROLEU
8218183	12156	3500700000	108		C T STAPLES #1	COMO (MORROW)	10.0	PHILLIPS PETROLEU
8218186	12159	3500700000	108		C T STAPLES A #1	COMO (MORROW)	10.0	PHILLIPS PETROLEU
8218184	12167	3500700000	108		L E ARNHOLT #1	BALKO SOUTH	9.0	PHILLIPS PETROLEU
8218185	12168	3500700000	108		L E ARNHOLT #2	BALKO SOUTH	9.0	PHILLIPS PETROLEU
-J M HUBER CORPORATION			RECEIVED:	02/08/82	JA: OK		16.0	PANHANDLE EASTERN
8218213	12704	3500700010	108		LIGHT "B" #1	LIGHT FIELD		
-KEITH F WALKER			RECEIVED:	02/04/82	JA: OK		2.9	MOBIL OIL CORP
8218165	12612	3501968010	103		CHAN RIX VICTORY	OIL CITY		
-L D WARD			RECEIVED:	02/04/82	JA: OK		138.0	ARKLA OIL CO
8218171	12300	3512120710	103		JANEWAY 1-26	PATRICK		
-LONG ROYALTY CO			RECEIVED:	08/06/81	JA: OK		0.0	MOBIL OIL CO
8150924	8136	3511700000	103		BROGDEN #1	NORTH MUSTANG		
-MACK OIL CO			RECEIVED:	02/04/82	JA: OK		200.0	
8218174	12667	3500320879	103		BERNARD #2			
-MACK OIL CO			RECEIVED:	02/08/82	JA: OK		60.0	SUN GAS CO
8218191	12665	3502700000	103		BOSWELL #2		75.0	AMINOIL USA IMC
8218189	12653	3501900000	103		JOINER #2		25.0	PHILLIPS PETROLEU
8218188	12662	3501700000	103		KROUTH #1		165.0	PHILLIPS PETROLEU
8218190	12664	3501721970	103		MASON #2		10.0	SUN GAS CO
8218192	12666	3502700000	103		PREBLE #3		200.0	
8218212	12659	3500320872	103		WOODARD #2		350.0	EL PASO NATURAL G
-MUSTANG PRODUCTION CO.			RECEIVED:	02/08/82	JA: OK		101.0	
8218193	15380	3501521063	102-3		MEACHAM #1-7	EAST HYDRO		
-NEC PETROLEUM CORP			RECEIVED:	02/08/82	JA: OK			
8218211	12652	3505120795	103		WOODS #3	SHALLOW CHICKASHA		
-NORTHWEST OIL CO			RECEIVED:	02/08/82	JA: OK		0.0	SUN GAS CO
8218210	12237	3502720476	103		STATE "D" #4	WEST NORRAN		
-NORVAL L COVINGTON			RECEIVED:	02/04/82	JA: OK			

JD NO	JA DKT	API NO	D SEC(1)	SFC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8218177	11372	3513900000	108	RECEIVED:	REISS #1A-15	CARTHAGE TOPEKA	18.0	PANHANDLE EASTERN
8218223	15808	3501722047	102-2	RECEIVED:	ERBAR #1-34	ME EL RENO PROSPECT-E	0.0	PHILLIPS PETROLEUM
8218167	12617	3504722669	103	RECEIVED:	FUKSA 31-1	SOONER TREND	35.0	WELLHEAD ENTERPRISE
8218166	12615	3509322181	103	RECEIVED:	RATZLAFF 7-2	SOONER TREND	35.0	WELLHEAD ENTERPRISE
8218209	12614	3504722517	103	RECEIVED:	FUKSA STUTZ # 2-1	SOONER TREND	35.0	WELLHEAD ENTERPRISE
8218176	12678	3501700000	103	RECEIVED:	KROUTIL #12-1	NORTH MUSTANG	12.0	PHILLIPS PETROLEUM
8218175	12677	3501722022	103	RECEIVED:	SOPHIE #12-1	NORTH MUSTANG	15.0	PHILLIPS PETROLEUM
8218179	11939	3509500000	103	RECEIVED:	CARRIE LOU LITTLE #2-13	CUMBERLAND	365.0	LONE STAR GAS CO
8218172	12348	3509302150	103	RECEIVED:	WINTERS #1-8	SE ORION	0.0	DELHI GAS PIPELINE
8218222	15763	3503900000	102-2	RECEIVED:	KLEIN #1-12	BUTLER	256.0	
8218221	15762	3512900000	102-2	RECEIVED:	NISTLER #2-17	EAST CHEYENNE	799.0	
8218208	12660	3502720420	103	RECEIVED:	WARD 31A	N NEWCASTLE	54.0	SUN GAS CO
8218235	16382	3501521076	107-DP	RECEIVED:	MCCOMAS #1-21		671.6	
8218230	12675	3507321967	103	RECEIVED:	BEYTE-L #1	SOONER TREND	0.0	CONOCO INC
8218164	12577	3501721945	103	RECEIVED:	SCHWEITZER #1	S W OKARCHE	512.0	
8218182	11955	3504722601	103	RECEIVED:	HERRIAN #1	SOONER TREND	100.0	PANHANDLE EASTERN
8218181	11954	3507323129	103	RECEIVED:	STALDER #A #1	SOONER TREND	70.0	PANHANDLE EASTERN
8218220	16541	3500920421	107-DP	RECEIVED:	GREGORY 1-12	EAST BERLIN	613.2	EL PASO NATURAL GAS
8218234	16367	3500920414	107-DP	RECEIVED:	RICHMOND 1-2		0.0	EL PASO NATURAL GAS
8218207	12658	3506120381	103	RECEIVED:	PANTHER HOLLOW #1	KINTA	1150.0	ARKANSAS LOUISIAN
8218232	12680	3504921111	103	RECEIVED:	GRIMES UNIT #1	GOLDEN TREND	26.0	WARREN PETROLEUM
8218231	12679	3504921638	103	RECEIVED:	SHEEGOG #1	NORTH ANTIIOCH	270.0	BUCKEYE NATURAL GAS
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
8217993	6905	3700522232	103	RECEIVED:	S BOHAN #2	RURAL VALLEY	150.0	APOLLO GAS CO
8217994	7547	3703320749	108	RECEIVED:	EARL HAAG #1 K-A-1	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8217995	9803	3704921193	107-TF	RECEIVED:	G KRESS #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8218022	10198	3704921208	107-TF	RECEIVED:	A STAFFORD #538-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8218023	10199	3704921209	107-TF	RECEIVED:	A STAFFORD #539-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8218012	10188	3704921061	107-TF	RECEIVED:	BILLINGS & KOVEL #528-1	EDINBORO NORTH	0.0	COLUMBIA GAS TRAN
8218013	10189	3704921062	107-TF	RECEIVED:	BILLINGS #529-1	EDINBORO NORTH	0.0	COLUMBIA GAS TRAN
8218008	10184	3703920751	107-TF	RECEIVED:	BLAKESLEE #524-1	ROCKDALE	30.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8218031	10221	3704921318	107-TF		CHASE #579-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN	
8218018	10194	3704921067	107-TF		D GOSS #534-1	EDINBORO NORTH	0.0	NATIONAL FUEL GAS	
8218004	10180	3703920747	107-TF		D MARZKE #1-514	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8218020	10196	3704921069	107-TF		E STAFFORD #536-1	EDINBORO NORTH	0.0	NATIONAL FUEL GAS	
8218021	10197	3704921070	107-TF		E STAFFORD #537-1	EDINBORO NORTH	0.0	NATIONAL FUEL GAS	
8218032	10222	3704921347	107-TF		F WINDSOR #580-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN	
8218025	10201	3704921211	107-TF		FOX #541-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN	
8218006	10182	3703920749	107-TF		G MARZKA #516-1	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8218007	10183	3703920750	107-TF		G MARZKA #523-2	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8218024	10200	3704921210	107-TF		GARDNER #540-1	NORTH EDINBORO	30.0	COLUMBIA GAS TRAN	
8217997	10173	3704920885	107-TF		H STAFFORD #501-1	N EDINBORO	30.0	COLUMBIA GAS TRAN	
8218016	10192	3704921065	107-TF		J DAVIS #532-1	EDINBORO NORTH	0.0	NATIONAL FUEL GAS	
8218001	10177	3703920632	107-TF		J DOCTOR #505-1	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8218014	10190	3704921063	107-TF		J MCCREARY #530-1	EDINBORO NORTH	10.0	COLUMBIA GAS TRAN	
8218017	10193	3704921066	107-TF		J SHOWMAN #533-1	EDINBORO NORTH	0.0	NATIONAL FUEL GAS	
8218028	10205	3704921215	107-TF		L MCLALLEN #546-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN	
8218019	10195	3704921068	107-TF		O'CONNOR #535-1	EDINBORO NORTH	0.0	NATIONAL FUEL GAS	
8218009	10185	3703920752	107-TF		ORR #525-2	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8218000	10176	3703920633	107-TF		PETERS #504-1	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8218005	10181	3703920748	107-TF		PORTER #515-1	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8218029	10206	3704921216	107-TF		R LEWIS #547-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN	
8218015	10191	3704921064	107-TF		R ROBERTSON #531-1	EDINBORO NORTH	0.0	COLUMBIA GAS TRAN	
8218027	10204	3704921214	107-TF		R SANDERS #544-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN	
8218026	10203	3704921213	107-TF		R SHOWMAN #543-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN	
8218030	10209	3704921247	107-TF		REEMSNYDER #550-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN	
8218002	10178	3703920745	107-TF		S ORR #512-1	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8217998	10174	3704920886	107-TF		T WILLRICH #502-1	N EDINBORO	30.0	COLUMBIA GAS TRAN	
8218003	10179	3703920746	107-TF		WATSON #513-1	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8218010	10185	3703920753	107-TF		WATSON #526-2	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8218011	10187	3703920754	107-TF		WATSON #527-3	ROCKDALE	30.0	COLUMBIA GAS TRAN	
8217999	10175	3703920634	107-TF		ZLHAVER #503-1	ZILVA ROCKDALE	30.0	COLUMBIA GAS TRAN	
-NEA CROSS CO RECEIVED: 02/04/82 JA: PA									
8218038	10158	3704921353	102-2		D & M RUPP #2	UNNAMED	25.0	NATIONAL FUEL GAS	
8218046	10159	3704921355	107-TF		D & M RUPP #2	UNNAMED	25.0	NATIONAL FUEL GAS	
8218040	10162	3704921397	102-2		D RUPP & L BANTA #1	EDINBORO	10.0	NATIONAL FUEL GAS	
8218048	10163	3704921357	107-TF		D RUPP & L BANTA #1	EDINBORO	10.0	NATIONAL FUEL GAS	
8218037	10156	3704921345	102-2		GHERE #1	UNNAMED	36.0	NATIONAL FUEL GAS	
8218045	10157	3704921345	107-TF		GHERE #1	UNNAMED	36.0	NATIONAL FUEL GAS	
8218036	10154	3704921542	102-2		K & B FICHTHORN #1	EDINBORO	40.0	NATIONAL FUEL GAS	
8218044	10155	3704921542	107-TF		K & B FICHTHORN #1	EDINBORO	40.0	NATIONAL FUEL GAS	
8218039	10160	3704921305	102-2		L & H BANTA #1	EDINBORO	24.0	NATIONAL FUEL GAS	
8218047	10161	3704921305	107-TF		L & H BANTA #1	EDINBORO	24.0	NATIONAL FUEL GAS	
8218033	10149	3704921312	102-2		NORMAN PORTER #1	UNNAMED	36.0	NATIONAL FUEL GAS	
8218041	10148	3704921312	107-TF		NORMAN PORTER #1	UNNAMED	36.0	NATIONAL FUEL GAS	
8218035	10153	3704921346	102-2		R GHERE & J LANIEWICZ #2	EDINBORO	40.0	NATIONAL FUEL GAS	
8218043	10152	3704921346	107-TF		R GHERE & J LANIEWICZ #2	EDINBORO	40.0	NATIONAL FUEL GAS	
8218034	10150	3704921307	102-2		S & E COON #1	UNNAMED	25.0	NATIONAL FUEL GAS	
8218042	10151	3704921307	107-TF		S & E COON #1	UNNAMED	25.0	NATIONAL FUEL GAS	
-PHILLIPS PRODUCTION CO RECEIVED: 02/04/82 JA: PA									
8218049	9941	3706326453	103		WILLIAM C CESSNA ESTATE #1	UNION TOWNSHIP	40.0		
-UNION DRILLING INC RECEIVED: 02/04/82 JA: PA									
8218067	10041	3704921226	107-TF		ANNA BARTYZEL #1 0687	UNION TOWNSHIP	11.0	COLUMBIA GAS TRAN	

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8218055	10324	3704920903	107-TF		CARLTON & PHYLLISS PATTISON #1 0666	UNION TOWNSHIP	30.0	COLUMBIA GAS TRAN
8218059	10033	3704921181	107-TF		DANNY THOMAS #1 0725	UNION TOWNSHIP	9.0	COLUMBIA GAS TRAN
8218065	10039	3704921330	107-TF		DAVID COOPER #1 0689	UNION TOWNSHIP	20.0	COLUMBIA GAS TRAN
8218050	10019	3704925624	107-TF		DONALD GEERTSON #1 0673	UNION TOWNSHIP	7.0	COLUMBIA GAS TRAN
8218064	10038	3704921227	107-TF		FRANK DOWNER #1 0693	UNION TOWNSHIP	5.0	COLUMBIA GAS TRAN
8218054	10023	3704920902	107-TF		FRANK POLLOCK #1 0668	UNION TOWNSHIP	10.0	COLUMBIA GAS TRAN
8218060	10034	3704921233	107-TF		GEORGE & WANDA BALLOG #1 0697	UNION TOWNSHIP	9.0	COLUMBIA GAS TRAN
8218053		3704920625	107-TF		GORDON WARD #1 0669	LEBOEUF TOWNSHIP	4.0	COLUMBIA GAS TRAN
8218059	10043	3704921224	107-TF		HAROLD & BARBARA GOODWILL #1 0685	UNION TOWNSHIP	5.0	COLUMBIA GAS TRAN
8218068	10042	3704921225	107-TF		JIMMY DOWNER #1 0686	UNION TOWNSHIP	15.0	COLUMBIA GAS TRAN
8218051	10020	3704920892	107-TF		JOE & CHESTER ZOMBEK #1 0671	UNION TOWNSHIP	4.0	COLUMBIA GAS TRAN
8218066	10040	3704921221	107-TF		JOHN B ALLEN EST #1 0688	UNION TOWNSHIP	12.0	COLUMBIA GAS TRAN
8218058	10032	3704921180	107-TF		LYNFOR E PROPER #1 0726	LEBOEUF TOWNSHIP	16.0	COLUMBIA GAS TRAN
8218056	10025	3704920835	107-TF		MARIAN LOPUS #1 0651	WATERFORD TOWNSHIP	30.0	COLUMBIA GAS TRAN
8218061	10035	3704921232	107-TF		MICHAEL & ROSE POPOVICH #1 0696	LEBOEUF TOWNSHIP	30.0	COLUMBIA GAS TRAN
8218062	10036	3704921231	107-TF		RICHARD & MARY SMITH #1 0695	LEBOEUF TOWNSHIP	11.0	COLUMBIA GAS TRAN
8218052	10021	3704920893	107-TF		ROBERT & BETTY SHREVE #1 0670	UNION TOWNSHIP	15.0	COLUMBIA GAS TRAN
8218053	10037	3704921229	107-TF		ROGER WETMORE #1 0694	UNION TOWNSHIP	2.0	COLUMBIA GAS TRAN
8218057	10026	3704920850	107-TF		THOMAS G MCGUIRE #1 0650	WATERFORD TOWNSHIP	30.0	COLUMBIA GAS TRAN
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
-ALLEGHENY LAND & MINERAL COMPANY								
8218109		4708505189	RECEIVED:	02/05/82	JA: WV	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8218130		4701702792	103	A-1042		MCCLELLAN DISTRICT	0.0	CONSOLIDATED GAS
8218129		4708505140	103	A-889		MURPHY DISTRICT	0.0	CONSOLIDATED GAS
-ARLIE G DOTSON								
8218124		4701702299	RECEIVED:	02/05/82	JA: WV	GRANT DISTRICT	13.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC								
8218121		4710900852	RECEIVED:	02/05/82	JA: WV	LOGAN-WYOMING	8.0	CONSOLIDATED GAS
-BARRON KIDD								
8218123		4703011174	RECEIVED:	02/05/82	JA: WV	SANTEE FIELD (BIG INJ	35.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION								
8218127		4710720996	RECEIVED:	02/05/82	JA: WV	UNION	18.3	CONSOLIDATED GAS
-80-80 GAS CO								
8218125		4709901009	RECEIVED:	02/05/82	JA: WV	CEREDO	0.0	GAS SUPPLY CORP
-COLLINS-MCGREGOR OPERATING COMPANY								
8218086		4707300817	RECEIVED:	02/05/82	JA: WV	LAFAYETTE	4.0	CONSOLIDATED NATU
-CONSOLIDATED GAS SUPPLY CORPORATION								
8218079		4703301708	RECEIVED:	02/05/82	JA: WV	COAL	15.4	GENERAL SYSTEM PU
8218080		4703301134	108	ANITA B GOFF 12500		EAGLE DISTRICT	12.7	GENERAL SYSTEM PU
8218077		4704700735	108	B F COFFMAN 12438		ELKHORN	20.2	GENERAL SYSTEM PU
8218071		4700100708	108	CONSOLIDATION COAL CO 12415		PLEASANT DISTRICT	12.6	GENERAL SYSTEM PU
8218110		4703301116	108	DAISY HEATHERLY 11947		EAGLE DISTRICT	10.5	GENERAL SYSTEM PU
8218075		4703301124	108	DENNIS C BATES 12397		EAGLE	21.5	GENERAL SYSTEM PU
8218093		4709701491	108	F W CUNNINGHAM 12298		WARREN DISTRICT	1.4	GENERAL SYSTEM PU
8218074		4703301040	108	L F BOND 11657		EAGLE	13.7	GENERAL SYSTEM PU
8218081		4703301931	108	L H COFFMAN 12281		EAGLE DISTRICT	13.4	GENERAL SYSTEM PU
8218083		4703302569	108	LANDERS HARBERT 12567		SIMPSON DISTRICT	1.2	GENERAL SYSTEM PU
8218078		4707700200	103	M R LODGE 12708		LYON DISTRICT	1.3	GENERAL SYSTEM PU
8218073		4700100945	108	PAULINE F SMITH 12609		PHILIPPI	10.6	GENERAL SYSTEM PU
8218076		4703301938	108	RUBY A GALL 12360		ELK DISTRICT	13.0	GENERAL SYSTEM PU
8218082		4702103453	108	RUTH SMITH WILEY 12553		DEKALB DISTRICT	11.2	GENERAL SYSTEM PU

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JD NO	JA ENT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	FURCHASER
8218072		4700100745	108	RECEIVED:	WILLA STALNAKER 121C3	PHILIPPI	11.5	GENERAL SYSTEM PU
8218128	-D C MALCOLM INC	4703923723	107-DV	RECEIVED:	ALDERSON #2	BLUJ CREEK	36.0	COLUMBIA GAS TRAN
8218101	-EASTERN AMERICAN ENERGY CORPORATION	4702103748	103	RECEIVED:	HARDMAN #1	GLENNVILLE NORTH	70.0	CONSOLIDATED GAS
8218107		4702103748	107-DV	RECEIVED:	HARDMAN #1	GLENNVILLE NORTH	70.0	CONSOLIDATED GAS
8218094		4702103768	107-DV	RECEIVED:	HARDMAN #3	GLENNVILLE NORTH	55.0	CONSOLIDATED GAS
8218100		4702103768	103	RECEIVED:	HARDMAN #3	GLENNVILLE NORTH	55.0	CONSOLIDATED GAS
8218126	-GLENN L HAUGHT & SONS	4708504218	108	RECEIVED:	A J LAYFIELD H-686	GRANT DISTRICT	12.0	CONSOLIDATED GAS
8218112		4708504419	108	RECEIVED:	A J LAYFIELD H-687	GRANT DISTRICT	12.0	CONSOLIDATED GAS
8218113		4708504420	108	RECEIVED:	A J LAYFIELD H-688	GRANT DISTRICT	12.0	CONSOLIDATED GAS
8218114		4708504422	108	RECEIVED:	CHARLES SWADLEY H-701	MURPHY DISTRICT	11.3	CONSOLIDATED GAS
8218102		4708504423	108	RECEIVED:	CHARLES SWADLEY H-702	MURPHY DISTRICT	11.3	CONSOLIDATED GAS
8218105		4708504428	108	RECEIVED:	CHARLES SWADLEY H-707	MURPHY DISTRICT	11.3	CONSOLIDATED GAS
8218106		4708504429	108	RECEIVED:	CHARLES SWADLEY H-708	MURPHY DISTRICT	11.3	CONSOLIDATED GAS
8218103		4708504427	108	RECEIVED:	M MOATS H-706	GRANT DISTRICT	16.5	CONSOLIDATED GAS
8218104		4708504430	108	RECEIVED:	M MOATS H-709	GRANT DISTRICT	16.5	CONSOLIDATED GAS
8218131	-HAUGHT INC	4707301058	107-DV	RECEIVED:	CROSSER HEIRS H-1224	UNION DISTRICT	15.0	COLUMBIA GAS TRAN
8218092	-J & J ENTERPRISES INC	4704122570	108	RECEIVED:	B-251	HACKER'S CREEK	9.7	CONSOLIDATED GAS
8218091		4703322023	108	RECEIVED:	B-265	EAGLE	100.0	CONSOLIDATED GAS
8218116		4700101305	103	RECEIVED:	B-310	VALLEY	0.0	PETRO-LEWIS CORP
8218117		4700101271	103	RECEIVED:	B-311	VALLEY	0.0	PETRO-LEWIS CORP
8218133		4700101454	103	RECEIVED:	B-381	ELK	0.0	CONSOLIDATED GAS
8218137		4703302477	103	RECEIVED:	B-395	TENMILE	0.0	CONSOLIDATED GAS
8218134		4700101456	103	RECEIVED:	B-402	UNION	0.0	CONSOLIDATED GAS
8218138		4703302451	103	RECEIVED:	B-405	UNION	0.0	CONSOLIDATED GAS
8218115		4703302549	103	RECEIVED:	B-421	CLARK	0.0	CONSOLIDATED GAS
8218135		4708300380	103	RECEIVED:	J-403	SARDIS	0.0	CONSOLIDATED GAS
8218135		4708300421	103	RECEIVED:	J-405	ROARING CREEK	0.0	PETRO-LEWIS CORP
8218111	-JAMES F SCOTT	4703302459	103	RECEIVED:	GOLDEN DAVIS S-317	UNION	0.4	CONSOLIDATED GAS
8218108		4701702979	103	RECEIVED:	STANLEY RICHARDS #2 S 343	GREENBRIER	30.0	CONSOLIDATED GAS
8218070	-MICHAEL J MILLER	4702111749	108	RECEIVED:	RADER #2	UNION	3.7	CONSOLIDATED GAS
8218099	-NRM PETROLEUM CORPORATION	4700101462	103	RECEIVED:	BILLER #1	BARKER	0.0	COLUMBIA GAS TRAN
8218098		4700101367	103	RECEIVED:	BILLER #3	BARKER	0.0	COLUMBIA GAS TRAN
8218096		4709702049	103	RECEIVED:	PREISSE-DENNISON #1	UNION	0.0	COLUMBIA GAS TRAN
8218095		4709702208	103	RECEIVED:	STRADER-ZIRKLE #1	WASHINGTON	0.0	COLUMBIA GAS TRAN
8218097		4709702120	103	RECEIVED:	ZICKEFOOSE "B" #1	WASHINGTON	0.0	COLUMBIA GAS TRAN
8218088	-PETRO-LEWIS CORPORATION	4700125060	108	RECEIVED:	MARTIN #1	VALLEY	5.1	PARTNERSHIP PROPE
8218089		4700125880	108	RECEIVED:	TKE DUCKWORTH	VALLEY	2.6	PARTNERSHIP PROPE
8218090		4700130614	108	RECEIVED:	TKE SUDER B#1	VALLEY DISTRICT	4.0	PARTNERSHIP PROPE
8218087		4700120505	108	RECEIVED:	WILSON A-2	VALLEY	6.4	PARTNERSHIP PROPE
8218132	-SENECA-UPSHUR PETROLEUM CO	4705900957	107-DV	RECEIVED:	C-6	HARDEE	30.0	COLUMBIA GAS TRAN
8218119	-SWIFT ENERGY CO	4702103771	103	RECEIVED:	ALLEN NO 1-A	GLENNVILLE NORTH	50.0	
8218120		4702103786	103	RECEIVED:	WELCH #4	GLENNVILLE NORTH	50.0	

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JD NO	JA	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	FRUL	PURCHASER
8218122	THOMAS D COFFMAN INC	4708703405	RECEIVED: 02/05/82	JA: WV	107-DV	WALTON DISTRICT	25.0	COLUMBIA GAS TRAN
8218084	UNITED OPERATING COMPANY	4701702532	RECEIVED: 02/05/82	C F MARKS #1 ROA-3405	108	CABIN RUN	9.0	CONSOLIDATED GAS
8218085		4701702544		JA: WV	108	CABIN RUN	3.0	CONSOLIDATED GAS
8218118	UNITED PETRO LTD	4701303202	RECEIVED: 02/05/82	GOLDIE WILSON 1-A	103	RUSSETT	6.0	CONSOLIDATED GAS
				GOLDIE WILSON 1-B				
				JA: WV				
				W VA PULP & PAPER #1				

				DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER, CO				

				RECEIVED: 02/08/82	103	SOONER	110.0	KANSAS-NEBRASKA N

				DUNCAN-FEDERAL #1				

				RECEIVED: 02/08/82	107-TF	GARFIELD II UNIT	146.0	NORTHWEST PIPELIN

				RIFLE WALTON 25-2	102-2	GARFIELD II UNIT	146.0	NORTHWEST PIPELIN

				RECEIVED: 02/08/82	108	SEGUNDO CANYON	0.0	NORTHWEST PIPELIN

				SEGUNDO 23-4	108	WESTWATER	2.0	NORTHWEST PIPELIN

				RECEIVED: 02/08/82	107-TF	BRYSON CANYON	130.0	SOUTHWEST GAS COR

				WESTWATER E-5				

				RECEIVED: 02/08/82	107-TF			

				WILSON USA #33-2				

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 March 22, 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 (1000 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. 82-6079 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 602]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 2, 1982.

JD VC	JA -AT	API NO	C SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
LOUISIANA OFFICE OF CONSERVATION								

RECEIVED: 02/03/82								
8217804	81-2239	1707320941	108		NORTH MONROE LAND CORP #1	MONROE	7.4	IMC PIPELINE CO I
8217803	81-2240	1707320931	108		NORTH MONROE LAND CORP #2	MONROE	7.0	IMC PIPELINE CO I
8217802	81-2241	1707320925	108		NORTH MONROE LAND CORP #3	MONROE	4.0	IMC PIPELINE CO I
8217801	81-2242	1707320938	108		NORTH MONROE LAND CORP #4	MONROE	4.4	IMC PIPELINE CO I
RECEIVED: 02/03/82								
8217600	81-2243	1707320612	108		LEDOUX-BROCKMAN #1	MONROE	6.5	IMC PIPELINE CO I
RECEIVED: 02/03/82								
8217799	81-2244	1711120655	108		MEDLIN #2	MONROE	4.0	CENTRAL TRANSMISS

OHIO DEPARTMENT OF NATURAL RESOURCES								

RECEIVED: 02/04/82								
RECEIVED: 02/04/82								
8217845		3410322555	107-TF		HERRMANN #4	GRANGER	5.5	COLUMBIA GAS TRAN
8217846		3410322749	107-TF		KRJEGER #2	GRANGER	5.5	COLUMBIA GAS TRAN
RECEIVED: 02/04/82								
8217847		3412723298	107-TF		COCKE #1-A	MONROE TWP	6.0	COLUMBIA GAS TRAN
8217848		3412725361	103		107-TF CROTHERS #1-A	MONROE TWP	6.0	COLUMBIA GAS TRAN
RECEIVED: 02/04/82								
8217849		3416726504	103		FLEMING #1	ADAMS	12.0	
8217850		3412122400	103		107-TF RAYLE KEITH #2	JACKSON	0.0	
RECEIVED: 02/04/82								
8217851		3415520023	107-TF		CLISBY #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8217852		3415520025	107-TF		POWELL RICHARDSON #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
RECEIVED: 02/04/82								
8217853A		3407523445	103		SMITH #1	NASHVILLE	10.0	
8217853B		3407523445 D	107-TF		SMITH #1	NASHVILLE	10.0	
RECEIVED: 02/04/82								
8217854		3410322812	103		107-TF V EVERHARD #2	SHARON	12.0	
RECEIVED: 02/04/82								
8217856		3415123621	103		J BURTON 1-341123	MARLBORO	36.5	
8217855		3401921414	103		MARY SAVAGE 2-341058	ROSE	36.5	
RECEIVED: 02/04/82								
8217857		3411925850	103		107-TF G H MILLER #5	RICH HILL	0.0	COLUMBIA GAS TRAN
8217858		3411925907	103		107-TF R MCKEE #1	RICH HILL	0.0	COLUMBIA GAS TRAN
RECEIVED: 02/04/82								
8217860		3411122175	107-DV		ARTHUR DALE MELLINGER #1	MALAGA	8.0	TEXAS EASTERN TRA
RECEIVED: 02/04/82								
8217862		3410322337	107-TF		BOSWELL #1	SPENCER	10.0	COLUMBIA GAS TRAN
8217867		3410322679	107-TF		F & M KOSTECKI #2	SPENCER	10.0	COLUMBIA GAS TRAN

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JD NO	JA DXT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROC	PURCHASER
8217866		3410322584	107-TF	F SCHRITZ #1	SPENCER	7.0	COLUMBIA GAS TRAN	
8217865		3410322567	107-TF	HANTZ #1	SPENCER	8.5	COLUMBIA GAS TRAN	
8217861		3410322274	107-TF	ROBERT & GOLDIE MACE #1	WESTFIELD	6.0	COLUMBIA GAS TRAN	
8217864		3410322561	107-TF	SHAWNEE LAKE PARK #1	SPENCER	12.0	COLUMBIA GAS TRAN	
8217863		3410322338	107-TF	SUPER #1	SPENCER	7.5	COLUMBIA GAS TRAN	
			RECEIVED:	02/04/82				
8217872A		3412725348	103	SHERMAN E BROWN #1	JACKSON	12.0	COLUMBIA GAS TRAN	
8217872B		3412725348	107-TF	SHERMAN E BROWN #1	JACKSON	12.0	COLUMBIA GAS TRAN	
			RECEIVED:	02/04/82				
8217870		3410322700	107-TF	A L KEIPER #1	WESTFIELD	24.0	COLUMBIA GAS TRAN	
8217869		3410322493	107-TF	CHARLOTTE & JOHN AMHEISER #1	GUILFORD	12.0	COLUMBIA GAS TRAN	
8217871		3410322787	107-TF	E SCHORLE #1	MILTON	20.0	COLUMBIA GAS TRAN	
8217868		3410322423	107-TF	LAURENCE WILKENS #1	GUILFORD	24.0	COLUMBIA GAS TRAN	
			RECEIVED:	02/04/82				
8217873		3412725363	103	107-TF MCGOVERN E #5-1	NEW LEXINGTON	10.0		
			RECEIVED:	02/04/82				
8217874		3410322621	103	107-TF HARRIS #1	GRANGER	20.0		
			RECEIVED:	02/04/82				
8217876		3416726713	107-DV	GRIFFIN #1	DEVONIAN SHALE	0.0	COLUMBIA GAS TRAN	
8217875		3416726701	107-DV	L M BARTLETT #1	DEVONIAN SHALE	0.0	COLUMBIA GAS TRAN	
			RECEIVED:	02/04/82				
8217877		3411925900	103	GEORGE SHAW #1	CASS	2.0	NATIONAL GAS & OI	
8217878		3411925923	103	LEONARD & DOROTHY SMITH #1	JACKSON	3.0	COLUMBIA GAS TRAN	
			RECEIVED:	02/04/82				
8217879		3412725337	103	L WALTERS #2-B	HOPEWELL-PERRY	18.0	NAT'L GAS & OIL C	
			RECEIVED:	02/04/82				
8217880A		3412725202	103	COBLE #2	HOPEWELL	12.0	COLUMBIA GAS TRAN	
8217880B		3412725202	107-TF	COBLE #2	HOPEWELL	12.0	COLUMBIA GAS TRAN	
			RECEIVED:	02/04/82				
8217881		3403124521	103	TWILA BURCH #1	NEW CASTLE	1.5	COLUMBIA GAS TRAN	
			RECEIVED:	02/04/82				
8217882		3410322323	103	107-TF ALVIN & MARJORIE STAUFER #1	GRANGER	7.0	COLUMBIA GAS TRAN	
8217883		3413321935	103	107-TF WASON INDUSTRIAL CENTRE SECOND #1	AURORA	0.0	EAST OHIO GAS CO	
			RECEIVED:	02/04/82				
8217884		3410322769	107-TF	RICHARD DETWILER #1	SEVILLE	10.0	COLUMBIA GAS TRAN	
			RECEIVED:	02/04/82				
8217886		3412725162	107-TF	DOBBS/SIMMONS #1	CLAYTON	10.0	COLUMBIA GAS TRAN	
8217887		3412725264	107-TF	FORAKER/KEINER #2	CLAYTON	10.0	COLUMBIA GAS TRAN	
8217888		3412725266	107-TF	FORAKER/KEINER #3	CLAYTON	10.0	COLUMBIA GAS TRAN	
8217889		3412725313	107-TF	MILDRED HAMMOND #1	CLAYTON	10.0	COLUMBIA GAS TRAN	
8217885		3412725158	107-TF	TAYLOR/DOBBS #1	CLAYTON	12.8	COLUMBIA GAS TRAN	
			RECEIVED:	02/04/82				
8217884		3411923875	107-TF	ROARK #1	ROARK	0.0		
			RECEIVED:	02/04/82				
8217890		3411925948	103	107-TF KLINE #5	MONROE	13.0		
			RECEIVED:	02/04/82				
8217891		3411924615	107-TF	N MOORE #1	BLUE ROCK	10.0	WILLISTON OIL COR	
8217892		3411924621	107-TF	RIBBLE #1	HARRISON	24.0	COLUMBIA GAS TRAN	
8217893		3413322679	107-TF	SEMAN #1	SHALERSVILLE	24.0	PERKINS DRILLING	
8217894		3413322680	107-TF	SEMAN #2	SHALERSVILLE	24.0	PERKINS DRILLING	
			RECEIVED:	02/04/82				
8217895		3415123354	103	107-TF KAMERER UNIT #1	LAKE	5.5	REPUBLIC STEEL CO	

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JD NO	JA JKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MAJ									
8217896		3413120054		RECEIVED:	02/04/82	PAUL & AMY BAPT #1	BEAVER	10.7	
-MID-ATLANTIC OIL CO									
8217899		3411522166		RECEIVED:	02/04/82	JA: OH	CENTER	20.0	EAST OHIO GAS CO
-MILLER DAY ISELI ENERGY CO.									
8217900		3411122450		RECEIVED:	02/04/82	JA: OH	CENTER	145.0	RIVER GAS CO
-NATIONAL PETROLEUM CORP									
8217920		3400720834		RECEIVED:	02/04/82	DEBOW #1	LENEX	15.0	OHIO GAS CO
8217921		3400720835				DEBOW #2	LENEX	15.0	OHIO GAS CO
8217919		3436720833				DEBOW #3	LENEX	15.0	OHIO GAS CO
8217918		3400720832				DEBOW #4	LENEX	15.0	OHIO GAS CO
8217915		3400720813				EWING #6	LENEX	15.0	OHIO GAS CO
8217916		3400720814				EWING #7	LENEX	15.0	OHIO GAS CO
8217922		3400720861				EWING TANSEY #1	NEW LYME	15.0	OHIO GAS CO
8217936		3400722824				HUSTON #1	WASHINGTON	15.0	OHIO GAS CO
8217937		3411122454				J PABST & M ADAMS #1	MONROE	15.0	TEXAS EASTERN TRA
8217934		3400721445				KENYON NELSON #3	JEFFERSON	15.0	OHIO GAS CO
8217928		3400721146				KENYON NELSON #4	JEFFERSON	15.0	OHIO GAS CO
8217917		3400720815				LENGYEL #1	LENEX	15.0	OHIO GAS CO
8217909		3400720764				LENGYEL #2	LENEX	15.0	OHIO GAS CO
8217914		3400720808				LENGYEL #3	LENEX	15.0	OHIO GAS CO
8217910		3400720767				LENGYEL #4	LENEX	15.0	OHIO GAS CO
8217911		3400720803				MARCH #1	LENEX	15.0	OHIO GAS CO
8217912		3400720805				MARCH #2	JEFFERSON	15.0	OHIO GAS CO
8217913		3400720806				MARCH #3	JEFFERSON	15.0	OHIO GAS CO
8217924		3400720891				NELSON #2	JEFFERSON	15.0	OHIO GAS CO
8217926		3400720960				OHIO LAND & TIMBER #1	LENEX	15.0	OHIO GAS CO
8217925		3400720959				OHIO LAND & TIMBER #3	LENEX	15.0	OHIO GAS CO
8217927		3400720997				RAMEY #1	LENEX	15.0	OHIO GAS CO
8217930		3400721394				REINKE #2	JEFFERSON	15.0	OHIO GAS CO
8217935		3400722676				ROBINSON #4	JEFFERSON	15.0	OHIO GAS CO
8217923		3400720890				SMITH #3	SALEM	15.0	OHIO GAS CO
8217929		3400721254				ZORMAN #1	LENEX	15.0	OHIO GAS CO
8217933		3400721410				ZORMAN HENERY PORT #1	LENEX	15.0	OHIO GAS CO
8217932		3400721409				ZORMAN HENERY PORT #2	LENEX	15.0	OHIO GAS CO
8217931		3400721408				ZORMAN HENERY PORT #3	LENEX	15.0	OHIO GAS CO
-NEW FRONTIER EXPLORATION INC									
8217941		3412122655		RECEIVED:	02/04/82	JA: OH	NOBLE	19.0	
8217940		3412122553		103	107-TF	DONALD SLATER #1	MARION	20.0	COLUMBIA GAS TRAN
8217938		3410322581		103	107-TF	EDWARD CONVERSE #1	WADSWORTH	18.0	
8217939		3410322582		103	107-TF	LANDTREK PARTNERSHIP #1	WADSWORTH	18.0	
-NOBLE OIL CORP									
8217943		3413322676		RECEIVED:	02/04/82	JA: OH	PALMYRA	20.0	GENERAL ELECTRIC
8217942		3413322561		107-TF		AEMMER #3	PALMYRE	20.0	GENERAL ELECTRIC
-NORTHEASTERN ENERGY									
8217945		3410322685		RECEIVED:	02/04/82	JA: OH	WADSWORTH	21.0	EAST OHIO GAS CO
8217944		3410321839		103	107-TF	BALDWIN WELL #1	GUILFORD	21.0	EAST OHIO GAS CO
-OAK DALE DRILLING CO									
8217906		3412725240		RECEIVED:	02/04/82	JA: OH	READING	5.0	NATIONAL GAS & OI
-OILTECH INC									
8217907		3407522390		RECEIVED:	02/04/82	JA: OH	MECHANICS	0.0	COLUMBIA GAS TRAN
8217908		3407522524		107-TF		HORACE A DUTTON #4	MECHANICS	0.0	COLUMBIA GAS TRAN
-OXFORD OIL CO									
				RECEIVED:	02/04/82	JA: OH	MECHANICS	0.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8217948		3412122643	107-TF		FRANK TILTON #1	OLIVE	12.0	
8217946		3411925639	107-TF		GREG GARRETT #1	CLAY	11.0	
8217947		3411925765	107-TF		LLOYD RUCKER #1	NEWTN	12.0	
-PENN-OHIO ENERGY CORP			RECEIVED:	02/04/82	JA: OH			
8217949		3407522823	103		ANTHONY & ANNE CELEBREZZE #2	KILLBUCK TOWNSHIP	25.0	COLUMBIA GAS TRAN
-REPUBLIC STEEL CORP			RECEIVED:	02/04/82	JA: OH			
8217952		3411925910	103		107-TF CONSOLIDATION COAL-CR #19	MADISON	15.0	COLUMBIA GAS TRAN
-RMR PETROLEUM CORP			RECEIVED:	02/04/82	JA: OH			
8217950		3412122437	107-DV		JAMES BETTINGER #5	ELK	100.0	
-RPJ ENERGY FUND MANAGEMENT INC			RECEIVED:	02/04/82	JA: OH			
8217951		3411925913	107-TF		WILSON UNIT #1	NEW CONCORD	100.0	
-S & S OIL CO			RECEIVED:	02/04/82	JA: OH			
8217953		3400922323	103		OTTO & N DAMSE AL & B CHRISTMAN	BERN	12.0	
-SANDHILL ENERGY INC (OH)			RECEIVED:	02/04/82	JA: OH			
8217954		3411121890	103		DALLAS RANDOLPH #1	WASHINGTON	7.5	
8217956		3411126520	103		K R & DONNA TAYLOR #2	NEW MATAMORAS	18.8	
8217955		3411122392	103		KENNETH TAYLOR #1	BENTON	10.0	
8217958		3416726610	103		LEWIS HACKATHORN #2	NEW MATAMORAS	18.8	
8217957		3416726536	103		ROAM ADKINS #2	RINARD MILLS	12.5	
-SANTA FE DRILLING CO INC			RECEIVED:	02/04/82	JA: OH			
8217959		3412122044	103		RAYMOND & FREDA BAKER *HEIRS* #3	ELK	50.0	
-SCHRIMSHER OIL & GAS EXPLORATION			RECEIVED:	02/04/82	JA: OH			
8217960		3410322703	103		107-TF WAGAR #1	GRANGER	20.0	COLUMBIA GAS TRAN
-SHELDON L TURRILL			RECEIVED:	02/04/82	JA: OH			
8217978		3412725291	103		F E CRANDALL #1	THORN	10.0	NATIONAL GAS & OI
-SHELLY & SANDS OIL CO			RECEIVED:	02/04/82	JA: OH			
8217962		3400922366	103		CLINTON E BROWN #2	AMES	12.0	
8217963		3411522524	107-TF		GLEN & MARIE PLETCHER #1	YORK	13.0	
8217964		3411522549	107-TF		JAMES F SHAW #1	YORK	12.0	
8217961		3400922365	103		JOSEPH & BEVERLY LUCAS #1	CANAAN	12.0	
-SHIELD DRILLING CO			RECEIVED:	02/04/82	JA: OH			
8217965		3416726670	103		CAROL S LOVE #4	LIBERTY	20.0	
-SKY PETROLEUM CORP			RECEIVED:	02/04/82	JA: OH			
8217967		3411925665	103		GENTRY OIL CO #1	LICKING TWP	0.0	
8217968		3411925665	103		GENTRY OIL CO #2	LICKING TWP	0.0	
-SMITH SHAFER SMITH (A PARTNERSHIP)			RECEIVED:	02/04/82	JA: OH			
8217969		3416922971	103		JOHN & MARIAN WISE #3	CONGRESS	5.0	COLUMBIA GAS TRAN
-STONE OIL & GAS CO			RECEIVED:	02/04/82	JA: OH			
8217970		3410322673	103		SARAH STONE #1	GUILFORD	12.0	EAST OHIO GAS CO
-SUPERIOR PETROLEUM INC			RECEIVED:	02/04/82	JA: OH			
8217971		3405922715	103		FAUSNIGHT #1	WHEELING	0.0	COLUMBIA GAS TRAN
-TEMPLE OIL & GAS CO INC			RECEIVED:	02/04/82	JA: OH			
8217972		3411522627	103		JAMES JOSEPH #1	ROCKEY LOCK	10.0	
-THE MUTUAL OIL & GAS COMPANY			RECEIVED:	02/04/82	JA: OH			
8217901		3412122628	103		ORANGE COAL #3-A	ELK	50.0	
8217903		3412122707	103		ORANGE COAL #6-A	ELK	45.0	
8217904		3412122714	103		ORANGE COAL #7-A	ELK	50.0	
8217902		3412122629	103		ORANGE COAL 5-A	ELK	50.0	
8217905		3413322558	103		107-TF STEFANEK #1	NELSON	0.0	EAST OHIO GAS CO
-TIGER OIL INC			RECEIVED:	02/04/82	JA: OH			
8217973		3416726799	107-DV		DICKSON HEIRS #1	GRANDVIEW	0.0	RIVER GAS CO
-TITAN ENERGY CORP			RECEIVED:	02/04/82	JA: OH			
8217976		3411522522	103		107-TF FOREST MATSON #2	WINDSOR	20.0	COLUMBIA GAS TRAN

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JD NO	JA JAT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROG	PURCHASER
8217815	16174	3506300000	RECEIVED:	02/02/82	MILLER #1	EAST LAMAR	8.0	JAY PETROLEUM INC
8217816	16190	3506300000	108		RUTH BROWN #1	GREASY CREEK	3.0	JAY PETROLEUM INC
8217818	16181	3506300000	108		SANDERS #1	EAST LAMAR	12.0	JAY PETROLEUM INC
8217817	16182	3506300000	108		SARKEYS 3-1	EAST LAMAR	10.0	JAY PETROLEUM INC
8217811	16175	3506300000	108		SARKEYS-1	EAST LAMAR	7.0	JAY PETROLEUM INC
8217814	16179	3506300000	108		SUNRAY ECKLES #1	EAST LAMAR	5.0	JAY PETROLEUM INC
8217813	16177	3506300000	108		SUNRAY ECKLES #2	EAST LAMAR	4.0	JAY PETROLEUM INC
8217812	16175	3506300000	108		THOMPSON #1	GREASY CREEK	3.0	JAY PETROLEUM INC
8217891	11335	3501700000	RECEIVED:	02/02/82	PHILLIPS #1-15	NORTH MUSTANG	0.0	MOBIL OIL CORP
8217829	12101	3504520874	RECEIVED:	02/02/82	MCCONNELL #1-5		23.2	DELHI GAS PIPELIN
8217835	12594	3510721033	RECEIVED:	02/02/82	CRAWFORD #1	BRYANT	60.0	PHILLIPS PETROLEU
8217839	10102	35093522044	RECEIVED:	02/02/82	SHOLTESS #2	MJ OKEEVE	0.0	DELHI GAS PIPELIN
8217831	12424	3505121026	RECEIVED:	02/02/82	FRITTS #5	WEST MARLOW	58.4	ARKANSAS LOUISIAN
8217830	12187	3501720672	RECEIVED:	02/02/82	LUNNON A #1	N W RICHLAND	4.8	OKLAHOMA GAS & EL
8217820	12578	3505120875	RECEIVED:	02/02/82	MCCONNELL #A #1		0.0	TRANSOK PIPELINE
8217842	11508	3515121144	RECEIVED:	02/02/82	WOODLEY-POST #1	NE WAYNOKA	0.0	PANHANDLE EASTERN
8217826	12277	3508300000	RECEIVED:	02/02/82	BRIDAL #A #1	CASHION	20.8	CHAMPLIN PETROLEU
8217843	11920	3510320695	RECEIVED:	02/02/82	KEHRES NO 1	NORTHWEST PERRY	10.3	ARCO OIL & GAS CO
8217840	10181	3508100000	RECEIVED:	02/02/82	ANDERSON #1	SOUTH CARNEY	17.2	SUN GAS CO
8217809	12601	3509322145	RECEIVED:	02/02/82	GILCHRIST 1-36	S E CHESTER	255.0	PHILLIPS PETROLEU
8217888	12600	3515121091	RECEIVED:	02/02/82	WILSON 4-14	N E LOVEDALE	75.0	EL GRANDE PIPELIN
8217833	12544	3507323090	RECEIVED:	02/02/82	RALPH WITTRICK #1	OKARCHE N E	73.0	CONOCO INC
8217823	10493	3511921393	RECEIVED:	02/02/82	MCCUAIN #1	UNKNOWN	1.0	
8217824	11973	3507323052	RECEIVED:	02/02/82	WILBUR 1-27		182.5	PHILLIPS PETROLEU
8217810	12603	3507323100	RECEIVED:	02/02/82	VRSKA #2	SOONER TREND	7.0	EASON OIL CO
8217821	12624	3501721915	RECEIVED:	02/02/82	SUMNER 4-1	YUKON	321.0	CONOCO INC
8217806	12585	3515121162	RECEIVED:	02/02/82	BIB UNIT #1-13	NORTH GREENSBURG	365.0	DELHI GAS PIPELIN
DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE, LA								
8217788	61-2428	1770840500	RECEIVED:	02/02/82	JA: LA 3		2190.0	TRANSCONTINENTAL
8217781	61-2461	1770940441	RECEIVED:	02/02/82	JA: LA 3		600.0	SOUTHERN NATURAL
8217779	61-2462	1770940441	RECEIVED:	02/02/82	JA: LA 3		204.0	SOUTHERN NATURAL

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JD	NJ	JA	JKT	API	NO	D	SEC(1)	SEC(2)	WELL	NAME	FIELD	NAME	PROC	PURCHASER
-	EXXON	821775	61-2210	1781740121	102-5	RECEIVED:	02/02/82	JA: LA 3			MISSISSIPPI CANYON	440.0	SOUTHERN NATURAL	
		821778	61-2447	1771540418	102-1		0CS-G 2970 #A-7				SOUTH TIMBALIER	3000.0	TRUNKLINE GAS CO	
-	GULF	821778	61-2357	1770940447	102-5	RECEIVED:	02/02/82	JA: LA 3			EUGENE ISLAND	4400.0	SEA ROBIN PIPELIN	
		821779	61-2276	1770940451	102-5		EUGENE ISL BLK 252 OCS-G 0983 #616				EUGENE ISLAND	5400.0	SEA ROBIN PIPELIN	
-	KERR-MCGEE	821778	61-2441	1771540343	102-1	RECEIVED:	02/02/82	JA: LA 3			SOUTH TIMBALIER	0.0	TENNESSEE GAS PIP	
		821779	61-2255	1771340058	102-5		0CS-072 #338				SOUTH PELTO 20 FIELD	365.0	TRANSCONTINENTAL	
		821778	61-2256	1771340058	102-5		0CS-072 #33F				SOUTH PELTO 20 FIELD	1095.0	TRANSCONTINENTAL	
-	SHELL	821777	61-2395	1781740142	102-5	RECEIVED:	02/02/82	JA: LA 3			MISSISSIPPI CANYON	0.0	SOUTHERN NATURAL	
		821778	61-2394	1781740109	102-5		MC 311 OCS-G 2968 #A-11				MISSISSIPPI CANYON	0.0	SOUTHERN NATURAL	
		821776	61-2247	1770540319	102-5		0CS-G 1133 A-8A				VERMILION	0.0	SEA ROBIN PIPELIN	
		821779	61-2434	1770440472	102-1		0CS-G 4101 JA-1				EAST CAMERON	5500.0	SOUTHERN NATURAL	
		821778	61-2433	1770440517	102-1		0CS-G 4101 JA-5				EAST CAMERON	20.0	SOUTHERN NATURAL	
-	UNION OIL	821778	61-2440	1771540435	102-1	RECEIVED:	02/02/82	JA: LA 3			SOUTH TIMBALIER	91.0	TENNESSEE GAS PIP	
		821779	61-2390	4270940410	102-5		0CS-G 4000 #A-1J				HIGH ISLAND BLK A-561	1074.0	COLUMBIA GAS TRAN	
		821779	61-2091	4270940417	102-5		0CS-G-2712 #A-3D				HIGH ISLAND BLK A-561	183.0	COLUMBIA GAS TRAN	
		821777	61-2092	4270940463	102-5		0CS-G-2712 #A-40				HIGH ISLAND BLK A-561	41.0	COLUMBIA GAS TRAN	
		821776	61-2093	4270940463	102-5		0CS-G-2712 #A-7				HIGH ISLAND BLK A-561	155.0	COLUMBIA GAS TRAN	
		821778	61-2094	4270940479	102-5		0CS-G-2712 #A-7D				HIGH ISLAND BLK A-561	926.0	COLUMBIA GAS TRAN	
-	WCMORAN	821778	61-2254	4271140506	102-5	RECEIVED:	02/02/82	JA: TX 3			HIGH ISLAND	1460.0		
		821778	61-2282	4271140508	102-5		0CS-G 2728 #A-4 (SI-1)				HIGH ISLAND	1940.0		
		821779	61-2281	4271140507	102-5		0CS-G 2729 #A-5				HIGH ISLAND	1240.0		

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 March 22, 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 (1000 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. 82-6078 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-2-001 and RP81-72]

El Paso Natural Gas Co.; Notice of Tariff Filing

March 2, 1982.

Take notice that on February 23, 1982, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, the following revised tariff sheets to its FERC Gas Tariff:

Tariff Volume and Tariff Sheet

Original Volume No. 1—Substitute Twenty-ninth Revised Sheet No. 3-B; Substitute Thirtieth Revised Sheet No. 3-B
 Third Revised Volume No. 2—Substitute Twentieth Revised Sheet No. 1-D; Substitute Twenty-first Revised Sheet No. 1-D

Original Volume No. 2A—Substitute Twenty-second Revised Sheet No. 1-C

El Paso states that the revised tariff sheets, when accepted for filing and permitted to become effective, will (i) set forth the Statement of Rates contained in El Paso's FERC Gas Tariff, Original Volume No. 1, in a format which reflects the establishment of its ABD Rate Schedules effective December 1, 1981, as approved by the Commission at Docket No. RP82-2-000, and (ii) reflect a 0.65¢ reduction in El Paso's rates for gas service rendered to customers under rate schedules subject to Section 19 (Purchased Gas Cost Adjustment Provision) of the General Terms and Conditions contained in El Paso's FERC Gas Tariff, Original Volume No. 1, effective January 1, 1982.

El Paso states that tendered Substitute Twenty-ninth Revised Sheet No. 3-B to its Original Volume No. 1 Tariff and Substitute Twentieth Revised Sheet No. 1-D to its Third Revised Volume No. 2 Tariff serve to set forth its rates in effect on December 1, 1981 on its Statement of Rates in a format reflecting establishment of the ABD Rate Schedules. El Paso requests that said tariff sheets be permitted to become effective December 1, 1981, the date El Paso was authorized to place the ABD Rate Schedules in effect.

By order issued December 28, 1981 at Docket No. RP81-72, the Commission made effective as of January 1, 1982 certain revised tariff sheets reflecting an increase in the Gas Research Institute ("GRI") Funding Unit Adjustment component of EL Paso's rates for certain sales and transportation services. El Paso states that the rates set forth on said tariff sheets were the rates reflected on the revised tariff sheets then pending as part of its notice of change in rates¹ plus the increase in the GRI Funding Unit Adjustment. EL Paso further states that tendered Substitute Thirtieth Revised Sheet No. 3-B to its Original Volume No. 1 Tariff, Substitute Twenty-first Revised Sheet No. 1-D to its Third Revised Volume No. 2 Tariff and Substitute Twenty-second Revised Sheet No. 1-C to its Original Volume No. 2A Tariff serve to reduce its rates under rate schedules subject to the Purchased Gas Cost Adjustment Provision contained in its Original Volume No. 1

¹On October 30, 1981, El Paso filed revised and alternative revised tariff sheets as part of its notice of change in rates filed August 31, 1981 at Docket No. TA82-1-33-000. The revised tariff sheets reflected a net adjustment of 60.43¢ per Mcf in El Paso's rates while the alternative revised tariff sheets provided for a net adjustment of 59.78¢ per Mcf. By order issued February 9, 1982, the Commission rejected the revised tariff sheets and accepted the alternative revised tariff sheets effective October 1, 1981, subject to refund.

Tariff, which reduced rates are the rates in effect on January 1, 1982 plus the authorized increase in the GRI Funding Unit Adjustment. El Paso requests that said tariff sheets be permitted to become effective January 1, 1982, the date El Paso was authorized to increase the GRI Funding Unit Adjustment component of its rates.

El Paso states that copies of the filing have been served upon all of its interstate transmission system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before March 19, 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). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
 Secretary.

[FR Doc. 82-6075 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-492-021]

National Fuel Gas Supply Corp. and Penn-York Energy Corp.; Notice of Petition To Amend

March 2, 1982.

Take notice that on February 1, 1982, National Fuel Gas Supply Corporation (National), 308 Seneca Street, Oil City, Pennsylvania 16301, and Penn-York Energy Corporation (Penn-York), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP76-492-021 a petition to amend the order issued June 21, 1979, by Opinion No. 42 in the instant docket pursuant to Section 7 of the Natural Gas Act so as to modify the storage service provided by Applicants, 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 in August 1976¹ Applicants filed their original application for long-term authorization to construct and develop two depleted gas reservoirs in Allegany County, New York, (the West Independence and Beech Hill fields) and to operate these in conjunction with the already-certificated East Independence field as gas storage fields.

Specifically, Applicants now request authorization for (a) the injection of up to 37,100,000 Mcf of gas into the East Independence, West Independence and Beech Hill fields including 1,100,000 Mcf of base gas at East Independence over and above the quantity specified in the original application and to inject and withdraw up 23,500,000 Mcf of top gas annually; (b) Penn-York to construct the last eight injection-withdrawal wells and associated gathering lines proposed in this docket; (c) Penn-York to acquire and National to transport 1,100,000 Mcf of additional base gas for injection at East Independence; (d) Penn-York to provide long-term storage service to existing customers, long-term storage service at increased levels to five customers and storage service to a new customer, and (e) National to render storage service to Penn-York through existing facilities for a three-year period.

Penn-York proposes to operate its three storage fields with up to a maximum 23,500,000 Mcf of top gas injection and withdrawal on a long-term basis and to render long-term storage service to the following nineteen customers during the 1982-83 storage year in an amount aggregating 19,397,877 Mcf of gas and aggregating 19,561,620 Mcf of gas thereafter:

Customer	Existing service level ¹	Authorization requested ²
Berkshire	280,000	400,000
Boston	876,620	876,620
Central Hudson	200,000	500,000
Connecticut	1,500,000	1,500,000
Conn. Natural	1,500,000	1,500,000
Delmarva	750,000	750,000
Elizabethtown	1,500,000	1,500,000
Fitchburg	50,000	136,257
Granite	—	2,400,000
Gas Service	100,000	200,000
Haverhill	350,000	350,000
Lowell	2,000,000	2,000,000
Manchester	135,000	135,000
O&R	1,000,000	1,500,000
Penn Fuel	850,000	850,000
Penn & Southern	200,000	200,000
Southern Conn.	150,000	150,000
UGI	4,000,000	4,000,000
Valley	450,000	450,000
Total	15,871,620	19,397,877

¹ As authorized for storage year beginning April 1, 1981 in Mcf.

² Year beginning April 1, 1982 and thereafter in Mcf.

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Applicants further propose that National render 5,400,000 Mcf of storage service to Penn-York in the 1982-83, 1983-84 and 1984-85 storage years subject to Penn-York's option to take less than 5,400,000 Mcf upon proper annual notice to National. It is stated that this service would enable Penn-York to meet its commitments to customers during the remaining three years while Penn-York's storage fields are developed to their operational maximum.

Penn-York also proposes to drill eight wells and lay the gathering lines associated with these wells, and to purchase 1.1 Bcf of base gas from National for injection into the East Independence field.

Penn-York submits in Exhibit P a revised rate to be effective during the 1982-83 storage year. The revised rate is \$1.0705 per Mcf and constitutes a reduction from the \$1.2667 per Mcf rate effective during the 1981-82 storage year. The revised rate is submitted in compliance with the Basic Settlement Agreement dated March 20, 1981, as modified.

In accordance with the Basic Settlement Agreement, as modified, the \$1.0705 per Mcf rate is calculated to recover the unrecovered portion of the three-year cost of service during the period April 1, 1980, through March 31, 1983, computed in a manner consistent with rates previously filed in this proceeding. By this means, "all revenue collected or to be collected over the three-year development period (will be) compared with the costs incurred or to be incurred over the same period." (Opinion No. 122 at p. 10.)

Penn-York requests that a similar approach be implemented for rates to be in effect during the 1983-1984 and 1984-1985 storage years. This procedure will complement the additional two-year period after April 1, 1983, now estimated to be necessary for achieving full development. To effectuate this result, any overrecovery or underrecovery found to result from rates to be in effect during 1982-1983 (based upon the unrecovered cost of service in the April 1, 1980-March 31, 1983, period) would be carried forward as an adjustment to cost of service in determining the new rate to be filed on or before March 1, 1983, which would be effective during the year beginning April 1, 1983. Similarly, any overrecovery or underrecovery during 1983-1984 (based upon unrecovered cost of service in the April 1, 1980-March 31, 1984, period) would be carried forward as an adjustment to cost of service in

determining the new rate to be filed on or before March 1, 1984, which would be effective during the year beginning April 21, 1984. Accordingly, the rates to be in effect during the year beginning April 1, 1982, would not be subject to refund as contemplated in the Basic Settlement Agreement, but the rate to be in effect during the year beginning April 1, 1984 (which is the year when full development is anticipated), would be subject to refund. Consistent with this approach, a long-term rate would be filed no later than March 1, 1985, to become effective April 1, 1985, it is asserted.

In calculating the rate to be applicable during 1983-1984 and during 1984-1985, all available actual data for the period April 1, 1980, of the date of preparation of rates would be used in conjunction with forecasted average rate base and forecasted total cost of service for the storage year in question. The calculated cost of service would then be adjusted for over/under recovery as indicated. The amount of over/under recovery from prior years would be determined by using a thirteen month average rate base and calculated return and income taxes consistent with procedures used in preparing Exhibit P. The over/under-recovery adjustment would, among other things, reflect any reduction in estimated storage charge operating expense incurred by Penn-York's election prior to October 1 of a particular year to reduce supplemental storage service, Applicants state.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-6076 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP80-107-008 and TA80-2-26 (AP80-2)]

**Natural Gas Pipeline Co. of America;
Proposed Changes in FERC Gas Tariff**

March 2, 1982.

Take notice that on February 23, 1982, Natural Gas Pipeline Company of America (Natural) submitted revised tariff sheets to be a part of its FERC Gas Tariff, Volume Nos. 1 and 2.

Natural stated that the revised sheets reflect the Base Rate levels that became effective December 1, 1980 through September 30, 1981 pursuant to the provisions of its approved settlement agreement in Docket Nos. RP80-107 and TA80-2-26 (AP80-2).

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, 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 March 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. 82-6077 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3255-001]

Burrows Paper Co.; Application for License (5 MW or Less)

March 4, 1982.

Take notice that Burrows Paper Company (Applicant) filed on January 12, 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 Lyonsdale Project No. 3255. The project would be located on the Moose River in Lewis County, New York. Correspondence with the Applicant should be directed to: Mr. John L. Sterzinar, Manager of Production, P.O. Box 248, Little Falls, New York 13365.

Project Description—The proposed run-of-the-river project would consist of: (1) Three existing concrete overflow dam sections with a total crest length of 182 feet varying in height from 3 to 19 feet, and equipped with 3-foot

flashboards; (2) an existing reservoir covering 9 acres with a gross storage capacity of 50 acre-feet; (3) an existing 35 by 100-foot lined canal; (4) a new concrete intake structure; (5) two new penstocks, 8 and 7 feet in diameter, 52 and 26 feet long respectively, replacing existing penstocks; (6) a new powerhouse, 65 by 32 feet, containing one 1.4 and one 1.0-MW turbine/generator unit, operating under an average head of 33 feet; (7) a re-excavated tailrace; (8) two 4.16-kV transmission lines approximately 100 feet long; and (9) appurtenant facilities. The entire average annual generation of 12.7 million kWh would be used to offset the Applicant's power costs by sale to Niagara Mohawk Power Corporation.

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, on or before May 13, 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 May 13, 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, N.E., 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. 82-6060 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3051-001]

**Central Vermont Public Service Corp.;
Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity**

March 5, 1982.

Take notice that on November 14, 1981, Central Vermont Public Service Corporation (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. 3051) would be located on the Passumpsic River at East Barnet, Caledonia County, Vermont. Correspondence with the Applicant should be directed to: Mr. Darrow R. McLeod, 77 Grove Street, Rutland, Vermont 05701.

Project Description—The proposed project would consist of: (1) A rehabilitated concrete dam, 290 feet long and varying in height from 3 to 12 feet; (2) a new concrete intake flume 50 feet long and 40 feet wide; (3) a new two-part headworks; (4) a new powerhouse measuring 50 by 40 feet; (5) two new vertical generators with a total capacity of 2,200 kW producing an annual average generation of 9 GWh under a head of 29 feet; (6) a new 130-foot tailrace; and (7) appurtenant facilities.

The Applicant was issued a preliminary permit for a period of 24 months for this site on July 25, 1980.

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 Vermont 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 Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 23, 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 Petition 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 April 23, 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, N.E., 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. 82-0081 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-152-000]

El Paso Electric Co.; Order on Appeal From Staff Action, Granting Intervention, and Denying Consolidation of Dockets

Issued: March 1, 1982.

On January 29, 1982, Rio Grande Electric Cooperative (Rio Grande) filed an appeal of an action taken by the Director of the Office of Electric Power Regulation (OEPR)¹ accepting for filing an agreement between El Paso Electric Company (El Paso) and Texas-New Mexico Power Company (TNP), making the proposed rates subject to refund and subject to the outcome of Docket No. ER81-426-000, and terminating Docket No. ER82-152-000. Rio Grande further seeks to consolidate Docket No. ER82-152-000 with Docket No. ER81-426-000.

¹ By letter order issued on December 30, 1981.

On April 24, 1981, in Docket No. ER81-426-000, El Paso filed increased rates for firm service to Rio Grande and TNP.² By order of June 30, 1981, the Commission granted intervention to Rio Grande and TNP, suspended the proposed rates for five months to become effective on December 1, 1981, and established hearing procedures.

On December 11, 1981, in Docket No. ER82-152-000, El Paso filed an agreement between itself and TNP which provides for firm service at an additional TNP delivery point. Notice of that filing was issued on December 24, 1981, with petitions to intervene due on December 28, 1981.³ On December 30, 1981, the Director of OEPR accepted the agreement for filing to become effective, subject to refund, on January 1, 1982. Noting that the proposed rates in both dockets are based on the same cost of service, the Director made the rates and refund provision in Docket No. ER82-152-000 subject to the outcome of the proceeding in Docket No. ER81-426-000, as adjusted for TNP's coincidence at the additional delivery point. The order also stated that Docket No. ER82-152-000 would be deemed terminated unless an appeal was filed within 30 days. On January 29, 1982, Rio Grande filed the instant appeal.

Rio Grande contends that the additional service to be provided to TNP at the new delivery point in Docket No. ER82-152-000 will result in a reduction of El Paso's cost of service with respect to Rio Grande in Docket No. ER81-426-000. According to Rio Grande, these reduced allocated costs should be reflected in reduced rates for firm service provided to Rio Grande and also to TNP at the original delivery point. Rio Grande requests that Docket No. ER82-152-000 not be terminated, but, instead, be consolidated with Docket No. ER81-426-000 where the cost of service issues arising from both dockets can be determined on a combined basis.

Discussion

Upon review of the contentions raised, we believe that it would be inappropriate to adjust the cost of service in Docket No. ER81-426-000 to include the additional service to TNP under Docket No. ER82-152-000. The cost of service in Docket No. ER81-426-000 is based on an adjusted 1980 Period I test year. Rio Grande seeks to further adjust the 1980 test period to include a

² The proposed effective date was July 1, 1981.

³ By letter order issued on December 31, 1981, TNP was granted intervenor status. Rio Grande filed a petition to intervene out of time on January 6, 1982, stating that it had a vital interest in the instant docket.

sale beginning in 1982 without any corresponding adjustments for other 1982 costs. Under the Commission's regulations, El Paso, in Docket No. ER81-426-000, was permitted to adjust its 1980 Period I data only to reflect known and measurable changes affecting revenues and costs prior to its proposed July 1, 1981 effective date (18 CFR 35.13(d)(1)(ii)). Because the sale at issue in Docket No. ER82-152-000 was to commence on January 1, 1982, *i.e.*, after the proposed effective date in Docket No. ER81-426-000, we consider it inappropriate to adjust the Period I data in Docket No. ER81-426-000 to include the sale.

Rio Grande supports its request, in part, by reference to the Director's acknowledgement that the rates in Docket Nos. ER81-426-000 and ER82-152-000 have been derived from the same cost of service data. This fact alone, however, does not present an adequate basis for impugning the integrity of the 1980 test period. At most, it appears to constitute a challenge to the freshness of the data supporting the rate for the new TNP delivery point in a period of significant inflation. Because we find no merit to Rio Grande's position, we shall deny the appeal.

Furthermore, based on the foregoing facts, we find that consolidation of Docket Nos. ER82-152-000 and ER81-426-000 would serve no useful purpose. We note that TNP and El Paso have neither sought consolidation nor supported Rio Grande's request for consolidation. In addition, we support the reasoning behind the Director's letter and we perceive no reason to consolidate the proceedings. Furthermore, the trial schedule in Docket No. ER81-426-000 is in its advanced stages, and to consolidate might have an adverse effect on the expeditious conclusion of that proceeding.

The Commission finds that intervention in this proceeding by Rio Grande is in the public interest and that good cause exists to permit Rio Grande to intervene out of time. Intervention by Rio Grande is appropriate to insure that its interests in the proceeding will be fully preserved. Therefore, the petition to intervene will be granted.

In its pleading, Rio Grande contends that the Director's letter order did not address procedures for the establishment of rates for the extra 15 MW at TNP's new delivery point. However, we note that this matter was addressed in the letter order which indicated that the proposed rates were to be revised based upon the approved cost of service in Docket No. ER81-426-000, as adjusted for the coincidence of

the 15 MW sale at the additional delivery point.

The Commission orders:

(A) Rio Grande's appeal in Docket No. ER82-152-000 is hereby denied.

(B) The petition to intervene in this proceeding is hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *provided, however*, that participation by such intervenor shall be limited to the issues presented in its petition to intervene; and *provided, further*, that the admission of such intervenor shall not be construed as recognition that it might be aggrieved by any order of the Commission in this proceeding.

(C) Rio Grande's request to consolidate Docket No. ER82-152-000 with Docket No. ER81-426-000 is hereby denied.

(D) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-6062 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5710-001]

Empire State Hydro Corp.; Application for Preliminary Permit

March 4, 1982.

Take notice that Empire State Hydro Corporation (Applicant) filed on January 18, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5710 to be known as the Woodstock Dam Project located on Catskill Creek near the Town of Cairo in Greene 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. Michael Tucker, 11 North Pearl Street—Suite 502, Albany, New York 12207.

Project Description—The proposed project would utilize existing facilities consisting of: (1) A 240-foot long and 32-foot high concrete Ambursen-type dam having a 150-foot long spillway section; (2) a sluiceway, a trash rack, a headgate, and an intake channel located at the dam's right (south) side; (3) two short 60-inch diameter penstocks; (4) a reservoir having a surface area of 15 acres and a storage capacity of 200 acre-feet at spillway crest elevation 320 feet MSL; and (5) appurtenant facilities.

Applicant proposes to redevelop the existing facilities and would: (1) Repair the dam and appurtenances; (2) construct

two 400-foot long 60-inch diameter penstocks or one 400-foot long 84-inch diameter penstock; (3) construct a powerhouse containing two generating units having a total rated capacity of 1,800 kW at a head of 60 feet and a flow of 400 cfs or a capacity of 1,200 kW at a head of 40 feet and a flow of 400 cfs; (4) install flashboards; and (5) create a reservoir having a surface area of 22 acres and a storage capacity of 370 acre-feet at normal water surface elevation 328 feet MSL. Applicant estimates that the average annual energy output would be between 3.2 GWh and 4.8 GWh. Project energy would be sold to Central Hudson Gas and Electric 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 18-months, during which time it would perform a technical feasibility study, investigate environmental, recreational, and historic aspects, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be \$75,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 14, 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 May 13, 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 May 13, 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. 82-0063 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER81-588-000]

Florida Power & Light Co.; Order Granting Motion for Imposition of Revised Interim Rates Pending Commission Action on Settlement Proposal

Issued: March 1, 1982.

On February 5, 1982, Florida Power & Light Company (FP&L) filed a motion seeking Commission authorization to impose revised interim rates in lieu of the rates originally filed in this docket and in lieu of the original interim rates submitted by FP&L on January 18, 1982, and approved by the Commission on February 5, 1982. FP&L seeks permission to collect the reduced rates, subject to refund, as of February 3, 1982. The motion states that the remaining parties do not oppose the motion. For the reasons stated below, we shall grant the motion.

FP&L tendered its originally proposed rates for filing on July 1, 1981. These rates applied to firm power service to

six municipal and eight cooperative customers and to transmission service to eleven municipal customers and two public utilities.¹ By order issued September 2, 1981, the Commission, *inter alia*, accepted the proposed rates for filing, suspended their effectiveness until February 3, 1982, and ordered a hearing as to their justness and reasonableness. Subsequently, the parties engaged in settlement negotiations which has resulted in their reaching an agreement in principle; the settlement agreement has not yet been executed by the parties and submitted to the Commission for its approval, however.

The original settlement reduced the amount of the proposed increase of approximately \$39.2 million by about \$12.8 million. Since the motion initially requesting the imposition of interim rates was filed on January 18, 1982, FP&L has reached a further settlement with its partial requirements customers concerning rate design. This agreement, however, does not alter the revenue level reflected in the original settlement reached between FP&L and its wholesale customers. FP&L's motion is designed to make the lower settlement rates immediately available. In addition, the motion states that the revised interim rates would remain in effect subject to refund pending Commission disposition on the settlement. Under the circumstances, we believe that the public interest will be served by granting the motion.

Pursuant to §§ 35.1(e), 35.11 and 35.17(b) of the Commission's regulations, we find that good cause exists to permit the collection of the revised interim rates, subject to refund, as of February 3, 1982, until such time as the Commission acts upon a settlement agreement filed by FP&L. This order shall be without prejudice to our subsequent determination on the merits of the proposed settlement.

The Commission orders:

(A) The motion filed by FP&L on February 5, 1982, requesting permission to collect revised interim rates in lieu of the rates originally filed in the docket and in lieu of the interim rates filed January 18, 1982 and approved by the Commission on February 5, 1982 is hereby granted.

(B) Good cause having been shown, FP&L is hereby authorized, pursuant to §§ 35.1(e), 35.11 and 35.17(b) of the Commission's regulations, to collect, subject to refund, the proposed revised rates reflect in its motions from

¹ FP&L's filing also included amendments to its transmission service agreements with two municipal customers.

February 3, 1982, until final Commission action on the settlement.

(C) The Secretary shall promptly publish this order in the Federal Register.

By the Commission,
Kenneth F. Plumb,
Secretary.

[FR Doc. 82-0064 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 4636-001]

Hydro Development Group Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 4, 1982.

Take notice that on January 4, 1982, Hydro Development Group Inc. (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. 4636) would be located on the Black River in the Village of West Carthage, Town of Champion, Jefferson County, New York. Correspondence with the Applicant should be directed to: Mark E. Quallen, Box 58, Dexter, New York 13634.

Project Description—The existing facilities consist of: (1) A diversion structure having an 850-foot long and 3-foot high concrete section and a 550-foot long and 12-foot high timber section; (2) a small reservoir along the left (west) bank having negligible storage capacity at normal water surface elevation 709.0 m.s.l.; (3) a gated intake structure having trashracks; (4) a 130-foot long 33-foot wide flume; (5) a powerhouse; (6) a 1,200-foot long tailrace; and (7) appurtenant facilities.

Applicant proposes to redevelop the existing facilities and would: (1) Repair the diversion structure; (2) install three refurbished generating units having a total rated capacity of 3,330-kW at a head of 28 feet and a flow of 1,610 cfs; (3) deepen the tailrace; and (4) construct a 2.4/23-kV substation. Applicant estimates that the average annual energy output would be between 14.1 and 16.1 GWh. Project energy would be sold to Niagara Mohawk Power Corporation.

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 New York State Department of Environmental Conservation 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 the 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 April 19, 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 April 19, 1982.

Filing and Service of Responsive Documents—Any filing 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. 82-6065 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5749-000]

**Hydroelectric Development, Inc.;
Application for Preliminary Permit**

March 5, 1982.

Take notice that Hydroelectric Development, Inc. (Applicant) filed on December 14, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5749 to be known as the Crawford Dam Project located on Iron Creek in Delta County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Allen Mauzey, CH2M Hill, P.O. Box 22508, Denver, Colorado 80222.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Crawford Dam and would consist of: (1) A new powerhouse containing one generating unit with a total rated capacity of 1.2 MW; (2) a new 1-mile, 115-kV transmission line; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,000,000 kWh. The most likely market for the derived energy would be a local or public utility.

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 to \$40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 14, 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 May 14, 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 May 14, 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. 82-6066 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5966-000]

**Jackman Lakes Restoration Corp.;
Application for Preliminary Permit**

March 5, 1982.

Take notice that Jackman Lakes Restoration Corporation (Applicant) filed on February 10, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5966 to be known as the Moose River Project located on the Moose River and Long Pond, Attean Pond and Wood Pond near the towns of Rockwood and Jackman, Somerset County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Anthony W. Buxton, Preti, Flaherty and Beliveau, one Memorial Circle, Augusta, Maine 04330.

Project Description—The proposed project would consist of: (1) A new 1,000-foot long, 50-foot high dam (material to be determined) and spillway and a 15-foot high, 1,400-foot long earth-fill dike beginning 750 feet north of the dam, both located 1 mile downstream of the washed out Long Pond Dam; (2) a 11.9 square mile reservoir formed by restoring Long Pond, Attean Pond and Wood Pond to water surface elevation 1,157 feet M.S.L.; (3) a powerhouse containing turbine-generators with a total rated capacity of 3.9 MW; (4) a 1,600-foot long tailrace channel; (5) a transmission line and (6)

appurtenant facilities. Energy produced at the project would be sold to Central Maine Power Company. The project would produce up to 23,800,000 kWh annually. Land in the project area is owned by Scott Paper Company. Applicant has requested a preliminary permit term of 36 months.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plan, and a study of environmental impacts. Geotechnical investigations including borings and test pits would be accomplished in the vicinity of the proposed dam axis. Any disturbed areas would be restored. 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. The cost of the studies under the preliminary permit has been estimated by the Applicant to be \$160,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 14, 1982, the competing application itself or a notice of intent to file such an application (see: 18 CFR 4.33 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 May 14, 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 July 12, 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 May 14, 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. 82-6067 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 4639-001]

**Long Lake Energy Corp.; Application
for License (5 MW or Less)**

March 5, 1982.

Take notice that Long Lake Energy Corporation (Applicant) filed on December 31, 1981, 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 Christine Falls Project No. 4639. The project would be located on the Sacandaga River in Hamilton County, New York. Correspondence with the Applicant should be directed to: Mr. Paul J. Elston and Mr. Christopher J. Elliman, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed run-of-river project would consist of: (1) The existing concrete gravity dam 12

feet high and 165 feet long; (2) the existing reservoir with surface area of 0.3-acre which would be increased to 1.1 acres, by the installation of 3-foot flashboards raising the normal water surface elevation to 1699.6 feet msl; (3) a new intake structure; (4) a new steel penstock 650 feet long and 66 inches in diameter; (5) a renovation of the existing powerhouse which will contain 2 new generating units with a total installed capacity of 725 kW; (6) a new 4.8-kV transmission line 9,500 feet long; and (7) appurtenant facilities. The Applicant estimates the annual energy production to be 2,860,000 kW-Hrs. International Paper Company owns the existing project facilities except for the South abutment of the dam which is owned by the New York State Department of Transportation. The Applicant estimates the cost of this project would be \$1,500,000.

Purpose of Project—Project power would be sold to the Niagara Mohawk Power Corporation.

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, on or before May 13, 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 May 13, 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. 82-6068 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-200-000]

Maine Public Service Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Waiver, Granting Summary Disposition in Part, Granting Interventions, and Establishing Price Squeeze, Cwip, and Hearing Procedures

Issued: March 1, 1982.

On December 31, 1981, Maine Public Service Company (MPSC) tendered for filing revised rates for service to its three wholesale customers.¹ MPSC has applied for permission to include 58% of its construction work in progress (CWIP) in rate base on the grounds that it is experiencing severe financial difficulty within the meaning of § 2.16 of the Commission's regulations. The CWIP-based rates would increase test period (calendar 1982) revenues by approximately \$1,146,000 (30%). MPSC requests waiver of the notice requirements and of section 2.16(b) of the Commission's regulations, to permit

¹ See Attachment A for rate schedule designations and affected customers.

the CWIP-based rates to become effective on February 1, 1982.

Alternatively, MPSC requests an effective date of February 1, 1982, for an interim increase of approximately \$335,000 (8.3%), which represents the non-CWIP-related portion of the proposed increase, and an effective date not later than July 1, 1982, for the CWIP-related balance of the increase.

Notice of the filing was issued on January 8, 1982, with responses due on or before January 29, 1982. A timely notice of intervention was filed by the Marine Public Utilities Commission.

The Houlton Water Company and the Eastern Maine Electric Cooperative, Inc. (Customers) filed a timely protest, petition to intervene, motion for partial summary judgment, and request for five month suspension and a hearing. The Customers contend: (1) That MPSC's request for inclusion in rate base of 58% of its CWIP is unauthorized and is oppressive to its wholesale customers, (2) that MPSC's Period II estimates are suspect, (3) that MPSC has overstated its capital structure, (4) that MPSC would deprive customers of the incremental interest deductions which necessarily accrue if CWIP is permitted in rate base, (5) that MPSC's treatment of investment in subsidiary and affiliated companies may not comport with Commission precedent, (6) that MPSC's cash working capital is overstated, (7) that MPSC has included in rate base property as to which it provides no plan for future use, (8) that MPSC has included in its rates a sum of money to be accrued for the ultimate decommissioning of the Maine Yankee Nuclear Power Plant, (9) that MPSC has failed to amortize regulatory expense, (10) that MPSC improperly seeks to charge customers with EPRI costs, and (11) that the rates of return alternatively requested by MPSC are excessive. The Customers also object to the request for waiver of notice, seek summary rejection of the CWIP-based rates, and allege price squeeze.

On February 5, 1982, MPSC filed a response to the Customers' pleading. MPSC opposes the request for denial of waiver and the request for summary disposition as to the company's inclusion of CWIP in rate base. In addition MPSC reiterates its request for an effective date of February 1, 1982, at least for the interim non-CWIP increase and an effective date no later than July 1, 1982, for the full increase requested.

On February 9, 1982, the Van Buren Light and Water District (Van Buren) filed a motion to allow a protest and petition to intervene to be filed out of time together with its protest and

petition. Van Buren requests intervention and joins the Customers in their protest, motion for partial summary judgment, and request for a five month suspension.

On February 19, 1982, MPSC filed a supplement to its response to the Customers' pleading. MPSC states, in support of its request for waiver of the notice requirements, that the Customers and Van Buren have already obtained the approval necessary to promptly pass through to their retail customers increased purchased power costs from MPSC.

Discussion

Initially, we find that participation in this proceeding by the petitioners is in the public interest and that good cause exists to permit Van Buren to intervene out of time. Accordingly, we shall grant the petitions to intervene. The timely notice filed by the Maine Public Utilities Commission is sufficient to initiate its participation as an intervenor.

Under the Commission's present standards, a utility requesting the inclusion of CWIP in rate base² must show clearly and convincingly that it is experiencing severe financial difficulty which cannot be alleviated by traditional forms of rate relief without materially increasing the cost of electricity.³ However, in an effort to reexamine these standards, the Commission has initiated a rulemaking proceeding on the CWIP issue.⁴ In order to maintain the *status quo ante* pending further Commission action and to avoid any prejudice to rate case participants, the Commission has since set for hearing several CWIP applications but has phased that issue to follow the rulemaking proceeding.⁵ We conclude that this approach is appropriate in the instant case as well. Accordingly, the Commission will phase consideration of MPSC's CWIP application. In so doing, we shall deny the intervenors' request for summary rejection of the company's CWIP filing as well as MPSC's request for waiver of § 2.16(b) of the Commission's regulations.

With regard to the non-CWIP portion of the proposed increase, our review indicates that EPRI contributions have been allocated to the wholesale customers. We have consistently viewed

these expenses as being inappropriate for recovery through a wholesale cost of service.⁶ Accordingly, we shall summarily reject MPSC's inclusion of EPRI contributions in its cost of service. However, inasmuch as the revenue impact of this summary disposition is relatively small in relation to the proposed rate increase, we shall not require MPSC to refile its cost of service and rates at this time. Nonetheless, summary disposition of the EPRI issue shall be reflected in any rates finally approved by the Commission.

We further note that MPSC's proposed rates reflect, in large part, the cost of power purchased from Maine Yankee Atomic Power Company. Since the rate for that power is being collected subject to refund in Docket No. ER82-15-000, the outcome of the proceedings in that docket shall also be reflected in any rates finally approved by the Commission in the instant docket.

Having considered the matters addressed by the intervenors, our analysis indicates that MPSC's non-CWIP rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Therefore, we shall accept these rates for filing and suspend them as directed below.

In a number of suspension orders,⁷ we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While the intervenors have raised a variety of issues warranting further inquiry at hearing, our preliminary analysis

suggests that the proposed non-CWIP rates may not result in substantially excess revenues. Thus, a one day suspension and a refund obligation should adequately protect the affected customers pending hearing. Furthermore, we note that the affected customers have already obtained the approval necessary to promptly pass through to their retail customers, purchased power costs from MPSC. Accordingly, we find that good cause has been shown to waive the notice requirements as to the non-CWIP rates, and to suspend those rates for one day from January 31, 1982, permitting them to take effect, subject to refund, on February 1, 1982.

In light of the price squeeze allegations raised by the intervenors, we shall institute price squeeze procedures and phase those proceedings in accordance with Commission policy established in *Arkansas Power and Light Company*, Docket No. ER79-339 (August 6, 1979).

The Commission orders:

(A) The motion of the Customers to reject MPSC's application for authorization to include CWIP in rate base is hereby denied.

(B) MPSC's inclusion of EPRI contributions in the wholesale cost of service is summarily rejected. This determination shall be reflected in any final cost of service and rates at the conclusion of this proceeding.

(C) The rates proposed in the instant docket shall be subject to the outcome of the proceeding in Docket No. ER82-15-000.

(D) MPSC's request for waiver of the notice requirements is hereby granted.

(E) MPSC's request for waiver of the prospective provisions of § 2.16(b) of the Commission's regulations is hereby denied.

(F) MPSC's non-CWIP rates are hereby accepted for filing and suspended for one day from January 31, 1982 to become effective, subject to refund, on February 1, 1982.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of MPSC's rates.

(H) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of

² *Carolina Power and Light Company*, Docket No. ER76-495 (Phase II), initial decision (September 7, 1977), *aff'd in relevant part*, Opinion No. 19 (August 2, 1978); *Connecticut Light and Power Company*, Docket No. ER78-517, order on rehearing (November 22, 1978); *Public Service Company of New Mexico*, Docket No. ER79-478, initial decision (August 19, 1981), 16 FERC ¶ 63,040; *Illinois Power Company*, Docket No. ER77-531 (April 10, 1981).

³ *E.g.*, *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

² Other than pollution control and fuel conversion CWIP.

³ 18 CFR 2.16(b)(3).

⁴ *Construction Work in Progress for Public Utilities*, Docket No. RM81-38, *Notice of Proposed Rulemaking* (July 27, 1981).

⁵ *See, e.g.*, *El Paso Electric Company*, Docket No. ER81-426-000 (June 30, 1981); *Central Power and Light Company*, Docket No. ER81-387-000 (July 27, 1981).

Practice and Procedure and the regulations under the Federal Power Act; *Provided, however*, that participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and *provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(I) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(J) MPSC's application for authorization to include CWIP in rate base is hereby phased so that the application will be heard subsequent to Commission action in Docket No. RM81-38.

(K) The Commission staff shall serve top sheets in this proceeding on or before March 16, 1982.

(L) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(M) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.
Kenneth F. Plumb,
Secretary.

Attachment A—Maine Public Service Company, Rate Schedule Designations, Docket No. ER82-200-000 (Non-CWIP Rates)
Filed: December 31, 1981.

Designation and Other Party

Supplement No. 5 to Rate Schedule FPC No. 10 (Supersedes Supplement No. 3), Houlton Water Company

Supplement No. 5 to Rate Schedule FPC No. 11 (Supersedes Supplement No. 3), Van Buren Light and Power District
Supplement No. 5 to Rate Schedule FPC No. 12 (Supersedes Supplement No. 3), Eastern Maine Electric Cooperative, Inc.

[FR Doc. 82-6069 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5938-000]

The Metropolitan Water District of Southern California; Application for Exemption of Small Conduit Hydroelectric Facility

March 5, 1982.

Take notice that on February 1, 1982, The Metropolitan Water District of Southern California (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 Temescal Small Hydroelectric Project (FERC Project No. 5938) would be located on the Applicant's Lower Feeder Pipeline, in Riverside County, near El Cerrito, California. Correspondence with the Applicant should be directed to: Mr. Evan L. Griffin, General Manager, The Metropolitan Water District of Southern California, P.O. Box 54153, Terminal Annex, Los Angeles, California 90054.

Purpose of Project—The power generated by the project would be sold to a public or private utility.

Project Description—The proposed project would consist of a powerhouse with an installed capacity of 2.8 MW. The powerhouse would operate under a head of 135 feet and would generate approximately 18 million kWhs annually.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments

should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests 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 1.18 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, protests, or petitions to intervene must be received on or before April 23, 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. 82-6070 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 619-005]

Pacific Gas and Electric Co.; Application for Amendment of License

March 4, 1982.

Take notice that on December 29, 1981, Pacific Gas and Electric Company (Applicant) filed (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for an amendment to its license for the Bucks Creek Project No. 619-995. Applicant proposes to construct the Maidu and Grizzly Powerhouses on Bucks and Grizzly Creeks in the Plumas National Forest in Plumas County, California. Correspondence with the Applicant should be directed to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087A, San Francisco, California 94106.

Project Description—The proposed Maidu Powerhouse Development would consist of: (1) A penstock consisting of the first 19 feet of the two existing 30-inch diameter outlet pipes at the Bucks Lake Dam and 313 feet of new 5-foot diameter steel pipe; (2) a powerhouse at the toe of the dam containing a single 1-

MV generating unit; (3) a switchyard near the powerhouse; and (4) a short segment of 12-kV transmission line located in an underground conduit.

The proposed Grizzly Powerhouse Development would consist of: (1) A tunnel intake structure in the existing Lower Bucks Lake; (2) a 12,260-foot long, 10.5-foot diameter tunnel; (3) a surge tank; (4) a 5,080-foot long, 7-foot diameter steel penstock; (5) a powerhouse containing a single 18.5 MW generating unit discharging into Grizzly Forebay; (6) a switchyard near the powerhouse; and (7) a 3.4-mile long, 115-kV transmission line.

The two powerhouses would have a combined average annual generation of 47,900 MWh. The estimated 1986 cost of the Maidu Powerhouse is \$3,068,000 and the estimated 1987 cost of the Grizzly Powerhouse is \$56,825,000.

Project power would be sold to Applicant's customers.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 19, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) 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).

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 with 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 April 19, 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. 82-6072 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 2105-009]

**Pacific Gas and Electric Co.;
Application for Amendment of License**

March 5, 1982

Take notice that Pacific Gas and Electric Company (Applicant) filed on December 14, 1981, an application (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) to amend its license for the North Fork Feather River Project No. 2105 to permit the construction and operation of the Oak Flat Powerhouse on the North Fork Feather River in the Plumas National Forest in Plumas County, California. Correspondence with the Applicant should be directed to: Mr. W. M. Gallavan; Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beal Street, Rm. 1087A, San Francisco, California 94106.

Project Description—The proposed development would consist of: (1) Approximately 700 feet of 54-inch diameter steel pipe installed inside the existing outlet tunnel beneath Applicant's Belden Forebay Dam; (2) the Oak Flat Powerhouse containing a single 1.3-MW generating unit located at the toe of the dam; (3) a switchyard approximately 100 feet north of the powerhouse; and (4) approximately 600 feet of 21-kV transmission line.

The Oak Flat Powerhouse would make use of fishwater releases to generate an average of 6,600 MWh annually. Construction costs are estimated at \$4,443,000 in June 1984 dollars.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 26, 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 April 26, 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. 82-6071 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 1962-002]

**Pacific Gas and Electric Co.;
Application for Amendment of License**

March 4, 1982.

Take notice that on December 29, 1981, Pacific Gas and Electric Company (Licensee) filed an application for amendment of its license for the existing Rock Creek-Cresta Project No. 1962, located on the North Fork Feather River in the Counties of Plumas, Butte, Yuba and Sutter, California. Correspondence concerning the application should be sent to: Mr. W. M. Gallavan, Vice

President, Rates and Valuation, 77 Beale Street, Room 1087 A, San Francisco, California 94106.

Licensing proposes to divert water from Chambers and Jackass Creeks by diversion dams through vertical shafts into its existing Rock Creek Tunnel of Project No. 1962. The proposed facilities at Chambers Creek comprise: (1) A 10-foot high, 36-foot long concrete diversion structure; (2) a 2- to 3-foot diameter, 300-foot long steel pipe, extending from the diversion structure to; (3) a 3-foot diameter, 85-foot long drop shaft into Rock Creek Tunnel. The proposed facilities at Jackass Creek consist of: (1) A 6-foot high 19-foot long concrete diversion structure; (2) a 2-foot diameter, 140-foot long steel pipe, extending from the diversion structure to; (3) a 3-foot diameter, 105-foot long drop shaft into Rock Creek Tunnel.

The proposed modifications would not result in any increase in the installed capacity for Project No. 1962 (existing installed capacity: 180,800 KW), but would increase the average annual generation of the project by approximately 2.0 million kWh.

Licensee estimates the costs of the proposed modifications at \$1.05 million.

Licensee would utilize the increased output of the project to meet the load demands of its service area.

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 April 22, 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. 82-6073 Filed 3-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 2803-001]

Pennsylvania Hydroelectric Development Corp.; Application for License (5 MW or Less)

March 4, 1982.

Take notice that Pennsylvania Hydroelectric Development Corporation (Applicant) filed on December 22, 1981, 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 Flat Rock Water Power Project No. 2803. This application for license was filed during the term of the Applicant's preliminary permit for Project No. 2803. The project would be located on the Schuylkill River in Philadelphia County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. Lawrence Gleeson, President, Pennsylvania Hydroelectric Corporation, DeKalb Pike, Box 814, King of Prussia, Pennsylvania 19406.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) An existing dam, 525 feet long and 12 feet high, constructed of concrete with an ogee spillway along the entire crest; (2) a reservoir having minimal pondage; (3) an existing canal, at the left river bank, lined with concrete and masonry; (4) a new intake structure with trashracks, gates and stoplogs located approximately 650 feet downstream of the dam and in the canal wall; (5) two new penstocks leading to (6) a new powerhouse containing two new propeller turbine-generator units having a total rated capacity of 3,500 kW (1,750 kW per unit); (7) an additional low flow release facility located in the canal wall near the dam and containing three small bulb turbine-generator units having a total rated capacity of 375 kW; (8) tailraces; (9) a new 13.2-kV transmission line, approximately 3,000 feet long, connecting to existing transmission lines; and (10) appurtenant facilities. The total rated capacity of the entire project would be 3,800 kW. The Applicant estimates that the average annual energy output would be 18,000,000 kWh. Project energy would be sold to the Philadelphia Electric 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. 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, on or before May 12, 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 May 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. 82-8074 Filed 3-4-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Determination of Refund Applications

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of determination of refund applications filed in connection with special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy has reached a determination on certain of the applications for refund from a \$2,850,000 fund established by Vickers Energy Corporation, in settlement of enforcement proceedings brought by the DOE Office of Enforcement.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 12th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-8377.

SUPPLEMENTARY INFORMATION: In accordance with procedures announced in the final Decision and Order specifying the implementation of special refund procedures in this matter, *Office of Enforcement*, 8 DOE ¶ 82,597, 46 FR 38132 (July 24, 1981), notice is hereby given of the issuance of the Supplemental Order set forth below. The Supplemental Order relates to a consent order between Vickers Energy Corporation and the Office of Enforcement of the DOE's Economic Regulatory Administration. See 44 FR 29703 (May 22, 1979); 44 FR 48751 (August 20, 1979).

The consent order is intended to settle all disputes between the DOE and Vickers with regard to prices charged by the firm in sales of covered products other than crude oil during the period August 19, 1973 through March 1979. Under the terms of the consent order, Vickers has deposited \$2,850,000 into an escrow account for distribution to firms and individuals who purchased Vickers motor gasoline from other than company-operated outlets.

On July 17, 1981, the Office of Hearings and Appeals issued a Decision and Order which established a two-stage refund procedure for the Vickers settlement amount and solicited

comments from interested parties concerning the proper disposition of the Vickers consent order funds. 46 FR 38132 (July 24, 1981). In the Decision and Order, we indicated that Applications for Refund from the Vickers escrow funds would be accepted from all persons who purchased Vickers motor gasoline from other than company-operated outlets during the period August 19, 1973 through March 1979. The final Decision further stated that in order to establish entitlement to a portion of the consent order funds, a purchaser that brought an average monthly volume of 50,000 gallons or less of Vickers motor gasoline during the period for which a refund is claimed must submit proof of purchase of the volume claimed.

The Supplemental Order which appears below reaches determinations concerning certain of the Applications for Refund from persons who claim a refund based on an average purchase volume of 50,000 gallons of Vickers motor gasoline per month or less. Pursuant to 10 CFR 205.284, we have determined that the applications identified in Appendices A, B, C, and D to the Supplemental Order should be granted, and that the applications identified in Appendix E should be denied. Determinations concerning the remaining Applications for Refund in the Vickers proceeding will be made at a later date.

Dated: February 25, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Supplemental Order

February 25, 1982.

Name of Petitioner: Uban Oil Company *et al.*

Date of Filing: July 30, 1981 *et al.*

Case Number: HEX-0006.

On July 17, 1981, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order instituting special refund procedures for distribution of a fund obtained by the DOE through a consent order entered into by the agency and Vickers Energy Corporation. *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*). Under the terms of the consent order, Vickers placed \$2,850,000 into an escrow account in order to settle DOE allegations that the firm had overcharged purchasers in sales of motor gasoline from other than company-operated outlets. This determination resolves questions that have arisen in connection with many of the claims that have been filed.

I. Background

Pursuant to the DOE regulations governing special refund procedures, 10 CFR Part 205, Subpart V, the July 17 Decision established procedures for the distribution of the consent

order fund to qualified claimants who purchased Vickers motor gasoline during the period covered by the consent order, August 19, 1973 through March 1979. *Id.* at 85,393-97. Clear requirements for filing applications were established, consistent with the goals of Subpart V and the provisions of the consent order. In establishing those requirements, we were particularly concerned that the cost to the applicant in preparing and submitting the application and the cost to the agency in processing that application not be out of proportion to the benefit obtained by applicants who receive refunds. Thus, the requirements set forth in the July 17 Decision represent a balancing of the need for detailed information supporting refund applications, so as to distribute money only to qualified applicants, and the interest in a straightforward application process that would result in the payment of refunds in a timely and efficient manner.

In the July 17 Decision, we stated that each qualified applicant must show that it purchased Vickers motor gasoline from other than a company-operated retail outlet, and further that the applicant did not pass through Vickers' price increases to the applicant's own customers. *Id.* at 85,396. In order to establish that it did not pass through alleged overcharges, an applicant that had been a reseller subject to the DOE regulations was generally required to submit its actual quarterly "banks" of unrecouped increased product costs for the period covered by the consent order. See 10 CFR 212.93(e) (treatment of unrecouped increased product costs by resellers and retailers). However, we noted that smaller retailers and resellers probably lacked sufficient recordkeeping and accounting facilities to comply readily with that requirement. Accordingly, we determined that applicants claiming purchases from Vickers no greater than an average of 50,000 gallons of motor gasoline per month during the period for which a refund is claimed would be excepted from the requirement of having to submit cost bank information. *Vickers* at 85,396. Those smaller applicants were required to establish only the amount of their purchases of Vickers motor gasoline during the consent order period.

This Decision addresses these smaller applications for refund—*i.e.* those based upon an average purchase volume of 50,000 gallons per month or less. Since they raise similar issues, those applications have been consolidated for treatment in this Decision. Five groups of applications will be discussed:

- (1) Applications filed by direct purchasers of Vickers motor gasoline who did not dispute the purchase volume figures that Vickers supplied to the DOE. (These Applications are listed in Appendix A.)
- (2) The applications listed in Appendix B were filed by firms that either were not direct purchasers from Vickers during the consent order period or were direct purchasers who disagreed with Vickers' purchase volume figures. (At the time of the issuance of the July 17 Decision, the Office of Hearings and Appeals notified all known direct purchasers of motor gasoline from Vickers of the amount of gasoline which Vickers' records indicated they purchased. These firms were instructed

to provide proof of purchase if they disagreed with Vickers' figures. *See id.* at 85,400-01.)

(3) The applications set forth in Appendix C were filed by a group of Vickers purchasers whose identity was not reported by Vickers to the DOE until late November 1981, well after the October 24 filing deadline which was established in the July 17 Decision. *See id.* at 85,400. Pursuant to 10 CFR 205.285, the Office of Hearings and Appeals extended the filing period for those applicants and accepted applications by those firms provided they were postmarked not later than December 12, 1981. (7)

(4) The applications listed in Appendix D were filed by firms that actually purchased a volume exceeding 50,000 gallons per month, but elected to claim a refund based on a purchase volume of 50,000 gallons per month in the period for which a refund is claimed. Those firms were therefore not required to submit information concerning their unrecouped increased product costs for that period.

(5) The applications set forth in Appendix E request refunds of less than \$15. As we stated in the July 17 Decision, these applications raise concerns about the administrative efficiency of paying very small claims.

In determinations to be issued later in the Vickers refund proceeding, we will address the remaining applications for refund, including those filed by larger firms, *i.e.* those claiming a refund amount based on purchases exceeding an average of 50,000 gallons per month.

II. Discussion of Comments

Prior to addressing the merits of the applications for refund listed in the appendices, we will address two threshold issues concerning the propriety of the proof requirements which we adopted in the July 17 Decision. Several parties, including the State of Wisconsin, the Controller of the State of California, and the National Consumer Law Center, a group representing low-income energy consumers, (2) challenge the determination reached in the July 17 Decision not to require proof that an applicant did not pass through price increases if it purchased an average of 50,000 gallons per month or less of Vickers motor gasoline during the period for which it claims a refund. Those parties claim that by not requiring such a showing for this class of firms, we authorize refunds to some purchasers of Vickers gasoline who were able to pass through price increases to their purchasers, and who were, therefore, to the extent of the passthrough, not injured by the alleged overcharges. *See* Comment filed by the Controller of the State of California at 2 (August 25, 1981); Comment filed by the National Consumer Law Center *et al.* at 3-4 (Sept. 25, 1981); Application for Refund filed by the State of Wisconsin at 2 (App. No. RF1-350, filed October 28, 1981).

While we have carefully considered these comments, on balance, we are not convinced by the arguments. The class of small, independent retailers and resellers of Vickers motor gasoline which is the intended beneficiary of this determination poses special problems and warrants special consideration in these refund proceedings. As

we stated above, to require a small retailer or reseller to show it was unable to pass through Vickers' price increases during the consent order period would place an inordinate burden upon the limited accounting and recordkeeping facilities of those smaller firms. In practice, the requirement would effectively preclude many of these firms from obtaining a refund, since some would be unable to produce the necessary supporting evidence and others would incur disproportionately large expenses in doing so. For example, 105 (or 63%) of the 167 applications contained in Appendix A request refunds for purchase volumes less than 1,000,000 gallons in the aggregate for the entire period covered by the consent order. This represents an average purchase by each of those applicants of less than 15,000 gallons per month and would entitle the applicant to a refund of less than \$2,200. Furthermore, 66 of the 167 applications (or 40%) request refunds for purchase volumes less than 500,000 gallons, which would result in a refund of less than \$1,100 over the entire period. Finally, the total amount that will be paid to the small applications found to be meritorious in this Decision is \$582,267 or only 16.5 percent of the Vickers fund, including interest, as of February 28, 1982.

Many of the firms listed in Appendix D who elected to limit their claims to purchases of less than 50,000 gallons per month have specifically addressed the difficulty of providing detailed material to demonstrate that they qualify for a refund. Those firms indicate that in order to present evidence concerning their purchase volumes, selling prices, and banked costs for the entire consent order period, they would be forced to hire an accountant to review and organize incomplete or inadequate records. Thus, they would have to choose at the outset whether to secure professional assistance, at a cost possibly exceeding the amount of the refund, or to forego filing an application even though the firm may be eligible for a refund. This choice is in our view unfair given the relatively small size of the firms and would be contrary to the goals of Subpart V and of the Vickers consent order.

There is another factor which has affected our judgment with respect to these smaller firms. We are convinced that, in general, firms selling Vickers motor gasoline during the period were unable to pass through the full amounts of the Vickers' price increases. A comparison between Vickers' wholesale prices and data concerning wholesale prices in Vickers' marketing area during the consent order period indicates that Vickers' wholesale prices were generally higher than the average wholesale price in its marketing area during that period. (3) The above-average price position of Vickers motor gasoline in its market area is especially significant in view of the type of firms that purchased Vickers products for resale. The Vickers distribution network consists entirely of branded and unbranded independent marketers. It is well known that this class of firms historically based its marketing strategy on its ability to offer gasoline to the motoring public at lower prices than those charged by competing major branded retailers. The

majority have generally been able to sell their branded products at higher price levels because their outlets, whether company-operated or independent, have the benefits of national advertising and greater brand recognition, nationwide credit card programs, and their own national brands of tires, batteries and accessories. *See, e.g., The Oil Shale Corp.*, 2 FED ¶ 80,673 at 81,070-71 (1975); *Jones & Murtha Distributing Co., Inc.*, 4 FEA ¶ 83,076 at 83,301-02, 83,305 (1976). Because they lack these extra customer attractions, the independents who marketed Vickers motor gasoline generally had a limited degree of flexibility in setting their prices at the pump. Thus, it is unlikely that firms selling Vickers gasoline would have been able to pass through the Vickers' price increases and remain competitive with firms selling less expensive gasoline. In fact, many of the applicants in this proceeding have confirmed in their applications that they were unable to sell Vickers motor gasoline at their ceiling price during the relevant period due to competitive forces. As a result, the available evidence tends to support the proposition that purchasers of Vickers motor gasoline were injured by the Vickers' price increases during the consent order period. For those reasons, we continue to believe that the provisions set forth in the July 17 Decision for smaller firms are appropriate. They constitute a balancing of the competing interests of efficiency in preparing and processing refund applications with equity in paying refunds to injured parties.

In the July 17 Decision, we also stated that "those purchasers whose average monthly purchase during the period for which a refund is claimed exceeds 50,000 gallons but who cannot establish that they did not pass through the price increases are nevertheless eligible for a refund for purchases not exceeding 50,000 gallons per month." *Vickers* at 85,396. The California, Wisconsin, and low-income energy consumer comments challenge this procedure on the grounds that it provides unwarranted refunds to large purchasers who are likely to have passed through the alleged overcharges. *See* California Comment at 2, National Consumer Law Center Comment at 3-4, Wisconsin Application for Refund at 2. Again, we are not convinced by these comments. Many of the firms listed in Appendix D are relatively small resellers who purchased volumes only slightly greater than 50,000 gallons per month. As noted above, a number of those firms have indicated that the incremental benefit of receiving a refund based on any volume of purchases in excess of 50,000 gallons per month is simply outweighed by the expense and burden of presenting detailed information concerning their unrecouped increased product costs during the entire consent order period, and we believe that all firms in this category have been influenced to some extent by this factor. Moreover, with respect to the applications set forth in Appendix D, only relatively small refunds are involved, *viz.*, less than \$110 per month for the consent order period. It should be remembered that the May 11 Consent Order in all likelihood provides to injured purchasers a recovery that is significantly

less than the total amount of their injuries as a result of Vickers' pricing practices. Thus, the amount of injury actually suffered by many of these firms is probably greater than the refund which would be provided from the available funds even if they established a purchase of more than 50,000 gallons per month. The decision by the firms to claim a lesser purchase volume apparently represents a balancing by those firms of the cost of providing detailed data concerning their banked costs against the additional refund they would receive if they provided the additional information. These firms have clearly established that they purchased Vickers gasoline during the relevant period, and thus that they were a part of the chain of distribution of Vickers motor gasoline through which the alleged overcharges were passed. Accordingly, they have established that they meet the requirements set forth in the July 17 Decision. In view of these considerations, we cannot conclude that the approval of these claims will result in an unwarranted recovery.

III. Disposition of Applications

Turning to the merits of each of the groups of applications listed in the appendices, we have determined that the applications set forth in Appendices A, B, C, and D should be granted in the amounts specified therein. In analyzing these applications, we have reviewed and verified the volume figures submitted; obtained additional information, where appropriate, from the applicant or from Total Petroleum, Inc., Vickers' successor firm; and have required each applicant to swear to the accuracy of the information set forth in its application. With respect to those applications in Appendices B and C that have contested Vickers' purchase volume figures, when a purchase volume has been used which is different from that claimed by the applicant, our determination was based on our independent review of the applicant's proof of purchases. Each of the applications set forth in Appendices A, B, C, and D has complied with the requirements of 10 CFR 205.283 and those set forth in the July 17 Decision. Pursuant to 10 CFR 205.284(d), those applications should therefore be granted. Although we have carefully scrutinized each applicant's claims, and supporting data, the determinations reached in this Decision are based on the presumed validity of the representations made in the applications. If the factual basis underlying any of our determinations in this Decision is later shown to be inaccurate, this Office has the authority to order appropriate remedial action, including rescission or reduction of the refund ordered.

The refund paid to eligible claimants in this proceeding is based on the applicant's pro rata share of the total escrow fund, including interest. As we stated in the July 17 Decision, "refunds will be made on a volumetric basis according to the amount of Vickers motor gasoline covered by the Consent Order and the amount of the Consent Order fund." Vickers at 85,397 (footnote omitted). The amount of each refund was computed by multiplying the amount of gasoline purchased by the individual application by \$.002184 per gallon. The \$.002184 figure represents a pro

rata share of the consent order funds, plus interest, and was computed in the following way: First, an exact refund share per gallon was determined by dividing the amount of money received from Vickers pursuant to the consent order by the total number of gallons of motor gasoline sold by Vickers during the period August 19, 1973 through March 31, 1979 at other than company-operated outlets. This figure is \$.001783. To this amount was added \$.000401 per gallon, which represents a pro rata distribution of interest accrued to February 28, 1982 on the funds held in escrow.

The applications listed in Appendix E should be denied. We have reviewed those applications in light of the administrative costs involved in processing those claims and refunding amounts to those purchasers, and we have determined that the cost of processing these claims, in which refunds are sought for amounts less than \$15, outweighs the modest benefits of restitution in those cases. See 10 CFR 205.286(b). Each of those applications requests a refund for purchases of less than 6,000 gallons of motor gasoline in total. Some involve quantities as small as approximately 900 gallons. (4) While claims of this size may be appropriate in other Subpart V proceedings, especially if they can be aggregated in some manner in order to reduce administrative costs, in this case they are simply too small to merit individual consideration.

It Is Therefore Ordered That:

(1) The Applications for Refund specified in Appendices A, B, C and D requesting a portion of the fund provided by Vickers Energy Corporation to the DOE pursuant to the May 11, 1979 Consent Order are hereby granted as set forth in paragraph (2) below.

(2) The Director of the Office of Finance and Accounting, Washington Financial Services Division, of the DOE's Office of the Controller shall take appropriate action to disburse from the deposit fund escrow account established at the Department of the Treasury for this purpose the specified amounts of money to the named firms indicated in Appendices A, B, C and D of this Decision and Order.

(3) The Applications for Refund specified in Appendix E for a portion of the fund provided by Vickers Energy Corporation to the DOE pursuant to the May 11, 1979 Consent Order are hereby denied.

(4) The determinations made in this Decision and Order are based upon the presumed validity of statements and documentary material submitted by the applicants. Any of these determinations may be revoked or modified at any time upon a determination that the factual basis underlying an individual Application for Refund is incorrect.

(5) This is a final order of the Department of Energy of which any aggrieved party may seek judicial review.

Dated: February 25, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Footnotes

(1) These firms were tire, battery and accessories (TBA) accounts which were segregated for accounting purposes. We have

also incorporated into this group certain TBA applicants that submitted applications prior to the October 24 filing deadline.

(2) The Comment was filed by the National Consumer Law Center on behalf of itself and its clients, members of the Greater Cleveland Welfare Rights Organization, the Massachusetts Union of Public Housing Tenants, New York State-Wide Senior Action Council, and Pennsylvania Acorn, who are described as "low income energy consumers." Comment filed by National Consumer Law Center at 1 (September 25, 1981).

(3) The fact that Vickers' prices were generally higher than the average prices charged by other suppliers in its market area is illustrated by the data summarized in the following table. We have compared a weighted average wholesale price (F.O.B. refinery and terminal) for all sellers of motor gasoline in the State of Oklahoma, the center of Vickers' operation, with Vickers' weighted average wholesale prices for motor gasoline for the month of October in each year during the period 1974-78. (In 1979, March is used because it is the last month of the consent order period.) The weighted average wholesale price presented for sellers in Oklahoma represents the price of a blend using the same percentage of premium, unleaded and regular gasoline actually sold by Vickers in each year. The prices employed in computing the weighted average prices for Oklahoma were taken from *Platt's Oil Price Handbook* and *Platt's Oilgram Price Service*. The Vickers' price data were provided at our request by Total Petroleum, Inc., Vickers' successor. All price information is in cents per gallon. Two additional factors should be noted: (i) Although the Vickers' price data pertains to its entire market area, not just to Oklahoma, its refinery and principal terminal were located in Oklahoma, and thus the comparisons drawn in the table are instructive, see also Best-Way Marketing, 5 DOE ¶ 81,097 (1980) (in October 1979, Vickers was the ninth most expensive supplier of motor gasoline among twelve suppliers in the Oklahoma market area); and (ii) the Platt's data comprise an average based on a range of all prices, while the Vickers' price is an average of two prices, the weighted average wholesale price for unbranded customers and the weighted average wholesale price for branded dealers.

TABLE—COMPARISON OF WEIGHTED AVERAGE OKLAHOMA WHOLESALE PRICES WITH VICKERS' WEIGHTED AVERAGE WHOLESALE PRICES

Year and month	[Cents per gallon]	
	Platt's prices	Vickers' prices
Oct. 1974.....	28.61	29.3
Oct. 1975.....	34.93	35.06
Oct. 1976.....	35.97	36.52
Oct. 1977.....	38.63	38.57
Oct. 1978.....	42.23	43.8
Mar. 1979.....	47.43	47.96

(4) The largest of these applications claims a refund based on a purchase volume of 5,963 gallons. See Application for the Refund filed

by Ron's Deep Rock (App. No. RF1-04, filed Aug. 3, 1981). The smallest claim is based on a purchase volume of approximately 901 gallons. See Application for Refund filed by Earl F. Carlow (App. No. RF1-193, filed Sept. 28, 1981). The refunds associated with these claims would amount to \$13.02 and \$1.97, respectively.

OFFICE OF HEARINGS AND APPEALS REFUND
APPLICANT SYSTEM (RAS)

APPENDIX A.—SMALL APPLICATIONS AGREEING
WITH VICKER'S FIGURES

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF1-0001...	Urban Oil Co., 1949 Washington, Box 332, Waterloo, IA 50704.	70,393	\$153.74
RF1-0003...	Haney Oil Co., P.O. Box 126, Shawnee, OK 74801.	94,747	206.93
RF1-0006...	Service Oil Co., P.O. Box 733, Ardmore, OK 73401.	1,581,820	3,454.69
RF1-0008...	Johnson's Elevators, Inc., Box 57, Mentor, KS 67465.	369,025	805.95
RF1-0009...	Davidson Grain Co., Box 1644, Hutchinson, KS 67501.	869,396	1,898.78
RF1-0010...	Modern Oil Co., Inc., P.O. Box 218, Shawnee, OK 74801.	1,205,389	2,632.57
RF1-0011...	J&H Auto Service, Box 306, Walnut, IA 51577.	918,726	2,006.50
RF1-0012...	Hunt Service, Unionville, MO 63565.	617,092	1,347.73
RF1-0013...	New Uim Quartzite Quarries Inc., RR. #5, Box #21, New Uim, MN 56073.	25,179	54.99
RF1-0014...	Elmar Wood Co., Inc., Moulton, IA 52572.	565,326	1,234.67
RF1-0015...	Peer Oil Co., Inc., 420 North Sixth, Hannibal, MO 63401.	356,195	777.93
RF1-0016...	Lee's Service, P.O. Box 254, Benton, KS 67017.	1,507,356	3,292.07
RF1-0017...	Sanford Oil Co., P.O. Box 726, Ada, OK 74820.	2,136,167	4,663.20
RF1-0018...	Harry W. Cherry, Box 169, Butler, MO 64730.	3,118,446	6,810.69
RF1-0019...	Owens Service Station, Ava, MO 65608.	1,720,565	3,757.71
RF1-0022...	Ted's Hiway Service, Inc., Box 371, Sutton, NE 68979.	188,001	410.59
RF1-0024...	Central Kansas Mill Elevator, P.O. Box 247, Ellsworth, KS 67439.	53,215	116.22
RF1-0025...	Jim Dorton Service Station, 806 E. Third St., Burkburnett, TX 76354.	1,025,871	2,240.50
RF1-0026...	Hillman's Service, 4935 S. Seneca, Wichita, KS 67217.	834,812	1,823.23
RF1-0027...	Matson Service, Inc., 1221 1st Ave. N., Moorhead, MN 56560.	39,502	86.27
RF1-0031...	Bail Oil Co., 600 N. Elm, Jefferson, IA 50129.	2,341,155	5,113.08
RF1-0035...	Roger K. Parker, Box 98, Dwight, KS 66849.	328,304	717.02
RF1-0036...	Sid's Service, 105 West 4th St., Florence, KS 66851.	543,609	1,187.24
RF1-0040...	L. L. Boehnen Oil Co., P.O. Box 66, Mitchell, SD 57301.	23,306	50.90
RF1-0041...	William C. Levingston, Box 126, Pawnee Rock, KS 67567.	1,172,743	2,561.27

OFFICE OF HEARINGS AND APPEALS REFUND
APPLICANT SYSTEM (RAS)—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF1-0043...	Bill's Park City Service, 1660 East 61st St. North, Wichita, KS 67219.	1,806,551	3,945.51
RF1-0044...	Farley Oil Co., Box 129, Farley, IA 52048.	285,459	623.64
RF1-0045...	Randel Oil Co., 1530 First Ave. E., Horton, KS 66439.	1,606,820	3,509.29
RF1-0046...	George Oil Co., 635 W. Crawford, Clay Center, KS 67432.	572,113	1,249.49
RF1-0047...	Byers Oil Co., Box 238, Osceola, IA 50213.	7,943	17.35
RF1-0048...	Frazee Grain Co., RFD 2, Lamed, KS 67550.	1,675,776	3,659.89
RF1-0049...	Darrell R. Kinsey, Rt.4, Box 240A, Reeds Spring, MO 65737.	1,629,488	3,558.80
RF1-0050...	Crockett Oil Co., 1011 Empire Av, PO Box 728, Joplin, MO 64802.	55,061	120.25
RF1-0051...	Hovey Oil Co., Inc., 413 N. Main St., Charles City, IA 50616.	595,033	1,299.55
RF1-0053...	Greens Short Stop, P.O. Box 1, Bourbon, MO 65441.	1,051,020	2,295.43
RF1-0054...	Cliff's Service, 4th and Apache, Ramona, OK 74061.	1,852,273	4,045.36
RF1-0055...	Downs Oil Co., Downs, KS 67437.	544,243	1,188.63
RF1-0056...	Lee B. Shrouf, RR #1 Royal Roost R.R., Cheney, KS 67027.	73,991	161.60
RF1-0057...	Hook's Vickers Service, Auburn, KS 66402.	1,830,395	3,997.58
RF1-0058...	Pronto Systems Inc., 4303 Speaker Rd., Kansas City, KS 66106.	820,087	1,791.07
RF1-0060...	Melton's Service Station, P.O. Box 13, Stratford, MO 65757.	1,075,827	2,349.61
RF1-0061...	John W. Panick, Box 72, Randlett, OK 73562.	483,503	1,005.97
RF1-0063...	Soden Oil Co., Box 415, St. John, KS 67576.	1,818,631	3,971.89
RF1-0064...	Wellsburg Oil Co., Wellsburg, IA 50680.	203,286	443.98
RF1-0066...	West Side Service, 920 West Sycamore, Ness City, KS 67560.	2,534,642	5,535.68
RF1-0088...	Lennie's Service, Rural Route, Albert, KS 67511.	678,230	1,481.25
RF1-0080...	McCubbin Service Station, Pretty Prairie, KS 67570.	726,039	1,585.67
RF1-0083...	S & H Investment, Inc., RR #1 Box 230, Lawrence, KS 66044.	276,684	604.28
RF1-0085...	Bob Burch, RR #2, Sharon Springs, KS 67758.	699,205	1,527.06
RF1-0087...	Joe's Seatcover & Car Wash Cen, 206 N. Seneca, Wichita, KS 67203.	1,236,973	2,701.55
RF1-0088...	Karsten Oil Co., Wall Lake, IA 51466.	63,903	139.56
RF1-0089...	Lockhart Oil Co., Inc., Star Route, Ellsworth, KS 67439.	343,349	749.87
RF1-0090...	Highway Service Station, 120 West 11th, Hoisington, KS 67544.	2,981,932	6,512.54
RF1-0094...	West Side Bail and Grocery, Rt. #1 Box 166, Cheney, KS 67025.	79,478	173.58
RF1-0095...	West Side Bail, Rt. #1, Box 166, Cherry, KS 67025.	151,774	331.47

OFFICE OF HEARINGS AND APPEALS REFUND
APPLICANT SYSTEM (RAS)—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF1-0096...	Roediger Oil Company, P.O. Box 136, Mayetta, KS 66509.	1,987,911	4,341.60
RF1-0097...	Glenwood Auto Sales, Inc., 205 Sharda, Glenwood, IA 51534.	1,544,076	3,372.26
RF1-0101...	Williams Oil Co. of McCurtain, 201 N.W. Texas, Idabel, OK 74745.	662,488	1,446.87
RF1-0107...	Bro Oil Company, Inc., 8555 Harbach Suite 201, Des Moines, IA 50311.	632,850	1,382.14
RF1-0108...	Sharon Springs Auto Parts, Sharon Springs, KS 67758.	99,148	216.54
RF1-0109...	Don's Electronic Service, Rt. 4, P.O. Box 130, Clay Center, KS 67432.	30,066	65.66
RF1-0110...	Independent Oil Company, Sabin, MN 56580.	87,360	190.79
RF1-0111...	Rainbow Carwash, 1700 N. Nevada, Wichita, KS 67212.	1,401,194	3,060.20
RF1-0112...	Cop, Inc., 704 Main, Towanda, KS 67144.	2,434,929	5,317.88
RF1-0113...	Fore, Inc., P.O. Box 407, Durant, OK 74701.	1,332,292	2,909.73
RF1-0114...	Zerger's Service Station, 442 Avenue D. East, Kingman, KS 67068.	803,441	1,754.71
RF1-0116...	Sluder Service, RR Box 15, Waverly, KS 66871.	224,607	490.54
RF1-0118...	T.G. & Y. Stores Co., P.O. Box 25967, Oklahoma City, OK 73125.	1,901,615	4,153.13
RF1-0119...	Stevens Oil Company, 707 W. Creek, Marietta, OK 73448.	1,058,586	2,311.95
RF1-0121...	Scott Oil Company, 1431 N. 2d St., Arkansas City, KS 67005.	2,247,525	4,908.59
RF1-0125...	Steinert Oil Company, P.O. Box 653, Great Bend, KS 67530.	305,098	668.33
RF1-0127...	Patricia L. Coots, 2314 W. MacArthur, Shawnee, OK 74801.	556,006	1,214.31
RF1-0131...	Matherly Oil Company, Brownston, MN 55312.	1,323,505	2,890.53
RF1-0133...	Smith Oil Company, P.O. Box 283, Medicine Lodge, KS 67104.	313,752	685.23
RF1-0134...	Hoyle Oil Company, Box 54, Churdan, IA 50050.	473,674	1,034.50
RF1-0135...	Frank Decker, 6500 SW 27th Cl., Topeka, KS 66614.	1,771,837	3,869.69
RF1-0138...	Couch Oil Company, P.O. Box 615, Ardmore, OK 73401.	352,694	770.28
RF1-0137...	Little Joe's Miniwash, 2102 E. Central, Wichita, KS 67214.	2,187,507	4,777.51
RF1-0138...	Scott Service, Route 2, Ottawa, KS 66067.	2,216,988	4,841.90
RF1-0139...	Suler & Chaffin Oil, Inc., 1910 Armour Road, N. Kansas City, MO 64116.	798,425	1,743.76
RF1-0145...	Raymond Tolbert, Rt. 1, Box 607, Wilson, OK 73463.	1,123,904	2,454.80
RF1-0148...	Midtown Service, 137 W. Berry, P.O. Box 23, Rose Hill, KS 67133.	1,267,637	2,768.51

OFFICE OF HEARINGS AND APPEALS REFUND
APPLICANT SYSTEM (RAS)—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF1-0151...	Cardinal Oil Co., (Robinson), P.O. Box 103, Sedgwick, KS 67135.	306,969	670.42
RF1-0152...	French Distributing Co., Inc., P.O. Box 95635, Oklahoma City, OK 73109.	1,935,568	4,227.28
RF1-0153...	Jensen Oil & Gas Co., Inc., 124 W. Jefferson, Mankato, KS 66956.	722,650	1,578.26
RF1-0157...	Midway Oil Company, P.O. Box 715, Rock Island, IL 61201.	30,324	66.22
RF1-0158...	Wilmoth Enterprises, Inc., Rt. #1 P.O. Box 6, Mt. Vernon, MO 65712.	1,544,419	3,373.01
RF1-0160...	City Oil Company, 532 E. Street, P.O. Box 30, Snyder, OK 73566.	942,003	2,057.33
RF1-0161...	Worman Oil Company, 524 S. Main, Ellinwood, KS 67526.	637,111	1,391.45
RF1-0162...	Cook Sovereign Service, Box 104, Pleasanton, KS 66075.	1,097,285	2,396.47
RF1-0163...	Bob's Service, 8th and E. St., Wymore, NE 68466.	492,710	1,076.07
RF1-0164...	Old Colony Gas & Oil, 1628 N. 2d St., Minneapolis, MN 55411.	859,750	1,877.69
RF1-0166...	Gene's Service, 102 South 11th Street, Wymore, NE 68466.	450,336	983.53
RF1-0167...	Bunge Corporation, P.O. Box 799, Hutchinson, KS 67501.	2,014,676	4,400.05
RF1-0170...	Ozment's Gas & Oil, 7148 E. Latimer Place, Tulsa, OK 74115.	569,300	1,243.35
RF1-0177...	Soldier Oil Company, 416 Leonard, Onaga, KS 66521.	1,168,933	2,552.94
RF1-0179...	Constant Oil Company, P.O. Box 450, Larned, KS 67550.	42,151	92.05
RF1-0180...	Reid's Service, Hwy 77 & 50, Florence, KS-66851.	386,872	844.92
RF1-0181...	Fentress Oil Co., 1001 N.W. 71st Place, Oklahoma City, OK 73116.	2,454,196	5,359.96
RF1-0184...	Elliott Wholesale & Oil Co., P.O. Box 443, Ottumwa, IA 52501.	3,199,069	6,986.76
RF1-0186...	Jim's Service, 3301 W. 8th St., Coffeyville, KS 67337.	25,133	54.89
RF1-0187...	L.D. Rhodes Oil Co., P.O. Box 25216, Oklahoma City, OK 73125.	1,710,236	3,735.15
RF1-0188...	Tri-County Oil & Gas, Highway 59, Schleswig, IA 51451.	8,112	17.71
RF1-0189...	Cardie Oil, Inc., Tampa, KS 67483.	1,123,478	2,453.67
RF1-0190...	D&J Oil Company, 1145 W. Donald, P.O. Box 82, Waterloo, IA 50704.	55,862	122.00
RF1-0194...	Besthorn Oil & Gas Service, R.R. 1, Clepln, KS 67525.	666,777	1,456.24
RF1-0201...	Robert Steven Koop, 1401 South Santa Fe, Salina, KS 67401.	2,429,767	5,306.61
RF1-0202...	East Side Vickers Service, 800 E. Kansas Ave., McPherson, KS 67460.	2,786,304	6,041.60

OFFICE OF HEARINGS AND APPEALS REFUND
APPLICANT SYSTEM (RAS)—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF1-0204...	Prime Petroleum Products, Inc., 1801 N.W. 5th St., Oklahoma City, OK 73104.	2,218,195	4,844.53
RF1-0205...	Berryhill Oil Co., R #2, Box 16, Lamar, MO 64759.	667,635	1,458.11
RF1-0212...	Harris Hess, 111 6th Avenue, Coon Rapids, IA 50058.	1,532,951	3,347.96
RF1-0214...	North Side Services, P.O. Box 428, Hutchinson, KS 67501.	2,314,270	5,054.36
RF1-0215...	Coffey County Oil & Supply, P.O. Box 281, Burlington, KS 66839.	280,196	611.94
RF1-0216...	Hughes Oil Company, R.R. 5, Box 178, Huron, SD 57350.	42,837	93.55
RF1-0219...	Kling Oil Company, Soldier, KS 66540.	128,674	281.02
RF1-0220...	Bill Cowan Garage, Reading, KS 66868.	326,607	713.30
RF1-0222...	Endlam, Inc., 900 Rogers Lane, Lawton, OK 73501.	1,287,284	2,811.42
RF1-0226...	St. Clair Vickers, 1116 Prospect, Ellsworth, KS 67439.	367,207	801.98
RF1-0233...	Ray Fairbanks, Route #2, Pleasanton, KS 66075.	134,143	292.96
RF1-0234...	Robson Oil Co., P.O. Box 694, Abilene, KS 67410.	580,308	1,267.39
RF1-0240...	Forrest Collins, 1675 Walnut Dr., McPherson, KS 67460.	1,988,087	4,341.98
RF1-0241...	Fritter Oil Company, RR #1 Box 106, Louisburg, KS 66053.	1,735,014	3,789.27
RF1-0246...	Bobby Ray Atkins, 6315 Woodway Dr. #233, Ft. Worth, TX 76133.	1,135,434	2,479.78
RF1-0250...	Coopers Corner, 1404 N. Washington, Ardmore, OK 73401.	540,694	1,180.87
RF1-0253...	Nelson Oil Co., Inc., 165 W. Sycamore St., St. Paul, MN 55117.	583,355	1,274.04
RF1-0256...	Shriver's Store, R.R. #1, Lawton, OK 73501.	493,861	1,078.15
RF1-0260...	Fish Service, Box 88, Raymond, KS 67573.	1,063,141	2,321.68
RF1-0261...	Petersen Oil Company, 300 Cole, Lindsborg, KS 67456.	1,508,423	3,294.39
RF1-0262...	Taylor's Falls Creamery, Taylor's Falls, MN 55084.	614,111	1,341.21
RF1-0263...	Pester Derby Oil Co., P.O. Box 10006, Des Moines, IA 50306.	74,514	162.73
RF1-0265...	Hammer's Service, 117 W. North Street, Richmond, KS 66080.	318,576	691.40
RF1-0266...	Oklahoma Gas & Electric Co., P.O. Box 321, Oklahoma City, OK 73101.	75,236	164.31
RF1-0267...	Campbell Oil Company, 308 W. Walnut, Ozark, MO 65721.	730,465	1,595.33
RF1-0269...	Vickers Service (Rowton), P.O. Box 399, Scott City, KS 67871.	1,742,393	3,805.38
RF1-0271...	Fred Miller Tire Service, P.O. Box 151, Council Grove, KS 66846.	895,621	1,956.03
RF1-0274...	Kuntz Brothers, P.O. Box 145, Oakville, IA 52846.	892,481	1,949.17
RF1-0278...	Edward R. Hullett, 8000 E. 63rd Street, Derby, KS 67037.	224,041	489.30

OFFICE OF HEARINGS AND APPEALS REFUND
APPLICANT SYSTEM (RAS)—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF1-0281...	Diries Oil Company, P.O. Box 426, Ardmore, OK 73401.	326,285	712.60
RF1-0283...	Marshall Oil Company, P.O. Box 249, Harrisonville, MO 64701.	3,217,792	7,027.65
RF1-0285...	Elite, Ltd., P.O. Box 118, Coon Rapids, IA 50058.	448,669	979.89
RF1-0288...	Gene's Service 117 W. North Street, Richmond, KS 66080.	17,529	38.28
RF1-0291...	M.P.G. Petroleum, 2932 Washington Ave. No., Minneapolis, MN 55411.	15,953	34.84
RF1-0293...	East Crawford Vickers, 1014 East Crawford, Salina, KS 67401.	2,817,816	6,154.11
RF1-0296...	Aurora Coop Assn., Inc., Main St. & ATSF Railway, Aurora, KS 67417.	132,124	288.55
RF1-0298...	Bud's Vickers Service, Box 709, Scott City, KS 67871.	2,421,626	5,288.83
RF1-0299...	Dell Oil company, 950 Office Park Rd., W. Des Moines, IA 50265.	1,849,974	4,040.34
RF1-0300...	Rayburn Oil Company, Gibbon, NE 68840.	491,667	1,073.80
RF1-0301...	Evert Oil Co., Inc., Box 97, Concordia, KS 66901.	310,999	679.22
RF1-0304...	Mangum Oil & Gas Co., P.O. Box 430, Mangum, OK 73554.	122,951	268.52
RF1-0307...	Oklahoma tank Lines, Inc., 4312 S. Georgia Place, Oklahoma City, OK 73129.	208,311	454.95
RF1-0311...	McPherson Oil Company, Inc., 1800 E. 1st St., Box 468, McPherson, KS 67460.	899,103	1,963.64
RF1-0313...	Mid South Oil Company, 900 W. 4th St. Box 2100, Little Rock, AR 72203.	538,727	1,178.57
RF1-0314...	Boyd Oil Company, Box 348, Concordia, KS 66901.	324,302	708.27
RF1-0316...	Rapid Service of Iowa, Box 686, Salinas, KS 67401.	916,387	2,001.38
RF1-0317...	Rapid Transit Co., Box 686, Salinas, KS 67401.	620,636	1,355.46
RF1-0318...	Rapid Service of Nebraska, Box 686, Salinas, KS 67401.	1,430,496	3,124.20
RF1-0319...	Dell Oil Company, 950 Office Park Rd., W. Des Moines, IA 50265.	815,007	1,779.97
RF1-0323...	Baldwin Service, RT 2, Box 32, Marshfield, MO 65708.	1,937,034	4,230.48
RF1-0329...	Floyd & Bob's Vickers, 1300 W. 24th, Hutchinson, KS 67501.	128,044	279.64
RF1-0338...	Flower Petroleum, 1500 Main, Winfield, KS 67158.	559,340	1,215.59
RF1-0346...	Jones Oil Co. (Harold F. Jones), 704 N. East St., Leon, KS 67074.	571,802	1,248.81
RF1-0347...	Jones Oil Co. (Larry H. Jones), 712 N. Main, Leon, KS 67074.	228,592	499.24
RF1-0348...	Anderson Independent Oil, 2219 N.E. Crosstown Blvd., Anoka, MN 55303.	189,253	413.32
RF1-0351...	Conway Oil Company, P.O. Box 807, Bellevue, NE 68005.	41,150	89.87

OFFICE OF HEARINGS AND APPEALS REFUND APPLICANT SYSTEM (RAS)—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF1-0352	L & S Vickers, Hwy 40 & Grand, Ellsworth, KS 67439.	167,818	366.51

OFFICE OF HEARINGS AND APPEALS REFUND APPLICANT SYSTEM (RAS)—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF1-0355	Dick's Happy Service, 601 W. Kansas Ave., McPherson, KS 67460.	424,414	926.92

OFFICE OF HEARINGS AND APPEALS REFUND APPLICANT SYSTEM (RAS)—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF1-0363	Joyce Link, P.O. Box 215, Pawnee Rock, KS 67567.	177,027	386.62

APPENDIX B—APPLICATIONS SUBMITTING PROOF OF PURCHASE

Case No.	Name and address of applicant	Vickers volume	Applicant volume	Approved volume	Dollar amount approved
RF1-0007	GLenn Oil Co., P.O. Box 361, Lawton, OK 73502	128,057	178,714	179,307	\$391.61
RF1-0023	Seger Oil Co., Box 512, O'Neill, NE 68783	199,699	328,954	330,289	721.35
RF1-0065	Crown Sales Inc., 905 Wisconsin, Cawker City, KS 67430	117,529	137,430	134,146	292.97
RF1-0067	Mulgrew Oil Co., 85 Terminal St., Dubuque, IA 52001	78,897	102,361	78,697	171.87
RF1-0091	Independent Oil Co., Lebanon, KS 66952	163,062	247,847	247,847	541.30
RF1-0100	Richard Oil Co., Humeston, IA 50123	22,466	24,000	22,468	49.07
RF1-0122	4th Street Service, 1004 E. 4th, Tulsa, OK 74101	631,885	655,275	655,275	1,431.12
RF1-0147	Wineinger Oil Co., Box 278, Luray, KS 67649	157,987	166,142	165,872	362.26
RF1-0165	Bill's Auto Accessories & Oil, 203 Alkire, Topoka, KS 66607	466,359	477,322	478,322	1,044.66
RF1-0191	Heitman Oil Co., Linn, KS 66953	344,228	257,853	257,853	563.15
RF1-0192	Hamilton Oil Co., R.R. 1, Silver Lake, KS 66539	113,446	296,543	300,998	657.38
RF1-0225	Nordstrom Oil Co., 1400 6th St., S.W., Box 66, Cedar Rapids, IA 52406	65,837	429,974	429,974	939.06
RF1-0232	Home Oil Stations, Inc., 555 Gateway Drive, Ottumwa, IA 52501	53,144	1,068,622	1,068,522	2,333.65
RF1-0236	Crawford Oil Co., P.O. Box 246, Humansville, MO 40246	728,330	895,793	881,985	1,926.26
RF1-0272	Searcy's Station, Montier, MO 65546	2,118,498	2,202,934	2,202,529	4,810.32
RF1-0289	Carey Johnson Oil Co., P.O. Box 291, Lawton, OK 73502	11,458	170,139	170,139	371.58
RF1-0292	Texoma Oil Co., Box 716, Tishomingo, OK 73460	1,698,272	2,819,724	2,763,534	6,035.56
RF1-0331	Leist Oil Co., 705 High St., Rockwell City, IA 50579	459,820	610,185	622,135	1,359.74
RF1-0332	Galyen Petroleum Co., P.O. Box 307, Atkinson, NE 68713	981,195	1,295,205	1,277,305	2,789.63
RF1-0334	Jameson Oil Co., P.O. Box 111, Eudora, KS 66025	568,788	1,258,029	1,259,082	2,749.84
RF1-0335	M & M Oil Co., P.O. Box 1300, Osage Hous Seminole, OK 74868	318,316	942,983	942,991	2,059.49
RF1-0341	O & B Oil Company, Inc., P.O. Box 98, Elk Falls, KS 67345	1,088,234	2,355,405	2,375,677	5,188.48

APPENDIX C—TBA ACCOUNTS

Case No.	Name and address of applicant	Vickers volume	Applicant volume	Approved volume	Dollar amount approved
RF1-0172	Gilliand Oil & Tire Supply, Rt. 4 at Centropolis, Ottawa, KS 66067.	153,884	153,040	153,040	\$334.24
RF1-0229	John Anderson TBA, Inc., 809 Locust St., Chillicothe, MO 64601	578,268	714,093	721,916	1,576.68
RF1-0235	Bantz-Hawkins, Inc., 224 N. West Street, Wichita, KS 67203	987,753	1,296,408	1,172,323	2,560.35
RF1-0251	Dividend Tire & Service Center, 5405 E. Colfax Ave., Denver, CO 80220.	574,109	566,677	576,769	1,259.66
RF1-0273	L & L Service, P.O. Box 248, Sargent, NE 68874	2,106,651	2,106,651	2,106,651	4,600.93
RF1-0302	Bud's Midwestern Tire, 720 State, Concordia, KS 66901	489,355	450,000	450,000	982.80
RF1-0303	Bud's Tire Service, 603 5th, Clay Center, KS 67432	1,402,873	1,402,873	1,402,873	3,063.87
RF1-0337	Bud's Tire & Supply, Inc., 3211 Broadway, Great Bend, KS 67530	759,086	759,086	759,086	1,657.84
RF1-0339	Bud's Abilene Tire, Inc., 4th and Buckeye, Abilene, KS 67410	2,838,077	2,838,077	2,838,077	6,198.36
RF1-0340	Great Western Tire, Inc., 1402 Main St., Goodland, KS 67735	614,648	614,648	614,648	1,342.39
RF1-0345	Great Western Tire Co., 319 E. Front St., Oakley, KS 67748	682,232	687,805	682,232	1,489.99
RF1-0356	Springdale Tire & Service, Inc., P.O. Box 1138, Springdale, AK 72764.	498,128	498,128	498,128	1,087.91
RF1-0358	McGrew Tire & Supply, 916 North Washington, Junction City, KS 66441.	166,269	166,269	166,269	363.13
RF1-0359	Nielsen Oil & Propane, 660 South Main Street, West Point, NE 68788.	1,041,014	1,041,014	1,041,014	2,273.57
RF1-0360	Stuart Tire Co., 13735 W. 71st Place, Aruada, CO 80804	386,622	498,637	498,772	1,089.32
RF1-0361	Richards Tire & Service Center, P.O. Box 678, Siloan Springs, AR 72761.	147,704	57,330	57,330	125.21
RF1-0366	Wichita Tire, Inc., 145 North Hillside, Wichita, KS 67214	750,382	750,382	750,382	1,638.83

APPENDIX L—LARGE APPLICATIONS REQUESTING REFUNDS ON 50,000 GALLON BASIS

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF 1-0005	Mohawk Petroleum Co., 2401 Fourth National Bank, Tulsa, OK 74119.	725,000	\$1,583.40
RF 1-0042	Big-S-Oil Co., Box 304, Mt. Hope, KS 67108.	3,375,000	7,371.00
RF 1-0059	Potwin Service Station, Potwin, KS 67123.	3,375,000	7,371.00

APPENDIX I.—LARGE APPLICATIONS REQUESTING REFUNDS ON 50,000 GALLON BASIS—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF 1-0098	Rolland K. Grover, 620 North Baltimore, Derby, KS 67037.	3,375,000	7,371.00
RF 1-0140	Galva Cash Service, U.S. Highway 56, Galva, KS 67443.	3,375,000	7,371.00

APPENDIX I.—LARGE APPLICATIONS REQUESTING REFUNDS ON 50,000 GALLON BASIS—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF 1-0159	Floyd Hinds Oil Company, Rt. 8 Box 149A, Muskogee, OK 74401.	3,375,000	7,371.00
RF 1-0169	Morris Oil Company, P.O. Box 465, Morris, MN 56267.	3,000,000	6,552.00

APPENDIX I.—LARGE APPLICATIONS REQUESTING REFUNDS ON 50,000 GALLON BASIS—Continued

Case No.	Name and address of applicant	Approved volume	Dollar amount approved
RF 1-0171	Ronco Oil Corporation, P.O. Box 108, Chanute, KS 66720.	3,375,000	7,371.00
RF 1-0173	Collingwood Grain, Inc., P.O. Box 2150, Hutchinson, KS 67501.	3,375,000	7,371.00
RF 1-0175	Tonga Vickers, P.O. Box 349, Smyrna, DE 19977.	3,375,000	7,371.00
RF 1-0178	G & T Service, Pleasanton, KS 66075.	3,375,000	7,371.00
RF 1-0210	Casey's General Stores, Inc., Box 3288, Des Moines, IA 50316.	3,250,000	7,098.00
RF 1-0213	Donald Lee Gibson, 412 North 4th Street, Lamesa, TX 79331.	3,375,000	7,371.00
RF 1-0223	South Oil Company, P.O. Box 396, Ardmore, OK 73401.	3,350,000	7,316.40
RF 1-0224	Shaw Oil, 100 W. Main, Valley Center, KS 67147.	3,375,000	7,371.00
RF 1-0228	National Marketing, Inc., P.O. Box 8157, Topeka, KS 66608.	1,750,000	3,822.00
RF 1-0230	Musket Corporation, P.O. Box 20368, Oklahoma City, OK 73156.	3,375,000	7,371.00
RF 1-0231	B.A.R., Inc., 1726 N. Topeka Blvd., Topeka, KS 66608.	3,375,000	7,371.00
RF 1-0243	Robert Ross, Inc., 827 E. 2nd, Wichita, KS 67202.	3,375,000	7,371.00
RF 1-0247	M & M Service, 2434 Fairway Dr., Fremont, NE 68025.	3,375,000	7,371.00
RF 1-0248	Del's Oil Company, 913 N. Scott, Belton, MO 64012.	3,375,000	7,371.00
RF 1-0259	Rite Way Oil & Gas Co., Inc., 8400 I. Street, Omaha, NE 68127.	700,000	1,528.80
RF 1-0282	Clugstow-Ekwall Oil Co., 8400 I. Street, Omaha, NE 68127.	3,375,000	7,371.00
RF 1-0286	LPG, Inc., P.O. Box 5198, Abilene, TX 79608.	650,000	1,419.80
RF 1-0306	Lambert Oil Co., 2 N. Main, P.O. Box 1364, Sapulpa, OK 74066.	3,365,000	7,349.16
RF 1-0308	Ripley Oil Company, RR No. 2, Luverne, MN 56158.	3,375,000	7,371.00
RF 1-0349	Bluemont Vickers, No. 8 Crestview, Salina, KS 67401.	3,375,000	7,371.00
RF 1-0357	Pattlyn Oil Co., Inc., 1300 West 24th, Hutchinson, KS 67501.	1,200,000	2,620.80

Appendix E.—Applications Requesting Refunds of Less Than \$15

Case No.	Name and address of applicant	Determination
RF1-0004	Ron's Deep Rock, Hwy 10, Orange City, IA 51041.	Denied.
RF1-0124	Robert P. Cleverly, 7731 East Rose Lane, Scottsdale, AZ 85253.	Denied.
RF1-0185	Marvin L. Price, 502 East South, Lincoln, KS 67455.	Denied.
RF1-0193	Earl F. Carlou—Crestwood Dist., 8707 E. Keim Dr., Scottsdale, AZ 85253.	Denied.

Appendix E.—Applications Requesting Refunds of Less Than \$15—Continued

Case No.	Name and address of applicant	Determination
RF1-0336	John R. Lutz, 4915 W. Echo Lane, Glendale, AZ 85302.	Denied.
RF1-0367	George H. Shaffer, 3722 Red Hawk Ct., Bridgeton, MO 63044.	Denied.

[FR Doc. 82-5792 Filed 3-4-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-5-FRL-2049-5]

Ohio; Extension of the Interim Enforcement Policy for Sulfur Dioxide Emission Limitations

AGENCY: Environmental Protection Agency.

ACTION: Notice extending the interim enforcement policy for sulfur dioxide emission limitations in Ohio.

SUMMARY: By this notice, the U.S. Environmental Protection Agency is extending the policy concerning the enforcement of the sulfur dioxide emission limitations in Ohio until the review of the sulfur variability issue and any necessary rulemaking procedures are completed. This policy was originally published in the *Federal Register* on February 11, 1980 (45 FR 9101), clarified on September 8, 1980 (45 FR 59199), and extended to March 1, 1982 on October 28, 1980 (45 FR 71422).

This policy was intended to focus the Agency's enforcement resources on those sources of SO₂ which present the greatest environmental threat while the issue of sulfur variability is under review. Although it was previously anticipated that EPA would complete its review and rulemaking procedures by March 1, 1982, the sulfur variability issue is still under review by the Agency. Therefore, EPA is at this time extending the policy until the Agency's policy is revised.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6088.

Dated: February 3, 1982.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 82-5961 Filed 3-4-82; 8:45 am]

BILLING CODE 6560-38-M

[OPTS 140006; TSH-FRL-2065-2]

General Software Corp.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA will transfer information contained in Premanufacture Notices (PMNs) submitted by manufacturers and importers under section 5 of the Toxic Substances Control Act (TSCA) to General Software Corporation of Landover, Md. Some of this information may be claimed to be confidential. General Software Corporation will review and analyze the PMN information for purposes of predicting the potential exposures to the PMN substances.

DATE: The transfer of data submitted in PMNs and claimed to be confidential will occur no sooner than 10 working days after publication of this notice in the *Federal Register* (March 15, 1982).

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-779), Office of Toxic Substances, Environmental Protection Agency, Rm. E-509, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, manufacturers and importers of chemical substances are required to submit PMNs for new chemical substances that they intend to manufacture or import and that are not included in EPA's Inventory of Chemical Substances. EPA will be evaluating the potential and magnitude of possible exposures to the substances. To accomplish this, EPA will require the assistance of outside experts. It has selected General Software Corporation of Landover, Md. to perform analyses of PMN information which may be helpful to EPA in this evaluation. (Contract No. 68-01-6271, Task 17).

General Software Corporation will examine the information contained in PMNs including test data, production volumes, chemical types, and use information, to identify possible exposure situations and to estimate the magnitude of such exposures.

Pursuant to 40 CFR 2.306(j), EPA has determined that it will need to disclose confidential business information to General Software Corporation. If any PMN information is claimed to be confidential, reports prepared by General Software Corporation dealing with this confidential business

information will be treated as confidential. After evaluating the information in a PMN, General Software Corporation will return the PMN and any reports it prepares to EPA.

Since General Software Corporation will review information claimed to be confidential, EPA is publishing this notice to inform all submitters of PMNs that General Software Corporation will have access to confidential business information from EPA. General Software Corporation will have access to confidential business information only while at EPA and will not remove such data from EPA's facility.

General Software Corporation's contract specifically prohibits disclosure of any of this information to any third party without written authorization from EPA. General Software Corporation is required to treat all confidential business information in accordance with the requirements of the TSCA Confidential Business Information Security Manual and the Contractor Requirements for the Control and Security of TSCA Confidential Business Information Manual. The General Software Corporation personnel will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: February 24, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-0042 Filed 3-4-82; 8:45 am]

BILLING CODE 6560-31-M

[ER-FRL-2065-1]

Superfund Contracting Symposium

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting on superfund contracting.

SUMMARY: The Office of Emergency and Remedial Response of the EPA announces a Superfund Contracting Symposium. The symposium will provide EPA and the U.S. Army Corps of Engineers the opportunity to communicate the scope and nature of the Superfund Program to potential contractors.

DATE: The symposium is scheduled as follows: March 29, 1982, 8:30 a.m. to 4:00 p.m., Washington, D.C.

ADDRESS: The symposium will be held at the following location: March 29, 1982—The Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C. 20009.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Kaschak, Office of

Emergency and Remedial Response (WH-548E), 401 M Street, SW., Washington, D.C. 20460, (202) 382-2339.

SUPPLEMENTARY INFORMATION: The Comprehensive Environmental Response, Compensation and Liability Act of 1980, provides for the cleanup of inactive hazardous waste disposal sites. Two symposia addressing Superfund contracts were conducted May 27, 1981 (Atlanta, Georgia) and May 29, 1981 (Denver, Colorado) to describe the Remedial Response Program to prospective contractors. At that time, the design and construction services were to be subcontracted by the EPA Remedial Response Management Contractor. These services are now to be managed by the U.S. Army Corps of Engineers. Other new aspects of the Remedial Program involve the combination of the Field Investigation Team and the Remedial Planning activities within the same contract. EPA has scheduled a one day symposium to describe this new approach. The U.S. Army Corps of Engineers will also participate in the symposium to describe their contracting procedures. The request for proposals for the Hazardous Site Response and Remedial Management Contract will be discussed during the meeting. Contractors will provide EPA with preliminary assessments, site inspections, remedial investigations, feasibility studies, post-closure assistance, and project management support at hundreds of waste sites around the nation. Contracts for engineering design and remedial action implementation activities will be managed by the U.S. Army Corps of Engineers. The symposium will consist of formal presentations followed by a question and answer session. There is no registration fee. Affiliate organizations include American Institute of Chemical Engineers, American Consulting Engineers Council, American Society of Civil Engineers, National Solid Waste Management Association, and Associated General Contractors of America. Registration will be at the door from 8:30 a.m. to 9:00 a.m.

William N. Hedeman, Jr.,

Director, Office of Emergency and Remedial Response.

[FR Doc. 82-6049 Filed 3-4-82; 8:45 am]

BILLING CODE 6560-30-M

[ER-FRL-2067-2]

Availability of Environmental Impact Statements Filed February 22 Through 26, 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. 820095, Final, COE, MN, Snake River Snagging and Clearing, Flood Control, Due: Apr. 5, 1982

EIS No. 820102, Report, COE SEV, MD, VA, Report—Baltimore Harbor and Channels, Due: Apr. 5, 1982

Department of Interior:

EIS No. 820099, Draft, BLM, CA, Willow Creek Unit Livestock Grazing Management Plan, Lassen County, Due: Apr. 19, 1982

Department of Transportation:

EIS No. 820100, Draft, FHW, FL, Acosta Bridge Replacement, St. Johns River, Duval County, Due: Apr. 26, 1982

EIS No. 820103, Final, CGD, SEV, REG WA, Puget Sound Vessel Traffic, Regulations, Due: Apr. 5, 1982

Environmental Protection Agency:

EIS No. 820093, Draft, EPA, IA, Des Moines Sludge Disposal Management Facilities, Grant, Due: Apr. 19, 1982

Federal Energy Regulatory Commission:

EIS No. 820101, Draft, FRC, ID, AJ Wiley Hydroelectric Project, Snake River, License, Due: Apr. 19, 1982

Department of Housing and Urban Development:

EIS No. 820094, Draft, HUD, MN, Morning View Development, Mortgage Insurance, Dakota County, Due: Apr. 19, 1982

EIS No. 820097, Final, HUD, WY, Meadowbrooke Park Development, Mortgage Insurance, Laramie County, Due: Apr. 5, 1982

EIS No. 820104, FSUpl, HUD, NC, Soul City, Title VII Termination, Warren County, Due: Apr. 5, 1982

Department of Agriculture:

EIS No. 820096, Final, SCS, IN, Upper Big Blue River Watershed Protection, Henry and Rush Counties, Due: Apr. 5, 1982

Department of the Navy:

EIS No. 820098, Final, USN, WA, Puget Sound Naval Shipyard Steam Plant, Bremerton, Due: Apr. 5, 1982

Amended Notices:

EIS No. 810879, Draft, DOC, ME, Maine Coast/Machias Bay Estuarine Sanctuary, Grant Published FR 10-30-81—Officially Withdrawn, Due:

EIS No. 820024, Final, COE, HI, Waimea River Flood Control Study, Hawaii County, Published FR 1-18-82—retracted due to nondistribution, Due:

EIS No. 800961, DSUpl, *AFS, IL, Lusk Creek Area Fluorspar Prospecting, Shawnee NF, Pope County *Published withdrawal FR 2-19-82 with incorrect bureau, Due:

Dated: March 2, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-6106 Filed 3-4-82; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-2067-2]

Intent To Prepare an Environmental Impact Statement (EIS) and Notice of Withdrawal

CONTACT: Clinton B. Spotts, Regional EIS Coordinator, U.S. Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, Telephone: 214/767-2716 or FTS 729-2716.

SUMMARY: *Notice of Intent:* Pursuant to EPA regulations for preparation of EISs (40 CFR Part 6), EPA is preparing a draft EIS for the proposed issuance of new source NPDES permits to Houston Lighting and Power Company and a subsidiary of North American Coal Corporation for discharges from the Malakoff Electric Generating Station and the Trinity Mine, respectively. The proposed Generating Station is located 3 miles southwest of Malakoff, Texas in Navarro County and the proposed Trinity Mine is in Navarro and Freestone Counties. EPA intends to prepare tiered EISs on the two interrelated projects and the first EIS will focus on the generating station. EPA will hold a meeting to determine the scope of the EIS on March 18, 1982 at 7:30 pm at the Malakoff Elementary School Cafeteria on North Terry Street in Malakoff, Texas. A detailed Notice of Intent which describes the proposals was distributed on February 10, 1982 and is available from the above contact.

Withdrawal of Previous Notice of Intent: On November 19, 1979 EPA published a Notice of Intent to prepare an EIS on the Wastewater Treatment Facility, Fayetteville, Arkansas in the Federal Register (44 FR 66246). However, at this time EPA Region 6 hereby terminates the Memorandum of Understanding between EPA and the City of Fayetteville for the joint piggyback EIS preparation on awarding grants for construction of wastewater treatment facilities. This action has been taken after expiration of the official 30 days notice which began on January 19, 1982. It is incumbent upon the City to resubmit to the State an adequate facility plan and accompanying Environmental Information Document. Upon State approval of the facility plan, EPA and the State will then proceed with the decision making process regarding the project and NEPA.

Dated: March 2, 1982.

Paul C. Cahill,
Director, Office of Federal Activities.

[FR Doc. 82-0107 Filed 3-4-82; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL LABOR RELATIONS AUTHORITY**Availability of Quarterly Indexes Pursuant to the Freedom of Information Act, as Amended**

AGENCY: Federal Labor Relations Authority, Office of the General Counsel.

ACTION: Notice of Availability of Quarterly Indexes Pursuant to the Freedom of Information Act, as amended.

SUMMARY: This notice sets forth the availability of indexes to decisions of the General Counsel of the Federal Labor Relations Authority (Authority) in unfair labor practice cases as required by 5 U.S.C. 552(a)(2).

DATE: March 2, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Feder, Freedom of Information Officer, Office of the General Counsel (202) 382-0834.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Office of the General Counsel of the Authority, in accordance with the requirements of the Freedom of Information Act, as amended (5 U.S.C. 552(a) *et seq.*) prepares and maintains on a quarterly basis a *Classified Index of Disposition of ULP Charges by the General Counsel of the Federal Labor Relations Authority*. The classified index is a subject matter index to advice memoranda and appeals letters in unfair labor practices cases under the Federal Service Labor-Management Relations Statute (5 U.S.C. 7101 *et seq.*) in which the Office of the General Counsel either authorized, or declined to authorize, issuance of complaint. Although advice memoranda authorizing issuance of complaint are not "final opinions" within the purview of 5 U.S.C. 552(a)(2)(A) under the Supreme Court's decision in *NLRB v. Sears Roebuck Company*, 421 U.S. 132 (1975), it is the Office of the General Counsel's policy to make such memoranda authorizing issuance of complaint available to the public with appropriate deletions to protect rights of privacy or confidential sources of information after an Authority decision and order has issued, after there has been full compliance with a settlement of the case, or after the case is otherwise closed under the Authority's procedures. To facilitate access to such memoranda after the case is closed, they are included in the indexes but such advice memoranda authorizing issuance of complaint will not be made available until the respective case is closed.

Due to severe budgetary constraints, the Office of the General Counsel is unable to have these indexes published and made available for sale by the Government Printing Office. However, in accordance with the requirements in 5 U.S.C. 552(a)(2), these indexes are available for public inspection at all of the Authority's Regional Offices and at the National Office of the Office of the General Counsel. Further, these indexes will be provided, upon request, pursuant to 5 CFR 2411.4(a) and are subject to the payment of fees in accordance with the fee schedule set forth in 5 CFR 2411.10 to cover the direct cost of duplication.

Dated: March 2, 1982.

For the General Counsel.

Office of the General Counsel, Federal Labor Relations Authority.

S. Jesse Reuben,

Deputy General Counsel.

[FR Doc. 82-5968 Filed 3-5-82; 8:45 am]

BILLING CODE 6727-01-M

FEDERAL RESERVE SYSTEM**Baldy Bancshares, Inc.; Formation of Bank Holding Company**

Baldy Bancshares, Inc., Lyle, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 93 percent or more of the voting shares of Farmer's State Bank of Lyle, Lyle, Minnesota. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 1, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5928 Filed 3-4-82; 8:45 am]

BILLING CODE 6210-01-M

Coleman Bancshares, Inc.; Formation of Bank Holding Company

Coleman Bancshares, Inc., Coleman, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Coleman Bank, Coleman, Texas. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.
[FR Doc. 82-5923 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

Coulee Bancshares, Inc.; Formation of Bank Holding Company

Coulee Bancshares, Inc., LaCrosse, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Coulee State Bank, LaCrosse, Wisconsin. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.
[FR Doc. 82-5929 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

First Alabama Bancshares, Inc.; Acquisition of Bank

First Alabama Bancshares, Inc., Montgomery, Alabama, has 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 78 percent or more of the voting shares of First Farmers and Merchants National Bank of Troy, Troy, Alabama. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 31, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.
[FR Doc. 82-5930 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

First Eastern Corp.; Formation of Bank Holding Company

First Eastern Corporation, Kingsport, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First Eastern National Bank, Kingsport, Tennessee. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.
[FR Doc. 82-5924 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

First Midwest Bancorp, Inc.; Formation of Bank Holding Company

First Midwest Bancorp, Inc., Midwest City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less director's qualifying shares) of The First National Bank of Midwest City, Midwest City, Oklahoma. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 23, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.
[FR Doc. 82-5931 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

First National Bancshares, Inc.; Formation of Bank Holding Company

First National Bancshares, Inc., Camdenton, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 72.6 percent or more of the voting shares of First National Bank of Linn Creek/Camdenton, Camdenton, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-5932 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

Frontier Bancshares, Inc.; Formation of Bank Holding Company

Frontier Bancshares, Inc., Eagle Pass, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Frontier State Bank, Eagle Pass, Texas. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-933 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

Garrison Bancshares, Inc.; Formation of Bank Holding Company

Garrison Bancshares, Inc., Garrison, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The

Commercial State Bank, Garrison, Texas. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-5934 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

Independence Bancorp; Formation of Bank Holding Company

Independence Bancorp, Independence, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Independence Bank, Independence, Ohio. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 31, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-5935 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

Loup Valley Bancshares, Inc.; Formation of Bank Holding Company

Loup Valley Bancshares, Inc., North Loup, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of North Loup Valley Bank, North Loup, Nebraska. 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)).

Loup Valley Bancshares, Inc., North Loup, Nebraska, 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 North Loup Insurance Agency, Inc., North Loup, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agent in a community that has a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in North Loup, Nebraska, and the geographic area to be served is North Loup, Valley County, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than March 31, 1982.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-5925 Filed 3-4-82; 8:45 am]

BILLING CODE 6210-01-M

**Manufactures Hanover Corp.;
Proposed Acquisition of Certain
Assets of Indiana Financial Inc.,
Merrillville, Indiana**

Manufactures Hanover 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 § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire certain assets of Indiana Financial Inc., through its subsidiary Manufactures Hanover Consumer Services, Ind.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring loans and other extensions of credit, and acting as agent or broker with respect to credit related life, accident and health insurance. These activities would be performed from offices of Applicant's subsidiary in Indianapolis, Fort Wayne, Greenwood, Logansport, Lafayette, Marrison, Muncie, Portage and Anderson, Indiana, and the geographic area to be served is the northern half of Indiana. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decrease 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 person wishing to comment on the application should submit views in

writing to the Reserve Bank to be received no later than April 2, 1982.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-5926 Filed 3-4-82; 8:45 am]

BILLING CODE 6210-01-M

**Ohnward Bancshares, Inc.; Acquisition
of Bank**

Ohnward Bancshares, Inc., Maquoketa, Iowa, has 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 an additional 120 voting shares of Maquoketa State Bank, Maquoketa, Iowa. Such an acquisition would increase Applicant's percentage of Bank's outstanding shares to at least 50 percent. 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than March 24, 1982. 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.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-5927 Filed 3-4-82; 8:45 am]

BILLING CODE 6210-01-M

**Bank Holding Companies; Proposed
de Novo Nonbank Activities**

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can

"reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of 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 March 26, 1982.

A Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (finance company and insurance activities; Illinois, Iowa, Minnesota and Wisconsin); to expand the activities and service area of an office of its subsidiary, Citicorp Acceptance Company, Inc. (Delaware), engaged in the following previously approved activities: the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Acceptance Company, Inc., to the extent permissible under applicable state insurance laws and regulations; and the servicing, for any person, of loans, and other extension of credit. The new activity in which the office proposes to engage *de novo* is: the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans. The proposed service area for all

previously approved and proposed activities, with the exception of the sale of credit related property and casualty insurance, shall be comprised of the states identified in the caption above. The proposed activities would be conducted from an office in Schaumburg, Illinois.

2. *Citicorp*, New York, New York (industrial loan, loan servicing, consumer finance and insurance activities; California): to engage *de novo* through a subsidiary to be known as Citicorp Person-to-Person Thrift, Inc., in operating as a thrift and loan association in the manner authorized by California law, including the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management course, the servicing for any person, of loans and other extensions of credit; the issuing of thrift certificates and thrift passbook certificates. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Thrift Center, Inc. These activities would be conducted from an office of the subsidiary located in Glendale, California, serving the State of California.

3. *The Chase Manhattan Corporation*, New York, New York (finance servicing, and leasing activities; Midwestern U.S.): to engage through its indirect subsidiary, Chase Commercial Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance, equipment finance or factoring company, including factoring accounts receivable, making advances and over-advances on receivable and inventory and business installment lending as well as unsecured commercial loans; servicing loans and other extensions of credit; leasing personal property on a full payout basis and in accordance with the Board's Regulation Y or acting as agent, broker or advisor in so leasing such property, including the leasing of motor vehicles. These activities would be conducted from an office in Kansas City, Missouri, serving the states of

Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri and Wisconsin.

B. *Federal Reserve Bank of Philadelphia* (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *American Bancorp, Inc.*, Reading, Pennsylvania, (reinsurance activities): to engage, through its wholly owned subsidiary, *Amerisure Life Insurance Company*, Phoenix, Arizona, in underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary bank, *American Bank and Trust Co. of Pa.* These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona.

2. *Philadelphia National Corporation*, Philadelphia, Pennsylvania (mortgage lending activities; Missouri): to engage, through its subsidiary, *Colonial Mortgage Service Company Associates, Inc.* (doing business as CMSC Mortgage Company), in the origination of FHA, VA, and conventional residential mortgage loans and second mortgage loans. These activities will be conducted from an office in Clayton, Missouri, serving the State of Missouri.

3. *Philadelphia National Corporation*, Philadelphia, Pennsylvania (mortgage banking activities; Illinois): to engage, through its subsidiary, *Colonial Mortgage Service Company Associates, Inc.*, in making, acquiring, and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be conducted from offices in Madison County, Illinois, servicing the counties of Madison, St. Clair, Clinton, and Monroe in Illinois.

4. *Philadelphia National Corporation*, Philadelphia, Pennsylvania (mortgage lending activities; Delaware): to engage through its subsidiary, *Colonial Mortgage Service Company Associates, Inc.*, in the origination of FHA, VA and conventional residential mortgage loans. These activities would be conducted from offices located at 3600 Silverside Road, Wilmington, Delaware, serving the State of Delaware and the counties of Delaware and Chester, Pennsylvania.

C. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

F & M Holding Company, Summerville, West Virginia (insurance activities; West Virginia): to engage in the sale as agent of credit life and credit accident and health insurance that is directly related to extensions of credit made by Applicant's only banking subsidiary, *Farmers & Merchants Bank*

of Summerville, Summerville, West Virginia. The proposed activity would be conducted from offices of Applicant's bank subsidiary in Summerville, West Virginia, and would service all of Nicholas County, West Virginia.

D. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

Plateau Bancshares, Incorporated, Crossville, Tennessee (appraisals; Tennessee): to perform the activity of appraising real property. This activity will be conducted from an office in Crossville, Tennessee, serving the county in which the holding company is located and those counties within a 75 mile radius of the office. These services will be specifically provided at this time to Peoples Bank & Trust Company, Wartburg, Tennessee; Peoples Bank of Crossville, Crossville, Tennessee; Bledsoe County Bank, Pikeville, Tennessee.

E. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; Georgia and South Carolina): to continue to engage, through its indirect subsidiary, *FinanceAmerica Industrial Plan, Inc.*, a Florida corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered in either the state of Georgia or the state of South Carolina.

Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by *FinanceAmerica Industrial Plan, Inc.*

These activities will be conducted from an existing office located in Altamonte Springs, Florida, serving the additional states of Georgia and South Carolina.

G. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 1, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.
[FR Doc. 82-6022 Filed 3-4-82; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0052]

Coconut Products Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice of the petition (FAP 0A3532) proposing the safe use of sorbitan monostearate and polysorbate 60 as emulsifiers to be used in preparation of coconut milk drink.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 Withdrawal of petition without prejudice of the procedural food additive regulations (21 CFR 171.7), the Coconut Products Corp., 779 Kii St., Honolulu, HI 96825, has withdrawn its petition (FAP 0A3532), notice of which was published in the *Federal Register* of March 20, 1981 (46 FR 17885) proposing that § 172.842 Sorbitan monostearate (21 CFR 172.842) and § 172.836 Polysorbate 60 (21 CFR 172.836) be amended to provide for the safe use of sorbitan monostearate and polysorbate 60 as emulsifiers in preparation of coconut milk drink.

Dated: February 23, 1982.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 82-5661 Filed 3-4-82; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Dr. Patrick Redig, Raptor Research and Rehabilitation Program, Department of Veterinary Medicine, University of Minnesota, St. Paul, MN, PRT 2-8865

The applicant requests a permit to import captive-bred Peregrine falcons (*Falco peregrinus anatum*) from the University of Saskatchewan, Saskatchewan, for hacking and release to the wild in Minnesota for enhancement and survival.

Applicant: Raul Perez-Rivera, Department of Biology, Humacao University College, Humacao, PR, PRT 2-8868

The applicant requests a permit to take Puerto Rico Plain pigeons (*Columba inornata wetmorei*) and their eggs from the wild during an extended study to establish a breeding colony of this species for enhancement of propagation and survival, and scientific research.

Applicant: Abbey Garden, Carpinteria, CA, PRT 2-3995

The applicant requests a permit to export artificially propagated specimens of the following endangered and threatened species of Cactaceae:

Ancistrocactus tobuschii
Coryphantha minima
C. sneedii var. *leei*.
C. sneedii var. *sneedii*
Echinocereus triglochidiatus var. *inermis*
E. viridiflorus var. *davisii*
Pediocactus bradyi
P. knowltonii
P. peeblesianus var. *peeblesianus*
Sclerocactus mesae-verdae

Applicant: Yale University School of Medicine, New Haven, CT, PRT 2-8857

Applicant: New York Zoological Society, Bronx, NY, PRT 2-8859

The applicant requests a permit to import in foreign commerce 12 captive-born Darwin's rhea (*Pterocnemia pennata pennata*) from Centro de Aclimatacion Zoologica, Santiago, Chile, to Bronx, NY, for enhancement of propagation.

Applicant: David L. Brown, Kent, WA, PRT 2-8870

The applicant requests a permit to purchase in interstate commerce one pair of captive-bred scarlet-chested parakeets (*Neophema splendida*) and one pair of captive-bred turquoise parakeets (*Neophema pulchella*) from Birds Unlimited, Inc., N. Hollywood, CA, for enhancement of propagation.

Applicant: Al Harmata, Department of Biology, Montana State University, Bozeman, MT, PRT 2-4164

The applicant requests a permit to capture and band bald eagles (*Haliaeetus leucocephalus*) in Montana, Wyoming, and Idaho for enhancement of survival and scientific research.

Applicant: Rare Feline Breeding Compound, Center Hill, FL, PRT 2-8861

The applicant requests a permit to export in foreign commerce one pair of captive-born black jaguar (*Panthera onca*) from Center Hill, FL, to Zooteiza Breeding Compound, Matamoros, Mexico, for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before April 5, 1982, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: March 1, 1982.

R. K. Robinson,
Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-6085 Filed 3-4-82; 8:45 am]
BILLING CODE 4310-55-M

Bureau of Land Management

[PHX-077478]

Arizona; Order Providing for Opening of Public Lands

Correction

In FR Doc. 82-3448, published on page 6098, in the issue of Wednesday, February 10, 1982, in the third column, in paragraph "3.", in the fifth and sixth lines, "February 10, 1922," should be corrected to read "February 10, 1982."

BILLING CODE 1505-01-M

[Serial Numbers A 17000-I (Partial)]

Arizona; Classification of Public Lands for State Indemnity Selection; Correction

In Federal Register Document 82-2559 appearing on pages 4745 and 4746 of the issue for February 2, 1982, the following changes should be made for application A 17000-I (Partial):

Under T. 1 N., R. 23 W., Section 1: should be Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$. T. 15, R. 23 W., should be T. 1 S., R. 23 W.
 William K. Barker,
 District Manager.
 February 22, 1982.
 [FR Doc. 82-5524 Filed 3-4-82; 8:45 am]
 BILLING CODE 4310-84-M

Realty Action—Non-Competitive Agricultural Lease; Public Land in Clackamas County, Oregon

The following described public land (Revested Oregon and California Railroad Grant Land) has been examined and identified as suitable for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762, 43 U.S.C. 1732):

Willamette Meridian, Oregon

T. 2 S., R. 4 E.

Section 35, metes and bounds within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
 Containing 15.74 acres

The purpose of the lease is to allow the development of the public land for agricultural production. Country Squire Airpark (CSA) has been issued an airport lease (OR 23999) on the above-described land for an approach slope and clear zone. Under the terms of the airport lease, CSA will be required to clear and maintain the lease area. The production of low-growing crops represents the most productive use of the land. Because of the investment to be made by Country Squire Airpark to clear the lease area and to maintain it, the land will not be offered for lease through competitive bidding. It will be offered for lease directly to CSA at the appraised fair market rental value.

The lease will be consistent with the Bureau of Land Management's land use plan and will not conflict with any State or local government programs or regulations. The lease will have a term of 20 years with the right of renewal. This term coincides with the airport lease.

Detailed information concerning the lease, including the planning documents, environmental documents, and the record of public comments, is available for review at the Salem District Office, 1717 Fabry Road S.E., P.O. Box 3227, Salem, Oregon 97302.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Salem District Manager, P.O. Box 3227, Salem, Oregon 97302. 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

the final determination of the Department of the Interior.

John D. Evans,
 Acting District Manager.

[FR Doc. 82-5011 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-84-M

Preparation of Clear Lake Resource Area Management Framework Plan and Subsequent Range and Wilderness Environmental Impact Statements; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent; correction.

SUMMARY: This document corrects the Notice of Intent published January 14, 1982 (47 FR 2209). The completion date for development of the Clear Lake Resource Area land and resource management alternatives is changed to May 1982, and the completion date for the preliminary final environmental impact statement for the Rocky Creek-Cache Creek and Cedar Roughs Wilderness Study areas is changed to September 1982.

FOR FURTHER INFORMATION CONTACT: William L. Larramendy, Clear Lake Resource Area Manager, Bureau of Land Management, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, Telephone (707) 462-3873.

SUPPLEMENTARY INFORMATION: In order to complete the preliminary final environmental impact statement for the Rocky Creek-Cache Creek Wilderness Study Area (WSA) and the Cedar Roughs WSA by September 1982, the Ukiah District Office is accelerating the identification of land and resource management alternatives for the Clear Lake Resource Area. Planning criteria for the Clear Lake Management Framework Plan, including wilderness, are available for comment.

Dated: February 24, 1982.

Van W. Manning,
 District Manager.

[FR Doc. 82-5910 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-84-M

Review of California Desert Conservation Area Plan and Management Framework Plan for Eastern San Diego County Planning Unit

The Federal Register notice of February 25, 1982 is amended to include review and amendment proposals to the Eastern San Diego County Management Framework Plan. This area lies contiguous to the eastern boundary of

the California Desert Conservation Area, and its multiple use plan and environmental impact statement were completed in April 1981. Amendments will be considered under the same criteria stated for the California Desert Plan.

Please send any proposals by May 17, 1982, to the following address: 1982 Amendments, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507, (714) 351-6394.

Anyone desiring copies of either plan may receive them by writing to the above address.

Dated: February 25, 1982.

Gerald E. Hillier,
 District Manager.

[FR Doc. 82-5909 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-84-M

[NM 52039]

New Mexico; Application

February 23, 1982.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4 $\frac{1}{2}$ -inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

Description of Land

T. 10 S., R. 30 E., N.M.P.M.

Section 12: E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 13: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,

E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 9 S., R. 31 E., N.M.P.M.

Section 3: SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 8: E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 20: E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 21: E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 31: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 10 S., R. 31 E., N.M.P.M.

Section 6: Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,

W $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 7: Lot 2, 3, E $\frac{1}{2}$ N*ERR17*W $\frac{1}{4}$.

This pipeline will convey natural gas across 6.344 miles of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management,

P.O. Box 1397, Roswell, New Mexico
86201.

John Gregg,

District Manager, Roswell District Office.

[FR Doc. 82-6026 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-84-M

[M 54286(ND)]

North Dakota; Invitation; Coal Exploration License Application

February 24, 1982.

Members of the public are hereby invited to participate with Basin Cooperative Services in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Oliver County, North Dakota:

T. 143 N., R. 84 W., 5th P.M.

Sec. 22: S $\frac{1}{2}$ SW $\frac{1}{4}$

Sec. 28: NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

360.00 acres.

Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and Basin Cooperative Services through their operator, Consolidation Coal Company, Glenharold Mine, P.O. Box 129, Stanton, North Dakota 58571. Such written notice must refer to serial number M 54286(ND) and be received no later than 30 calendar days after publication of this Notice in the *Federal Register* or 10 calendar days after the last publication of this Notice in the Center Republican, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Minerals Management Service, 2525 4th Avenue North, Billings, Montana, and the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana. The exploration plan is available for public inspection at either of these offices at the addresses given.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-6024 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-84-M

[W-78664]

Wyoming; Land Exchange Proposal, Teton and Carbon Counties, Wyoming

Notice is hereby given that the Wyoming State Office of the Bureau of Land Management has before it a land exchange proposal between Rocky

Mountain Energy, Inc. (RME) and the United States. The exchange of land would benefit the National Park Service, inasmuch as the land to be acquired by the United States is situated within the Grand Teton National Park. The land offered by RME is described by metes and bounds and while there is an amended proposal expected, it can be said that the land is within Sections 4, 6, 7, 8, 9 and 17 of T. 42 N., R. 116 W., 6th p.m., Teton County, Wyoming and is comprised of 755 acres more or less.

Rocky Mountain Energy, Inc. has expressed an interest in acquiring title to the surface and mineral estate of the following described lands in Carbon County:

T. 24 N., R. 86 W., 6th p.m.,

Sec. 14: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 22: SE $\frac{1}{4}$;

Sec. 26: W $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 34: W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$.

Containing 1280.00 acres.

The purpose of this notice is to inform the public that we have such a proposal pending. Any interested persons desiring to express their views or furnish any information about this proposal should do so in writing. Comments may be sent to the Chief, Division of Land and Water Resources, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225, and the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-6025 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-84-M

Proposed Amendment to the Utility Corridor Land Use Plan

In accordance with 43 CFR Part 1601, notice is hereby given that the Fairbanks District Office of the Bureau of Land Management will consider an amendment to the Utility Corridor Land Use Plan of September 1979 based on an analysis of several new land use issues affecting the planning area.

The geographic area to be considered is the land withdrawn under Public Land Order 5150 as amended with the exclusion of those lands north of latitude 68°N containing approximately 1.5 million acres. The lands under consideration extend in a strip 12 to 24 miles in width and from Washington Creek 30 miles north of Fairbanks to latitude 68°N in the Brooks Mountain Range, containing approximately 2,500,000 acres.

The issues to be considered are: the feasibility of opening lands within the Utility Corridor to mineral leasing under the 1920 Mineral Leasing Act, as amended; full operation of the 1872 Mining Law in the "outer corridor;" State selections; corridor boundary adjustments; analysis of development node boundaries; and recreation use of retained Utility Corridor lands.

Disciplines to be represented in the assessment include lands, minerals, wildlife, recreation, cultural resources, fisheries, forest products, range, watershed, visual resources, soils sociology and economics.

The public is invited to participate in the assessment of these issues. Several points in the planning and assessment process have been identified for public involvement including the scoping and identification of issues, data gathering, development of criteria for decision-making, review of conflict resolution and final review of recommendations.

Opportunity for comment will be provided to the public during the amendment process. Notices to the general public will be published in local papers. Small group presentations and personal interviews will be conducted throughout the review process.

A copy of the Utility Corridor Land Use Plan is available for public inspection at the Bureau of Land Management, Fairbanks District Office, Gaffney and Marks Road (North Post, Fort Wainwright), Fairbanks, Alaska.

For further information, contact Phil Garrett, Team Leader or Dave Wickstrom, Yukon Resource Area Manager, Fairbanks District Office, P.O. Box 1150, Fairbanks, Alaska 99707, (907) 356-2025.

Carl D. Johnson,

District Manager.

[FR Doc. 82-6027 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Delaware Water Gap National Recreation Area; Intent To Prepare an Environmental Impact Statement

AGENCY: National Park Service, Mid-Atlantic Regional Office, Interior.

ACTION: Notice of intent to prepare environmental impact statement; amendment.

SUMMARY: The original Notice of Intent to Prepare an Environmental Impact Statement was published in *Federal Register* Vol. 46, No. 240, pages 61166-61167 (December 15, 1981). Among the alternatives listed for consideration, was "(1) Not accepting the transfer and allowing interstate trucking to continue,

the Commonwealth would continue to maintain the roads within its resources, possibly with some modification in approaches of access roads for improved safety standards." This no-action alternative is being amended to one of no-action under Federal ownership. It is amended to read "(1) Allow interstate trucking to continue; the National Park Service maintaining the roads in their present condition with some modifications in approaches of access roads for improved safety standards." All other information contained in this announcement remain the same.

FOR FURTHER INFORMATION CONTACT: Joseph W. Karban, Chief, Environmental Quality Division, Mid-Atlantic Region, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106, telephone 215/597-2785.

Dated: February 22, 1982.

John W. Bond,
Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 82-0014 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-70-M

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:00 p.m. (PST) on Wednesday, March 17, 1982, at Golden Gate National Recreation Area Headquarters, Building 201, Fort Mason, San Francisco, California.

The Advisory Commission was established by Public Law 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margot Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Duane "Doc" Mattison
Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring

Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda items for this meeting will be staff briefings, committee reports, public testimony on the proposed DELTA KING project and the Natural Resource Management Plan, and a commendation for William J. Whalen.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact John H. Davis, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123; telephone (415) 556-2920.

Minutes of the meeting will be available for public inspection by April 16, 1982, in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: February 22, 1982.

W. Lowell White,
Acting Regional Director, Western Region.

[FR Doc. 82-0015 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Land Reclamation Program; Receipt of Grant Application From State of Alabama

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

ACTION: Receipt of the abandoned mine land reclamation (AML) grant application from the State of Alabama.

SUMMARY: On January 6, 1982, the State of Alabama submitted to OSM its proposed abandoned mine land reclamation grant application under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). SMREO is seeking public comment on the adequacy of the State grant application. The grant will not be approved until the Secretary has approved the Title V Regulatory Program and the Title IV Reclamation Program.

DATES: Written comments on the application must be received on or before 5:00 p.m. April 5, 1982. Copies of the full text of the proposed Alabama grant application are available for review during regular business hours at the following locations: Office of Surface Mining Reclamation and

Enforcement, Region II, 530 Gay Street, Suite 500, Knoxville, Tennessee.

Written comments should be sent to: W. Hord Tipton, Acting Regional Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Bob Penn, Chief, AML, Office of Surface Mining Reclamation and Enforcement, (615) 971-5281.

SUPPLEMENTARY INFORMATION: On June 1, 1981, a State reclamation plan was submitted to the Secretary. Action by the Secretary on the Reclamation Plan has been delayed because Alabama does not have an approved State regulatory program under Title V of SMCRA and was enjoined from submitting its program. Under section 405(c) of the SMCRA, the Secretary cannot approve a State abandoned mine land reclamation program unless that State has an approved State regulatory program pursuant to section 503 of the SMCRA.

On January 6, 1982, OSM received an AML reclamation grant application from the State of Alabama.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an Abandoned Mine Land Reclamation Program for the purpose of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State and Federal law.

Each State having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA may submit to the Secretary a State reclamation grant application to implement the provisions of the approved State Reclamation Plan.

Grants may be issued only to States with an approved Title V Regulatory Program for active mine reclamation and an approved Title IV Reclamation Program. The grant application received from the State of Alabama will be reviewed and held pending a final approval by the Secretary on the State of Alabama, Title V and Title IV programs in accordance with SMCRA.

This notice describes the nature of the proposed projects and sets forth

information concerning public participation in the development of the projects. This publication does not represent any decision by the Secretary on the Title V Regulatory Program or the Title IV Reclamation Program but is published solely for the purpose of expediting the review process and the implementation of the reclamation program if the State of Alabama Title V and Title IV programs are approved.

All written comments must be mailed or hand carried to the Regional Director's Office above.

The Regional Director has found that the State has given the public adequate notice and opportunity to comment in public hearings, and the record of such hearings does not reflect major unresolved controversies.

The comment period will close at 5:00 p.m. on April 5, 1982. Comments received after that time will not be considered. During the comment period representatives of the Regional Director's office will be available to meet between 8:00 a.m. and 4:00 p.m. at the request of members of the public to receive their advice and recommendations concerning the proposed State AML reclamation grant application.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such requests with William Bradford, Public Information Officer, telephone 615/971-5237, at the Regional Director's office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m. Monday through Friday excluding holidays at the Regional Director's office.

The Director intends to continue to discuss the State's application with representatives of the State throughout the review process.

In order to comply with the requirements of the National Environmental Policy Act, SMREO will assess the environmental effects of all State reclamation projects. The primary basis for this assessment will be the environmental information provided in the project grant application.

The Director has determined that this is not a significant issue within the meaning of 43 CFR Part 14 and no regulatory analysis is being prepared on the Director's decision relating to the AML grant application.

The Alabama AML Reclamation Grant Application can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The application meets all the requirements of the SMREO, AML reclamation program provisions and the required Federal circulars.

4. The State has an approved regulatory program and an approved State reclamation plan.

The following constitutes a summary of the contents of the submission:

1. Designation of the authorized State Agency to administer the program,

2. Objectives and need for the assistance,

3. Project ranking and selection,

4. Coordination with other reclamation programs,

5. Results and benefits expected,

6. Plan of action pertaining to the scope,

7. Monthly or quarterly projections of accomplishments to be achieved,

8. Kinds of data to be collected and maintained,

9. Criteria used to evaluate the results and success of the projects,

10. Key individuals to be employed,

11. Precise location of the project and area to be served,

12. Budgetary calculations for each project,

13. Description of the public's participation in planning and preparation of the grant application,

14. A complete environmental assessment for each project.

Dated: February 26, 1982.

J. S. Griles,

Director, Office of Surface Mining.

[FR Doc. 82-6164 Filed 3-4-82; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: March 1, 1982.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name

and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

Ag. Carriers, Inc., P.O. Box 2460, Leesburg, FL 32748, 5501 South Highway 441, Leesburg, FL 32748, Michael Pregmon, Jr., P.O. Box 2460, Leesburg, FL 32748.

Clearwater Farms Inc., Rt. 3, Box 383-B, York, SC 29745, Rt. 3, Box 383-B, York, SC 29745, Gene A. Daves, Rt. 3, Box 383-B, York, SC.

Farmers Union Central Exchange, Incorporated (CENEX), P.O. Box 43089, St. Paul, MN 55164, 5500 CENEX Dr., Inver Grove Heights, MN 55075, Clarence N. Anderson, P.O. Box 43089, St. Paul, MN 55164.

Green Vally Transport Systems, Inc., P.O. Box 639, Norco, CA 91760, Calle 1 NO 703 PUE 7-8 Aqua Prieta, Mexico, DeWayne Flynn, P.O. Box 286, Benson, AZ 85632.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-5917 Filed 3-4-82; 6:45 am]

BILLING CODE 7035-01-M

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.

Borden, Inc., 180 E. Broad Street, Columbus, Ohio 43215

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Borden Industrial Food Products, Inc., 39485 Dillon Road, P.O. Box 65, Indio, Calif. 92202

(b) Superior Dairies, Inc., 600 E. First Street, Austin, Texas 78701

(c) Buckeye Potato Chip Co., Inc., 3750 E. Fifth Avenue, Columbus, Ohio 43219

(d) The Creamette Company, 428 No. First Street, Minneapolis, MN 55401

(e) Cheese-Tek Corporation, U.S. Highway 45-52, Route #1, Chebanse, Illinois 60922

(f) Orange Products, Inc., 1000 E. Snively Avenue, Winter Haven, Florida 33880

- (g) Guy's Foods, Inc., 405 So. Leonard Street, Liberty, Missouri 64068
- (h) Jean Patou, Inc., 680 Fifth Avenue, New York, New York 10019
- (i) National Food Products, Inc., 1201 Edwards Avenue, Harahan, Louisiana 70123
- (j) Fabric Leather, 40 Garvies Point Road, Glen Cove, New York 11524

1. The parent corporation is Dorothy Coal Sales, Inc., whose principal office is 3880 West Montgomery Road, Loveland, Ohio 45140.

2. The wholly-owned subsidiary which will participate in the operation is Dorothy Shamrock Coal Company, Inc., an Indiana corporation.

1. Parent corporation and address of principal office:

Hinkle Contracting Corporation, North Middletown Road, Paris, Kentucky 40361

2. Wholly-owned subsidiary which will participate in the operation and the address of its principal office:

Spencer Trucking Company, North Middletown Road, Paris, Kentucky 40361

1. Parent corporation and address of principal office:

Nicholas J. Bouras, Inc., 475 Springfield Avenue, P.O. Box 662, Summit, New Jersey 07901 (Incorporated in the state of New Jersey)

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

Prior Coated Metals, Inc., 2233 26th Street, SW., P.O. Box 4117, Allentown, Pennsylvania 18105 (Incorporated in the state of New Jersey)

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 Company 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 No 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 No. 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 Hut 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 Hut 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 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 Wichita #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) Franchise Services, Inc., P.O. Box 3037, Wichita, KS 67201
 (91) Wilson Sporting Goods Co., 2233 West St., River Grove, IL 60171

1. Parent corporation and address of principal office:

RTE Corporation, 1900 East North Street, Waukesha, WI 53186

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

- (i) Aerovox Incorporated, a Massachusetts Corporation.

1. Parent Corporation and address of principal office:

Schreiber Foods, Inc., 425 Pine Street, Green Bay, WI 54305

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation.

- A. Schreiber Transit Inc.—Wisconsin Corporation
 B. Green Bay Machinery Inc.—Wisconsin Corporation

1. Parent Corporation:

SWW Co., 2425 Irving Blvd., Dallas, Texas 75207

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

- (i) Southwest Wheel, Inc., Nevada corporation
 (ii) Prior Rebuilders, Inc., Nevada corporation
 (iii) Prior Gaskets, Inc., Nevada corporation
 (iv) Lec Electric Company, Inc., Nevada corporation
 (v) Lillibridge Corporation, Nevada corporation
 (vi) Texoma Axle, Texas corporation

Agatha L. Mergenovich,
 Secretary.

[FR Doc. 82-5971 Filed 3-4-82; 8:45 am]

BILLING CODE 7035-01-M

Long and Short-Haul Application for Relief (Formerly Fourth Section Application)

March 2, 1982.

This application for long-and-short-haul relief has been filed with the ICC. Protests are due at the ICC within 15 days from the date of publication of the notice.

MC 43960, H. J. Positano, Agent No. 3080, relief is sought from the aggregate-of-intermediate provisions of Section

10726(a)(1)(B) of the Interstate Commerce Act on certain shipments of set-up motor vehicles shipped on multi-level cars. The application for relief is designed to protect applicant's revenues under joint, through, single-factor rates from Westmoreland, PA to the destinations of Alameda and Manuel, CA; Auburn and Vancouver, WA; Laurel, MT; Salt Lake City, UT; Big Lift, CO; Phoenix, AZ; and Amarillo and Irving, TX. The rates are currently published in tariffs ICC TEA 4927; ICC TCFB 3001-D; and ICC TCFB 3014-Q. Grounds for relief—to restrict depressed combination rates in order to prevent revenues loss which would be experienced were the lower combinations to be applied.

By the Commission.

Agatha L. Mergenovich,
 Secretary.

[FR Doc. 82-5969 Filed 3-4-82; 8:45am]

BILLING CODE 7035-01-M

[Ex Parte No. 346 (Sub-9)]

Petition of Consolidated Rail Corp. To Exempt a Particular Service Under 49 U.S.C. 10505

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: In response to a petition filed by Consolidated Rail Corp. (Conrail), the Commission is proposing to exercise its authority under 49 U.S.C. 10505 to exempt from regulation the transportation of liquid iron chloride, moving from Edge Moor, DE to Baltimore, MD.

DATES: Comments are due April 5, 1982.

ADDRESS: An original and 10 copies of comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Conrail filed a petition on September 25, 1981, seeking an exemption under 49 U.S.C. 10505 to transport liquid iron chloride in tank cars from Edge Moor, DE to Baltimore, MD where the product is transferred to motor carriers for subsequent distribution to numerous points in Maryland, Virginia and the District of Columbia. E.I. Dupont is the manufacturer of this commodity and supports the petition.¹ The evidence shows that the service is now exclusively provided by motor carriers

¹ Dupont's Edge Moor plant is the largest producer of this commodity, and has an annual production capacity of about 150,000 tons.

and involves movement of 60,000 to 80,000 tons of iron chloride a distance of 70 miles (108 tariff miles). Dupont anticipates that the greatest volume of its traffic handled over Baltimore will move to the District of Columbia and also expects to make shipments to at least 9 Virginia points and 5 points in Maryland.

Conrail asserts that the sought exemption involves a service "of limited scope" that will further the rail transportation policy without causing any abuse of market power. Specifically, Conrail views the transaction as a means of enabling Conrail to compete for traffic not now moving by rail and thereby gain additional revenue, provide a more economical and efficient service for the shipper, and promote energy conservation.

49 U.S.C. 10505, as amended by the Staggers Rail Act of 1980 (Pub. L. 96-448) authorizes the Commission to exempt certain traffic from regulation when it determines that regulation is: (1) not necessary to carry out the transportation policy enumerated in 49 U.S.C. 10101a; and (2) either the service is of limited scope, or abuses of market power are unlikely to occur. It does not appear that our regulation of this service is necessary to carry out the rail transportation policy of section 10101a. In fact, the exemption may aid in providing intermodal competition where none previously existed. The exemption also appears limited in scope, involving a single line movement of one commodity a short distance.

We request comments on these tentative conclusions.

This action does not significantly affect the quality of the human environment or conservation of energy resources. We also certify that the proposed exemption will not significantly affect a substantial number of small entities.

Authority: 49 U.S.C. 10505, 5 U.S.C. 553.

Decided: February 25, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp. Commissioner Gresham dissented in part with a separate expression.

Agatha L. Mergenovich,
 Secretary.

Commissioner Gresham, dissenting in part, would grant a "provisional exemption" using the more streamlined procedures adopted by the Commission in Ex Parte No. 346 (Sub-No. 6), *Rail General Exemption Authority*, 365 I.C.C. 40 (1981).

[FR Doc. 82-5970 Filed 3-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29858]

Railcarriers; Natchez Trace Railroad and Kyle Railways, Inc.—Temporary Exemption**AGENCY:** Interstate Commerce Commission.**SUMMARY:** The Interstate Commerce Commission temporarily exempts the operation by Natchez Trace Railroad of certain track in Mississippi, under lease from its parent company Kyle Railways, Inc. and the Lafayette, Marshall and Benton Regional Railroad Authority, from prior approval under 49 U.S.C. 10901, 11343, and 11301.**DATES:** Exemption effective on cessation of operations by the Illinois Central Gulf Railroad Company. Petitions to reopen for reconsideration must be filed within 20 days.**ADDRESSES:** Send pleadings to:

- (1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th and Constitution Ave., NW., Washington, D.C. 20423
- (2) Petitioner's representative: L. John Osborn, Verner, Lipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036

FOR FURTHER INFORMATION CONTACT: Elaine Sehart, (202) 275-7245.**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. For a copy of the full decision, write to the Interstate Commerce Commission, Room 2227, Washington, D.C. 20423 or call toll free 800-424-5403.

Dated: February 25, 1982.

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

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-5916 Filed 3-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP2-38]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification.

The following grant of operating right authorities is republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this Federal Register notice.

By the Commission.

Agatha L. Mergenovich,
Secretary.

MC 150053 (Sub-3) (republication), filed October 19, 1981, published in the Federal Register of November 4, 1981, and republished this issue. Applicant: JERRY BELL, R.R. #2, P.O. Box 6, Columbus Junction, IA 52738. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. A decision of the Commission, *Review Board 2*, decided February 16, 1982, and served February 24, 1982, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *meat, meat products, meat byproducts, and packinghouse products* as defined by the Commission, between points in Black Hawk, Des Moines, and Louisa Counties, IA, and Marion and Hamilton Counties, IN, on the one hand, and, on the other, points in the United States; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 8212 Filed 3-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 338]

Motor Carriers Permanent Authority applications, Restriction Removals; Decision—Notice

Decided: March 1, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or

broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 15643 (Sub-12)X, filed February 19, 1982. Applicant: FOUR WINDS VAN LINES, INC., 7035 Convoy Court, P.O. Box 81985, San Diego, CA 92138. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Subs 8 (portion) and 28 (acquired in MC-F-13953F); broaden household goods to "household goods and furniture and fixtures."

MC 60012 (Sub-107)X, filed February 17, 1982. Applicant: RIO GRANDE MOTOR WAY, INC., P.O. Box 5628, Denver, CO 80217. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Sub 100, broaden general commodities, with exceptions, to "general commodities (except classes A and B explosives, household goods and commodities in bulk);" and broaden to authorize service at all intermediate points on its regular-route operations between Farmington, NM, and Dallas, TX.

MC 64501 (Sub-8)X, Filed February 11, 1982. Applicant: UNITED TRANSPORTATION COMPANY OF RHODE ISLAND, INC., 34 Mohawk Drive, Leominster, MA 01453. Representative: Mary E. Kelley, 22 Stearns Avenue, Medford, MA 02155. Lead and Subs 6 and 7 certificates, (1) delete all restrictions in the general commodities authority "except classes A and B explosives, household goods, and commodities in bulk"; (2) authorize service to all intermediate points in connection with regular-route operations; (3) broaden off-route points to countywide: lead certificate, Providence County, RI (Pawtucket); Union, Essex and Hudson Counties, NJ (Elizabeth, Newark, and Jersey City), and Sullivan County, NY and Wayne, Susquehanna, Lackawanna and Pike Counties, PA (points in NY and PA within 20 miles of Monesdale, PA); Suffolk, Essex, Middlesex, Norfolk, Plymouth, Worcester and Franklin Counties, MA (Concord, West Concord,

Maynard, Clinton, Shirley, Groton, Leominster, Gardner, Winchendon, Baldwinsville, Turner Falls, Montague City, and points within 15 miles of Boston); Rockingham County, NH (Plaistow), and Essex County, MA (West Newbury); and Providence, Bristol and Kent Counties, RI (points in RI within 5 miles of Providence); (4) broaden irregular-route points to countywide: Sub 7, Worcester County, MA (Fitchburg), and Middlesex, Franklin and Worcester Counties, MA (points in MA within 25 miles of Fitchburg); and Sullivan, Merrimack, Hillsborough and Rockingham Counties, NH (West Claremont, Claremont, Sunapee, Andover, Manchester, Derry, and Salem); and (5) remove restrictions: (a) against service to "Scranton, Dunmore, and Dickson City, PA" (lead certificate); and (b) limiting service to a specified point for the purpose of joinder only (Sub 6).

MC 127602 (Sub-30)X, filed August 24, 1981, previously published in the Federal Register of September 14, 1981, republished as follows: Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., P.O. Box 1774, Litchfield Park, AZ 85340. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. This Board previously broadened applicant's lead and 11 certificates. Applicant sought to expand off-route points within 25 miles of Foster, NE to the counties which are wholly or partially within the 25 mile radius. This was denied and applicant appealed. Division 2 found applicant's request proper and ordered republication. Notice is hereby given that applicant seeks to expand off-route points within 25 miles of Foster, NE to "off-route points in Pierce, Wayne, Madison, Knox, Cedar, and Antelope Counties, NE."

MC 129789 (Sub-2)X, filed February 19, 1982. Applicant: ALASKA TEXAS FREIGHT, INC., 1721 Thorne Road, Tacoma, WA 98421. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Sub 1 certificate, remove restrictions (a) in the Mercer commodities authority, against the stringing or picking up of commodities in connection with main or trunk pipelines, and (b) in the other pipeline commodities authority, against service to pipelines used for the transportation of natural gas, petroleum, their products and by-products, water, or sewerage; and limiting service to shipments moving to or from pipeline rights-of-way.

MC 135641 (Sub-8)X, filed February 16, 1982. Applicant: CUTHBERTSON TRANSPORT, INC., R.R. #2 Box 37, Toledo, IA 52342. Representative:

Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Subs 2 and 7: (1) broaden to "machinery and metal products" in Sub 2 from steel bin grain storage systems; "buildings and such commodities as are used in the installation of buildings" in Sub 2 from prefabricated houses, component parts for houses, and materials, equipment and supplies used in the manufacture, processing, sale and distribution of prefabricated houses, and in Sub 7 from prefabricated houses, and materials, equipment and supplies used in the manufacture, assembly and distribution of prefabricated houses, (2) broaden Tama County, IA in Subs 2 and 7 from Toledo, IA; Christian, Macon and McHenry Counties, IL in Sub 2 from Assumption, Decatur and Marengo, IL; Peoria, IL, commercial zone in Sub 2 from Peoria, IL; Polk County, IA in Sub 2 from Des Moines, IA; (3) remove, in all subs, restrictions against materials and supplies in bulk; (4) to radial authority in all subs.

MC 136602 (Sub-9)X, filed February 23, 1982. Applicant: ARIZONA WESTERN TRANSPORT, INC., P.O. Box 7, Chandler, AZ 85224. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Sub-7 certificate, (1) remove liquid commodities, in bulk, in tank vehicle exception, (2) change Chandler, to Maricopa County, AZ, (3) one-way to radial authority, (4) remove restriction against service at named facilities.

MC 138493 (Sub-13)X, filed February 17, 1982. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Road, Sheboygan Falls, WI 53065. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Subs 2F and 3F permits, broaden (1) to "food and related products," from foodstuffs; and (2) to "between points in the U.S.," under continuing contract(s) with the named shippers.

MC 139439 (Sub-3)X, filed February 17, 1982. Applicant: WILLIAM EDWARDS, INC., P.O. Box 938, Verona, VA 24482. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Sub 2F permit: broaden (1) from yarn, fabrics, materials, equipment, and supplies used or useful in the manufacture, sale, and distribution of yarn and fabrics (except commodities in bulk), to "textile mill products and materials, equipment and supplies used or useful in the manufacture, sale, and distribution of textile mill products"; and (2) to "between points in the U.S.," under continuing contract(s) with named shippers.

MC 139629 (Sub-6)X, filed February 17, 1982. Applicant: BOOTH REFRIGERATED LINES, INC., 1308 16th Avenue, Central City, NE 68826. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite #210B, Omaha, NE 68114. Subs 1, 2, 5F, broaden to "food and related products" from frozen foods (except meats and meat products) in Sub 1; from fresh meat in Sub 2; and from frozen foods in Sub 5F; broaden: all authorities to radial; Grand Island facilities to Hall and Hamilton Counties, NE in Subs 1, 2 and 5; York to York County, NE in Sub 1; Council Bluffs to Pottawattamie County, IA and Douglas and Sarpy Counties, NE in Sub 2; remove facilities restrictions in Subs 2 and 5.

MC 140029 (Sub-10)X, filed February 16, 1982. Applicant: T. J. MARQUART & SONS, INC., Main St., Bliss, NY 14024. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Lead certificate, (1) broaden liquid corn silage additives and molasses to "food and related products"; and feed and feed ingredients to "food and related products and farm products"; (2) change Arcade to Wyoming County, NY; (3) remove in bulk, in tank vehicle restriction; (4) change one-way to radial authority.

MC 144227 (Sub-9)X, filed February 12, 1982. Applicant: CARMIL, INC., Box 225, Hershey, NE 69143. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Subs 1F, 2F, 3, 6F, 7F, and 8F certificates: broaden (1) to (a) "farm products, and food and related products," from feed and feed ingredients (except liquid commodities in bulk), in Subs 1, 2, 3, and 6, and from animal feed and animal feed ingredients, in bulk, in Sub 8; and (b) "food and related products," from meat byproducts and meat and bone meal, in bulk, in grain or hopper trailers, in Sub 7; (2) to countrywide authority: Subs 1, 2, and 6, Woodbury County, IA (Sergeant Bluff); Subs 3 and 6, Lancaster and Dodge Counties, NE (Lincoln and Fremont); Sub 6, Polk, Webster and Woodbury Counties, IA (Des Moines, Ft. Dodge, and Sioux City); and (3) remove "originating at and destined to" restrictions in Subs 1, 2, 3, 6, and 7.

MC 149608 (Sub-6)X, filed February 22, 1982. Applicant: REBEL EXPRESS COMPANY, 6241 North Dixie Highway, Ft. Lauderdale, FL 33334. Representative: James W. Muldoon, 50 W. Broad Street, Columbus, OH 43215. Sub 1, broaden from (1) metals, metal products (except metal containers used in the food and beverage industry), machinery and machinery parts, except

commodities in bulk; (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, except commodities in bulk; and (3) contractors and builders materials, equipment and supplies, except commodities in bulk to "metal and metal products, machinery and machinery parts, and contractors and building materials, and materials, equipment, and supplies used in the manufacture and distribution of the above commodities."

[FR Doc. 82-5972 Filed 3-4-82; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the

application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No: OP3-035

Decided: February 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1335 (Sub-8), filed February 18, 1982. Applicant: MOTEK TRANSPORT, INC., Box 123, Harleysville, PA 19438. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Nitec Paper Corp., of Niagara Falls, NY.

MC 16334 (Sub-14), filed February 17, 1982. Applicant: DEBRICK TRUCK LINE COMPANY, P.O. Box 421, Paola, KS 66071. Representative: John T. Pruitt, 9832 Connell, Overland Park, KS 66212, (913) 888-3386. Transporting *abrasive grain*, between Oklahoma City, OK and points in Herkimer County, NY and Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 67234 (Sub-48), filed February 16, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63028. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. 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 Eastman Kodak Company, of Rochester, NY.

MC 73444 (Sub-4), filed February 4, 1982. Applicant: F. L. CASTINE, INC. d/b/a CASTINE MOTOR SERVICE, 1235 Chestnut St., Athol, MA 01331. Representative: Donald R. Castine (same address as applicant), (617) 249-9105. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with L. S. Starrett Company, of Athol, MA.

MC 117954 (Sub-31), filed February 16, 1982. Applicant: H. L. HERRIN, JR., P.O. Box 1106, Metairie, LA 70004. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265-2635. Transporting *meats, meat products, meat byproducts, dairy products and articles* distributed by meat packing houses, between points in Brown County, WI, on the one hand, and, on the other, points in AL, AR, LA, MS, and TX.

MC 129515 (Sub-2), filed February 16, 1982. Applicant: TORRANCE VAN & STORAGE COMPANY, d.b.a. S & M MOVING SYSTEMS, 1916 Border Avenue, Torrance, CA 90501. Representative: John C Russell, 1545 Wilshire Boulevard, Los Angeles, CA 90017, (213) 483-4700. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 140484 (Sub-106), filed February 18, 1982. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th St., N.W., Washington, DC 20005, (202) 296-3555. Transporting *such commodities* as are dealt in and distributed by chain grocery and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Giant Eagle Markets, Inc., of Pittsburgh, PA, and its subsidiaries.

MC 141324 (Sub-2), filed February 8, 1982. Applicant: CHENANGO VALLEY BUS LINES, INC., 123 Eldredge St., Binghamton, NY 13901. Representative: Michael J. Marzano, 99 Kinderkamack Rd., Westwood, NJ 07675, (201) 666-5111. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Binghamton, NY and points in NY within 50 miles of Binghamton, and extending to points in the U.S., including AK (except to points in HI, Susquehanna and Lackawanna Counties, PA, and DC).

MC 149235 (Sub-9), filed February 16, 1982. Applicant: C. MAZWELL TRUCKING CO., INC., 9108 Reeds Drive, Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste 600, Kansas City, MO 64105, (816) 221-1464. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Sunshine Biscuit, Inc., of Sayreville, NJ.

MC 149334 (Sub-4), filed February 16, 1982. Applicant: PIONEER ACQUISITION CORP., 2500 28th St., SW, Wyoming, MI 49509. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting *general commodities* (except household goods), between points in the U.S., under continuing contract(s) with United Forwarding, Inc., of Omaha, NE.

Note.—The permit granted in this proceeding shall expire 5 years from the date of issuance.

MC 150464 (Sub-6), filed February 18, 1982. Applicant: C. E. MELTON TRANSPORT CO., Route 4, Highway 280 East, Americus, GA 31709. Representative: Clayton R. Byrd, 2870 Briaglen Drive, Doraville, GA 30340, (404) 491-1696. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, and VA.

MC 156224 (Sub-1), filed February 17, 1982. Applicant: CARGO FORWARDING INC., 168-01 Rockaway Blvd., Jamaica, NY 11434. Representative: Grace S. Onaga, 375 Park Ave., New York, NY 10152, (212) 759-5400. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NY, NJ, PA and CT.

MC 160605, filed February 16, 1982. Applicant: MORRIS LIVESTOCK EXPRESS, INC., Box 105, Morris, MN 56267. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340-0808. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with HFE, Inc., of Ft. Collins, CO.

MC 160624, filed February 18, 1982. Applicant: WHITE PLAINS BUS CO., INC., 91 Fulton St., White Plains, NY 10601. Representative: Garrison R. Corwin, Jr., 100 Mamaroneck Ave., P.O. Box 370, Mamaroneck, NY 10543, (914) 698-2746. Transporting *passengers*, in charter operations, beginning and ending at points in Westchester and Bronx Counties, NY, and extending to

points in MA, RI, CT, VT, NH, ME, PA, NJ, DE, VA, and DC, under continuing contract(s) with Yonkers Pinsky Day Camp & Teen Travel, Inc., of Yonkers, NY. Tremont Youth Employment Program, of Bronx, NY, and Tent "N" Toe, of White Plains, NY.

MC 160625, filed February 18, 1982. Applicant: THE W. H. FAY COMPANY, 3020 Quigley Ave., Cleveland, OH 44113. Representative: Frank Sgro (same address as applicant), (216) 861-4232. Transporting *general commodities* (except classes A and B explosives and household goods), between points in OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, OH, PA, and WV.

MC 160634, filed February 19, 1982. Applicant: DALLAS G & G EXPRESS, INC., 14001 Goldmark, Suite 242, Dallas, TX 75240. Representative: Sam Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741-6263. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dermatological Products of Texas, Inc., of San Antonio, TX.

MC 160635, filed February 19, 1982. Applicant: WILLIAM E. LORENCE, INC., d.b.a. BILL'S TRUCKING, INC., 4520 Everett St., Los Angeles, CA 90058. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655-3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA.

MC 160644, filed February 19, 1982. Applicant: SHOPPER'S SHUTTLE INC., 6 Waumbec Rd., Cape Elizabeth, ME 04107. Representative: Sandra A. Cameron (same address as applicant), (207) 799-8055. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, limited to transportation of not more than 15 passengers, beginning and ending at points in ME, and extending to points in NH and MA.

Volume No. OP3-038

Decided: February 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 44914 (Sub-4), filed February 23, 1982. Applicant: WILLIAMETTE VALLEY TRANSFER CO., INC., 1995 Commercial Street NE., Salem, OR 97303. Representative: Lyle E. Neschke (same address as applicant), (503) 362-3624. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods,

and commodities in bulk), between points in OR.

MC 159694 (Sub-1), filed February 8, 1982. Applicant: THOMAS F. FOLDY, d.b.a. COLONIAL LIMOUSINE, 260 B Edgemoor Road, Bridgeport, CT 06606. Representative: Howard T. Owens, jr., 10 Middle Street, Bridgeport, CT 06601, (203) 334-4153. Transporting *passengers and their baggage*, limited to the transportation of not more than 15 passengers (excluding the driver) in one vehicle at one time, beginning and ending at points in CT, and ME and extending to points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, DE, VA, NC, SC, GA, FL, and DC.

Volume No. OP4-73

Decided: February 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 32967 (Sub-7), filed February 11, 1982. Applicant: ATLANTIC COAST EXPRESS, INC., 2170 N. Fleet St., Elizabeth, NJ 07201. Representative: Edward D. Greenberg, 1054 31st St. NW., Washington, DC 20007, (202) 342-5277. Transporting *general commodities* (except classes A and B explosives), (1) between Baltimore, MD, Boston, MA, Chicago, IL, Cleveland, OH, Detroit, MI, New York, NY, Norfolk, VA, Philadelphia, PA, and Providence, RI, on the one hand, and, on the other, points in OH, IN, IL, MN, MI, WI, IA, MO and KS, and (2) between Chicago, IL, Cleveland, OH and Detroit, MI, on the one hand, and, on the other, points in NY, PA, MD and WV.

MC 63417 (Sub-313), filed February 11, 1982. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant), (800) 336-9729. Transporting *plastic or rubber products*, between points in Essex County, MA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 147007 (Sub-9), filed February 18, 1982. Applicant: EVERFRESH TRANSPORTATION COMPANY, 6431 E. Palmer, Detroit, MI 48211. Representative: John S. Barbour, 2711 E. Jefferson, Suite 202, Detroit, MI 48207, (313) 259-6555. Transporting *glass containers and closures, and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Chattanooga Glass Company, of Chattanooga, TN.

MC 156127 (Sub-2), filed February 11, 1982. Applicant: PAGE

TRANSPORTATION, INC., P.O. Box 2086D, Oswego, NY 13126. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472-8845. Transporting *metal products* between points in Gloucester County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160607, filed February 17, 1982. Applicant: MERCURY TOURS, 2664 Deloak Dr., Apt. B, St. Louis, MO 63129. Representative: Michael Maris (same address as applicant), 1-314-846-0843. To operate as a broker at St. Louis, MO, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, between points in MO, on the one hand, and, on the other, points in the U.S.

MC 106647, filed February 19, 1982. Applicant: ROBERT J. O'NEILL, 170 Madison Court, Holland, PA 18966. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. and Cottman St., Jankintown, PA 19046, (215) 576-0131. Transporting *school supplies and educational materials*, between points in the U.S., under continuing contract(s) with Charles J. Becker & Bro., Inc., of Philadelphia, PA.

Volume No. OP5-48

Decided: February 25, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 40978 (Sub-90), filed February 19, 1982. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 So. Business Drive, Sheboygan, WI 53081. Representative: Richard C. Alexander, 710 No. Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *plastic products* between points in Erie County, PA, on the one hand, and, on the other, points in IL, IN, MI, MN, and WI.

MC 56409 (Sub-18), filed February 19, 1982. Applicant: MAJOR TRANSPORT, INC., Box 204, Hwy 135 and Airport Rd., Palmyra, WI 53156. Representative: Jack Meyer and David V. Purcell, 111 East Wisconsin Ave., Suite 1330, Milwaukee, WI 53202, (414) 272-8550. Transporting *general commodities* (except classes A and B explosives), between points in IL, IA, and WI, on the one hand, and, on the other, points in the U.S.

MC 61799 (Sub-4), filed February 19, 1982. Applicant: CONESTOGA TRANSPORTATION COMPANY, 825 East Chestnut St., Lancaster, PA 17602. Representative: Jeremy Kahn, 1511 K St., NW., Suite 733, Investment Bldg., Washington, DC 20005, (202) 783-3525. Transporting *passengers and their*

baggage, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Lancaster and York Counties, PA, and extending to points in the U.S., including AK but excluding HI.

MC 138308 (Sub-17), filed February 18, 1982. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, 601-948-8820. Transporting (1) *chemicals and related products*, (except classes A and B explosives, and commodities in bulk), and (2) *petroleum products*, (except in bulk), between points in the U.S. (except AK and HI).

MC 142879 (Sub-2), filed February 18, 1982. Applicant: C & B CONTRACT CARRIER, INC., 1435 Mayson Turner Rd., N.W., Atlanta, GA 30314. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, 404-237-6472. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with R Max, Inc. of Greer, SC.

MC 147039 (Sub-8), filed February 18, 1982. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, (703) 691-0900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S.

MC 149159, filed February 18, 1982. Applicant: CHEMICAL POLLUTION CONTROL, INC., 120 So. 4th St., Bay Shore, NY 11706. Representative: John Sabatino, (same address as applicant), (516) 586-0333. Transporting *hazardous waste materials* between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 152218 (Sub-4), filed February 18, 1982. Applicant: OHIO PIGGYBACK TRANSPORTATION, INC., 2660-A Fisher Road, Columbus, OH 43204. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives and household goods as

defined by the Commission), between points in the U.S., under continuing contract(s) with PFV Marketing, Inc., of Columbus, OH.

MC 153679 (Sub-5), filed February 19, 1982. Applicant: CUMBERLAND FREIGHT LINE, INC., 13th St., Smyrna, TN 37167. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244-8100. Transporting *such commodities* as are dealt in or used by grocery houses or grocery distribution warehouses, between points in the U.S., under continuing contract(s) with Bi-Rite Foods, Inc., of Nashville, TN.

MC 155928 (Sub-1), filed February 16, 1982. Applicant: WAYNE GLEGHORN TRUCKING, INC., 3236 Slaton Hwy., P.O. Box 47, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763-9555. Transporting (1) *such commodities* as are dealt in or used by grocery or food business houses, (2) *iron and steel articles*, and (3) *automotive parts and accessories*, between points in Lubbock, El Paso, Potter and Tom Green Counties, TX, on the one hand, and, on the other, points in CA, AZ, IL, NE, NM, TX, MO, OK, OR, CO, AR, WA, ID, MI, LA, IA, and FL.

MC 156399 (Sub-3), filed February 19, 1982. Applicant: CASTLE CONTRACT CARRIERS, INC., 2337 Summer St., Lauderdale, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164, (612) 833-7911. Transporting *paint and paint products*, between points in the U.S. (except AK and HI), under continuing contract(s) with The Sherwin-Williams Company of Cleveland, OH. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit, indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 158298, filed February 18, 1982. Applicant: SOUTHERN SERVICES, INC., 9610 South Orange Ave., Orlando, FL 32859. Representative: Fritz R. Kahn, 1660 L St., NW., Suite 1100, Washington, DC 20036, (202) 452-1731. Transporting *general commodities* (except classes A and B explosives), between points in FL.

MC 160619, filed February 18, 1982. Applicant: CEDARBURG DAIRY, INC., W55 N155 McKinley Blvd., Cedarburg, WI 53012. Representative: William C. Dineen, 710 No. Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410.

Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Home Juice Company of Melrose Park, IL.

MC 160258, filed February 9, 1982. Applicant: TECOPA HOT SPRINGS TRANSPORTATION, P.O. Box 393, Tecopa, CA 92389. Representative: Carroll Wallace (same address as applicant), (714) 852-4347. Transporting *passengers and their baggage and express*, in the same vehicle with passengers, (1) between Tecopa Hot Springs, CA, and Las Vegas, NV; from Tecopa Hot Springs over the Old Spanish Trail to junction NV Hwy 160, then over NV Hwy 160 to junction U.S. Hwy 15, then over U.S. Hwy 15 to Las Vegas, and return over the same route, serving all intermediate points, and (2) between Tecopa Hot Springs, CA and Pahrump, NV; from Tecopa Hot Springs over CA Hwy 127 to Shoshone, CA, then over CA Hwy 178 and NV Hwy 372 to Pahrump, and return over the same route, serving all intermediate points. Agatha L. Mergenovich, Secretary.

[FR Doc. 82-5973 Filed 3-4-82; 8:46 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. C-1-82-179]

Baldwin-United Corp. and MGIC Investment Corp.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the Southern District of Ohio, Western Division, in *United States v. Baldwin-United Corporation and MGIC Investment Corporation*. This case alleged that the acquisition of MGIC by Baldwin would result in a violation of Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment would require Baldwin to divest all of its interest in the control over AMIC Corporation by February 8, 1983. Under certain limited circumstances the divestiture time period may be extended for a maximum of six months. AMIC and MGIC compete directly in the sale of private mortgage guarantee insurance.

Public comment is invited within the statutory sixty (60) day comment period. Written comments, and responses thereto, will be published in the **Federal**

Register and filed with the Court. Comments should be directed to Stanley M. Gorinson, Chief, Special Regulated Industries Section, Antitrust Division (SAFE-504B), Department of Justice, Washington, D.C. 20530.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court, Southern District of Ohio, Western Division

United States of America, Plaintiff, v. Baldwin-United Corporation and MGIC Investment Corporation, Defendants.

Civil Action No. C-1-82-179.

Filed: February 22, 1982.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: February _____, 1982.

For the Plaintiff: William F. Baxter, Assistant Attorney General; Mark Leddy, Stanley M. Gorinson, Robert E. Hauberg, Attorneys, Antitrust Division, U.S. Department of Justice.

John V. Thomas, Gordon G. Stoner, Julie L. Akins, Trial Attorneys, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, Telephone: (202) 724-6721.

For the Defendant, Baldwin-United Corporation: Counsel for Defendant, Kaye, Scholer, Fierman, Hays & Handler, (by) Joshua F. Greenberg, a Member of the Firm.

For the Defendant, MGIC Investment Corporation: Counsel for Defendant, Foley, Lardner, Hollabaugh & Jacobs, (by) Ephraim Jacobs, a member of the Firm.

Stipulation approved for filing,

Dated: _____
U.S. District Judge _____

Of Counsel: J. Leland Brewster III, Esq., Neil Ganulin, Esq., Frost & Jacobs
Alan F. Goott, Esq., Kaye, Scholer, Fierman, Hays & Handler, for Defendant Baldwin-United Corporation

U.S. District Court Southern District of Ohio, Western Division

United States of America, Plaintiff, v. Baldwin-United Corporation and MGIC Investment Corporation, Defendants.

Civil Action No. C-1-82-179.

Final Judgment, Filed: February 22, 1982.

Plaintiff, United States of America, having filed its Complaint herein on February 22, 1982, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment, and without this Final Judgment constituting evidence or admission by any party with respect to any issue of fact or law herein:

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby Ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

ii

As used in this Final Judgment:

A. "AMIC" shall mean AMIC Corporation and each of AMIC's directly and indirectly owned subsidiaries.

B. "Baldwin-United" shall mean defendant, Baldwin-United Corporation, and each of Baldwin-United's directly and indirectly owned subsidiaries including without limitation AMIC and MGIC Investment Corporation and Mortgage Guaranty Insurance Corporation. Provided, however, that for the purposes of paragraphs IV, V, VI and VII, the term Baldwin-United does not include AMIC.

C. "Private mortgage guaranty insurance" shall mean all forms of mortgage guaranty insurance on 1-4 family residential homes (including individual condominium policies) by licensed insurers that are not government or quasi-government organizations.

D. "Person" shall mean any individual, partnership, firm, corporation, association, or any other business or legal entity.

III

The provisions of this Final Judgment shall apply to Baldwin-United and its officers, directors, agents, employees, affiliates, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

A. Baldwin-United is ordered and directed to divest all direct or indirect ownership interest in and control over AMIC by February 8, 1983. If such divestiture is not effected by means of a sale to a third party or otherwise by February 8, 1983, Baldwin-United shall effect such divestiture on February 8, 1983 by means of a spin-off of all of its interest in AMIC to the shareholders of Baldwin-United. Such a spin-off shall be accomplished by a divestiture agent, who shall be proposed by Baldwin-United subject to the approval of plaintiff, which shall have all authority and power necessary to effect the spin-off on February 8, 1983. Said divestiture agent may be a commercial bank

or trust company, or other appropriate entity; the divestiture agent shall have no present or past fiduciary relationship with Baldwin-United, and shall be paid by Baldwin-United. Baldwin-United shall engage the services of a divestiture agent sufficiently in advance of February 8, 1983 to ensure that the spin-off shall be accomplished on that date.

B. The period within which divestiture must be effected may be extended, for a maximum of six months, by the plaintiff, which shall not unreasonably withhold its consent, if Baldwin-United demonstrates that such an extension is necessary to enable Baldwin-United or any acquiring party to obtain necessary approvals from state insurance departments or other state or federal agencies having jurisdiction; provided, however, that all applications or notices required to be filed in connection with obtaining such approvals shall have been filed not later than January 9, 1982. If such an extension is granted by plaintiff, the date for the spin-off of AMIC by the divestiture agent specified above shall be the last day of the extended period. There shall be no other extensions granted.

C. The divestiture required by this Section IV shall be to a purchaser (or to the shareholders of Baldwin-United) and upon terms and conditions approved by the plaintiff or, failing such approval by the plaintiff, by the Court. Within 15 days after Baldwin-United presents to the plaintiff notice of any proposed divestiture, and full details of same, the plaintiff shall indicate its approval or disapproval in writing or shall request additional information concerning the proposed divestiture.

D. If plaintiff requests additional information concerning the proposed divestiture, it must indicate its approval or disapproval in writing within 15 days after receipt of the additional information. Failure to respond within the required time under either circumstances shall be deemed to be approval by the plaintiff. If plaintiff objects to the proposed divestiture, then such divestiture shall not be consummated unless approved by the Court or unless plaintiff notifies Baldwin-United in writing that its objection has been withdrawn.

V

Sixty (60) days after the date of entry of this Final Judgment and every sixty (60) days thereafter until Baldwin-United has complied with Section IV hereof, Baldwin-United and the divestiture agent shall submit written reports to the plaintiff, describing the steps which have been taken to comply with this Final Judgment. Each report from Baldwin-United shall include the name and address of each person, if any, who, since the last such report, made an offer, expressed a desire in writing, or entered into negotiations to acquire the property to be divested together with full details of same. Each report from the divestiture agent shall describe the state of preparation for the spin-off. All reports required by this subparagraph shall, to the extent permitted by law, be kept confidential within the meaning of 15 U.S.C. 18a(h).

VI

Baldwin-United shall, until the divestiture required by this Final Judgment is accomplished:

A. Maintain persons on the AMIC Board of Directors who are all demonstrably independent of Baldwin-United's control; the directors will not be stockholders, officers, directors or employees of Baldwin-United, nor will they be relatives of any officers or directors of Baldwin-United, nor will they have any other substantial business relationship with Baldwin-United; such directors will be chosen on the basis of their business reputation and judgment; the Board of Directors will have the same authority and responsibilities as the board of directors of any independent corporation. Provided, however, that Baldwin-United may cause AMIC's directors to prevent AMIC from entering businesses other than the business of insurance.

B. Exercise no control over the conduct of AMIC's business. No competitive information shall be communicated by AMIC to Baldwin-United or MGIC. Each member of AMIC's Board of Directors and each officer of AMIC shall be given copies of this Final Judgment and shall submit to plaintiff, prior to entry of this Final Judgment, affidavits that they will comply with its terms.

In furtherance of these commitments, Baldwin-United will not (i) use any advertising agency or public relations counsel now being used in any material respect by AMIC; (ii) use the same principal bank now used by AMIC; (iii) share personnel with AMIC; or (iv) engage in financial or other transactions with AMIC except treaty reinsurance in the ordinary course of AMIC's business.

C. Baldwin-United and its independent auditors, where appropriate, will be entitled to receive from AMIC such information, reports and documents as are reasonably required to enable Baldwin-United to (i) prepare its regular financial reports and any filings made with the SEC or other regulatory agencies which require data or information concerning AMIC, (ii) to monitor and comply with the requirements of the Amended Stock Purchase Agreement and the officers' Stock Purchase Agreement among Baldwin-United and the five members of AMIC's management, and (iii) to prepare its federal income tax returns and other tax returns or reports which may require AMIC figures; in addition, Baldwin-United will be entitled and expects to receive monthly, quarterly and annually, as applicable, financial statements and notes thereto in reasonable detail and in form similar to financial statements and notes thereto sent to the shareholders of publicly-held companies on a quarterly and annual basis; such statements shall include the following:

- (i) AMIC's consolidated and consolidating balance sheets together with notes thereto.
- (ii) AMIC's consolidated and consolidating statements of income together with notes thereto.
- (iii) AMIC's analysis of risks to capital ratios for companies involved.
- (iv) AMIC's consolidated statement of changes in financial position together with notes thereto.

(v) AMIC's annual statement filed with state insurance commissioners.

(vi) AMIC's detailed analysis by company of investment portfolios.

Baldwin-United reserves the right to inquire in writing about and to receive such further information related to such reports and analyses as may be reasonably required to comply with the provisions of this paragraph; any information required to be supplied to regulatory agencies which may be of a confidential nature will, to the extent possible within the rules of the agency involved, be supplied by AMIC directly to the agency and not to Baldwin-United.

D. Not request or otherwise seek to obtain, any information of a confidential nature concerning AMIC's present lines of business (except for the financial information described above), its short and long-term plans, its customers or customer prospects, or any trade secrets.

E. Not cause the destruction of AMIC or cause the viability of AMIC to be impaired.

VII

At any time during the period of ten (10) years from the date of entry of this Final Judgment, without prior written approval of the plaintiff, Baldwin-United is enjoined and restrained from acquiring:

A. Any capital stock of any person engaged in the sale of private mortgage guaranty insurance in the United States (excluding, however, Baldwin-United's planned acquisition of MGIC Investment Corporation and its subsidiary corporations engaged in such business); and

B. Any assets employed in the sale of private mortgage guaranty insurance in the United States by any other person, but this shall not prohibit Baldwin-United from acquiring assets in the ordinary course of the mortgage guaranty insurance business.

VIII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Baldwin-United made to its principal offices, be permitted:

(i) Access during regular office hours of Baldwin-United to inspect and copy all relevant books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Baldwin-United and without restraint or interference from Baldwin-United, which may have counsel present; and

(ii) Subject to the reasonable convenience of Baldwin-United and without restraint or interference from Baldwin-United, to interview officers, employees, and agents of Baldwin-United, who may have counsel present.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to Baldwin-United's principal offices, Baldwin-

United shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested;

C. No information or documents obtained by the means provided in this Section shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with the Final Judgment, or as otherwise required by law; and

D. If at the time information or documents are furnished by Baldwin-United to plaintiff in accordance with this Section, Baldwin-United represents and identifies in writing the material in any such information on documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure and Baldwin-United marks each pertinent page of such material "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then unless a court of competent jurisdiction orders otherwise, ten (10) days' notice shall be given by plaintiff to Baldwin-United prior to divulging such material in any legal proceedings (other than a grand jury proceeding) to which Baldwin-United is not a party.

IX

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith and for the punishment of any violation hereof.

X

Entry of this Final Judgment is in the public interest.

Entered:

United States District Judge
Dated:

U.S. District Court, Southern District of Ohio,
Western Division

*United States of America, Plaintiff, v.
Baldwin-United Corporation and MGIC
Investment Corporation, Defendants.*

Civil Action No. C-1-82-179.

Filed: February 22, 1982.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States of America files this Competitive Impact Statement relating to the proposed Final Judgment against defendants in this civil antitrust proceeding.

I. Nature and Purpose of The Proceeding

On February 22, 1982, the United States filed a civil antitrust complaint under Section 15 of the Clayton Act, 15 U.S.C. 25, challenging the acquisition of MGIC

Investment Corporation ("MGIC") by Baldwin-United Corporation ("Baldwin") as a violation of Section 7 of the Clayton Act, 15 U.S.C. 18. The complaint alleges that the effect of the acquisition may be substantially to lessen competition in the provision of private mortgage guarantee insurance ("PMI") throughout the United States.

Plaintiff and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act. Entry of the proposed judgment will terminate the action, except that the Court will retain jurisdiction to construe, modify, or enforce the provisions of the proposed judgment, and to punish violations of the proposed judgment.

II. Events Giving Rise to The Alleged Violation

Private mortgage guarantee insurance reduces a lender's risk of loss in the event of the borrower's default on a residential mortgage loan. When a borrower defaults on a mortgage that is covered by a PMI policy, the PMI insurer generally pays the lender a predetermined percentage (usually 20 or 25%) of the outstanding mortgage balance plus certain other expenses. Typically, PMI coverage involves "low equity" mortgages (i.e., mortgages with less than a 20% down payment). Lenders frequently require PMI insurance as a condition of granting a conventional low equity mortgage to a borrower. The borrower pays the insurance premium for the benefit of the lender. In 1980, PMI firms received over \$300 million in premiums for providing PMI coverage.

MGIC is an insurance holding company whose principal line of business is writing PMI policies. MGIC is the oldest and largest PMI company. In 1980 MGIC received approximately \$129 million in premiums from the PMI business. In 1980, MGIC's share of the PMI market was approximately 41% of all PMI premiums earned and 39.7% of earned premiums on newly written PMI policies.

Baldwin is a holding company that owns a number of businesses, including a variety of insurance businesses. Baldwin owns a 92% interest in AMIC Corporation ("AMIC"), which it acquired from Merrill Lynch & Co. on December 1, 1981. AMIC is the sixth largest PMI company. It is licensed to write PMI policies in 47 states and it actually does such business in 43 states. In 1980 AMIC received approximately \$17 million in earned PMI premiums. AMIC's share of the PMI market is approximately 7% of all premiums earned and 4% of earned premiums on newly written PMI policies. On December 13, 1981, Baldwin agreed to acquire MGIC for approximately \$1.2 billion in cash.

In addition to MGIC and AMIC there are approximately thirteen other firms that write PMI. In 1980 the four largest PMI companies accounted for approximately 73% of all earned PMI premiums, and the eight largest accounted for approximately 96% of all earned PMI premiums.

MGIC and AMIC are direct competitors in the sale of PMI in the United States. That competition takes several forms, including (a) providing faster and otherwise better service on policy approvals and claims, and providing such additional services to

mortgage lenders as conducting educational programs for those lenders and aiding those lenders in reselling mortgages in the secondary markets; (b) developing new PMI policies principally for use in covering "creative financing" packages (e.g., coverage of adjustable rate, graduated payment and "wrap-around" mortgages); and (c) some price competition covering at least certain types of PMI policies.

Based upon the foregoing facts, the complaint alleges that the effect of the acquisition may be substantially to lessen competition in the sale of PMI in violation of Section 7 of the Clayton Act.

III. Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed judgment constitutes no admission by either party as to any issue of fact or law. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed judgment is conditioned upon a determination by the Court that the proposed Final Judgment is in the public interest.

The proposed Final Judgment orders Baldwin to divest all direct or indirect ownership interest in AMIC by February 8, 1983. If Baldwin does not during this time period effect divestiture by means of a sale to a third party or otherwise (including any possible spin-off that Baldwin might elect to pursue), then Baldwin must spin-off all of its interest in AMIC to Baldwin's shareholders on February 8, 1983. This spin-off is to be accomplished through the services of a divestiture agent who shall be proposed by Baldwin subject to the approval of the United States. The divestiture agent shall have the power and authority to effect a spin-off on February 8, 1983, should this become necessary. The proposed judgment also provides for an extension of time, for a period not to exceed six months from February 8, 1983, if Baldwin has been unable to obtain necessary approvals from state insurance commissioners or other state and federal agencies having jurisdiction. No other extensions may be granted.

Until divestiture of AMIC is accomplished, the hold-separate provisions of the proposed Final Judgment preclude Baldwin from exercising control over the conduct of AMIC's business. Baldwin must maintain persons on the AMIC Board of Directors who are demonstrably independent of Baldwin's control. AMIC's directors must not be officers, directors or employees of Baldwin, nor may they have any other substantial business relationship with Baldwin. AMIC's directors are to have the same responsibilities as directors of any independent corporation. In addition, the proposed Final Judgment forbids any communication of competitive information by AMIC to Baldwin or MGIC. In furtherance of these obligations, Baldwin shall not share personnel with AMIC, engage in financial or other transactions with AMIC, nor use any advertising or public relations agency that is now being used by AMIC. AMIC's directors

and officers are to submit affidavits stating that they will comply with terms of the proposed judgment.

The proposed Final Judgment requires Baldwin to submit periodic reports to the plaintiff describing the steps that it has taken to comply with the judgment. Baldwin must also give plaintiff notice of any proposed divestiture prior to closing so as to allow the United States time to object to the proposal. Upon timely objection by the plaintiff, the proposed divestiture shall not be consummated unless approved by the Court.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the proposed judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against the defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and defendant have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The Act conditions entry upon the Court's determination that the proposed judgment is in the public interest.

The Act provides a period of at least sixty (60) days preceding the effective date of the proposed judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wants to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the Federal Register. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and the response of the United States will be filed with the court and published in the Federal Register.

Written comments should be submitted to: Stanley M. Gorinson, Chief, Special Regulated Industries Section, Antitrust Division (SAFE-504 B), U.S. Department of Justice, Washington, D.C. 20530.

VI. Alternatives to the Proposed Final Judgment

As an alternative to a consent decree, the United States had considered seeking a preliminary injunction to block Baldwin's acquisition of MGIC. After informing defendants of this alternative, plaintiff chose to negotiate the proposed Final Judgment since the Baldwin/MGIC transaction appeared to be a situation that warranted departure by the United States from its usual policy of insisting upon the elimination of competitive overlaps before consummation of

an acquisition or merger. Until 1979, AMIC had a long history of being a successful free-standing PMI firm and even after it affiliated with Merrill Lynch AMIC continued to be operated as a separate business. AMIC's management currently has a significant equity ownership interest in that firm. AMIC has proven itself capable of operating, both in the interim and in the future, as an independent and effective competitor. Thus, if Baldwin does not divest AMIC by February 8, 1983, the divestiture agent's immediate spin off of AMIC to Baldwin's shareholders is a rapid mechanism for reestablishing AMIC as a wholly independent competitor.

Moreover, AMIC would continue to operate as an independent company under the hold-separate provisions of the proposed Final Judgment. Besides having to maintain a completely independent AMIC Board of Directors, Baldwin also would be precluded from exercising control over the conduct of AMIC's business. No competitive information could be communicated by AMIC to Baldwin or MGIC. Thus, these provisions would guard against potential anticompetitive effects until such time as divestiture is accomplished.

Since the relief obtained in the proposed Final Judgment eliminates the anticompetitive effects of the acquisition, it is substantially similar to the relief the United States would expect to obtain after a trial on the merits, assuming that no preliminary injunction had been initially obtained.

Although most provisions of the proposed judgment were revised and refined in the course of negotiations, no other relief substantially different in kind was considered by the United States.

VII. Determinative Documents

There are no materials or documents which the United States considered determinative in formulating this proposed Final Judgment. Therefore, none are being filed along with this Competitive Impact Statement.

Respectfully submitted,

John V. Thomas,
Gordon G. Stoner,
Julie L. Akins,
Attorneys, Antitrust Division, Department of Justice, Washington, D.C. 20530, (202) 724-6721.

Dated: February 22, 1982.

[FR Doc. 82-6023 Filed 3-4-82; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated December 28, 1981, and published in the Federal Register on January 5, 1982, (47 FR 362), Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of marijuana (7360), a basic class of controlled substance listed in Schedule I. The marijuana imported under this registration will be

distributed only to those registered researchers who have unique requirements which cannot be otherwise fulfilled.

No comments or objections have been received. Therefore pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with 21 CFR 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: February 26, 1982.

Frank M. Monastero,
Assistant Administrator for Operations, Drug Enforcement Administration.

[FR Doc. 82-6058 Filed 3-4-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Maine

This notice announces the beginning of a new Extended Benefit Period in the State of Maine, effective on February 21, 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, the Maine unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment 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 minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State of Maine has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on February 6, 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 that State.

Therefore, a new Extended Benefit Period commenced in that State with the week beginning on February 21, 1982.

Information for Claimants

The duration of extended benefits payable in the 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 of Maine or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office of the Maine Department of Manpower Affairs in their locality.

Signed at Washington, D.C., on March 1, 1982.

Albert Angrisani,
Assistant Secretary of Labor for Employment and Training.

[FR Doc. 82-6086 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Bethlehem Steel Corp. et. al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for

adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1982.

Interested persons are invited to submit written comments regarding the

subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 22d day of February 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Steel Corp., Bethlehem Plant (USWA).....	Bethlehem, PA.....	2/11/82	2/5/82	TA-W-13,269.....	Steel & steel products.
Bethlehem Steel Corp., Sparrows Point Shipyard (USWA).....	Sparrows Point, MD.....	2/9/82	2/6/82	TA-W-13,270.....	Ocean-going ships, tankers, bulk cargo vessels, ore carriers, oil rigs, etc.
Delaware Alloy Forge Company (IAMAW).....	Philadelphia, PA.....	2/9/82	2/3/82	TA-W-13,271.....	Alloyed and unalloyed steel forgings.
Dentsply International Inc. (workers).....	Caguas, PR.....	2/19/82	2/3/82	TA-W-13,272.....	Artificial teeth.
Dentsply, Inc. (workers).....	Caguas, PR.....	2/19/82	2/3/82	TA-W-13,273.....	Artificial teeth.
Dietz & Company, Inc. (ACTWU).....	E. Norwalk, CT.....	2/11/82	2/3/82	TA-W-13,274.....	Jackets, slacks—boys.
J.F. McElwain Co. (N.H. Shoe Wrks Union).....	Nashua, NH.....	2/10/82	1/29/82	TA-W-13,275.....	Shoes—men's, casual.
Rancher's Exploration Corp., Blue Bird Mine (workers).....	Miami, AZ.....	2/9/82	2/1/82	TA-W-13,276.....	Copper—mine, leech.
Servall Mfg. Corp. (workers).....	Fall River, MA.....	2/9/82	2/5/82	TA-W-13,277.....	Blazers, skirts—ladies' contractor.
U.S. Steel Corp., Fairfield Works (USWA).....	Fairfield, AL.....	2/9/82	2/4/82	TA-W-13,278.....	Plates, structural, wire plates—tin.
Waterous Co., Waterous Traverse City Division (workers).....	Traverse City, MI.....	2/18/82	2/15/82	TA-W-13,279.....	Hydrants—fire and valves.

[FR Doc. 82-6090 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Bobbie Brooks, Inc.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to

an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request

is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 26th day of February 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers of former workers of—	Location	Date received	Date of petition	Petition no.	Articles produced
Bobbie Brooks, Inc. D.B.A. Perception (workers)	Hialeah, Fla.	2/6/82	2/5/82	TA-W-13,342	Sportswear—ladies'

[FR Doc. 82-6089 Filed 3-4-82; 8:45 am]
BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; General Motors Corp. et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether

the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 15, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 26th day of February 1982.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp., Chevrolet Motor Div., Central Office (company)	Warren, Mich.	2/18/82	2/16/82	TA-W-13,280	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Engineering Center (company)	Warren, Mich.	2/18/82	2/16/82	TA-W-13,281	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Central Office (company)	Hackensack, N.J.	2/18/82	2/16/82	TA-W-13,282	Sales and administrative support.
General Motors Corp., Central Office (company)	Atlanta, Ga.	2/18/82	2/16/82	TA-W-13,283	Sales and administrative support.
General Motors Corp., Central Office (company)	Pontiac, Mich.	2/18/82	2/16/82	TA-W-13,284	Sales and administrative support.
General Motors Corp., Central Office, Proving Grounds (company)	Mesa, Ariz.	2/18/82	2/16/82	TA-W-13,285	Sales and administrative support.
General Motors Corp., Buick Motor Div., Zone Sales Office (company)	Denver, Colo.	2/18/82	2/16/82	TA-W-13,286	Sales and administrative support.
General Motors Corp., Buick Motor Div., Zone Sales Office (company)	Overland Park, Kans.	2/18/82	2/16/82	TA-W-13,287	Sales and administrative support.
General Motors Corp., Buick Motor Div., Zone Sales Office (company)	No. Quincy, Mass.	2/18/82	2/16/82	TA-W-13, 288	Sales and administrative support.
General Motors Corp., Buick Motor Div., Zone Sales Office (company)	Farmington Hills, Mich.	2/18/82	2/16/82	TA-W-13, 289	Sales and administrative support.
General Motors Corp., Buick Motor Div., Zone Sales Office (company)	White Plains, N.Y.	2/18/82	2/16/82	TA-W-13, 290	Sales and administrative support.
General Motors Corp., Buick Motor Div., Zone Sales Office (company)	Williamsville, N.Y.	2/18/82	2/16/82	TA-W-13, 291	Sales and administrative support.
General Motors Corp., Buick Motor Div. (company)	Rocky River, Ohio	2/18/82	2/16/82	TA-W-13, 292	Sales and administrative support.
General Motors Corp., Buick Motor Div., Zone Sales Office (company)	Memphis, Tenn.	2/18/82	2/16/82	TA-W-13, 293	Sales and administrative support.
General Motors Corp., Buick Motor Div., Zone Sales Office (company)	Rockville, Md.	2/18/82	2/16/82	TA-W-13, 294	Sales and administrative support.
General Motors Corp., Buick Motor Div., Zone Sales Office (company)	Wauwatosa, Wis.	2/18/82	2/16/82	TA-W-13, 295	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Westlake Village, Calif.	2/18/82	2/16/82	TA-W-13,296	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Fremont, Calif.	2/18/82	2/16/82	TA-W-13,297	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Jacksonville, Fla.	2/18/82	2/16/82	TA-W-13,298	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Oak Brook, Ill.	2/18/82	2/16/82	TA-W-13,299	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Overland Park, Kans.	2/18/82	2/16/82	TA-W-13,300	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Rockville, Md.	2/18/82	2/16/82	TA-W-13,301	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Wellesley, Mass.	2/18/82	2/16/82	TA-W-13,302	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Edina, Minn.	2/18/82	2/16/82	TA-W-13,303	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Paramus, N.J.	2/18/82	2/16/82	TA-W-13,304	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company)	Wayne, Pa.	2/18/82	2/16/82	TA-W-13,305	Sales and administrative support.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company).	Beachwood, Ohio	2/18/82	2/16/82	TA-W-13,306	Sales and administrative support.
General Motors Corp., Cadillac Motor Div., Zone Sales Office (company).	Beaverton, Oreg.	2/18/82	2/16/82	TA-W-13,307	Sales and administrative support.
General Motors Corp., Oldsmobile Motor Div., Zone Sales Office (company).	Fremont, Calif.	2/18/82	2/16/82	TA-W-13,308	Sales and administrative support.
General Motors Corp., Oldsmobile Motor Div., Zone Sales Office (company).	Oakbrook, Ill.	2/18/82	2/16/82	TA-W-13,309	Sales and administrative support.
General Motors Corp., Oldsmobile Motor Div., Zone Sales Office (company).	Overland Park, Kans.	2/18/82	2/16/82	TA-W-13,310	Sales and administrative support.
General Motors Corp., Oldsmobile Motor Div., Reg. & Zone Sales Office (company).	Southfield, Mich.	2/18/82	2/16/82	TA-W-13,311	Sales and administrative support.
General Motors Corp., Oldsmobile Motor Div., Reg. & Zone Sales Office (company).	Tarrytown, N.Y.	2/18/82	2/16/82	TA-W-13,312	Sales and administrative support.
General Motors Corp., Oldsmobile Motor Div., Zone Sales Office (company).	Williamsville, N.Y.	2/18/82	2/16/82	TA-W-13,313	Sales and administrative support.
General Motors Corp., Oldsmobile Motor Div., Zone Sales Office (company).	Charlotte, N.C.	2/18/82	2/16/82	TA-W-13,314	Sales and administrative support.
General Motors Corp., Oldsmobile Motor Div., Zone Sales Office (company).	Irving, Tex.	2/18/82	2/16/82	TA-W-13,315	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Westlake Village, Calif.	2/18/82	2/16/82	TA-W-13,316	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Atlanta, Ga.	2/18/82	2/16/82	TA-W-13,317	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Overland Park, Kans.	2/18/82	2/16/82	TA-W-13,318	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Rockville, Md.	2/18/82	2/16/82	TA-W-13,319	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Wellesley, Mass.	2/18/82	2/16/82	TA-W-13,320	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	St. Louis, Mo.	2/18/82	2/16/82	TA-W-13,321	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Charlotte, N.C.	2/18/82	2/16/82	TA-W-13,322	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Cleveland, Ohio	2/18/82	2/16/82	TA-W-13,323	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Oklahoma City, Okla.	2/18/82	2/16/82	TA-W-13,324	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Memphis, Tenn.	2/18/82	2/16/82	TA-W-13,325	Sales and administrative support.
General Motors Corp., Pontiac Motor Div., Zone Sales Office (company).	Brookfield, Wis.	2/18/82	2/16/82	TA-W-13,326	Sales and administrative support.
Arvin Industries, Inc., Consumer Div. (wrks.)	Princeton, Ky.	2/24/82	2/22/82	TA-W-13, 327	Stereo—systems, compact.
Bethlehem Mines Corp., Hanover Quarry (USWA)	Hanover, Pa.	2/18/82	2/11/82	TA-W-13, 328	Limestone—processing.
Bendix Corp., Heavy Vehicle System (UAW)	Elyria, Ohio	2/18/82	2/11/82	TA-W-13, 329	Devices—braking, air for trucks.
Brigham Apparel Corp. (company)	Brigham City, Utah	2/23/82	2/11/82	TA-W-13, 330	Jackets—outerwear.
Brigham Sportswear (company)	Brigham City, Utah	2/23/82	2/11/82	TA-W-13, 331	Distribute jackets—outerwear.
Crown Zellerbach (LPIW)	Lincoln, Wash.	2/22/82	2/16/82	TA-W-13, 332	Lumber—cuts, finishes.
G & R Knitting Mills, Inc. (workers)	Brooklyn, NY	2/9/82	2/4/82	TA-W-13,333	Fabrics—for sweaters.
Gem Products, Inc. (workers)	Rib Lake, Wis.	2/17/82	2/11/82	TA-W-13, 334	Shoes and boots—women's.
Hoover Universal, Metal Seating Div. (workers)	Vincennes, Ind.	2/11/82	1/28/82	TA-W-13, 335	Frames—seat, metal for auto and trucks.
Missouri Resource Services (workers)	Mineral Point, Mo.	2/23/82	2/19/82	TA-W-13, 336	Barite—mining and hauling.
Star Watch Case Co. (AIW)	Ludington, Mich.	2/18/82	2/10/82	TA-W-13,337	Cases—Watch.
Shure Electronics of America	Phoenix, Ariz.	2/24/82	2/17/82	TA-W-13,338	Cartridges—Hi-Fi, phono microphones and cables for microphones.
Webster Manufacturing Co., Div. of Webster Industries (workers).	Tiffin, Ohio	2/10/82	2/5/82	TA-W-13,339	Steel, industrial iron—malleable, chain conveyor equipment.
Weston Instrument, Div of Sangamo-Weston (Weston Employees Union).	Newark, N.J.	2/23/82	2/15/82	TA-W-13,340	Thermometers, analog, tachometers—digital.
Grayslake Gelatin Co. (workers)	Grayslake, Ill.	2/23/82	2/16/82	TA-W-13,341	Edible gelatin.

[FR Doc. 82-6058 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-30

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Walworth Co. et al.

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 22, 1982–February 26, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each

of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the

separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,065; Walworth Co., Aloyco Foundry, Elizabeth, NJ
 TA-W-11,652; FMC Corp., Airlines Equipment Div., San Jose, CA
 TA-W-11,075; Reidbros Brothers Co., Buchanan, West VA

TA-W-11,242; Reidbord Brothers Co., Elkins, West VA
 TA-W-12,370; K.T. Plas, Inc., Leominster, MA
 TA-W-12,069; Greentree Fashions, Camptown, PA
 TA-W-12,132; Movie Star, Inc., Barbara Quilting Div., Port Jervis, NY
 TA-W-12,046; Rochelle Apparel Co., Fall River, MA
 TA-W-12,155; Niagara Plastics Co., Erie, PA
 TA-W-12,512; Powder River, Inc., Sumner, WA
 TA-W-12,087; Northwestern Steel & Wire Co., Sterling, IL
 TA-W-12,088; Northwestern Steel & Wire Co., Rock Falls, IL
 TA-W-12,145; Sanitary Scale Co., Belvidere, IL
 TA-W-11,230; Shez Manufacturing Co., New York, NY
 TA-W-11,150; Portera Garments, Inc., Brooklyn, NY
 TA-W-11,542; East Side Lighting, Linden, NJ

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified:

TA-W-11,412; Monsanto Plastics & Resins Co., Springfield, MA
 Aggregate U.S. imports of phenolic resins, polystyrene plastics and formaldehyde are negligible.
 TA-W-12,439; Classic World, Hoboken, NJ
 Sales and production increased except for normal seasonal declines common to the ladies' coat industry.

Affirmative Determinations

TA-W-11,680; Marine Optical, Inc., Brockton, MA
 The investigation revealed that all criteria have been met. All workers separated on or after April 1, 1980 are certified eligible to apply for adjustment assistance.
 TA-W-11,701; Reid-Meredith, Inc., Lawrence, MA
 A certification was issued in response to a petition received on November 10, 1980 covering all workers separated on or after December 14, 1980.
 TA-W-11,945; Barker Engineering Corp., Kenilworth, NJ.
 A certification was issued in response to a petition received on December 12, 1980 covering all workers separated on or after January 20, 1980.
 TA-W-11,616; Schwartz Manufacturing Co., Inc., Howell, NJ
 A certification was issued in response to a petition received on October 31, 1980 covering all workers separated on or after October 23, 1979.

I hereby certify that the aforementioned determinations were issued during the period February 22-26, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 2, 1982.
Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.
 [FR Doc. 82-6067 Filed 3-4-82; 8:45 am]
 BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-272-C]

Clarence Maggard Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Clarence Maggard Coal Co., Inc., 300 Kentucky Boulevard, Hazard, Kentucky 41701 has filed a petition to modify the application of 30 CFR 75.805 (couplers) to its No. 10 and Kescoal Mines, located in Perry County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petitioner is seeking a modification of the standard to allow the use of junction boxes manufactured by Pemco Corporation and equipped with a Micro switch wired in series with the ground check circuit to cause the power circuit to be deenergized in the event the cover is removed. The boxes are constructed of 1/2 inch steel and equipped with insulated strain clamps.
2. In support of this request, petitioner states that all junction boxes shall be identical to Pemco Corporation part number J-133527.
3. Petitioner states that the proposed alternate method will at all times guarantee no less protection to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 5, 1982. Copies of the petition are available for inspection at that address.

Dated: February 22, 1982.

Patricia W. Silvey,
*Acting Director, Office of Standards,
 Regulations and Variances.*
 [FR Doc. 82-6091 Filed 3-4-82; 8:45 am]
 BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-47]

Exemption From the Prohibitions for Certain Transactions Involving the Clementson Engineers, Inc. Profit Sharing Plan, San Antonio, Texas; Exemption Application No. D-2654

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits: (1) The proposed purchase of certain real property (the Property) by the Clementson Engineers, Inc. Profit Sharing Plan (the Plan) from Mr. Rex Clementson (Clementson), a party in interest with respect to the Plan; and (2) the subsequent proposed leasing (the Lease) of the Property by the Plan to Clementson Engineers, 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, NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 11, 1981, notice was published in the Federal Register (46 FR 60676) 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. 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.

(4) 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: (1) The proposed purchase of the Property by the Plan from Clementson for cash of \$39,100 provided that this price is no more than the fair market value of the Property at the time of sale; and (2) the Lease 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 from an unrelated party in a similar transaction.

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 1st day of March, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-5995 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-46]

Exemption From the Prohibitions for Certain Transactions Involving the Chemical Distributors, Inc. Employee Stock Bonus Plan; Phoenix, Arizona (Exemption Application No. D-2748)

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits, effective April 20, 1981, the sale of assets of Chemical Distributors, Inc. (the Employer) to Early California Industries, Inc. (ECI) through the assumption of all of the liabilities of the Employer and additional consideration of \$7,420,000. The additional consideration consists of cash and installment obligations and includes an extension of credit by the Chemical Distributors, Inc. Employee

Stock Bonus Plan (the Plan) to ECI, a party in interest with respect to the Plan.

EFFECTIVE DATE: This exemption is effective April 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. David Stander 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) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 15, 1981, notice was published in the Federal Register (46 FR 61183) 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 reasons 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 person 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 has been provided to all interested persons in compliance with the requirements set forth in the notice of 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 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, effective April 20, 1981, to the sale of the assets of the Employer to ECI through the assumption of all of the liabilities of the Employer and additional consideration of \$7,420,000, including the extension of credit by the Plan to ECI, provided that the terms of the transaction were at least as favorable to the Plan as those the Plan would have

received in a transaction with an unrelated party 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 which is the subject of this exemption.

Signed at Washington, D.C., this 1st day of March, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-5996 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-45]

Exemption from the Prohibitions for Certain Transactions Involving the Supplementary Unemployment Benefit Fund, of the International Ladies' Garment Workers' Union (the ILGWU) Located in New York, New York (Exemption Application No. D-2900)

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the transfer of residual assets from the Supplementary Unemployment Benefit Fund, ILGWU (the SUB Fund) to the ILGWU National Retirement Fund (the National Retirement Fund) and the Retirement Fund, Local 102 ILGWU (the Local 102 Retirement Fund). (These plans are collectively referred to as the Funds.)

FOR FURTHER INFORMATION CONTACT:

Ms. Jan Broady 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) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On

December 11, 1982, notice was published in the Federal Register (46 FR 60673) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act), for a transaction described in an application filed by Mr. Theodore Bernstein, Director of the SUB Fund. 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 has been provided to interested persons in compliance with the requirements set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

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 does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. 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 it affect the requirement of section 401(a) of the Internal Revenue Code of 1954 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(a), 406(b)(1) and (b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, 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 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 Funds and their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Funds.

Accordingly, the restrictions of section 406(b)(2) of the Act shall not apply to the transfer by the SUB Fund of approximately \$2.7 million in residual assets to the National Retirement Fund and the Local 102 Retirement 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 transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of March 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-5997 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-44]

Exemption From the Prohibitions for a Certain Transaction Involving the Hanes Corporation Retirement Plan Located in Chicago, Illinois (Exemption Application No. D-2889)

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale of a parcel of undeveloped real estate located in Winston-Salem, North Carolina (the Property) by the Hanes Corporation Retirement Plan (the Plan) to Consolidated Foods Corporation (Consolidated), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT:

Gary H. Lefkowitz 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) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 18, 1981, notice was published in the *Federal Register* (46 FR 61754) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406 (b)(1) and (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 on behalf of the Plan's trustee. 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 complied with the requirements of the notice to interested persons as set forth in the notice of pendency. Two comments were received by the Department, but neither addressed the transaction which is the subject of the exemption. 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 (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 Consolidated for \$38,956.90, provided such amount is not less than 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 25th day of February, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-5998 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-43]**Exemption From the Prohibitions for Certain Transactions Involving TP Laboratories, Inc., Revised Profit-Sharing Trust Plan Located in La Porte, Indiana (Exemption Application No. D-2570)**

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the proposed purchase by TP Laboratories, Inc., Revised Profit-Sharing Trust Plan (the Plan) from the Estate of the late Harold D. Kesling (the Estate), a party in interest with respect to the Plan, of 390 shares of common stock of The State Exchange Bank (SEB) and 390 shares of common stock of State Exchange Finance Company (SEFC).

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, 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) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 11, 1981, notice was published in the Federal Register (46 FR 60682) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (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 transaction mentioned above. 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 has been furnished to interested persons in compliance with the provisions of the notice of 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 Procedures 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) 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 purchase by the Plan from the Estate of 390 shares of SEB common stock and 390 shares of SEFC common stock for \$150,150 provided that this amount is not higher than the fair market value of such shares as of the date of purchase.

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 1st day of March, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-5999 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-42]**Exemption From the Prohibitions for Certain Transactions Involving Carroll Company Employees' Thrift and Retirement Trust; Located in Garland, Texas (Exemption Application No. D-2474)**

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the proposed sale by the Carroll Company Employees' Thrift and Retirement Trust (the Plan) to the Carroll Company (the Employer) of a plot of land (the Property) for \$36,000 in cash.

FOR FURTHER INFORMATION CONTACT:

Mrs. Miriam Freund, 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) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 4, 1981, notice was published in the Federal Register (46 FR 59328) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions

of section 406(a) and 406(b)(1) and (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-mentioned 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 application has represented that a copy of the notice has been furnished to interested persons in compliance with the provisions of the notice of 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) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by the Plan to the Employer of the Property for \$36,000 in cash, provided that this amount is not less than the fair market value of the Property on the date 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 1st day of March, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6000 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-41]

Exemption From the Prohibitions for Certain Transactions Involving Carpenters Retirement Trust of Western Washington; Located in Seattle, Washington (Exemption Application No. D-2300)

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would retroactively exempt commitments for and purchases by the Carpenters Retirement Trust of Western Washington (the Plan) of first mortgage loans from banks, savings and loan associations and mortgage bankers (Financial Institutions) which were parties in interest and disqualified persons with respect to the Plan solely by reason of servicing mortgages which they had sold to the Plan. Such loans were secured by mortgages on multiple unit residential, industrial and commercial buildings constructed by persons who are contributing employers with respect to the Plan.

EFFECTIVE DATE: This exemption is effective from August 6, 1975 until April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen 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) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the *Federal Register* (46 FR 57175) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) 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 (D) of the Code, for the transactions described in the application for exemptive relief. 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. The

applicant has represented that it has complied with the requirements of notification to interested parties as set forth in the notice of pendency. No public comments 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) of the Act and section 4975(c)(1)(E) and (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) 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, from August 6, 1975 until April 4, 1980, to commitments for and purchase by the Plan of mortgages in accordance with guidelines and procedures set forth in the application from certain Financial Institutions which are parties in interest and disqualified persons with respect to the Plan solely by reason of servicing mortgages which had been previously sold to the Plan. The foregoing exemption will be applicable only if the following conditions are met:

(a) At the time the transactions were entered into, the terms of the transactions were not less favorable to the Plan than the terms generally available in arm's-length transactions between unrelated parties;

(b) The Plan maintained for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (c) to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the fiduciaries of the Plan, records are lost or destroyed prior to the end of the 6 year period, and (2) no party in interest shall be subject to the civil penalty which 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 not available for examination as required by paragraph (c) below;

(c) Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (b) are unconditionally available at their customary location for examination during normal business hours by:

(1) Any duly authorized employee or representative of the Department or the Internal Revenue Service;

(2) Any Trustee of the Plan or any duly authorized employee or representative of such Trustee;

(3) The Plan's investment manager(s) or any duly authorized employee or

representative of such investment manager(s);

(4) Any employer or Plan participants;

(5) Any employee organization or duly authorized representative of such organization, whose members are covered by the Plan; and

(6) Any participant or beneficiary.

The availability of this exemption is subject of 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 exemption.

Signed at Washington, D.C., this 1st day of March 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6001 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-40]

Exemption for Certain Transactions Involving Alliance Capital Management Corporation (Application No. D-1370)

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the Pershing Division of Donaldson, Lufkin & Jenrette Securities Corporation (DLJ Securities) to clear and settle securities brokerage transactions that are initiated on behalf of employee benefit plans and directed to independent broker-dealers by Alliance Capital Management Corporation (Alliance), an affiliate of DLJ Securities, acting as investment manager for the plans, provided that the conditions set forth in the exemption are met.

FOR FURTHER INFORMATION CONTACT:

Doris F. Jacobs, Esq., Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20210, telephone (202) 523-6844. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

On November 20, 1981, notice was published in the Federal Register (46 FR 57150) of the pendency before the Department of Labor (the Department) of an application for exemption from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) of

the Code for the transactions described above. The notice set forth a summary of the 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.

All interested persons were invited by the notice to submit written comments on the proposed exemption and to submit a written request that a hearing be held relating to the exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No comments or 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 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. 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 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 that 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 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 the subject of an administrative or statutory exemption 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), the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plans involved and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of those plans.

Accordingly, effective March 5, 1982, the restrictions of section 406 of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) of the Code, shall not apply to the direction of securities transactions, initiated by Alliance Capital Management Corporation (Alliance), an affiliate of Donaldson, Lufkin and Jenrette, Inc. (DLJ), on behalf of an employee benefit plan in Alliance's capacity as a fiduciary for such plan, to a securities broker or dealer (Pershing Correspondent) who is not an affiliate of DLJ and who has a correspondent relationship with the Pershing Division (Pershing) of Donaldson, Lufkin & Jenrette Securities Corporation on an omnibus account basis, and where such securities transactions are cleared and/or settled by Pershing, provided that the conditions set forth below are met:

(a) There is no arrangement or understanding between Alliance and the Pershing Correspondent that part or all of such clearing and settlement functions will be directed to Pershing;

(b) Neither Alliance nor any affiliate of Alliance is a trustee or administrator of the plan or an employer of any employee covered by the plan;

(c) The direction of brokerage to the Pershing Correspondent is made by Alliance pursuant to a written authorization executed by a fiduciary of the plan who is independent of Alliance;

(d) Such written authorization is terminable by the plan, without penalty to the plan, on not more than 60 days' notice, and shall continue in effect for more than one year only if such continuance is authorized in writing, at least annually, by a plan fiduciary who is independent of Alliance;

(e) No such authorization is made or renewed unless Alliance furnishes the authorizing plan fiduciary with any reasonable available information that Alliance reasonably believes to be necessary to determine whether such authorization should be made or renewed and any other reasonably

available information regarding the matter that the authorizing fiduciary may reasonably request;

(f) Alliance shall furnish the authorizing fiduciary with a report containing the information described in this paragraph (f), not less frequently than at the times specified in paragraph (g) of this exemption. Such report shall disclose:

(i) the total of all transaction-related charges incurred by the plan during the period covered by the report in connection with transactions to which this exemption applies;

(ii) the amount of the transaction-related charges retained by Pershing and the amount of such charges paid to other persons for execution or other services; and

(iii) rates for transaction-related charges anticipated to be charged in the coming three months for transactions of the type normally entered into by the plan;

(g) The report required by paragraph (f) of this exemption shall cover the periods described in, and shall be furnished at the times specified in, this paragraph (g);

Except as provided in paragraph (g)(4), such report shall be furnished:

(1) Not later than 45 days following the end of any consecutive three (3) month period during which 25% or more of the total dollar amount of brokerage incurred by the plan in connection with transactions initiated by Alliance is directed to Pershing Correspondents;

(2) Not later than 45 days following the end of any consecutive six (6) month period in which 20% or more of the total dollar amount of brokerage incurred by the plan in connection with transactions initiated by Alliance is directed to Pershing Correspondents; and

(3) Within 45 days following the end of each calendar year, notwithstanding the foregoing.

(4) No report otherwise required to be furnished pursuant to paragraph (g)(1), (g)(2) or (g)(3) of this section shall be required to be furnished for any period during which Pershing receives no compensation in connection with transactions to which this exemption applies; and

(h) The report described in paragraph (f) of this exemption contains a statement to the effect that brokerage commissions in the United States are not fixed by any stock exchange or other authority and are subject to negotiation.

For purposes of this exemption, the term "affiliate" of another person shall include:

(a) Any person directly or indirectly, through one or more intermediaries,

controlling, controlled by, or under common control with such other person;

(b) Any officer, director, partner, or employee of such other person; and

(c) Any partnership of which such other person is a partner.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of March, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6002 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2853]

Proposed Exemption for Certain Transactions Involving the Alaska Teamster-Employer Pension Trust, Located in Anchorage, Alaska

AGENCY: Pension and Welfare Benefit Programs Office, 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 proposed sales of certain real property by the Alaska Teamster-Employer Pension Trust (the Plan) to non-fiduciary parties in interest (Parties in Interest) with respect to the Plan; and (2) the proposed extension of credit in such transactions by the Plan to the Parties in Interest. The proposed exemption, if granted, would affect the Parties in Interest, the participants and beneficiaries of the Plan and other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before April 19, 1981.

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, NW., Washington, D.C. 20216, Attention: Application No.

D-2853. 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: 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) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed by 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 defined benefit multi-employer pension plan. As of August 23, 1981, the Plan had approximately 15,600 participants and total assets of \$239,000,000. Current monthly contributions exceed \$3,100,000.

2. In 1977, the Plan purchased 100% of the stock of Desert Horizons, Inc. (Desert Horizons). Desert Horizons was and is a development and construction company which is engaged in the construction of 500 residential units (the Units) with an accompanying golf course and club house located on 275 acres of land located near Palm Springs, California. To date, 135 of the Units have been completed. Of the 135 Units that have been completed, 34 Units have been sold. For each unit that remains unsold, the cost to the Plan is over \$4,000 per month in interest and carrying charges. All prospective purchasers of the Units are offered, but are not

required to accept, a 12% mortgage loan (the Loan) made available through Fidelity Federal Savings and Loan Association (Fidelity). The applicants represent that Fidelity's only relationship to the Plan is that of being a service provider and that when the Plan entered into the service arrangement Fidelity was not a party in interest with respect to the Plan. Fidelity receives a ¼% service fee for the life of each Loan. Fidelity utilizes funds committed by the Plan to Fidelity for such Loans. The terms of the Loans provide for monthly loan payments based on a 30-year amortization schedule with principal and interest payable monthly, with all payments due in five years. The amount of a Loan is limited to 80% of the purchase price of the Unit. Such commitment of funds made to Fidelity by the Plan will be in effect until April 10, 1983. The cost factor to the Plan of financing the Loans is included in the price of the Units. In addition, Fidelity receives Loan closing costs from the buyer which cover the appraisal fee, the processing fee and the credit analysis fee. A two percent Loan origination fee paid by the borrower inures to the benefit of the Plan.

3. The applicants are requesting an exemption that will permit the Plan to sell the Units to certain Parties in interest and to provide Loans to such Parties in Interest to facilitate such sale. The exemption will not apply to Parties in Interest who are fiduciaries with respect to the Plan. The applicants represent that the exemption will allow the Plan to offer the Units to the largest possible market and that in many cases Parties in Interest represent the best potential purchasers of the Units since they are familiar with the properties and individuals involved. The applicants represent that all Party in Interest transactions will be arm's length with terms identical to those offered to non-Parties in Interest. The price for each unit has or will be determined by Walker and Lee which is a residential real estate company located in Santa Ana, California. After Walker and Lee sets the prices for each Unit, Desert Horizons will publish in local newspapers a list of each Unit available for sale and the price at which it is offered for sale. For thirty days from the date of such publication, no sale of any such advertised Unit shall be made to a Party in Interest. If, after thirty days from the date of the publication, no non-Party in Interest has purchased the Unit, a Party in Interest will become eligible to purchase the advertised Unit, but only at the advertised price or a higher price. All prospective purchasers of the

Units will be required to fill out a questionnaire that will indicate whether they are a Party in Interest.

4. Mr. Jay D. Wahlen (Wahlen), who the applicants represent is independent of the Plan and Desert Horizons, has been appointed by the Plan to examine the proposed transactions. Wahlen is a CPA who heads his own accounting firm in Palm Desert, California. Wahlen will have the responsibility for determining whether the potential buyer is a Party in Interest and prior to the Plan selling any Unit to a Party in Interest, Wahlen must certify that the terms and conditions of such sale are at least equal to those which the Plan would receive in a similar transaction with an unrelated party.

5. In summary, the applicants represent that the proposed transactions will satisfy the criteria of section 408(a) of the Act as follows: (1) Desert Horizons will have a larger group of potential buyers for the Units; (2) each transaction will be an arms-length transaction as certified by an independent party; and (3) the exemption will facilitate sale of the Units at fair market value which will have a beneficial economic impact on the Plan.

Notice to Interested Persons

Within fifteen days of its publication in the Federal Register, a copy of the notice of pendency and a statement advising participants and beneficiaries of the Plan of their right to comment will be posted at all offices of the Plan, all hiring halls and dispatch halls of employee organizations whose members are participants in the Plan and all places where membership meetings of the employee organization are customarily held.

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 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

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 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) 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 proposed sale of the Units by the Plan to Parties in Interest and the extension of credit by the Plan in such sales provided that the terms and conditions of the transactions are at least as favorable to the Plan as those which the Plan could receive in similar transactions with an unrelated party.

In proposing this exemption, the Department expresses no opinion as to

the appropriateness or prudence of the Trustees' decision to invest assets of the Plan in Desert Horizons. This exemption is directed solely to certain transactions which will enable the Plan to sell Units which the Trustees represent the Plan has been unable to sell.

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 transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 2d day of March 1982.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6010 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2954]

Proposed Exemption for Certain Transactions Involving the Edwin J. Lojeski, D.D.S., P.C. Deferred Benefit Pension Trust; Located in Manchester, CT

AGENCY: Pension and Welfare Benefit Programs, Office, 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 borrowing (the Loan) by the Edwin J. Lojeski, D.D.S., P.C. Deferred Benefit Pension Trust (the Plan) of the cash value of the Plan's life insurance policy (the Policy) on the life of Edwin J. Lojeski, D.D.S., a Plan participant and the Plan's trustee (Trustee). National Life Insurance Company (National Life) issued the policy and is the Plan administrator. The proposed exemption, if granted, would affect Dr. Lojeski, the Plan and National Life.

DATES: Written comments and requests for a public hearing must be received by the Department on or before April 20, 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 NW., Washington, D.C. 20216, Attention: Application No. D-2954. 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: 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 an application for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code. The proposed exemption was requested in an application filed by Dr. Lojeski, 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 two participants and current assets of approximately \$105,000. Dr. Lojeski, as Trustee, is responsible for all Plan investment decisions. National Life's duties as Plan Administrator are limited to the provision of administrative services. It is represented that National Life possesses no authority which would make it a fiduciary with respect to the Plan.

2. The face amount of the Policy, which represents Dr. Lojeski's death benefit, is \$90,000. The Plan proposes to borrow, on a one-time basis, the cash value of the Policy which is \$21,000. There would be no fixed term to the Loan and National Life could not call the Loan. The interest rate on the Loan would be 6%, which would be paid annually on the Policy anniversary date.

If the Loan is not repaid prior to Dr. Lojeski's death, the amount of the Loan would be subtracted from the face amount of the Policy. It is represented that the terms and conditions of the Loan are standard terms and conditions that National Life utilizes in similar policy loan transactions with unrelated parties.

3. The Loan proceeds would be invested solely in investments producing a guaranteed rate of return higher than the 6% interest the Plan would pay on the Loan. The applicant states that the income to the Plan in excess of 6% could not be realized if the Loan were not made. The Trustee therefore asserts that the proposed Loan would be in the best interests of the Plan and of the Plan participants and beneficiaries.

4. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) due to the following:

(a) The trustee states that the Loan would be in the interests of the Plan and the Plan participants and beneficiaries;

(b) The interest rate on the Loan would be 6%;

(c) It is represented that the Plan will reinvest the Loan proceeds solely in investments earning a guaranteed return greater than the 6% Loan interest rate;

(d) The proposed transaction would involve only the Policy of Dr. Lojeski and not the other Plan participant; and

(e) The Loan provisions are comparable to those that National Life utilizes in similar policy loan transactions with unrelated parties.

Notice to Interested Persons

Notice of the proposed exemption will be mailed by certified mail to National Life within 15 days of its publication in the **Federal Register**. The notice will include a copy of the **Federal Register Notice** and will inform the recipient of their right to comment on the 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) of the Act and section 4975(c)(1)(B) 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 transaction.

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 exemptions. 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) 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 Loan, provided that the terms and conditions of the Loan are at least as favorable to the Plan 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 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 1st day of March, 1982

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-9009 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2948]

Proposed Exemption for a Certain Transaction Involving the Kinco, Inc. Profit Sharing Plan and Trust, Located in Jacksonville, Florida

AGENCY: Pension and Welfare Benefit Programs Office, 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 contribution of a mortgage note receivable by Kinco, Inc. (the Employer) to the Kinco, Inc. Profit Sharing Plan and Trust (the Plan), and the guaranty of the mortgage note by the principal shareholders of the Employer. The proposed exemption, if granted, would affect the Employer, the Plan, and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 22, 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 NW., Washington, D.C. 20216, Attention: Application No. D-2948. 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: 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 section 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 Employer, 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 contribution profit sharing plan with 150 participants and total assets of \$541,755 as of August 31, 1980. The trustees of the Plan are Arthur L. Lenahan, Robert F. King, and Dan Earl Duett. These individuals are also the principal shareholders of the Employer.

2. The Employer is a Florida corporation with its principal place of business in Jacksonville, Florida.

3. The Employer by action of its Board of Directors resolved to make a discretionary contribution of \$300,000 to the Plan for the plan year which ended August 31, 1981. The Employer had contributed \$50,000 in cash to the Plan prior to July 31, 1981. The Employer has a remaining accrued obligation of \$250,000 to the Plan.

4. The Employer proposes to contribute a purchase money note (the Note) which bears interest at 11% and had, as of October 15, 1981, an unpaid principal balance of \$267,352, in partial satisfaction of its contribution obligation to the Plan. The Note was valued at \$188,435 by the Jacksonville National Bank as of January 1, 1982. The Bank

states that this is a yield to maturity of 18.18% per annum.

5. The Note was received by the Employer from Jack H. King on February 15, 1981 in the amount of \$272,300 payable in equal consecutive monthly payments, including principal and interest in the amount of \$3,094.95 over a 15 year period. Jack H. King is the brother of Robert F. King, a principal shareholder of the Employer. The Note is secured by a first mortgage on certain real property (the Property) located in Jacksonville, Florida. The Note provides that the Property will be kept fully insured against fire, theft or other casualty, such insurance to inure to the benefit of the Plan. An independent appraisal of the Property performed by H. A. Yeargin, SRPA, determined that its market value as of August 23, 1981 was from \$280,000 to \$300,000. The Plan's interest in the Property will be duly recorded.

6. The Jacksonville National Bank (the Bank) will serve as special fiduciary for the contribution of the Note to the Plan. The Bank, which is independent of any relationship with the Employer and its principal shareholders, has determined that the contribution of the Note is in the best interest of and protective of the Plan and its participants and beneficiaries. At the time of the contribution of the Note the Bank will determine its fair market value for purposes of its contribution to the Plan. Further, the Bank will monitor the payments under the Note and have full authority and responsibility to take all necessary actions to protect the interests of the Plan with regard to the Note and the Property.

7. The Note will be endorsed by the principal shareholders of the Employer.

8. In summary, the applicant represents that the proposed transaction meets the criteria of section 408(a) of the Act because:

(1) It would result in the Plan obtaining a long term investment at an attractive yield;

(2) The Note will be adequately secured by sufficient collateral and the guarantees of the principal shareholders of the Employer; and

(3) An independent fiduciary has determined that it is in the best interests and protective of the Plan and its participants and beneficiaries.

Notice to Interested Persons

Copies of the notice of pendency as published in the Federal Register will be provided to all Plan participants and beneficiaries by first class mail within 15 days after its publication in the Federal Register. Interested persons will

also be notified of their right to comment and or request a hearing within the time specified 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 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 (1) the contribution of the Note by the Employer to the Plan provided that the Note is valued at its fair market value when contributed, and (2) the guaranty of the Note by the principal shareholders of the Employer.

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 1st day of March 1982.

Alap D. Lebowitz,

Assistant Administrator for Fiduciary Standards Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6005 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2841 and D-2842]

Proposed Exemption for Certain Transactions Involving the Jeff Dell Pension and Employee Benefit Plans and Trust; Located in New York, New York

AGENCY: Pension and Welfare Benefit Programs Office, 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 cash sale of certain improved real property by the Jeff Dell Employee Benefit Plan and Trust (the Money Purchase Pension Plan) and the

Jeff Dell Pension Plan and Trust (the Defined Benefit Pension Plan) (collectively, the Plans) to Jeff Dell Film Services, Inc. (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plans and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 14, 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, NW., Washington, D.C. 20216, Attention: Application Nos. D-2841 and D-2842. 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:

Ms. Jan Broady of the Department of Labor, telephone (202) 523-7222. (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 on behalf of the Plans, 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 Employer, a corporation organized under the laws of New York State, is engaged in the film editorial business. On June 2, 1970, the Employer, along with a sister corporation, Jeff Dell Enterprises, Inc.,¹ adopted a profit sharing plan (the Profit Sharing Plan) and on September 30, 1973, the Money Purchase Pension Plan. To comply with relevant provisions of the Act, the Profit Sharing Plan and Money Purchase Pension Plan were restated and consolidated into one document covering both Plans. On October 1, 1979, the Employer and its sister corporation terminated their Profit Sharing Plan and adopted the Defined Benefit Pension Plan. At present, there are eleven participants in the existing Plans.

2. The assets of the Plans, including the terminated Profit Sharing Plan, are commingled for investment purposes. As of August 31, 1981, the Plans held \$2,212,895 in total assets. Of these assets, the distributive shares maintained by the individual Plans were \$1,068,998 for the Money Purchase Pension Plan, \$902,411 for the Profit Sharing Plan and \$241,486 for the Defined Benefit Pension Plan. The trustees of the Plans (the Trustees) are Mr. Jeff Dell and his spouse, Mrs. Bunny Dell. The Trustees make investment decisions for the Plans.

3. In January 1981, the Plans purchased land and a building located at 68 East 56th Street, New York, New York (the East 56th Street Property) from Mr. Norman Fuerth (Mr. Fuerth), an unrelated party, for a purchase price of \$1,200,000. The Plans paid \$400,000 in cash and obtained a first mortgage on the property in the amount of \$600,000 from the Chemical Bank of New York. The Plans also obtained a second mortgage on the East 56th Street Property from Mr. Fuerth for the \$200,000 remaining balance. The balance was to be repaid in monthly installments over a one year period commencing on the date of closing.

In May 1981, the Plans sold the East 56th Street Property to an unrelated party for \$2,375,000 and thereby realized a gain of \$1,175,000. The Trustees then decided to purchase additional real property to hold for investment purposes for the Plans. In June 1981, the Plans acquired for the cash price of \$1,050,000 another parcel of land and a vacant two story building located at 241 East 51st Street, New York, New York (the East 51st Street Property). The East 51st Street Property was purchased pursuant to the terms of a contract of sale entered into between the Trustees and unrelated

parties, Mr. and Mrs. Arthur Janov of Beverly Hills, California. At the time of acquisition, the East 51st Street Property represented over 61 percent of the combined total assets of the Plans. The Trustees represent that the acquisition of the East 51st Street Property was a prudent investment for the Plans because of its prime commercial location and its potential for resale and profit.²

4. The application documents numerous but futile efforts made by the Trustees to sell the East 51st Street Property to unrelated parties primarily through advertisements appearing in the *New York Times*. In addition, the application states that the Trustees have listed the property with the real estate agent who originally effected the sale to the Plans. However, despite all endeavors no firm offers have been made to the Trustees. The difficulty in selling the real property is attributed to high interest rates and a tight financial market.

5. At present, the Employer leases offices at 10 East 53rd Street, New York, New York from an unrelated party. Since the lease at the current location expires in April 1982 and cannot be renewed, the Employer is looking for new premises in which to relocate its business. Originally, the Employer requested an exemption to lease from the Plans (the Lease) the vacant building (the Building) situated on the East 51st Street Property. The Lease would have been a "net net" lease whereby the Employer would have assumed all expenses involved in occupying the space, including the payment of real estate taxes, insurance premiums and renovations costs required to make the property habitable for commercial use. The Lease would have been for a ten year term, subject to the right of an independent fiduciary to evict the Employer after five years. The Lease would also have been based on rental amounts and increments as determined by an independent appraisal. Initially, the annual rental was established at \$120,402 to reflect the unimproved condition of the Building. Once renovations were made to the Building, the annual rental would have been increased to \$148,500. In addition, Mr. Dell would have guaranteed the Lease in the event of a rental delinquency by the Employer.

6. Because of the high percentage of the Plans' assets that were invested in

the East 51st Street Property (hereinafter, the Property) the Department could not make a favorable determination with regard to the proposed leasing arrangement. The exemption application was then amended to provide for a sale of the Property by the Plans to the Employer. The proposed sale was to be a cash sale whereby the sales price of \$1,250,000 would be due and payable at the time of closing. In addition, no real estate commissions or fees were to be incurred by the Plans.

7. The sales price of the East 51st Street Property has been derived from the findings of independent appraisals made by Mr. Barry Becker (Mr. Becker) and Mr. Jack Chudnoff (Mr. Chudnoff). Both men are New York City-based real estate brokers with over twenty years' experience in the sale and evaluation of residential and commercial properties. In September 1981, Mr. Becker initially appraised the Property for Lease purposes and determined it had an annual fair rental value of \$120,402 and a fair market value of \$1,600,000 based on the existing state of the premises. To reflect the Employer's intention of purchasing the Property from the Plans, Mr. Becker appraised the Property in January 1982 and found the fair market value to be \$1,250,000. Mr. Chudnoff appraised the Property on January 5, 1982 and placed its fair market value at \$1,200,000. With respect to the decline in the fair market value of the Property between September 1981 and January 1982, Mr. Becker states that the Manhattan real estate market has quieted down and there is a lessening of interest in small properties in the midtown-Manhattan area. He further states that investor-users are interested in four to five story building (the Property has two stories). Mr. Becker attributes the current market to the lack of firm direction as to where interest rates are going, declining corporate profits and increasing unemployment. He states that buyers with cash have new leverage in making offers to property-owners, and for the time being, and perhaps through the second quarter of 1982, there will be a levelling off of prices.

8. In summary, it is represented that the proposed transaction satisfies the statutory criteria for an exemption under section 408(a) of the Act because: (a) The sale is a one-time transaction for cash; (b) the sales price of the Property was determined by independent appraisals; (c) the Plan will incur no real estate commissions or fees in connection with the sale; and (d) the Trustees have determined that the sale

¹ Jeff Dell Enterprises, Inc. is currently an inactive corporation.

² In this proposed exemption the Department expresses no opinion as to whether the acquisitions of the East 56th Street Property and the East 51st Street Property violated any requirement of Part 4 of Title I of the Act.

is in the best interests of and protective of the Plans and their participants and beneficiaries.

Notice to Interested Persons

Notice of the pending exemption will be given to the participants and beneficiaries of the Plans within five (5) days of the publication of the notice of pendency in the *Federal Register*. The notice will include a copy of the pending exemption as published in the *Federal Register* and will inform interested persons of their right to comment and/or request a hearing within the time frame set forth in the notice of pendency. Notice will be given to participants and beneficiaries by certified mail.

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 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 sections 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 cash sale, for \$1,250,000, of real property located at 241 East 51st Street, New York, N.Y., by the Plans to the Employer, provided this amount is not less than the fair market value on the day 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 1st day of March 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6007 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3125]

Proposed Exemption for Certain Transactions Involving Seafirst Corporation Retirement Plan Located in Seattle, Washington

AGENCY: Pension and Welfare Benefit Programs Office, 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 lease (the Lease) of real property by the Seafirst Corporation Retirement Plan (the Plan) to Seattle-First National Bank (the Employer), the Plan sponsor. The proposed exemption, if granted, would affect the Employer and the participants and beneficiaries of the Plan.

DATES: Written comments and requests for a public hearing must be received by the Department on or before May 5, 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, NW., Washington, D.C. 20216, Attention: Application No. D-3125. 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:

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 an application for exemption from the restrictions of section 406(a), 406(b) (1) and (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 Employer, 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 approximately 8,815 participants. The Employer is the Plan trustee and is responsible for the Plan's investment decisions.

2. In 1971, the Employer converted its office building at 1001 Fourth Avenue, Seattle, Washington to a 40-unit condominium with each unit (Unit) comprising an entire floor of the building. On December 31, 1971, the Employer contributed Unit-38 to the Plan and leased back the dining room, which represented 22% of Unit-38.

3. The dining room lease remains in effect and the applicant believes that the lease is covered by the transitional rules of section 414 of the Act. However, the applicant wishes to enter into the Lease, which would be effective on the date of the exemption grant but would continue beyond the expiration of the transitional rules on June 30, 1984. The Lease would have a term of no more than 12 years and would be limited to the dining room area which is 3,261 square feet. The current value of the dining room represents less than 1% of Plan assets. The other 78% of Unit-38 is leased as office space to tenants who are not parties in interest with respect to the Plan.

4. An independent fiduciary experienced in real property investment and management will determine on behalf of the Plan whether to enter into the Lease and will have the sole authority to negotiate all terms and conditions of the Lease on behalf of the Plan. The independent fiduciary will also monitor the Lease on the Plan's behalf to ensure compliance with all the terms and conditions contained therein. The independent fiduciary who will perform the above-described functions upon the grant of the exemption will be TRF Management Corporation (TRF), which is independent of the Employer and the Plan. TRF has developed and operated commercial property throughout the Pacific Northwest and Alaska and also manages and leases property for institutional and other investors.

5. The minimum rental under the Lease will be the greater of the fair market rental value of the premises leased as a dining room or the fair market rental value of the premises remodelled and leased as office space. It

is represented that the rental value of the premises as office space would be significantly higher than as a dining room.

6. In summary, the applicant represents that the proposed Lease satisfies the statutory criteria of section 408(a) due to the following:

- (a) TRF, an independent fiduciary, would decide on the Plan's behalf whether to enter into the Lease;
- (b) TRF would negotiate the terms and conditions of the Lease and would monitor the Lease on the Plan's behalf;
- (c) The Lease would involve less than 1% of Plan assets; and
- (d) The minimum rental under the Lease would be the greater of the value of the leased premises as a dining room or as office space.

Notice to Interested Persons

Notice of the proposed exemption will be given to all interested persons including all Plan participants and beneficiaries, within 30 days of the date the proposed exemption is published in the *Federal Register*. The notice will be provided to current employees and retirees by publication in *First Bank News*, the Employer's bi-monthly publication which is transmitted to employees and retirees. All others will be notified by mail. The notice will inform each recipient of his right to comment on or request a hearing regarding the 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 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 (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 Lease, provided that the terms and conditions of the Lease are and remain at least as favorable to the Plan 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 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 1st day of March 1972.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6008 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2800]

Proposed Exemption for a Certain Transaction Involving the Allied International-American Eagle Trading Corporation Employees Profit Sharing Plan; Rye, New York

AGENCY: Pension and Welfare Benefit Programs Office, 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 loan of \$200,000 by the Allied International-American Eagle Trading Corporation Employees Profit Sharing Plan (the Plan) to the Allied International-American Eagle Trading Corporation (the Employer). The proposed exemption, if granted, would affect the Plan, the Employer and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 16, 1982.

ADDRESSES: 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 NW., Washington, D.C. 20216, Attention: Application No. D-2800. 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: 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 section 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 Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedure 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 profit sharing plan with approximately 80 participants. The Plan had total assets of \$1,308,785 as of December 31, 1980. The trustee of the Plan is the Fiduciary Trust Company of New York.

2. The Employer is a corporation engaged in the importation and distribution of industrial fasteners, steel wire and wire rods, with its principal place of business in Rye, New York.

3. The applicant requests and exemption to permit the loan of \$200,000 by the Plan to the Employer to finance the purchase of its corporate office building. The Employer had been leasing the building and pursuant to the lease had the option to purchase the building for \$200,000 at the expiration of the lease, provided notice to exercise the option was given to the owner 12 to 24 months prior to the expiration of the lease. The Employer took title to the building on September 30, 1981.

4. The Loan will be made for a period of 10 years. It will have equal quarterly amortization of principal and bear interest at 1½% over the 90 day London Interbank offering Rate (LIBOR rate), such rate to be set at the beginning of each quarter. The LIBOR rate is readily ascertainable from money center banks and is also published daily in the *Wall Street Journal*.

5. The collateral for the Loan will be 1st mortgage on the real property purchased by the Employer located at 77 Purchase Street, Rye, New York (the Property). An independent appraisal of

the Property performed by D. Kevin Dempsey, M.A.I., S.R.P.A., establishes its fair market value at \$500,000 as of October 13, 1981. The Plan will file with the appropriate authorities to perfect its lien on the Property which shall constitute collateral for the Loan.

6. In a letter dated October 28, 1981, the National Bank of North America indicated its willingness to make a loan of \$200,000 to the Employer on the same terms as those described above.

7. Irving H. Issac, an experienced investment manager, has been appointed to serve as an independent trustee (the Trustee) for the Loan transaction. The Trustee has determined that the Loan is in the interests of and protective of the Plan. The Trustee is independent of the Employer. He is not an employee nor a director and he does not own any stock in the Employer. In addition, the Trustee is not related to any party that is an employee, director or shareholder of the Employer. The Trustee will monitor the repayment of the Loan and have sole authority to take whatever action is necessary on behalf of the Plan.

8. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(1) the Plan will be able to invest a portion of its assets in a well collateralized loan;

(2) the proposed transaction would represent only about 15% of the total assets of the Plan;

(3) the collateral to be used as security for the Loan exceeds the amount of the Loan by over 200%; and

(4) the independent trustee has determined that the proposed transaction is in the interests of and protective of the Plan and its participants and beneficiaries.

Notice to Interested Persons

Each Plan participant and beneficiary shall be notified of the publication of the Notice of Pendency in the *Federal Register* by certified mail. Notice will be mailed within 10 days after the Notice of Pendency is published in the *Federal Register*. The notice will include a copy of this notice as published in the *Federal Register* and a statement informing interested persons of their right to comment and/or request a hearing with regard to the 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 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 loan of \$200,000 by the Plan to the Employer for a ten-year period, provided the terms of the loan are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

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 1st day of March 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6003 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3113]

Proposed Exemption for Certain Transactions Involving the Hoyle E. Setzer P.C. Pension Plan and Trust; Billings, Montana

AGENCY: Pension and Welfare Benefit Programs Office, 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 Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt 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. The proposed exemption, if granted, would affect Setzer and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before March 5, 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 NW., Washington, D.C. 20216, Attention: Application No. D-3113. 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:

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 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 Setzer, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C.B., 722. 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 money purchase pension plan which as of January 21, 1982 had assets of \$256,000. The sole participant and trustee of the Plan is Setzer. The Plan owns the Property which consists of 40.83 acres of unimproved real estate located near Billings, Montana. The Property was purchased by the Plan in April, 1978 for \$45,900 from an unrelated party. The Property produces no income for the Plan.

2. The applicant is requesting an exemption that will permit the Plan to sell the Property to Setzer for a cash price of \$71,452.50. The Plan will not pay any costs of sale or realtors' fees in such sale. On November 16, 1981, the Property was appraised by an independent real estate appraiser R. D. Cantrell (Cantrell) whose office is in

Billings, Montana. Cantrell represents that as of November 16, 1981 the fair market value of the Property was \$57,000. On October 28, 1981, the Property was appraised by an independent real estate agent, Marvin Adami, whose office is in Billings, Montana. Adami represents that as of October 28, 1981 the Property had a fair market value of \$71,452.50.

3. The applicant represents that it would be in the best interests of the Plan to sell the Property because the Property produces no income to the Plan while the Plan must pay real estate taxes on the Property. The applicant also represents that by selling the Property to Setzer, the Plan will be able to sell the Property at a price equal to the higher of two prices which were established by two independent appraisers. In addition, by selling the Property to Setzer the Plan will not pay any costs of sale or realtors' fees.

4. The applicant represents that the proposed sale meets the standards of section 4975(c)(2) of the Code because: (1) the trustee of the Plan, who is also the sole participant of the Plan, represents that it is in his best interests; (2) it will be a one time transaction for cash; (3) the price of the sale will be the higher of two prices which were established by two independent appraisers; (4) the Plan will pay no costs of sale or realtors' fees; and (5) the Plan will be able to eliminate an asset which produces no income.

Notice to Interested Persons

This notice of pendency will constitute the only notice to interested persons.

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 4975(c)(2) of the Code does not relieve a fiduciary or disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; 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 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under 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 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 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B., 722. If the exemption is granted, 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 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 1st day of March, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6004 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2717]

Proposed Exemption for Certain Transactions Involving the Adler, Pollock & Sheehan, Inc. Money Purchase Pension Plan; Providence, Rhode Island

AGENCY: Pension and Welfare Benefit Programs Office, 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 loan (the 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. The proposed exemption, if granted, would affect the Employer, the participants and beneficiaries of the Plan and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before April 20, 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 NW., Washington, D.C. 20216, Attention: Application No. D-2717. 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:

Louis Campagna of the Department, telephone (202) 523-8883. (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 Employer, 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 money purchase pension plan with approximately 50 participants and total assets, as of May 29, 1981, of \$1,395,771. New England Trust Company is the trustee of the Plan. The Employer is engaged in the practice of law.

2. The Employer is requesting an exemption to permit the Loan of \$110,000 by the Plan to the Employer. The Loan would be used to finance the acquisition and installation of a Wang Virtual Storage Computer System and related computer software (the Wang Computer) to be used by the Employer in its business. The Loan would be for a period of five years with sixty equal monthly installments of principal and interest. The interest rate for the Loan will be a floating rate computed monthly equal to 1 percent above the prime interest rate charged by the Citizens Bank of Providence, Rhode Island (Citizens Bank), but in no event less than 10 percent. Citizens Bank has offered to loan the Employer \$110,000 on an unsecured basis for five years, with equal installments of principal and interest and a floating interest rate computed monthly of ¼ percent above the prime rate charged by Citizens Bank.

3. The Loan will be secured by: (1) The Wang Computer purchased with the proceeds of the Loan; (2) a Wang System 30 Word Processor (the Word Processor) owned by the Employer; and (3) the furniture (the Furniture) located in the Employer's office in Providence, Rhode Island (collectively, the Collateral). The Wang Computer and the Word Processor had fair market values of \$81,000 and \$32,772, as of June 10, 1981 as determined by John Early of Wang Laboratories, Inc., a representative of the manufacturer of the Wang Computer and the Word Processor. The Furniture had a fair market value, as of September 2, 1981, of approximately \$105,000 as determined

by Jordan Agronick, vice president of National Office Supply Company, an independent office supply company in Providence, Rhode Island. The assets thus pledged as Collateral for the Loan will have a combined value of \$218,772. All items of Collateral will be kept fully insured by the Employer with all insurance proceeds payable to the Plan. No other lender has a secured interest in any items of Collateral. UCC financing statements will be executed and filed in all appropriate offices by the Employer recording the Plan's security interest in the Collateral.

4. Mr. Richard Furia (Furia), an independent certified public accountant, has accepted appointment as special trustee of the Plan with respect to this transaction. Furia has reviewed the terms and conditions of the Loan and represents that the Loan is in the best interests of the Plan. Furia will also monitor the terms and conditions of the Loan, enforce the rights of the Plan under the Loan and will be responsible for monitoring the receipt by the Plan of payments made under the Loan. Furia will also monitor the value of the Collateral to assure that all times during the duration of the Loan the Collateral will be maintained at a value of at least 175 percent of the outstanding balance of the Loan.

5. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because: (1) Furia, an independent party, represents that the Loan is in the best interests of the Plan; (2) Furia will monitor the terms and conditions of the Loan; (3) the Loan will have a high rate of interest with a floor of 10 percent per annum; (4) the Plan will have a perfected security interest in the Collateral; (5) the Collateral will at all times during the term of the Loan have a value of at least 175 percent of the outstanding balance of the Loan; (6) the Loan will be for a relatively short period of time and will represent a relatively small percentage of the assets of the Plan; and (7) Citizens Bank has offered to make a similar loan to the Employer but on an unsecured basis.

Notice to Interested Persons

Notice will be given to all participants of the Plan within 15 days of the publication of the notice of pendency in the Federal Register. Such notice will contain a copy of the notice of pendency as published in the Federal Register as well as a statement informing all interested persons of their right to comment or request a hearing in regard to the proposed exemption. Notice will be provided by posting on all bulletin boards and other appropriate places

which are customarily used for the posting of such notices.

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 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 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 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 1st day of March, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-6006 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-29-M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Notice of Public Hearing

DATES: Thursday and Friday, March 18 and 19, 1982.

PLACE: Cambridge-Hyatt Regency, JFK Room, 575 Memorial Drive, Cambridge, Massachusetts.

TIME: 9:00 a.m.

PURPOSE: To receive testimony from various parties on collective ratemaking.

The Motor Carrier Act of 1980, Public Law 96-296, directs the Motor Carrier Ratemaking Study Commission (Commission) to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers and of the need or lack of need for continued antitrust immunity thereof. The Commission is specifically directed to estimate the impact of the elimination of

such immunity upon the rate levels and rate structures and to describe the impact of such on the Interstate Commerce Commission and its staff. Also, the Commission has been directed to give special consideration to the impact of the elimination of such immunity upon rural areas and small communities.

The Commission, through its Hearings Committee, calls this regional hearing for the purpose of exploring the collective ratemaking process in special commodity sectors, the impact of collective ratemaking on the rate level/rate structure, the impact on the capital and labor inputs, shipper views regarding the need for collective ratemaking, and the permissible scope of various collective activities in the absence of antitrust immunity.

Anyone who is interested in submitting written testimony for the record of the Commission may do so by sending same to: Larry F. Darby, Executive Director, Motor Carrier Ratemaking Study Commission, 214 Massachusetts Avenue, NE., Washington, D.C. 20002.

FOR FURTHER INFORMATION, CONTACT: Name: J. Kent Jarrell, Title: General Counsel, Phone No.: (202) 724-9600.

Submitted this the 2nd day of March 1982.

Larry F. Darby,
Executive Director.

[FR Doc. 82-5919 Filed 3-4-82; 8:45 am]

BILLING CODE 8820-BD-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of the Advisory Committee for Industrial Science and Technological Innovation is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), and other applicable law. This determination follows consultation with the Committee Management Secretariat Staff, General Services Administration, pursuant to section 9(a) of the Federal Advisory Committee Act and the other applicable issuances.

Name of committee: Advisory Committee for Industrial Science and Technological Innovation.

Purpose: To provide advice, recommendations, and counsel on major goals and policies pertaining to the activities and programs of the Division of Industrial Science and Technological

Innovation, and to exercise oversight concerning the research programs of the component sections of the Division.

Effective date of establishment and duration: This establishment is effective upon filing the charter with the Director, NSF, and with the standing committees of Congress having legislative jurisdiction of the Foundation. The Committee will operate on a continuing basis subject to its renewal every two years.

Membership: The membership of this Committee shall be fairly balanced in terms of the points of view represented and the Committee's function. Members will be individuals eminent in their respective fields of endeavor. Due consideration will be given to achieving membership that reasonably represents: (a) The academic research community, including both the fields involved in innovation processes research and the fields involved in industry-university cooperative activities; (b) industrial researchers and research managers; (c) the small business community; (d) women and minority scientists; and (e) all geographic regions of the country.

Operation: The Committee will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions, issued in implementation of the Act.

John B. Slaughter,

Director, National Science Foundation.

March 2, 1982.

[FR Doc. 82-5920 Filed 3-4-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Application for License To Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following application for an import license. A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H St. NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before April 5, 1982. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to import production or

utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient

nation of the facilities or material to be exported. The table below lists a new import application.

Dated this 1st day of March at Bethesda, Maryland.

For the Nuclear Regulatory Commission.
Marvin R. Peterson,
Acting Assistant Director Export/Import and International Safeguards Office of International Programs.

FEDERAL REGISTER (IMPORT)

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-Use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Feb. 26, 1982, Feb. 26, 1982, ISNM82003.	2.55 percent enriched uranium	10,000	255	LEU used as feed material under an enrichment contract for KWL.	From France.

[FR Doc. 82-6054 Filed 3-4-82; 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-313 and 50-368]

Arkansas Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-51, and Amendment No. 28 to Facility Operating License No. NPF-6, issued to Arkansas Power & Light Company, which revised the licenses for operation of the Arkansas Nuclear One, Units Nos. 1 and 2, located in Pope County, Arkansas. The amendments are effective within 14 days of the date of issuance.

The amendments revise the license conditions pertaining to the ANO Industrial Security Plan and add license conditions to include the Commission-approved Guard Training and Qualification Plan as part of the licenses. The Guard Training and Qualification Plan is to be fully implemented within 60 days of this Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The licensee's filings, which are being handled by the Commission as applications, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental

impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filings dated (1) September 9, 1980, as revised by letters dated February 5, 1981, and April 27, 1981, and (2) January 2, 1981, as revised by letters dated April 30, 1981, and May 18, 1981, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 63 to License No. DPR-51, and Amendment No. 28 to License No. NPF-6, and (2) the Commission's related letter to the licensee dated November, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of February 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,
*Chief, Operating Reactors Branch #4,
Division of Licensing.*

[FR Doc. 82-6051 Filed 3-4-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. STN 50-498 OL; STN 50-499 OL]

Houston Lighting & Power Co.; et al. (South Texas Project Units 1 and 2)

March 1, 1982.

Order

Confirming telephone conversations with each of the parties to this proceeding, and reflecting the unavailability of hotel accommodations in

the Houston, Texas area during the period May 4-7, 1982, and a scheduling conflict which has arisen for the period June 8-11, 1982, it is, this 1st day of March, 1982.

Ordered

That the schedule for further hearings in Phase I of this proceeding established at the hearing on February 10, 1982 (Tr. 10378) is hereby modified as follows:

Dates and Place

April 20-23, Houston, Texas
May 4-7, Austin, Texas
(if necessary):
June 2-4, Houston, Texas
June 15-18, Houston, Texas

Hearings in Houston will be held at the Joe M. Green, Jr. Auditorium, South Texas College of Law, 1303 San Jacinto Street (4th floor), Houston, Texas 77002. Hearings scheduled for Austin will be held at the La Espada Room, Ramada Inn Capitol, 300 East 11th Street, Austin, Texas 78767. The hearing on April 20 will begin at 9:00 a.m. Starting times of other hearing sessions will be established at a later time.

Prepared testimony for the session commencing on April 20, 1982 is to be filed no later than April 5, 1982. (As described at Tr. 10378-79, the Applicants are to attempt to file certain portions of their prepared testimony at an earlier date.)

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,
Chairman Administrative Judge.

[FR Doc. 82-6054 Filed 3-4-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-65 issued to the Northeast Nuclear Energy Company,

the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensee), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications related to:

- Mode 6 reactivity control,
- Boration requirements,
- Special test peak linear heat rate,
- RTD response time testing,
- Containment purge valves actuation,
- ESFAS trip setpoints,
- Core barrel monitoring,
- Ventilation system HEPA filters, and
- Editorial revisions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 17, 1981, (2) Amendment No. 72 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 22d day of February 1982.

For the Nuclear Regulatory Commission.
Robert A. Clark,
Chief, Operating Reactors Branch #3,
Division of Licensing.
[FR Doc. 82-8052 Filed 3-4-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Operating License No. DPR-59 issued to the Power Authority of the State of New York (the licensee), which revises the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility), located in Oswego County, New York. The amendment is effective as of the date of issuance.

The amendment establishes new vessel level setpoints that are consistent with the installation of a common reference level required by TMI Action Item ILK.3.27 in NUREG-0737.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 8, 1982, (2) Amendment No. 67 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Penfield Library, State University College of Oswego, Oswego, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 26th day of February 1982.

For the Nuclear Regulatory Commission.
Vernon L. Rooney,
Acting Chief, Operating Reactors Branch #2,
Division of Licensing.
[FR Doc. 82-8053 Filed 3-4-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-275 OL and 50-323 OL (Security)]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Order

Pursuant to 10 CFR 2.772, the time for the Commission to determine whether to review ALAB-653 is extended to March 30, 1982.

It is so ordered.

Dated at Washington, D.C. this 2d day of March 1982.

For the Commission:
Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 82-6100 Filed 3-4-82; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Retirement; Voluntary State Tax Withholding

AGENCY: Office of Personnel Management.

ACTION: Notice of standard tax withholding agreement.

SUMMARY: This notice sets forth a Standard Agreement between the Office of Personnel Management and a State which wishes to participate in a State income tax withholding program under the provisions of Section 1705 of Pub. L. 97-35, The Omnibus Budget Reconciliation Act of 1981. The Act requires the Office of Personnel Management to enter into agreements with the various States to permit voluntary State income tax withholding from civil service annuities.

DATE: March 5, 1982.

ADDRESS: Requests for agreements should be directed to Craig B. Pettibone, Assistant Director for Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Eugene Littleford, (202) 632-4634.

SUPPLEMENTARY INFORMATION: Section 1705 of Pub. L. 97-35, The Omnibus Budget Reconciliation Act of 1981, requires the Office of Personnel Management to enter into agreements

with the various States to permit voluntary State income tax withholding from civil service annuities. The purpose of this notice is to set forth the standard agreement for use by a State requesting to participate. This agreement will allow a State to provide annuitants with information about the program, collect annuitants' requests for participation, put qualified requests in a machine-readable format, and maintain records of withholding for fiscal and informational purposes. The agreement will require OPM to process the requests received from the States, and make periodic payments and reports to the States.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM gives notice of the following standard agreement:

Agreement to Withhold State Income Tax from Civil Service Annuities

I. Introduction

The United States Office of Personnel Management (hereinafter referred to as "OPM") is authorized, under Section 1705 of Pub. L. 97-35, to enter into this agreement with _____ (hereinafter referred to as the "State") to implement a State income tax withholding program. Within the terms and conditions of this agreement OPM will administer the program so as to provide the State with the required service (i.e., advance tax withholding from Federal civil service annuities) while preserving State sovereignty and flexibility in operating its own tax collection efforts.

II. Definitions

For the purpose of this agreement:

1. "Agreement" means the Federal-State agreement contained in this document.
2. "Annuitant" means an employee retired, or a widow or widower receiving survivor benefits, under the provisions of subchapter III, chapter 83 of title 5, United States Code.
3. "Effective date" means, with respect to a request or revocation, that the request or revocation will be reflected in payments authorized after that date, and before the next request or revocation is implemented.
4. "Fund" means the Civil Service Retirement and Disability Fund as established and described in section 8348 of title 5, United States Code.
5. "Income tax" and "State income tax" mean any form of tax for which, under a State statute, (a) collection is provided, either by imposing on employers generally the duty of withholding sums from the compensation of employees and making returns of such sums to the State or by granting to employers generally the authority to withhold sums from the compensation of employees, if any employee voluntarily elects to make such sums withheld; and (b) the duty to withhold generally is imposed, or the authority to withhold generally is granted, with respect to

the compensation of employees who are residents of the State.

6. "Net recurring payment" means the amount of annuity or survivor benefits (not recurring interim payments made while a claim is pending adjudication) payable to the annuitant on a monthly basis less the amounts currently being deducted for health benefits, Medicare, life insurance, Federal income tax, overpayment of annuity, indebtedness to the Government, voluntary allotments, waivers, or being paid to a third party or a court officer in compliance with a court order or decree.

7. "Net withholding" means the amount of State income tax deductions withheld during the previous calendar quarter as a result of requests which designated the State as payee, less similar deductions taken from prior payments which were cancelled in the previous calendar quarter.

8. "Proper State official" means a State officer authorized to bind the State contractually in matters relating to tax administration.

9. "Received" means, in respect to the magnetic tape containing requests and revocations, received at the special mailing address established by OPM for income tax requests, or, for those items not so received, received at the OPM data processing center charged with processing requests.

10. "Request" means, in regard to a request for tax withholding, a change in the amount withheld, or revocation of a prior request, a written submission from an annuitant in a format acceptable to the State which provides the annuitant's name, Civil Service Retirement Claim number, Social Security identification number, address, the amount to be withheld and the State to which payment is to be made, which is signed by the annuitant or, in the case of incompetence, his or her representative payee.

11. "State" means a State, the District of Columbia, or any territory or possession of the United States.

III. OPM Responsibilities

OPM will, in performance of this agreement:

1. Process the magnetic tape containing State tax transactions against the annuity roll once a month at the time monthly recurring payments are prepared for the United States Treasury Department. Errors that are identified will not be processed into the file, and will be identified and returned to the State for resolution via the monthly error report. Collections of State income tax will continue in effect until the State requesting the initial action supplies either a valid revocation or change. The magnetic tape must be received 35 days prior to the date of the check in which the transactions are to be effective. For example, withholding transactions for the July 1 check must be received 5 days prior to June 1. If the magnetic tape submitted by the State cannot be read, OPM will notify the State of this fact, and if a satisfactory replacement can be supplied in time for monthly processing, it will be processed.
2. Deduct from the regular, recurring annuity payments of an annuitant the amount

he or she has so requested to be withheld, provided that:

(a) The amount of the request is an even dollar amount, not less than Five Dollars nor more than the net recurring amount. The State may set any even dollar amount above Five Dollars as a minimum withholding amount.

(b) The annuitant does not, at the time, have a tax withholding request from another State in effect.

(c) The annuitant has not designated more than one other State for withholding purposes within the calendar year. The State can set any limit on the number of changes an annuitant may make in the amount to be withheld.

3. Retain the amounts withheld in the Fund until payment is due.

4. Pay the net withholding to the State on the last day of the first month following each calendar quarter.

5. Make the following reports:

(a) A monthly report which will include all the States tax withholdings, cancellations and adjustments for the month, and also each request OPM was not able to process, with an explanation, in coded format, of the reason for rejection.

(b) A quarterly report which will include State, State address, quarterly withholdings, quarterly cancellations and adjustments, quarterly net withholdings and year-to-date amounts. Where cancelled or adjusted payments were made in a previous year, OPM shall append a listing of the cancelled or adjusted payments which shows the date and amount of each cancelled or adjusted tax withholding, and the name and Social Security identification number of the annuitant from whom it was withheld. If either party terminates the agreement and the amount of cancelled or adjusted deductions exceeds the amount withheld for the final quarter, then the quarterly report shall show the amount to be refunded to OPM and the address to which payment should be made.

(c) An annual summary report which contains the name, Social Security identification number, and total amount withheld from non-cancelled payments during the previous calendar year, for each annuitant who requested tax withholding payable to the State. In the event the annuitant had State income tax withholding in effect for more than one State in that calendar year, the report will show only the amount withheld for the State receiving the report.

(d) An annual report to each annuitant for whom State income taxes were withheld giving the amount of withholding paid to the State during the calendar year.

IV. State Responsibilities

The State will, in performance of this agreement:

1. Accept requests and revocations from annuitants who have designated that State income tax deductions will go to the State.
2. Convert these requests on a monthly basis to a machine-readable magnetic tape

using specifications received from OPM, and forward that tape to OPM for processing.

3. Inform annuitants whose tax requests are rejected by OPM that the request was so rejected and of the reason why it was so rejected.

4. Recognizes that, to the extent not prohibited by State laws, records maintained by the State relating to this program are considered jointly maintained by OPM and are subject to the Privacy Act of 1974, 5 U.S.C. 552a. Accordingly, the States will maintain such records in accordance with the statute and OPM's implementing regulations at 5 CFR Part 297.

5. Respond to requests of annuitants for information and advice in regard to State income tax withholding.

6. Credit the amounts withheld from civil service annuities to the State tax liability of the respective annuitants, and refund any balance over and above that liability to the annuitant, unless he or she should request otherwise.

7. Surrender all tax withholding requests to OPM when this agreement is terminated or when the documents are not otherwise needed for this State tax withholding program.

8. Allow OPM, the Comptroller General or any of their duly authorized representatives access to, and the right to examine, all records, books, papers or documents related to the State income tax withholding program.

V. Additional Provisions

These additional provisions are also binding on the State and OPM:

1. A request or revocation is effective when processed by OPM. OPM will process each request by the first day of the second month following the month in which it is received, but incurs no liability of indebtedness by its failure to do so.

2. Any amount deducted from an annuity payment and paid to the State as a result of a request is deemed properly paid, unless the annuity payment itself is cancelled.

3. OPM will provide the State with the information necessary to properly process a request for State income tax withholding.

4. If the State processes a request or revocation which is not proper, the State is liable to the annuitant for the amount improperly withheld, and agrees to pay that amount to the annuitant on demand.

5. In the case of a disputed amount in any of the reports described and authorized by this agreement, the Associate Director for Compensation of OPM will issue an accounting within 60 calendar days of the State's request for an accounting. If the State finds this accounting unacceptable, it may then and only then pursue such remedies as are otherwise available.

V. Agreement Modification and Termination

This agreement may be modified or terminated in the following manner:

1. Either party may suggest a modification of the agreement in writing to the other party. The other party must accept or reject the modification within 60 calendar days of the date of the suggestion.

2. The agreement may be terminated by

either party on 60 calendar days written notice.

3. OPM may modify this agreement unilaterally through the rule making process described in section 553 of title 5, United States Code.

VI. Signatures and Certification

OPM and the State hereby assure and certify that they will comply with the terms and conditions of this agreement. The State official whose signature appears below further certifies that he/she is authorized to bind the State contractually in matters relating to tax administration and that he/she is the official representative of the State with power to act in connection with the agreement.

[FR Doc. 82-5905 Filed 3-4-82; 8:45 am]

BILLING CODE 6325-01-M

Privacy Act of 1974; Administrative Changes and the Proposed Addition of Four New Routine Uses to an Existing System of Records

Note.—The text of this document originally appeared in the *Federal Register* for Thursday, March 4, 1982 (47 FR 9306-9310). It should have been published in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Office of Personnel Management.

BILLING CODE 1505-02-M

PRESIDENT'S ECONOMIC POLICY ADVISORY BOARD

Meeting

March 3, 1982.

The President's Economic Policy Advisory Board will meet on March 18, 1982, at the White House, Washington, D.C. from 10:00 a.m. to 3:30 p.m. The purpose of the meeting is to review and discuss:

- (a) Economic Outlook and Financial Market Developments;
- (b) Status of Troubled Industries; and
- (c) International Economic Intelligence Outlook.

All agenda items concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1), (4), (8) and (9) thereof, and will be closed to the public.

For further information, please contact the Office of Policy Development, the White House, at (202) 456-6515.

Edwin L. Harper,

Assistant to the President for Policy Development.

[FR Doc. 82-6172 Filed 3-3-82; 2:41 pm]

BILLING CODE 3195-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18515; File No. SR-Amex-82-3]

American Stock Exchange, Inc.; Filing of Proposed Rule Change

March 1, 1982.

The American Stock Exchange, Inc. ("Amex") submitted on February 10, 1982, a proposed rule change under Rule 19b-4 to modify Amex rules to provide for exchange trading of standardized options trading on stock groups composed either of stocks of issuers primarily in the same industry or of stocks of a diversified group of issuers.

Publication of the submission is expected to be made in the *Federal Register* during the week of March 1, 1982. In order to assist the Commission to determine whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before April 19, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-82-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of the filing and of any subsequent amendments will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-6020 Filed 3-4-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18515; File No. SR-Amex-82-3]

American Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Proposed Rule Change by American Stock Exchange, Inc. relating to options on stock groups. Comments requested on or before April 19, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 10, 1982, the American Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Item 1. Text of Proposed Rule Change.

Section 10. Options on Stock Groups.

Applicability and Definitions

Rule 900B. (a) **Applicability**—The rules in this Section are applicable only to options on stock groups (as defined below). In addition, except to the extent that specific rules in this Section govern, or unless the context otherwise requires, the provisions of the Constitution and of all other rules and policies of the Board of Governors shall be applicable to the trading on the Exchange of option contracts on stock groups. Pursuant to the provisions of Article 1, Section 3(f) of the Constitution, option contracts on stock groups are included within the definition of "security" or "securities" as such terms are used in the Constitution and the Rules of the Exchange.

(b) **Definitions**—The following terms as used in the Rules in this Section shall, unless the context otherwise indicates, have the meanings herein specified:

(1) **Stock Group**—The term "stock group" means those stocks which have been designated by the Exchange as collectively underlying an options contract.

(2) **Class of Options**—The term "class of options" means all option contracts of the same type of option covering the same group of underlying stocks.

(3) **Aggregate Exercise Price**—The term "aggregate exercise price" means the price at which all of the underlying stocks in the stock group may be purchased or sold upon exercise of the option contract.

(4) **Exercise Price**—The term "exercise price" means the aggregate exercise price of an option on a stock group divided by the product of 100 times the number of underlying stocks in the group.

(5) **Stock Group Market Price**—The term "stock group market price" means the sum of the products derived from multiplying the current market price of each underlying stock in the stock group by the number of shares of such stock subject to the contract, divided by the product of 100 times the number of underlying stocks in the group.

(6) **Underlying Stocks**—The term "underlying stocks" in respect of an option on a stock group means those stocks which the Options Clearing Corporation shall be obligated to sell (in the case of a call option contract) or purchase (in the case of a put option contract) upon the valid exercise of the option contract, and the term "underlying stock" means any of the underlying stocks in the stock group.

(7) **Covered**—The term "covered" has the meaning set forth in Rule 900, definition (23); the writer of a call option on a stock group may be covered with respect to a short position in the stock group if he is covered within the meaning of Rule 900, definition (23) on a share-for-share basis with respect to each underlying stock in the group.

(8) **Limited Exercise Option**—The term "limited exercise option" means an option contract which may not be exercised until the fifth business day prior to the expiration date.

(9) **Normal Exercise Option**—The term "normal exercise option" means an option contract which may be exercised at any time until the expiration date.

(10) **Call**—The term "call", when used with respect to options on stock groups, means an option contract under which the holder of the option has the right, in accordance with the terms of the option, to purchase from the Options Clearing Corporation the number of shares of each of the underlying stocks included in the designated stock group covered by the option contract.

(11) **Put**—The term "put", when used with respect to options on stock groups, means an option contract under which the holder of the option has the right, in accordance with the terms of the option, to sell to the Options Clearing Corporation the number of shares of each of the underlying stocks included in the designated stock group covered by the option contract.

Rule 901B. Designation of Stock Groups.

(a) The Exchange may constitute for options trading stock groups consisting generally of five or more approved

underlying stocks. Such underlying stocks must be approved pursuant to Rule 915, but need not be limited to those underlying stocks which are the subject of individual stock options pursuant to the rules of the Exchange. Stock groups shall be comprised of stocks of issuers primarily in the same industry or shall reflect diverse cross-industry composites.

(b) The Exchange may list for trading on any stock group limited exercise options, normal exercise options, or both.

(c) If, pursuant to Rule 916, the Exchange determines to withdraw approval as an underlying security from any stock which is a component of a stock group, no option contract with a new expiration month shall be opened for trading on that group.

Rule 902B. Terms of Options on Stock Groups.

Terms of options contracts on stock groups shall be established as provided in Rule 902, except that the exercise price of each series of options shall be fixed at a price which is reasonably close to the stock group market price.

Rule 903B. Adjustments.

Options on a stock group shall be subject to adjustment in accordance with the Rules of the Options Clearing Corporation as applied to each underlying stock comprising the group.

Rule 904B. Meaning of Premium Bids and Offers.

Bids and offers for options on stock groups shall be expressed in terms of hundreds of dollars multiplied by the number of underlying stocks in the stock group. (E.g., a bid of "7½" for an option on a five-stock group shall represent a bid of \$3,750—7.5×100×5.)

Rule 905B. Trading Rotations.

Except with the prior approval of a Senior Floor Official, options on a stock group shall not be opened for trading until an opening transaction in each of its component underlying stocks has been reported in the primary market for such stock. If trading in a component underlying stock of a stock group is halted or suspended in the primary market, trading on the Exchange in the options on such stock group shall be halted until the Exchange determines that the conditions which led to the halt or suspension are no longer present or until a Senior Floor Official determines that the interests of a fair and orderly market are best served by a resumption of trading in the options even though the trading halt or suspension is continued in the primary market for the component underlying stock.

Rule 906B. Position and Exercise Limits.

In determining compliance with position and exercise limits under Rules 904 and 905, option contracts on a stock group shall not be aggregated with option contracts on an underlying stock included in the group.

Rule 907B. Reports Related to Position Limits.

In computing reportable options positions under Rule 906, option contracts on a stock group shall not be aggregated with option contracts on an underlying stock included in the group.

Rule 908B. Other Restrictions on Options Transactions.

Restrictions pursuant to Rule 909 on the writing of uncovered calls at a "discount" on an underlying security subject to a stabilizing bid by underwriters shall normally not be imposed on options on a stock group.

Rule 909B. Filing of Trade Information.

Trade information with respect to transactions in options on a stock group shall be filed with the Exchange as required by Rule 962 except that the trade information shall identify the stock group rather than the component underlying stock.

Rule 910B. Margin.

The minimum margin required pursuant to Rule 462(d)2 for each short option contract on a stock group shall be not less than \$125 multiplied by the number of underlying stocks in the group.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Item 3. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change.

The rules proposed in this filing are designed to accommodate trading on the Amex of options covering specific groups of underlying stocks. One objective of the Amex will be to list options on groups of stocks the issuers of which are all engaged primarily in the same industry. For example, it may

select five or more leading drug companies or office equipment manufacturers as the underlying stocks for particular industry group options. An option contract on such group would call for delivery of the requisite number, of shares (normally 100 shares) of each of the underlying stocks in the group.

The Amex is also proposing to list one or more options on groups of stocks representing a number of different industries. Such an option might, for example, include stocks of ten separate companies each of which is a leading factor in a different industry. In the case of both the industry group options and the broader based interindustry options each issuer whose stock is included would have to meet Amex's requirements for approval as an underlying stock, but the Amex would expect to include within various stock groups underlying stocks which are not the subject of individual stock option trading on the Amex.

The Amex believes that options on stock groups will substantially enhance the ability of investors to hedge against specific risks and will add another valuable tool to assist in portfolio management. A principal function of listed options is to provide investors with an efficient means of hedging against the risks of short-term price fluctuations in individual securities positions. However, the utilization of options on individual securities alone does not provide an effective way of protecting against risk factors partially or perhaps wholly unrelated to the particular security in which an investor may be interested. For example, an investor may believe strongly in the potential of a particular company whose stock he is holding but have misgivings regarding the short-term outlook for the industry in which that company is engaged, fearing a price decline in his holdings because of an overall lack of support for the stocks in that industry. In such a situation, the investor could spread his risk by writing call options on that industry group. If he is correct in his estimation, the proceeds from the sale of the call options may in part offset any short-term decline in the price of his stock holdings and yet permit him to continue holding the stock for future appreciation.

Similarly, an investor holding a diversified portfolio of stocks which he does not wish to sell but fearing a near-term general market decline could buy put options on a broad-based inter-industry group of stocks to protect in part against a decline in the market value of his portfolio.

Moreover, stock group options will provide investors with a more effective

means of achieving diversification when investing in accordance with their expectations regarding the outlook for a particular industry or for the stock market as a whole. An investor may, for example, believe that economic conditions favor an upswing in a particular industry, but be unsure as to which companies in that industry are likely to benefit most from such a trend. By purchasing a call option covering a group of stocks in that industry the investor can obtain diversification without the necessity of making an initial substantial commitment in each of a number of different stocks. The same sort of diversification could be obtained with a broader based inter-industry option when an investor is optimistic about a general price increase in the stock market as a whole.

The purposes of the specific rules designed to permit the listing and trading of options on industry and composite market groups are set forth below.

Rule 900B. This rule sets forth the definitions necessary to supplement existing Amex rules so as to provide for the establishment, pricing, trading and settlement of options on stock groups.

"Stock group" is defined to include those stocks which have been designated by the Amex as collectively underlying an options contract. Such a group may consist solely of stocks from a particular industry or in the alternative a number of stocks each from a different industry.

"Class" is defined as options of the same type on the same group of underlying securities. Thus, deletion or addition of a single underlying security from a stock group will result in a new group and a new class of option contracts. Further, this definition makes clear that options on a stock group are not to be confused with options on any one of the underlying securities comprising the group.

It is anticipated that the "stock group market price" for each stock group designated for trading will be computed and disseminated on a current basis. This will be essential to enable investors to make informed decisions in pricing and trading options on stock groups and to determine the exercise prices of such options.

Pursuant to the definition of the terms "class of options" and "covered" in Rule 900B, only a long position in all of the underlying securities included in a stock group or a long position in an option on the stock group can provide cover for a short position in an option on that group.

The "limited exercise option" defined in Rule 900B, in conjunction with Rule

901B, would give the Exchange the authority to list an option contract on a stock group which will only be exercisable during the week of its expiration. The terms of a limited exercise option contract would preclude the assignment of exercise notices to writers of such options except during the final week prior to the exercise date. This would avoid uncovered writers being faced with the substantial expense (transaction costs, interest expense, etc.) involved in purchasing for delivery each of the underlying stocks if assigned an exercise notice. The rules proposal provides, however, that the Amex may also list conventional options on the same stock group.

Rule 901B. The Amex plans to include at least five underlying stocks within each industry group to assure that the group is truly representative of the particular industry. In the case of broader based inter-industry groups the Amex may include ten or more stocks to provide diversification and to minimize the impact which price fluctuations in representative stocks from any single industry might have on the option. While all underlying stocks must meet the listing and maintenance requirements of Amex Rules 915 and 916, the Amex does not intend to confine its selection of underlying securities for stock groups to those which are the subject of individual stock options traded on the Amex.

Rule 902B. It is anticipated that exercise prices for options on industry groups and options on one or more inter-industry groups would be established at 5 point intervals in relation to the stock group market price.

Rule 903B. Options on stock groups will be subject to adjustment in accordance with the rules of the Options Clearing Corporation as applied to each underlying stock included in the group. Thus, if stock-splits, dividends, rights offerings, etc. would require adjustments of options contracts on any of the underlying securities in a stock group, a parallel adjustment will be made in the number of shares of that underlying security which are subject to options on a stock group.

Rule 904B. Bid and ask premiums for options on stock groups, like the stock group market price, must be multiplied by 100 times the number of securities in the stock group in order to obtain the total premium payable for each option on the group.

Rule 905B. Because the stock group market price will be based on current market prices for all stocks in the group, it would in most cases be inappropriate for trading in an option on a stock group to proceed until an opening price is

available for each underlying security in the group. Therefore, if all of the underlying stocks have not opened on the primary exchange where they are listed, such trading will be allowed only if a Senior Floor Official having reviewed all of the circumstances determines that trading in the option should proceed. Similar restrictions will apply where trading in one or more underlying stocks included in a stock group is halted or suspended in the primary market.

Rules 906B and 907B. These rules preclude aggregation, for purposes of applying restrictions contained in other Amex rules, of positions or exercises involving options on a stock group with those involving options on component securities of such group or of any other group. Because stock groups will be comprised at a minimum of five underlying securities, positions or exercises involving options on a stock group would not appear susceptible to manipulative activity. Moreover, premiums for the stock group options and transaction costs in the underlying security would be proportionately higher. Therefore, it is much less likely that the establishing of positions or the exercise of group options will exert undue pressure or cause disruption in the market for the underlying stocks. The same rationale has been applied in determining not to aggregate such options positions for purposes of reporting requirements.

Rule 908B. This rule makes clear that Rule 909 restrictions on the writing of uncovered calls at a discount on an underlying stock subject to a stabilizing bid by underwriters shall normally not be applied to stock group options.

Rule 909B. This rule is a technical amendment to the trade reporting requirements to account for the multiplicity of securities included in a stock group.

Rule 910B. This rule provides for the application of minimum marginal requirements with respect to short positions in options on stock groups. It is proposed that the minimum margin applicable to an individual stock option be halved and the resulting amount be multiplied by the number of underlying stocks included in the group. Thus, the minimum margin for a short position of one option on a stock group consisting of five underlying stocks would be \$625 (\$125 x 5). The rationale for halving the \$250 minimum margin requirement applicable to an individual stock option is that the price volatility of an option on a five-stock group is likely to be significantly lower than that of an individual stock option.

It should be noted that there is no provision in these rules for margin credit on partially covered short positions in options on stock groups, i.e., positions where the writer of a call on a stock group is long one or more but not all of the underlying stocks or where the writer of a call or a put on a stock group is long a call or a put, respectively, on one or more of the component underlying stocks. A supplemental rules filing will be necessary to address these matters.

The basis under the Act for the proposed rules change is Section 6(b)(5) in that the proposed changes are designed to facilitate transactions in options on stock groups and to bring such transactions within the regulatory framework of the Act and of the Amex's own rules.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Item 4. Self-Regulatory Organization's Statement on Burden on Competition.

The Amex does not believe the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Item 5. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before April 9, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 19, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 1, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-6019 Filed 3-4-82; 8:45 am]
BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

March 1, 1982.

The above named national securities exchange has filed an application 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 common stock of:

British Petroleum Co., Ltd., American Depository Receipts for Ordinary Shares (25 Pence Par)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 19, 1982 written data, views and arguments concerning the above-referenced application. 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 application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is 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. 82-6021 Filed 3-4-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 18519; File No. SR-PSE-82-3]

Pacific Stock Exchange, Inc.; Filing of Proposed Rule Change

March 1, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") 15 U.S.C. 78s(b)(1), notice is hereby given that on February 26, 1982, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend Rule II, Section 3(f) of the PSE rules to provide that, as a condition of an exchange member's being registered as a specialist, a specialist is to engage in a course of dealings for his own account to assist in the maintenance, insofar as reasonably practicable, of a fair and orderly market. In addition, the proposed rule change provides that, if the PSE finds any substantial or continued failure by a specialist to engage in such a course of dealings, the registration of such specialist shall be subject to suspension or revocation by the PSE in one or more of the securities in which he is registered.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before March 26, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PSE-82-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for

inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-6018 Filed 3-4-82; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-5153]

Center City Minority Enterprise Investment Company, Inc.; Filing of an Application for an Exemption Under the Conflict of Interest Regulation

Notice is hereby given that Center City Minority Enterprise Investment Company, Inc. (CCME), Suite 762, 40 South Main Street, Dayton, Ohio 45402, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to § 107.1004(b) of the Regulations governing small business investment companies (13 CFR 107.1004(b)(1982)) for an exemption from the provisions of the cited Regulation.

This exemption, if granted, will permit CCME to provide financing in the amount of \$50,000 to Fort Dearborn Paper Company (FDPC), 2901 West 36th Place, Chicago, Illinois 60632.

CCME is one of several participants in the financing of FDPC which was formed for the purpose of acquiring the assets and business operations of Fort Dearborn Paper, a division of Mead Corporation. The Mead Corporation owns 10 percent of the stock of CCME.

Pursuant to Paragraph (b) of the definition of "Associate of a Licensee" in § 107.3 of the SBA Regulations, Mead Corporation is considered to be an Associate of CCME. As such, the transaction will require an exemption from the provisions of § 107.1004(b)(5) of the Regulations.

Notice is hereby given that any interested person may, on or before March 22, 1982 submit written comments on the proposed transaction to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Dayton, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 1, 1982.

Robert G. Lineberry,
Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-6057 Filed 3-4-82; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 06/06-5249]

Fluid Financial Corp.; Notice of Application for a License To Operate as a Section 301(d) Licensee

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing Section 301(d) Licensee (13 CFR 107.102 (1981)), under the name of Fluid Financial Corporation, Suite 527, 200 Lomas Blvd., N.W., Albuquerque, New Mexico 87102, for a License to operate as a Section 301(d) Licensee under the provisions of the Small

Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholder of the Applicant are:

George T. Slaughter, Route 3, Box 50A, Arkadelphia, Arkansas 71923—
President, Director

Deborah A. Kennedy, P.O. Box 511, Edgewood, New Mexico 87015, Vice
President, Secretary/Treasurer

Carl D. Patterson, 6642 Forrest Grove Drive, Memphis, Tennessee 38138—
Director

William B. Fowler, 6313 Loftus, N.E., Albuquerque, New Mexico 87109—
Director

Fluid Corporation, Suite 1027, 200 Lomas Blvd., N.W., Albuquerque, New Mexico 87102—100 percent ownership

There are two classes of stock authorized: 60,000 shares of common stock and 10,000 shares of preferred stock. Initially, only 50,100 shares of common stock will be issued with a resultant private capital of \$501,000. Applicant proposes to conduct its operations principally in the State of New Mexico.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, on or before March 22, 1982, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Albuquerque, New Mexico.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 1, 1982.

Robert G. Lineberry,
Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-6056 Filed 3-4-82; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 44

Friday, March 5, 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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Civil Aeronautics Board.....	1, 2, 3, 4
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1

CIVIL AERONAUTICS BOARD

[M-344, Amdt. 1, March 1, 1982]

Notice of addition to the March 4, 1982 meeting

TIME AND DATE: 10 a.m., March 4, 1982.

PLACE: Room 1027 (open), room 1012 (closed); 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 30a. Petition for FAA Rulemaking of United Air Lines, Inc. to rescind the High Density Rule, 14 CFR section 93.121 *et seq.* as it applies to O'Hare International Airport. (Memo 1118, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary; (202) 673-5068.

[S-341-82 Filed 3-3-82; 3:46 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-344, Amdt. 2, March 2, 1982]

Notice of addition to the March 4, 1982 meeting.

TIME AND DATE: 10 a.m., March 4, 1982.

PLACE: Room 1027 (open), room 1012 (closed); 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 2a. Docket EAS-352, Review of Essential Air Service Determination for Merced, California. (Memo 133-C, BDA, OGC, OCCCA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary; (202) 673-5068.

[S-342-82 Filed 3-3-82; 3:48 pm]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD

[M-344, Amdt. 3, March 2, 1982]

Notice of additions to the March 4, 1982 meeting.

TIME AND DATE: 10 a.m., March 4, 1982.

PLACE: Room 1027 (open), room 1012 (closed); 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

39. Upcoming negotiations with Portugal to begin March 8, 1982. (BIA)

40. Review of Antigua and Barbuda-United States Aviation Regulations; (undocketed) Applications of Seagreen Air Transport for Fifth Freedom Charter Authority. (BIA)

41. Report on the Recent Negotiations with ECAC. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary; (202) 673-5068.

[S-343-82 Filed 3-3-82; 3:48 pm]

BILLING CODE 6320-01-M

4

CIVIL AERONAUTICS BOARD

[M-344, Amdt. 4, March 2, 1982]

Notice of addition to the March 4, 1982 meeting.

TIME AND DATE: 10 a.m., March 4, 1982.

PLACE: Room 1027 (open), room 1012 (closed); 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 42. Developments at the U.S.-U.K. talks held in London March 1, 1982. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary; (202) 673-5068.

[S-344-82 Filed 3-3-82; 3:46 pm]

BILLING CODE 6320-01-M

5

COMMISSION ON CIVIL RIGHTS

March 3, 1982.

DATE AND TIME: Monday, March 8, 1982, 9 a.m.-4 p.m.; Tuesday, March 9, 1982, 1:30-4 p.m.

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: March 8:

- I. Agenda
- II. Minutes of Last Meeting
- III. Review of Statement on the Civil Rights Consequences of the Administration's Proposed Budget Cuts on Educational Programs
- IV. Review of Miami Report
- V. Review of Health Insurance Study
- VI. Viewing of Hispanic Film

March 9:

- VII. Policy Statement re: Removal of State Advisory Committee Members
- VIII. Maine Advisory Committee Interim Appointment
- IX. Report of the Office of Regional Programs' National Affirmative Action Report Entitled *Promises and Perceptions: Federal Efforts to Eliminate Employment Discrimination Through Affirmative Action*
- X. Texas Advisory Committee Report Entitled *Reapportionment in Texas*
- XI. Missouri Advisory Committee Report Entitled *Fair Housing Enforcement in St. Louis*
- XII. Action re: New Mexico Advisory Committee Report Entitled *Energy Development in Northwestern New Mexico: A Civil Rights Perspective*
- XIII. Civil Rights Developments in the Southwestern Region
- XIV. Staff Director's Report:
 - A. Status of Funds
 - B. Personnel Report
 - C. Office Directors' Reports

PERSONS TO CONTACT FOR FURTHER

INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division; (202) 254-6697.

[S-335-82 Filed 3-3-82; 11:18 am]

BILLING CODE 6335-01-M

6

COMMODITY CREDIT CORPORATION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 8448, February 26, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., March 5, 1982.

STATUS: Open and closed.

CHANGES IN THE MEETING:

Additional agenda items (numbers 4, 7, 12, and 15).

Closure of a portion of the meeting.

Revision of the presentation order previously announced as follows:

1. Special Meeting of December 21, 1981.

2. Closed Meeting of December 21, 1981.
3. Docket WCX-312 re: Food Security Wheat Reserve.
4. Docket WCP-319, Rev. 1 re: Extended Storage Use Guarantees to Assure Commodity Credit Corporation (CCC) Long-Term Storage for CCC-Owned Commodities.
5. Memorandum re: Status Report on the Extended Grain Storage Program.
6. Memorandum re: Progress Report on Process Cheese Distribution to States.
7. Memorandum re: Update of CCC-Owned Inventories.
8. Docket WCO-309b re: Flue-Cured Tobacco Testing Levels of Maleic Hydrazide (MH) Residue in Cured Leaves.
9. Docket SCP-101a & XCP-176a re: Wool and Mohair Payment Programs for the 1982-1985 Marketing Years.
10. Docket FCZ-247, Rev. 2 re: Policy on CCC Interest Rates on Commodity Loans, Grain Reserve Loans, Farm Storage and Drying Equipment and Certain Price Support Purchase Transactions.
11. Memorandum re: Interest Rates Charged by the Commodity Credit Corporation (50612-1-Hq).
12. Memorandum re: Information Memorandum Concerning Pub. L. 480 for Fiscal Year 1982 (Res. 19, CZ-266).
13. Resolution re: Ratification on Barter of Dairy Products for Jamaican Barter.
14. Resolution re: Ratification on Repurchase Offer on Credit Guarantees for Poland.

Closed portion of meeting:

15. Discussion—Corporation's Direct and Credit Guarantee Programs.

CONTACT PERSON FOR MORE

INFORMATION: Edward D. Hews, Secretary, Commodity Credit Corporation, Room 3090, South Building, U.S. Department of Agriculture, Washington, D.C. 20013; telephone (202) 447-7583.

[S-336-82 Filed 3-3-82; 11:18 am]

BILLING CODE 3410-05-M

7

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., March 10, 1982.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, DC.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Chain Saws: Preliminary Evaluation of Voluntary Standard*
The Commission will consider alternative courses of action related to the voluntary standard developed by the Chain Saw Manufacturers Association to reduce chain saw kick back inquiries.
2. *Power Mower Petitions: CP 81-6, 81-7, 81-8*
The staff will brief the Commission on issues related to the following petitions: CP 81-6 from Mr. A. J. Wildy, CP 81-7 from Polynous Industries, Inc., and CP 81-8 from Mr. Lewis C. Ely. The petitions

request exemptions from the safety standard for walk-behind power lawn mowers.

3. Indoor Air Quality: NAS Report

The staff will brief the Commission on the Report of the National Academy of Sciences on Indoor Pollutants.

4. Formaldehyde From Preserved Biological Specimens: Status Report

The staff will brief the Commission on the Status Report on exposure to formaldehyde from preserved biological specimens.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Ave., Bethesda, MD 20207; telephone (301) 492-6800.

[S-345-82 Filed 3-3-82; 4:00 pm]

BILLING CODE 6355-01-M

8

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, March 10, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendment to Regulation K (International Banking Operations) to add certain investment advisory activities to the list of activities that Edge Corporations may conduct. (Proposed earlier for public comment; Docket No. 0366)

Proposed amendment to Regulation Y (Bank Holding Companies and Change in Bank Control) in connection with an application for BankAmerica Financial Services Corporation, San Francisco, California, to provide management consulting services to nonbank depository institutions. (Proposed earlier for public comment; Docket No. 0369)

3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 3, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-337-82 Filed 3-3-82; 11:24 am]

BILLING CODE 6210-01-M

9

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 11:30 a.m., Wednesday, March 10, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 3, 1982

James McAfee,

Assistant Secretary of the Board.

[S-338-82 Filed 3-3-82; 11:30 am]

BILLING CODE 6210-01-M

10

PAROLE COMMISSION

[2P0401]

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: 9:30 a.m., Thursday, March 4, 1982.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 4 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission; (301) 492-5987.

[S-339-82 Filed 3-3-82; 11:32 am]

BILLING CODE 4410-01-M

11

RAILROAD RETIREMENT BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 8905, Tuesday, March 2.

TIME AND DATE: 10:00 a.m., March 8, 1982.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

CHANGE IN THE MEETING: Additional item to be considered at the portion of the

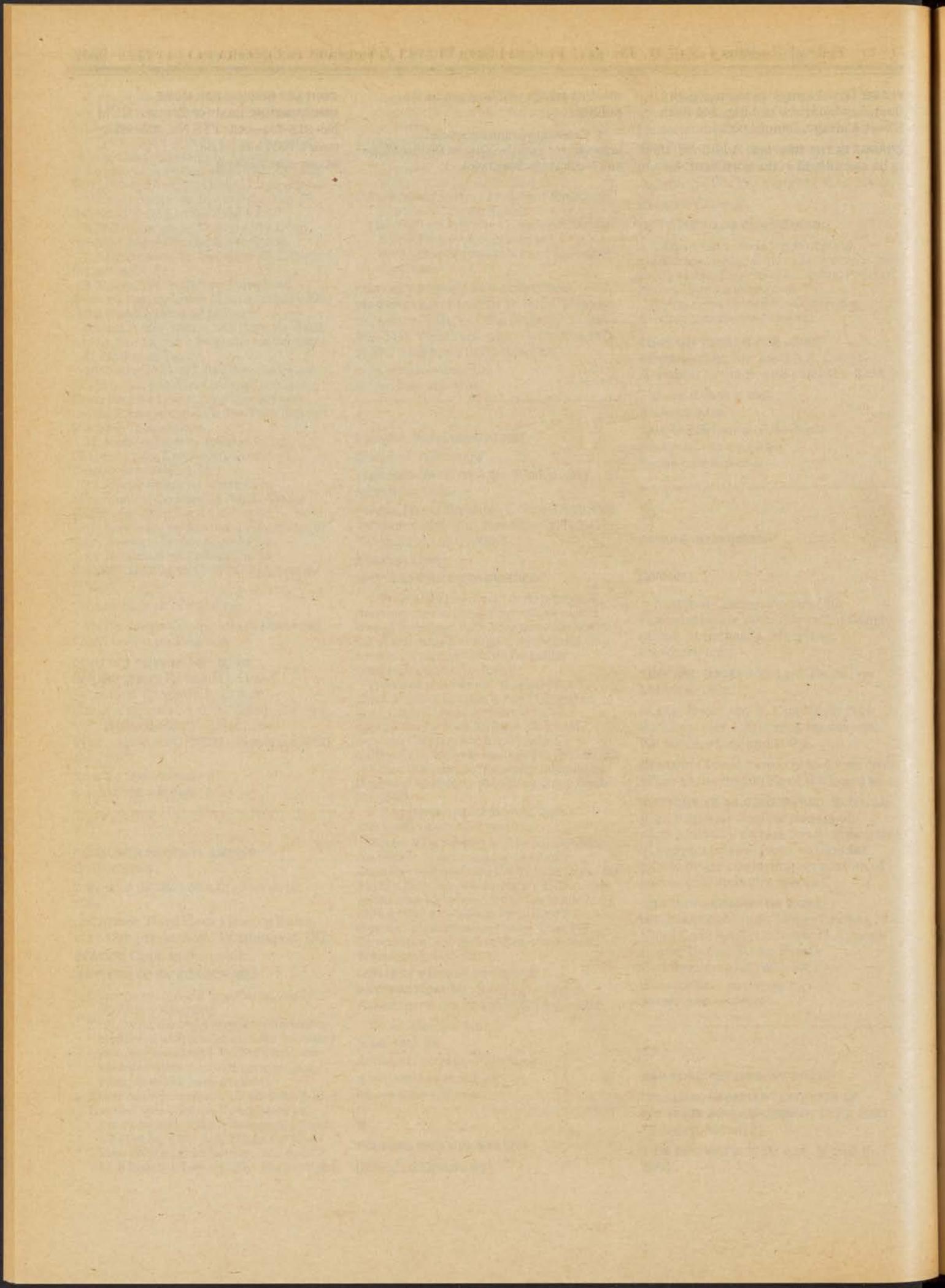
meeting which will be open to the public:

11. Recommendation for special achievement awards—Omaha District Office and North Platte Base Point.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312-751-4920; FTS No. 387-4920.

[S-340-82 Filed 3-3-82; 3:45 pm]

BILLING CODE 7905-01-M



federal register

Friday
March 5, 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
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the *Federal Register* without limitation as to time and are to

be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas
Decisions to General Wage
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the *Federal Register* without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and

self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the *Federal Register* are listed with each State.

California:		
CA81-5143	.....	Aug. 21, 1981.
District of Columbia: DC81-3040	.....	June 5, 1981.
Georgia:		
GA80-1062	.....	Mar. 21, 1980.
GA81-1194	.....	Mar. 6, 1981.
GA81-1233	.....	May 22, 1981.
Louisiana:		
LA81-4084	.....	Nov. 6, 1981.
LA81-4086	.....	Nov. 6, 1981.
Maryland:		
DC81-3040	.....	June 5, 1981.
Texas:		
TX80-4087	.....	Nov. 7, 1980.
TX80-4088	.....	Nov. 7, 1980.
TX81-4009	.....	Jan. 6, 1981.
TX81-4036	.....	June 5, 1981.
TX81-4074	.....	Oct. 2, 1981.
TX81-4075	.....	Oct. 2, 1981.
TX81-4076	.....	Oct. 2, 1981.
Oregon: OR81-5127	.....	July 6, 1981.
Virginia:		
VA81-3084	.....	Nov. 27, 1981.
DC81-3040	.....	June 5, 1981.

Supersedeas Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the *Federal Register* are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:		
FL80-1088 (FL82-1015)	.....	Aug. 1, 1980.
Florida:		
FL81-1260 (FL82-1018)	.....	July 6, 1981.
Georgia:		
GA81-1192 (GA82-1016)	.....	Mar. 6, 1981.
GA81-1193 (GA82-1017)	.....	Mar. 6, 1981.
Illinois:		
IL79-2067 (IL82-2003)	.....	Aug. 24, 1979.
IL81-2006 (IL82-2003)	.....	Apr. 3, 1981.
IL81-2050 (IL82-2003)	.....	Aug. 7, 1981.
IL81-2052 (IL82-2003)	.....	Aug. 14, 1981.
Michigan:		
MI81-2033 (MI82-2013)	.....	July 6, 1981.
Pennsylvania:		
PA80-3032 (PA82-3012)	.....	May 30, 1980.
PA80-3074 (PA82-3010)	.....	Dec. 12, 1980.
Wisconsin:		
WI80-2029 (WI82-2006)	.....	Apr. 25, 1980.
WI80-2038 (WI82-2008)	.....	May 16, 1980.
WI80-2039 (WI82-2009)	.....	May 23, 1980.

Signed at Washington, D.C., this 26th day of February 1982.

Dorothy P. Come,
Assistant Administrator, Wage and Hour
Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. CA81-5143 - Mod. #3

(46 FR 42391 - August 21, 1981)
San Diego County,
California

Changes:
Asbestos workers
Boilermakers
Drywall finishers
Ironworkers
Fence Erectors
Structural, Ornamental,
Reinforcing
Plasterers, Tenders
Plumbers; Pipefitters;
Steamfitters; Air Con-
dition; Refrigeration

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$19.25	1.30	1.49		.07
19.61	1.30	1.25	1.00	.04
17.74	1.23	1.78	.75	.87
14.86	1.44	3.81	2.50	.12
15.75	1.44	3.81	2.50	.12
15.99	.87	2.57	1.00	
16.85	10%	16%	13%	3/4%

DECISION NO. DC81-3040 - MOD. #6
(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

OMIT:
FROM DESCRIPTION OF WORK,
WATER AND SEWER LINE
CONSTRUCTION
FROM DECISION, ALL CRAFTS
AND WAGE RATES FOR WATER
AND SEWER LINE CONSTRUCTION

Modification Page 2

DECISION #GA80-1062 - Mod. #4
(45 FR 18652 - March 21, 1980)
Bibb County, Georgia

CHANGE:
Boilermakers
Electricians

DECISION #GA81-1194 - Mod. #4
(46 FR 15650 - March 6, 1981)
Houston County, Georgia

CHANGE:
Boilermakers
Electricians
Plumbers & Pipefitters

DECISION #GA81-1233 - Mod. #3
(46 FR 28101 - May 22, 1981)
Chattahoochee & Muscogee
Counties, Georgia

CHANGE:
Elevator Constructors:
Mechanics
Helpers
Probationary helpers

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$14.50	1.375	1.50		.04
12.13	.60	3% + .60		1/2 of 1%
\$14.50	1.375	1.50		.04
12.13	.60	3% + .60		1/2 of 1%
12.75	.87	.63		.06
\$12.51	1.345	1.085	a + b	.035
8.76	1.345	1.085	a + b	.035
6.255				

Modification Page 6

DECISION NO. OR81-5127 - Mod #10 (46 FR 35019 - July 6, 1981) Statewide Oregon	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Fr.
		H & W	Pensions	Vacation	
CHANGE: ELECTRICIANS: Area 3: Electricians Cable Splicers ELEVATOR CONSTRUCTORS: ELEVATOR CONSTRUCTORS HELPERS ELEVATOR CONSTRUCTORS HELPERS (Probationary)	\$19.05 20.95 19.82 70%JR 50%JR	1.25 1.25 1.345 1.345	3% + 3.00 3% + 3.00 1.085 1.085	a a	.10 .10 .035 .035
DECISION NO. VA81-3084 Mod. #2 (46 FR 58031-Nov. 27, 1981) Henrico County & the independent City of Richmond, Va.	10.89 10.89 13.00 10.75 10.85	.65 .65 .90	.55 .55 .45		.01 .01 .02
OMIT: LATHERS: Plasterer & Drywall Finish ADD: LATHERS: Lathers installing lathe CHANGE: BRICKLAYERS & STONEMASONS CEMENT MASONS CEMENT MASONS MACHINE MAN ELECTRICIANS: ZONE 1-within a 12 air mile radius of Staples Mills Road and Broad Street in the City of Richmond Zone 11-remainder of City of Richmond and Henrico County	10.89 10.89 13.00 10.75 10.85	.65 .65 .90	.55 .55 .45		.01 .01 .02
ZONE 1-within a 12 air mile radius of Staples Mills Road and Broad Street in the City of Richmond Zone 11-remainder of City of Richmond and Henrico County	13.85 14.60	7% 7%	3% 3%		3% 3%

Modification Page 5

DECISION NO. TX81-4074 - MOD. #7 (46 FR 48861 - October 2, 1981) Travis County, Texas	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Fr.
		H & W	Pensions	Vacation	
CHANGE: Marble, tile & terrazzo workers	\$11.90	.70			.05
DECISION NO. TX81-4075 - MOD. #6 (46 FR 48863 - October 2, 1981) Galveston & Harris Cos., Texas	16.47 16.35	1.00 1.00	10% + .31 12%		.08 .08
CHANGE: Electricians: Galveston County Harris County Line construction: Zone 1: Lineman & cable splicer Groundmen Zone 2: Lineman & cable splicer Groundman	16.85 9.77 16.45 9.54	.60 .60 .60 .60	3% 3% 3% 3%		1/2% 1/2% 1/2% 1/2%
DECISION NO. TX81-4076 - MOD. #6 (46 FR 48857 - October 2, 1981) Brazos County, Texas	14.715 15.09 8.75	1.00 .60 .60	12% 3% 3%		.08 1/2% 1/2%
CHANGE: Electricians Line construction: Linemen & cable splicers Groundmen	14.715 15.09 8.75	1.00 .60 .60	12% 3% 3%		.08 1/2% 1/2%

SUPERSEDES DECISION

STATE: FLORIDA COUNTY: ORANGE
 DECISION NUMBER: FL82-1015 DATE: Date of Publication
 Supersedes Decision No.: FL80-1088 dated August 1, 1980 in
 45 FR 51400.
 DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes or apartments of 4 stories or less).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$13.25	.65	.65		.06	
BOILERMAKERS	12.90	1.375	1.20		.04	
BRICKLAYERS, STONEMASONS, MARBLE MASONS, PLASTERERS & CEMENT MASONS	10.95	.50	.40		.10	
CARPENTERS	6.94	.55	3% + .61		1%	
ELECTRICIANS	11.56	1.345	1.085	a+b	.035	
ELEVATOR CONSTRUCTORS: Mechanics	8.09	1.345	1.085	a+b	.035	
Helpers	6.14					
GLAZIERS	11.88	.80	.90	.65	.05	
IRONWORKERS						
LABORERS: Unskilled	4.21					
Pipelayers	5.00					
LATHERS	8.88	.35	.25		.15	
LINEMEN: Linemen and Heavy Equipment Operators	9.61	.40	3%		3%	
Cable Splicers	10.31	.40	3%		3%	
Winch Truck Operator	7.68	.40	3%		3%	
Pick-up or Flatbed Truck Groundman	6.28	.40	3%		3%	
MILLWRIGHTS	5.55	.40	3%		3%	
PAINTERS: Brush	12.67	.70	.70		.10	
Paperhangers, Spray, & Sandblasters	9.65	.50	.50		.06	
PLUMBERS	10.15	.50	.50		.06	
ROOFERS: Roofers	12.23	.75	.62	.50	.12	
Kettlemen	10.00	.40	.25		.05	
SHEET METAL WORKERS	8.55	.40	.25		.05	
SHEET FLOOR LAYERS	10.96	.55+3%	.44		.08	
SPRINKLER FITTERS	6.00					
TILE & TERRAZZO WORKERS	5.41					
TRUCK DRIVERS	10.25	.50	.40		.10	
WELDERS - Receive rate for craft	4.21					

DECISION NO.: FL82-1015

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Backhoes & Cranes	\$10.13	.55	.40		.05	
Bulldozers & Loaders	8.95	.55	.40		.05	
Graders	6.65					
Paving Machine	5.00					
Tractor	4.50					
Rollers & Rollers	6.86	.55	.40		.05	

FOOTNOTES:

- a. Six Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in the business for more than 5 years, 6% of regular hourly rate for employee who has worked in the business less than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO.: FL82-1018

SUPERSEDES DECISION

STATE: FLORIDA
 COUNTY: *See Below
 DATE: Date of Publication
 Decision No.: FL81-1260 dated July 6, 1981 in 46 FR 34968.
 DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes or apartments of 4 stories or less); Heavy Construction and Highway Construction.

*Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, and Melabar Radar Sites in Brevard and Volusia Counties, Florida

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$14.45	.80	.80		.06	
BOILERMAKERS	14.50	1.375	1.50		.04	
BRICKLAYERS, BLOCKLAYERS, PLASTERERS, TERRAZZO WORKERS, TILE SETTERS, & CEMENT MASONS	10.95	.50	.40		.10	
CARPENTERS	9.25	.55	.80		.12	
Filedrivermen	9.75	.55	.80		.12	
ELECTRICIANS:	12.47	.50	3% + .98		.05	
Wiremen	12.72	.50	3% + .98		.05	
Cable Splicers	11.56	1.345	1.08	a + b	.035	
ELEVATOR CONSTRUCTORS:	8.09	1.345	1.08	a + b	.035	
Mechanic Helper	12.58	.90	.90	.65	.05	
IRONWORKERS:						
1. Air Tool Operators, Concrete Laborers, Hod Carriers, Mason Tenders, Mortar Mixers, Kettle Men (excluding roofing & waterproofing), Pipelayers, Powdermen, Form Setters (paving curbing & gutter), Well Point	7.65	.60	.40		.01	
2. Gunnite Laborer	7.92	.60	.40		.01	
3. Gunnite Nozzlemen	8.32	.60	.40		.01	
4. Unskilled Laborer	7.50	.60	.40		.01	
LINE CONSTRUCTION:						
1. Linemen & Class A Operators (hole boring machines, cranes, tracked equipment, fifth wheel tractors, tension, and wire pulling machines, mobile cranes & backhoes)	13.27	.45	3%		1%	
2. Cable Splicers	13.42	.45	3%		1%	
3. Class B Operators (flatbed material trucks, line trucks when either is mounted with winch and/or 'A' frame, trucks mounted with digging units, power wagons, driving of mobile cranes, and bucket trucks)	9.44	.45	3%		1%	
4. Groundmen	6.96	.45	3%		1%	

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
MILLWRIGHTS	\$13.17	.70	.70		.10
PAINTERS:					
Brush	9.65	.50	.50		.06
Spray, Paperhanging, & Sandblasting	10.15	.50	.50		.06
PLUMBERS, PIPEFITTERS, & STEAMFITTERS:					
Commercial Industrial	12.22	.70	.70		.10
Roofers:	15.45	.98	.99		.10
Roofers	10.50	.45	.25		.10
Kettlemen	9.05	.45	.25		.10
SHEET METAL WORKERS	13.45	.80	.84		.04
SPRINKLER FITTERS	14.15	.85	1.20		.13
WELDERS - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Group I	12.30	.55	.50		.06
Group II	11.70	.55	.50		.06
Group III	11.20	.55	.50		.06
Group IV	10.80	.55	.50		.06
Group V	10.00	.55	.50		.06

Group I - Cranes, Hydraulic or derrick on structural or reinforcing iron, cranes or derrick, clam shell, dragline, piledriver operator (including auger and boring machine operator for drilling in piling), backhoe (including hydraulic), hydraulic crane, gradall, shovel, motor patrol, mechanic (heavy equipment), side boom cat & multi-drum hoist.

Group II - Bulldozer & trenching machine, bridge crane, highlift, straddle buggy, hoist, earth hauling scraper (regardless how powered), pump crete & front end loader.

Group III - Winch truck, concrete/asphalt paver, forklift engineer, boring machine, well drilling machine and mobile cleaning plant.

Group IV - Tractor, well point pump & installation man, lubrication engineer, equipment greaser, air compressor, and fireman.

Group V - Motor boat, oiler, mechanic helper, pumpman (other than wellpoint), roller (steel and rubber tires), self-propelled, conveyor, welding machine, three or more combustion engines & Pulver Mixer.

FOOTNOTES:

- a. Six Paid Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
- b. 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.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1)(ii)).

SUPERSEDES DECISION

STATE: GEORGIA COUNTY: RICHMOND
 DECISION NUMBER: GA82-1016 DATE: DATE OF PUBLICATION
 Supersedes Decision Number GA81-1192, dated March 6, 1981, in 46 FR 15647.
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four (4) stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocaton	
ASBESTOS WORKERS	\$12.85	.45	.45		.02
BOILERMAKERS	14.50	1.375	1.50		.04
BRICKLAYERS, STONE MASONS, MARBLE MASONS, PLASTERERS, TERRAZZO WORKERS, & TILE SETTERS	11.05				.02
CARPENTERS	11.71				1/4 of 1%
CEMENT MASONS	10.65				1/4 of 1%
ELECTRICIANS:					
Wiremen	12.35	.75	3% + .40		.035
Cable splicers	12.60	.75	3% + .40		.035
ELEVATOR CONSTRUCTORS:					
Mechanics	11.36	1.345	1.085	a + b	.03
Helpers	7.95	1.345	1.085	a + b	.03
IRONWORKERS	5.68				.10
LABORERS:	12.30	.80	1.00		.10
CLASS I - Building & Construction laborers;	6.83	.20	.13		.10
CLASS II - Power & air tool operators, concrete & clay pipe layers & wipers, mortar mixers, & power buggy operators;	6.98	.20	.13		.10
CLASS III - Powderman, wagon drill operator, tunnel laborers, shaft laborers, burners, acetylene (demolition work), slip form workers (steel or wood, screw or jack type), potman, creosote materials handler, steel form setter (on grade), chimney or stack worker.					

DECISION NO. GA82-1016

LINE CONSTRUCTION:

Linemen & Heavy equipment operators (cranes, draglines, & 5th wheel tractors)
 Cable splicers
 Equipment operators (hole digging equipment, tractor with winch & derrick, anchor machine, backhoe, & ground rod drivers)
 Truck operators
 Groundmen
 MILLWRIGHTS
 PAINTERS:
 Brush & 9" roller
 Power tools, sign painting, glazing, structural steel (painting & cleaning, excluding metal doors & frames)
 Paperhanging
 Drywall finishers
 All types of epoxy & chemical materials, such as bitumastic, conaps, & clormate, all stage work, window jacks, botsun chair, ladder jacks & built-up scaffold, extension ladder over 36' Regular spray & gloves, & blasting

PILEDRIVERS
 PLUMBERS & PIPEFITTERS
 ROOFERS
 SHEET METAL WORKERS
 SPRINKLER FITTERS
 WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocaton	
	\$12.35	.75	3% + .40		1/4 of 1%
	12.60	.75	3% + .40		1/4 of 1%
	10.13	.75	3% + .40		1/4 of 1%
	7.66	.75	3% + .40		1/4 of 1%
	6.92	.75	3% + .40		1/4 of 1%
	12.71				.02
	8.85	.65	.45		.05
	9.35	.65	.45		.05
	9.60	.65	.45		.05
	10.10	.65	.45		.05
	10.50	.65	.45		.05
	10.75	.65	.45		.05
	12.21				.02
	12.98	.95	.70		.08
	3.60				.04
	11.05	.95	1.40		.08
	13.69				

SUPERSEDES DECISION

STATE: GEORGIA COUNTY: CHATHAM
 DECISION NUMBER: GA82-1017 DATE: DATE OF PUBLICATION
 Supercedes Decision Number GA81-1193, dated March 6, 1981, in L6 PR 15648.
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four (4) stories)

DECISION NO. GA82-1016 POWER EQUIPMENT OPERATORS: GROUP I - Crenes, derricks, draglines, side booms, cherry pickers, mechanics, piledrivers, crawlers, backhoes (3/4 cy. & up), concrete pumps, clam shells, drill operators, concrete mixer plants, locomotives, two-drum hoists, shovels, generators (250KW & up), hydraulic cranes over 10 tons, and fish motor graders;	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
	\$12.53	.85	.70		.02
GROUP II - Bulldozers, hydraulic boom trucks (10 tons & under), scrapers, end loaders, fork tractors, one-drum hoists, air compressors (600 CFM & over), tuggers, rollers, plain tractors, firemen, rubber tired backhoes (less than 3/4 cy.), push dozers, and trenching machines;	11.10	.85	.70		.02
GROUP III - Oilers, pump operators (over 4" diameter), air compressors under 600 CFM;	9.36	.85	.70		.02
GROUP IV - Mechanics' tenders, servicing welding machines, and pumps (up to 4" diameter).	7.29	.85	.70		.02

FOOTNOTES:

- a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.
- b. Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service.

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 clause (29 CFR, 5-5 (a) (1) (ii)).

ASBESTOS WORKERS BOILERMAKERS BRICKLAYERS, STONE MASONS, MARBLE MASONS, TERRAZZO WORKERS, & TILE SETTERS CARPENTERS & SOFT FLOOR LAYERS CEMENT MASONS ELECTRICIANS ELEVATOR CONSTRUCTORS: Mechanics Helpers Probationary helpers IRONWORKERS MILLWRIGHTS PAINTERS: Brush & Roller Rubberhanging (installation only) & Paint burners Paperhanging, steel brush, & steel roller Sandblasting, paint spraying, paint mitts & gloves, & power tools (no rollers larger than 9") Drywall finishers PILEDRIVERS PLASTERERS PLUMBERS & PIPEFITTERS: Contracts \$20,000.00 or less Contracts over \$20,000.00 ROOFERS SHEET METAL WORKERS SPRINKLER FITTERS	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
	\$13.24 14.50	.75 1.375	1.35 1.50		.06 .04
	10.45 12.00 9.50 12.35	.55 .70	.45 3% + 1.00		.05 3/10 of 1%
	11.36 7.95 5.68 12.30 12.60	1.345 1.345 .80 .55	1.085 1.085 1.00	a + b a + b	.035 .03 .05
	10.60 10.85 11.10	.60 .60 .60	.13 .13 .13		.02 .02 .02
	11.35 11.50 12.25 9.50	.60 .60 .55	.13 .13		.02 .02 .05
	12.55 13.20 5.50 12.53 13.69	.70 .70 .50 .95	.90 .90 1.40		.05 .05 .07 .08

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. GA82-1017

LABORERS:

- CLASS I - General laborers, traffic flagmen, & traffic spotters;
- CLASS II - Operators of jack hammer, tamp, paving breaker, chipping hammer, spade, chain saw, vibrator, motorized buggy, mason tender, terrazzo helper, railroad or track laborers, walk behind compactor or roller, plasterer & carpenter tenders;
- CLASS III - Mortar mixers (hand or machine), pipe layers (hammer, potman, etc.), flagmen (cranes, derricks, etc.);
- CLASS IV - Burner (torch) on demolition work, track or wagon drills used in blasting;
- CLASS V - Powderman or blaster.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 6.82	.15	.13			.10
6.97	.15	.13			.10
7.07	.15	.13			.10
7.32	.15	.13			.10
7.82	.15	.13			.10

DECISION NO. GA82-1017

POWER EQUIPMENT OPERATORS:

- GROUP I - Cranes, derricks, draglines, side booms, cherry pickers, mechanics, piledrivers, crawlers, backhoes (3/4 cy. & up), concrete pumps, clam shells, drill operators, concrete mixer plants, locomotives, two-drum hoists, shovels, generators (250KW & up), hydraulic cranes over 10 tons, and finish motor graders;
- GROUP II - Bulldozers, hydraulic boom trucks (10 tons & under), scrapers, end loaders, fork tractors, one-drum hoists, air compressors (600 CFM & over), tuggers, rollers, plain tractors, firemen, rubber tired backhoes (less than 3/4 cy.), push dozers, and trenching machines;
- GROUP III - Oilers, pump operators (over 4" diameter), air compressors under 600 CFM;
- GROUP IV - Mechanics' tenders, servicing welding machines, and pumps (up to 4" diameter).

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$12.53	.85	.70			.02
11.10	.85	.70			.02
9.36	.85	.70			.02
7.29	.85	.70			.02

FOOTNOTES:

- a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.
- b. Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service.

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 clause (29 CFR, 5.5 (a) (1) (ii)).

DECISION NO. IL82-2003

COUNTIES: *SEE BELOW
DATE: Date of Publication

STATE: ILLINOIS
DECISION NO.: IL82-2003
Supersedes Decision Nos. IL79-2067, dated August 24, 1979 in 44 FR 49837;
IL81-2006, dated April 3, 1981 in 46 FR 20426; IL81-2050, dated
August 7, 1981 in 46 FR 40429; & IL81-2052, dated August 14, 1981 in
46 FR 41318

DESCRIPTION OF WORK: Building Construction Projects (Not including Single Family Homes and Apartments up to and including 4 stories)
*Adams, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Clinton, DeKalb, Fulton, Greene, Hancock, Henderson, Henry, Jersey, Jodavies, Knox, LaSalle, Lee, Livingston, Logan, McDonough, McLean, Macoupin, Marshall, Mason, Menard, Mercer, Monroe, Montgomery, Morgan, Ogle, Pike, Putnam, Randolph, Rock Island, Schuyler, Scott, Stark, Stephenson, Warren, Washington, Whiteside, Winnebago, & Woodford

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS:					
AREA 1	\$17.23	1.15	1.36		.01
AREA 2	15.88	1.20	1.85		.12
AREA 3	17.00	1.145	1.645		.06
AREA 4	16.21	.60	1.35		.20
BOILERMAKERS:					
AREA 1	17.05	1.275	1.60		.03
AREA 2	16.80	1.675	1.75	5%	.18
AREA 3	16.60	1.275	1.10		.03
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS:					
AREA 1	14.45		.40		.10
AREA 2	15.40	.80	.75		.01
AREA 3	14.43	.90	1.30		.01
AREA 4	15.60	.85	.75		.05
AREA 5	13.73	.85	.56		.05
AREA 6	15.40	.80	.75		.10
AREA 7	15.61	1.25	1.10		.11
AREA 8	14.84	.90	1.65		.02
AREA 9	15.55				
AREA 10	15.35		1.35		
AREA 11	14.60	1.10	1.45		
AREA 12	14.75	1.10	1.50		
AREA 13	14.90	1.10			
AREA 14	14.85	1.10	.75		
AREA 15	15.30				
AREA 16	14.71	.80	1.30		.01
AREA 17	13.85	.95	1.15		.02
AREA 18	15.06	.70	1.30		.07
AREA 19	13.30	1.00	.65		

SEE PAGE 26 FOR GEOGRAPHICAL JURISDICTIONS

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
CARPENTERS; LATHERS; MILLWRIGHTS; FILEDRIVERMEN; & SOFT FLOOR LAYERS:					
AREA 1: Carpenters; Lathers; & Soft Floor Layers	\$13.255	1.05	.60		.08
Millwrights & Filedrivermen	13.755	1.05	.60		.08
AREA 2: Carpenters; Lathers; Millwrights & Soft Floor Layers	14.585	1.05	1.25		
Filedrivermen	14.585	1.05	1.25		
AREA 4: Carpenters; Lathers; Filedrivermen; & Soft Floor Layers	13.26	.90	1.47	.76	.10
AREA 5: Carpenters; Lathers; & Soft Floor Layers	13.475	1.05	.25		.08
Millwrights	13.875	1.05	.25		.08
AREA 6: Filedrivermen	13.875	1.05	.25		.08
AREA 7: Carpenters & Soft Floor Layers	15.05	.90	.50		
Millwrights & Filedrivermen	15.55	.90	.50		
AREA 8: Carpenters; Filedrivermen; & Soft Floor Layers	14.78	1.00	1.15		.03
Millwrights	15.03	1.00	1.15		.03
AREA 9: Carpenters & Soft Floor Layers	14.91	.75	1.30		.08
Filedriverman	15.41	.75	1.30		.08
AREA 10: Carpenters & Soft Floor Layers	13.53	1.05	.75		.05
Millwrights	16.65	.75	.75		
AREA 11: Carpenters; Millwrights; Filedrivermen; & Soft Floor Layers	14.935	1.05	1.00		

SEE PAGES 26 & 27 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
	\$14.11	.90	1.25		
	14.05	.90	1.25		
	14.58	1.00	1.20		.05
	16.26		1.00		.01
	13.35		1.41		.01
	15.75	1.15	.63		.05
	14.87	1.13			
	14.31	1.20	1.20		.05
	14.46	1.20	1.30		
	15.05	.85			
	14.80	.85			
	14.37	.85	.95		
	16.94				
	16.15				
	15.78				
	14.90	.75	1.35		
	15.49				
	16.86				
	14.60				
	15.30				
	13.65	.85	.56		.05
	13.73	.85	.56		.05
	13.10				

CEMENT MASONS & PLASTERERS (CONT'D):

- AREA 5: Cement Masons
- Plasterers
- AREA 6: Cement Masons
- Plasterers
- AREA 7
- AREA 8
- AREA 9
- AREA 10: Cement Masons
- AREA 11: Plasterers
- AREA 12: Cement Masons
- Plasterers
- AREA 13: Cement Masons
- AREA 14: Plasterers
- AREA 15: Cement Masons
- Plasterers
- AREA 16: Cement Masons
- AREA 17: Cement Masons
- Plasterers
- AREA 18: Cement Masons
- Plasterers
- AREA 19: Cement Masons
- Plasterers
- AREA 20

SEE PAGES 27 & 28 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
	\$15.60	1.00	1.50		.03
	16.35	1.00	1.50		.03
	14.56	.75	1.50		.07
	15.06	.75	1.50		.07
	14.30	1.05	1.00		.08
	15.00	1.05	1.00		.08
	15.00	1.05	1.00		.08
	12.68		.20		.01
	12.50				.01
	14.85	.75	.55		.08
	15.35	.75	.55		.08
	13.53	1.05	.75		.05
	16.65	.75	.75		
	13.69	.90	.75		
	16.50	.90	.75		
	12.55		1.50		
	13.80		1.50		
	14.755	1.25	1.02		.01
	16.275				
	11.78	.55	1.00		
	11.23	.55	1.00		
	15.60		1.00		

CARPENTERS; LATHERS; MILLWRIGHTS; FILEDRIVERMEN; & SOFT FLOOR LAYERS (CONT'D):

- AREA 12: Carpenters; Hardwood Floor Layers; & Soft Floor Layers
- Millwrights & Filedrivermen
- AREA 13: Carpenters & Soft Floor Layers
- Millwrights & Filedrivermen
- AREA 14: Carpenters & Soft Floor Layers
- Millwrights
- Filedrivermen
- AREA 15: Lathers
- AREA 16: Lathers
- AREA 17: Carpenters; Lathers; & Soft Floor Layers
- Millwrights & Filedrivermen
- AREA 18: Carpenters; Filedrivermen; & Soft Floor Layers
- Millwrights
- AREA 19: Carpenters
- Millwrights
- CEMENT MASONS & PLASTERERS:
- AREA 1: Cement Masons
- Plasterers
- AREA 2: Cement Masons
- Plasterers
- AREA 3: Cement Masons
- Plasterers
- AREA 4

SEE PAGE 27 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2003

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GLAZIERS:					
AREA 1	\$13.49	.45	.50		.02
AREA 2	14.79	1.43	2.65	13.2%	.05
AREA 3	10.93	.47	.50	.50	.02
AREA 4	14.31	.75	1.00		.02
AREA 5	15.00	.60	.30	c	
AREA 6	14.89	.70	.60		.01
FOOTNOTE:					
c. 7 Paid Holidays: New Year's Day; Memorial Day; July 4th; Labor Day; Thanksgiving Day; Day After Thanksgiving Day; & Christmas Day					
IRONWORKERS:					
AREA 1	14.85	.80	1.05		.08
AREA 2	15.05	.80	1.05		.06
AREA 3	15.85	.80	1.05		.05
AREA 4	15.85	1.30	2.375		.10
AREA 5	16.58	.915	1.355		.02
AREA 6	16.40	.95	1.125		.11
AREA 7	18.40	1.10	.525		.08
AREA 8	15.23	1.065	1.175		.025
AREA 9	14.10	.95	1.50		.08
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS:					
AREA 1	14.45		.40		
AREA 2: Terrazzo Workers	16.05				
AREA 3: Tile Setters	12.73	1.60	1.305		
AREA 4	13.60	.90	1.25		.05
AREA 5	13.73	.85	.56		.02
AREA 6	14.52	.80	1.65		
AREA 7: Terrazzo Workers	15.55				
AREA 8	15.30				
AREA 9	14.71	.80	1.30		.01
AREA 10	13.85	.95	1.15		.02
AREA 11	14.20	.55	1.30		
AREA 12: Marble Setters & Tile Setters	13.30	1.00	.65		

SEE PAGES 29 & 30 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2003

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ELECTRICIANS:					
AREA 1	\$16.00	.55	3%+1.00		3/4%
AREA 2	16.21	.65	13%		1%
AREA 3	14.80	.59	3%+1.04	.89	1/2%
AREA 4	15.63	.75	3%+.80		1/2%
AREA 5	17.68	.88	3%+1.20		.6%
AREA 6:					
Twp. in Henry & Stark Counties (Contracts not exceeding \$4,000.00)					
AREA 7	15.30	.55	3%+.70		1/2%
AREA 8:	15.80	.55	3%+.70		1/2%
AREA 9:	16.81	.65	3%+1.50		.3%
AREA 10:	16.34	.70	7.5%		.06
AREA 11:	17.34	.70	7.5%		.06
AREA 12:	16.02	.65	3%+.80		.1%
AREA 13:	17.95	6%	13%		1/2%
AREA 14:	16.00	.55	3%+1.00		3/4%
AREA 15:	16.00	.55	3%+1.00		1/2%
AREA 16:	14.85	.75	3%+.50		3/4%
AREA 17:	16.05	.80	3%+.75		.3%
AREA 18:	15.65	.65	3%+.85		1/2%
AREA 19:	16.45	.65	3%+.65		.35%
ELEVATOR CONSTRUCTORS:					
AREA 1	15.42	1.345	.95	a&b	.035
AREA 2	15.265	1.345	.95	a&b	.035
AREA 3	15.00	1.345	1.085	a&b	.035
AREA 4	17.36	1.345	.95	a&b	.035
AREA 5	14.19	1.345	1.085	3%+a&b	.035
FOOTNOTES:					
a. 7 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day After Thanksgiving Day; & Christmas Day					
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employees who have worked in the business more than 5 years; 6% for employees who have worked in the business less than 5 years.					

SEE PAGES 28 & 29 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2003

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PAINTERS (CONT'D):						
AREA 7: Brush; Drywall Finishers; Sandblasting; & Spray	\$13.55	.90	.95			.06
AREA 8: Brush; Pressure Roller; Sandblasting; Spray; & Structural Steel Paperhangers	14.37	.70	.70			.03
AREA 9: Brush; Drywall Taping & Finishing; & Wall Covering Pressure Roller; Sandblasting; Spray; & Structural Steel	15.22	.70	.70			.03
AREA 10: Brush; Paperhanging; Rollers; & Tapers Spray	14.97	.70	.70			.03
AREA 11: Brush; & Paperhangers Structural Steel	11.65	1.00	.60			
AREA 12: Brush; Roller Sandblasting; Spray	12.20	1.00	.60			
AREA 13: Brush Sandblasting; Spray; Steam Cleaning; & Structural Steel	11.70	.60	.20			
AREA 14: Brush Structural Steel	11.95	.60	.20			
AREA 15: Brush Structural Steel	12.20	.60	.20			
AREA 16: Machine Tapers; Papersteaming; Spray; & Structural Steel	11.00	.75	.60			
Brush	12.00	.75	.60			
Structural Steel	12.50					
Brush	14.03	.70	.50			
Machine Tapers; Papersteaming; Spray; & Structural Steel	14.53					
Brush	11.70		.30			
Structural Steel	12.20		.30			
Sandblasting; & Spray	12.70		.30			

SEE PAGE 31 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2003

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS:						
AREA 1: Marble & Tile Finishers	\$14.50					
Terazzo Finishers; Terrazzo Floor Machine Operators	14.65					
Terazzo Base Machine Operators	15.05					
AREA 2: Tile Finishers	11.70	.85	.755			
AREA 3: Marble & Tile Finishers	11.60	.65	.30			
AREA 4: Marble & Tile Finishers	13.60	.80	1.00			
Terazzo Finishers	13.73	.80	1.00			
Base Machine Operators	13.98	.80	1.00			
PAINTERS:						
AREA 1: Brush	11.00					
Sand & Water Blasting; Spray; & Steam Cleaning	13.00					
AREA 2: Brush	13.64	.60	.35			
Blas; Spray	14.64	.60	.35			
AREA 3: Brush; Roller	13.95	.90	1.00		.02	
Structural Steel	14.20	.90	1.00		.02	
Spray	14.50	.90	1.00		.02	
Sandblasting	14.95	.90	1.00		.02	
AREA 4: Brush	13.65	.70	.70		25.00p/yr	
Sandblasting	14.15	.70	.70		25.00p/yr	
Spray	14.40	.70	.70		25.00p/yr	
Rollers; Taping	14.65	.70	.70		25.00p/yr	
AREA 5: Brush; Roller	10.00	.60	.45			
Spray; Taping	11.00	.60	.45			
AREA 6: Brush; Roller; & Sign	13.77	.70	1.50		.22	
Drywall Tapers; Sandblasting; Spray; & Structural Steel	14.27	.70	1.50		.22	

SEE PAGES 30 & 31 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2003

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AREA 1	\$14.30	.75	1.72		.14
AREA 2	14.78	.80	1.00	6%	.06
AREA 3	15.20	.90	1.72		.09
AREA 4	15.84	.75+e	1.28		.04
AREA 5	14.93	.80+e	1.26		.07
AREA 6	14.45	.75	1.72		.14
AREA 7	15.29	.80+e	1.26		.17
AREA 8	16.43	1.32	1.30		.14
FOOTNOTE: e. % of gross earnings to SASVI					
SPRINKLER FITTERS	15.31	.95	1.40		.08
LABORERS:					
AREA 1: Unskilled	12.69	.55	.60		.05
Semi-Skilled	12.89	.55	.60		.05
Skilled	13.04	.55	.60		.05
AREA 2: Unskilled	12.74	.65	.45		.05
Semi-Skilled	12.94	.65	.45		.05
Skilled	13.09	.65	.45		.05
AREA 3: Unskilled	13.30	.65	.40		.05
Semi-Skilled	13.50	.65	.40		.05
Skilled	13.65	.65	.40		.05
AREA 4: Unskilled	13.30	.65	.90		.05
Semi-Skilled	13.50	.65	.90		.05
Skilled	13.65	.65	.90		.05

SHEET METAL WORKERS:

- AREA 1
- AREA 2
- AREA 3
- AREA 4
- AREA 5
- AREA 6
- AREA 7
- AREA 8

FOOTNOTE:
e. % of gross earnings to SASVI

SPRINKLER FITTERS

LABORERS:

AREA 1:

- Unskilled
- Semi-Skilled
- Skilled

AREA 2:

- Unskilled
- Semi-Skilled
- Skilled

AREA 3:

- Unskilled
- Semi-Skilled
- Skilled

AREA 4:

- Unskilled
- Semi-Skilled
- Skilled

SEE PAGE 32 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2003

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PIPEFITTERS; PLUMBERS; & STEAMFITTERS:					
AREA 1	\$15.50	.70	1.20		.05
AREA 2	18.90	.48	.96	d	.05
AREA 3	16.66	.75	1.10		.10
AREA 4	16.72	.66	.75		.09
AREA 5	15.65	.64	1.76		.20
AREA 6	16.13	.70	1.43		.07
AREA 7	15.40	.80	1.00		.20
AREA 8	18.25	1.20	1.40		.15
AREA 9	16.60	1.00	1.00	.65	.20
AREA 10	15.54	.70	.65		.15
AREA 11	16.16	.80	1.25		.15
AREA 12	16.23	.80	1.30		.15
AREA 13	14.20	1.00	1.42	1.00	.03
AREA 14	18.00	1.40	.65		.08
FOOTNOTE: d. Paid Holiday: 4 Hours for Christmas Eve if Holiday falls on Monday through Friday					
ROOFERS:					
AREA 1	14.90	.85	.85	2.25	.03
AREA 2	13.85	.92	.85		.03
AREA 3	16.17	.90			
AREA 4	15.13	1.00	.75		.04
AREA 5	13.48	1.00	.40		.025
AREA 6	16.03	1.25	1.06		.06
AREA 7	12.85	.70	.40		.06
AREA 8	13.20		.40		
AREA 9	15.30	1.05	1.20		
AREA 10	12.00		.50		
AREA 11: Composition Slate & Tile	11.85		.45		
	11.90		.45		

PIPEFITTERS; PLUMBERS; & STEAMFITTERS:

- AREA 1
- AREA 2
- AREA 3
- AREA 4
- AREA 5
- AREA 6
- AREA 7
- AREA 8
- AREA 9
- AREA 10
- AREA 11
- AREA 12
- AREA 13
- AREA 14

FOOTNOTE:
d. Paid Holiday: 4 Hours for Christmas Eve if Holiday falls on Monday through Friday

ROOFERS:

- AREA 1
- AREA 2
- AREA 3
- AREA 4
- AREA 5
- AREA 6
- AREA 7
- AREA 8
- AREA 9
- AREA 10
- AREA 11:
Composition
Slate & Tile

SEE PAGES 31 & 32 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2003

LABORERS (CONT'D):

AREA 5:

- Class 1
- Class 2
- Class 3
- Class 4

AREA 6:

- Class 1
- Class 2
- Class 3
- Class 4

AREA 7:

- Class 1
- Class 2
- Class 3
- Class 4

AREA 8:

- Class 1
- Class 2
- Class 3
- Class 4

AREA 9:

- Class 1
- Class 2
- Class 3
- Class 4

AREA 10:

- Class 1
- Class 2
- Class 3
- Class 4

AREA 11:

- Class 1
- Class 2
- Class 3
- Class 4

AREA 12:

- Class 1
- Class 2
- Class 3
- Class 4

UNSKILLED All Sewer Workers plus Depth Pay; Asphalt Plant Laborers; Bank-men on Floating Plant; Batch Dumpers; Carpenter Tenders; Cleaning Lumber; Cofferdam Workers plus depth pay; Deck Hand, Dredge Hand & Shore Laborer; Dispatchers; Driving of Stakes; Stringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Fire Shop Laborers; Flagmen; Form Handlers; Gravel Box Men, Dumpmen & Spotters; Janitors; Laborers w/de-watering systems; Landscapers; Laying of Sod; Material Checkers; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip-Rap Men; Rod & Chainmen; Scaffold Workers; Tool Crib-men; Track Laborers; Unloading Explosives; Unloading & Carrying Lath; Un-loading & Carrying of Re-Bars; Wrecking, Dismantling Buildings; Wallmen & Housemovers; Wrecking Laborers

SEMI-SKILLED Asphalt Workers with Machine; Asphalt Raker & Layers; Cement Handlers; Cement Silica; Fly Ash; Line & Plasters, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle Tar Men; on Concrete Paving, Placing, Cutting & Typing of Reinforcing; Signal Men on Crane; Tank Cleaners; Tunnel Tenders in Free Air

SKILLED Air Tamping Hammerman; Claason Workers plus depth pay; Concrete Burning Machine Operator; Concrete Saw Operator; Coring Machine Operator; Curb Asphalt Machine Operator; Gunnite Nozzle Men; Jackhammer & Drill Operators; Laborers Handling Masterplate or similar materials; Laborers tending Masons with hot material or where foreign materials are used for wet concrete or handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterer Tenders; Ready Mix Scaleman, Portable or Temporary Plant; Screenman on Asphalt Pavers; Steel Form Setters (Street & Highway); Vibrator Operators; Cutters, Burners & Torchmen.

	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Basic Hourly Rates				
14.45		.30		.05
14.70		.30		.05
14.95		.30		.05
16.05		.30		.05
14.35		.40		.05
14.60		.40		.05
14.85		.40		.05
15.95		.40		.05
14.50		.25		.05
14.75		.25		.05
15.00		.25		.05
16.10		.25		.05
14.55		.20		.05
14.80		.20		.05
15.05		.20		.05
16.15		.20		.05
13.50	.65	.60		.05
13.75	.65	.60		.05
14.00	.65	.60		.05
15.10	.65	.60		.05
13.75		1.00		.05
14.00		1.00		.05
14.25		1.00		.05
15.35		1.00		.05
14.30		.45		.05
14.55		.45		.05
14.80		.45		.05
15.90		.45		.05
14.15		.60		.05
14.40		.60		.05
14.65		.60		.05
15.75		.60		.05

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LABORERS CLASSIFICATIONS FOR AREAS 1, 2, 3, & 4

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocetion	
LABORERS (CONT'D):					
AREA 17:					
Class 1	12.25	.62	1.30		
Class 2	12.35	.62	1.30		
Class 3	12.40	.62	1.30		
Class 4	12.45	.62	1.30		
Class 5	12.50	.62	1.30		
Class 6	12.60	.62	1.30		
Class 7	12.75	.62	1.30		

LABORERS CLASSIFICATIONS FOR AREA 17

- CLASS 1: Common Laborer
- CLASS 2: Power Vibrator
- CLASS 3: Mortar Men; & Torchmen on Demolition only
- CLASS 4: Power Tampers
- CLASS 5: Airspade & Jackhammer; Boatwain Chairs & Swinging Stage; Cement Gun Nozzlemen; Chain Saw Man; Hod Carriers; Plasterers' Tenders; Tree Surgeons (Toppers); & Tunnelmen
- CLASS 6: Bottom Men & Tile Layers
- CLASS 7: Caisson Laborers & Dynamiters

	Basic Hourly Rates	H & W	Pensions	Vocetion	Education and/or Appr. Tr.
AREA 18:					
Unskilled	12.67	.65	1.20		.04
Semi-Skilled	12.87	.65	1.20		.04
Skilled	13.07	.65	1.20		.04
AREA 19:					
Unskilled	12.77	.55	1.20		.04
Semi-Skilled	12.97	.55/	1.20		.04
Skilled	13.17	.55	1.20		.04
AREA 20:					
Unskilled	13.17	.55	.80		.04
Semi-Skilled	13.37	.55	.80		.04
Skilled	13.57	.55	.80		.04
AREA 21:					
Unskilled	12.72	.55	1.25		.04
Semi-Skilled	12.92	.55	1.25		.04
Skilled	13.12	.55	1.25		.04
AREA 22:					
Unskilled	12.17	.65	1.70		.04
Semi-Skilled	12.37	.65	1.70		.04
Skilled	12.57	.65	1.70		.04

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocetion	
LABORERS (CONT'D):					
AREA 13:					
Class 1	\$14.55		.20		.05
Class 2	14.80		.20		.05
Class 3	15.05		.20		.05
Class 4	16.15		.20		.05
AREA 14:					
Class 1	13.10	.65	1.00		.05
Class 2	13.35	.65	1.00		.05
Class 3	13.60	.65	1.00		.05
Class 4	14.60	.65	1.00		.05
AREA 15:					
Class 1	13.60	.55	.60		.05
Class 2	13.85	.55	.60		.05
Class 3	14.10	.55	.60		.05
Class 4	15.20	.55	.60		.05
AREA 16:					
Class 1	13.95		.80		.05
Class 2	14.20		.80		.05
Class 3	14.45		.80		.05
Class 4	15.50		.80		.05

LABORERS CLASSIFICATIONS FOR AREAS 5 THROUGH 16

- CLASS 1: Unskilled
- CLASS 2: Workmen While Cutting & Burning with a Torch; Men Working on the Bottom of Sewer Trenches on the Final Grading, Laying or Caulking of Preformed Sectional Sanitary or Storm Sewer Pipe, Including Reinforced Concrete Tile, But not Including Box Culverts, Tin Whistles or Multiple Culverts
- CLASS 3: Tenders to All Brick & Plaster Masons
- CLASS 4: Dynamite Men

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LABORERS (CONT'D):

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
12.45	.65	1.15		.05
12.65	.65	1.15		.05
12.75	.65	1.15		.05
12.30	.65	1.30		.05
12.50	.65	1.30		.05
12.60	.65	1.30		.05
12.80	.65	.80		.05
13.00	.65	.80		.05
13.10	.65	.80		.05

LABORERS CLASSIFICATIONS FOR AREAS 24, 25, & 26

CLASS 1: Asphalt Plant Laborers; Asphalt Workers with Machines & Layers; Carpenter Tenders; Cleaning Lumber; Common Laborers; Concrete Workers (wet), on Concrete Paving; Coring Machine Operators; Driving of Stakes; Dumpmen & Spotters; Fencing Laborers; Fireproofing Laborers; Flagmen; Form Handlers; Grade Checker; Gravel Box Men; Landscapers; Laying of Sod; Pit Men; Placing, Cutting & Tying of Reinforcing Steel Form Setters (Street & Hwy); Planting of Trees; Removal of Trees; Signal Man on Crane; Stringlines for All Machinery; Tool, Cribmen, Firemen, or Salamander Tenders; Unloading Explosives; & Wrecking Laborers

CLASS 2: Air Tamping Hammerman; Asphalt Raker; Bankmen on Floating Plant; Batch Dumpers; Bulk Cement Handlers; Cement Silica, Clay, Fly Ash, Lime & Plasters; Chain Saw Operators; Concrete Saw Operator; Deck Hand; Dredge Hand & Shore Laborers; Front End Man on Chip Spreader; Handlers (Bulk or Bag); Handling of Materials Treated with any Foreign Matter Harmful to Skin or Clothing; Kettle & Tar Men; Luteman; Mason Tenders; Material Selector (Firebrick or Castable Material); Mortar Mixer Operators; Motorized Buggies or Motorized Unit Used for Wet Concrete or Handling of Building Materials; Plastic Installers; Power Tools; Scaffold Workers; Tank Cleaners; Tunnel Tenders in Free Air; Unloading of Re-Bars; & Vibrator Operators

CLASS 3: Bottom Sewer Workers plus depth; Caisson Workers plus depth; Cofferdam Workers plus depth; Concrete Burning Machine Operators; Curb Asphalt Machine Operator; Gunnite Nozzle Men; Jackhammer & Drill Operators; Laborers Tending Masons with Hot Material; Laborers with De-Watering Systems; Laser Beam Operator; Layout Man and/or Tile Layers; Leadman on Multiple Concrete Duct-Leadman; Portable or Temporary Plant; Ready-Mix Scaleman; Screedman on Asphalt Pavers; Underpinning and Shoring of Building; & Welders, Cutters, Burners, & Torchmen

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LABORERS (CONT'D):

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.42	.65	1.45		.04
12.62	.65	1.45		.04
12.82	.65	1.45		.04

LABORERS CLASSIFICATIONS FOR AREAS 18 THROUGH 23

Unskilled; Asphalt Plant Laborers; Carpenter Tenders; Cleaning Lumber; Common Laborers; Driving of Stakes; Dumpmen & Spotters; Fencing Laborers; Fireman or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men; Landscapers; Laying of Sod; Pitmen; Planting of Trees; Removal of Trees; Stringlines for all Machinery; Tool Cribmen; Unloading Explosives; Wallmen & Housemovers; Wrecking, Dismantling Buildings; & Wrecking Laborers

Semi-Skilled: Asphalt Rakers; Batch Dumpers; Bankmen on Floating Plant; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime & Plasters; Chloride Handlers; Cofferdam Workers plus depth on Concrete Paving; Concrete Workers (Wet); Deck Hand; Dredge Hand; Grade Checker; Handlers (Bulk or Bag); Handling of Materials Treated with Oil, Creosote, Asphalt or any Foreign Material; Kettle & Tarmen; Laborers with De-Watering Systems; Mason & Plaster Tenders & Material Wheelers; Mortar Mixers; Motorized Buggies or Motorized Unit for Wet Concrete or Handling of Building Materials; Placing, Cutting & Tying or Reinforcing; Plastic Installers; Scaffold Workers; Sewer Workers plus depth; Shore Laborers; Tank Cleaners; Track Laborers; Tunnel Tenders in Free Air; Unloading & Laborers with Steel Workers & Rebars; & Vibrator Operators

Skilled: Air Tamping Hammerman; Caisson Workers plus depth; Chain Saw Operators; Concrete Burning Machine Operators; Concrete Saw Operators; Coring Machine Operators; Curb Asphalt Machine Operators; Cutters, Burners & Torchmen; Dynamite Man or Blasters; Gunnite Nozzle Men; Jackhammer & Drill Operators; Laborers Handling Masterplate or Similar Materials; Laborers Tending Masons with Hot Material or Where Foreign Materials are Used; Laser Beam Operators; Layout Man; Lead Man on Sewer Work; Luteman; Multiple Concrete Duct-Leadman; Portable or Temporary Plant; Ready-Mix Scaleman; Screedman on Asphalt Pavers; Signalman on Crane; Steel Form Setters (Street & Hwy); & Welders

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS (CONT'D):					
AREA 27:					
Class 1	\$13.60	.65	.60		.05
Class 2	13.85	.65	.60		.05
Class 3	14.45	.65	.60		.05

LABORERS CLASSIFICATIONS FOR AREA 27

CLASS 1: Common
 CLASS 2: Cooking & Handling of Hot Mastic Material; Cutting & Burning with A Torch; Chain Saws; Men Working on Bottom Doing Caulking, Laying, or Final Grading for Sectional Sewer Pipe; & Men Handling Creosote or other Material Harmful to Skin
 CLASS 3: Dynamite Men

AREA 28:					
Projects \$375,000.00 or Over:					
Unskilled	13.94	.75	.60		.05
Semi-Skilled	14.14	.75	.60		.05
Skilled	14.34	.75	.60		.05
Projects under \$375,000.00:					
Unskilled	13.54	.75	.60		.05
Semi-Skilled	13.74	.75	.60		.05
Skilled	13.94	.75	.60		.05
AREA 29:					
Unskilled	13.46	.65	.85		.05
Semi-Skilled	13.66	.65	.85		.05
Skilled	13.86	.65	.85		.05
AREA 30:					
Unskilled	13.26	.65	1.05		.05
Semi-Skilled	13.46	.65	1.05		.05
Skilled	13.66	.65	1.05		.05
AREA 31:					
Unskilled	12.83	.65	1.25		.05
Semi-Skilled	13.03	.65	1.25		.05
Skilled	13.23	.65	1.25		.05
AREA 32:					
Unskilled	13.01	.65	1.05		.05
Semi-Skilled	13.21	.65	1.05		.05
Skilled	13.41	.65	1.05		.05

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS (CONT'D):					
AREA 33:					
Unskilled	\$13.01	.75	.95		.05
Semi-Skilled	13.21	.75	.95		.05
Skilled	13.41	.75	.95		.05
AREA 34:					
Unskilled	13.31	.55	.85		.05
Semi-Skilled	13.51	.55	.85		.05
Skilled	13.71	.55	.85		.05
AREA 35:					
Unskilled	12.53	.50	1.65		.05
Semi-Skilled	12.78	.50	1.65		.05
Skilled	13.03	.50	1.65		.05
AREA 36:					
Class 1	13.20	.65	1.00		
Class 2	13.45	.65	1.00		
Class 3	13.50	.65	1.00		
Class 4	13.70	.65	1.00		

LABORERS CLASSIFICATIONS FOR AREA 36

CLASS 1: Common
 CLASS 2: Air Tools, Cutting Torch & Welding (Not incl. Jackhammers); Bottom of Sewer Trenches on the Final Grading, Laying or Caulking of Preformed Sectional Sewer Pipe; & High Work - 50 ft. or more
 CLASS 3: Cooking of Mastic, Coal Tar Derivatives, or Handling of Greosoted Materials
 CLASS 4: Dynamite & Blasting (4hr. min.); Mason Tenders; & Plasterers' Tenders

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POWER EQUIPMENT OPERATORS

Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Monroe, Montgomery, Randolph, & Washington Counties

MASTER MECHANICS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$15.42	.87	1.51		.10
GROUP II	14.92	.87	1.51		.10
GROUP III	12.39	.87	1.51		.10
GROUP IV	11.74	.87	1.51		.10
GROUP V	11.64	.87	1.51		.10
GROUP VI:	11.39	.87	1.51		.10
a	17.07	.87	1.51		.10
b	17.37	.87	1.51		.10
c	13.49	.87	1.51		.10
d	13.99	.87	1.51		.10

GROUP I: Cranes; Draglines; Shovels; Skimmer Scoops; Clamshells or Derrick Boats; Piledrivers; Crane-type Backhoes; Asphalt Plant Operators; Plant Operators; Ditching Machines or Backfillers (requiring oilers); Dredges; Asphalt Spreading Machines; Heavy Duty Mechanic; Assistant Master Mechanic; Locomotives; Cableways or Tower Machines; Hoists 2 drum or more; Hydraulic Backhoes; Ditching Machines or Backfiller (not required oilers); Cherry Pickers; Overhead Cranes; Roller (Steam or Gas); Concrete Pavers, Breakers, & Pumps; Bulk Cement Plants; Cement Pumps; Derrick-type Drills; Mixers (over 3 bags) & Boat Operators (25' & over); Motor Graders or Pushcats; Scoops or Tournapulls; Bulldozers; Endloaders or Fork-Lifts; Power Blade or Elevating Graders; Winch Cabs; Boom Tractors, & Pipewrapping 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) & Light Plants (2); 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 Operators (under 25'); Distribution Operators on Trucks; Winch Heads or Apparatus (1); Excavators

GROUP II: Air Compressor (1); Water Pumps regardless of size (1); Welding Machines (1); Mixers (1 bag); Conveyor (1); Siphon or Jet (1); Light Plant (1); Heater (1) & Immobile Track Air (1)

GROUP III: Firemen on Whirlies and Asphalt Spreader Oilers

GROUP IV: Heavy Equipment Oilers (Truck Cranes, Dredges, Monigans, Large Cranes) over 65 Ton rated capacity

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

Hard Rock Mining - \$.25 per hour premium pay above existing rate

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POWER EQUIPMENT OPERATORS:

Adams, Brown, Cass, Logan, Menard, Morgan, Piatt, Pike, Schuyler, & Scott Counties

- CLASS I
- CLASS II
- CLASS III

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS I	\$14.75	.85	.95		.05
CLASS II	13.10	.85	.95		.05
CLASS III	11.50	.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 Cabs; 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; Sidboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cab; 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.

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POWER EQUIPMENT OPERATORS:

Bureau (W. of Rte. #26), Fulton, Hancock, Henderson, Henry (E 1/2), Knox, McDonough, McLean, Marshall, Mason, Putnam (W. of Illinois River), Stark, Warren, & Woodford Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1	\$15.82	.75	.80		.05
Group 2	15.62	.75	.80		.05
Group 3	15.245	.75	.80		.05
Group 4	14.97	.75	.80		.05
Group 5	14.36	.75	.80		.05

Group 1: Cranes, Escalated rate on Crane, Derricks, Booms, \$.01 per hour per foot. After 80 feet or Boom including Jib, Overhead Cranes, Cradall, Cherry Pickers (and similar types, over 15 ton lifting capacity (require oiler), Mechanics, Central Concrete Mixing Plant Operator, Road Pavers (27E-dual drum-tri batchers), Blacktop Plant Operators and Plant Engineers, 3 Drum Hoist, Derricks, Hydro Cranes, Shovels Skimmer Scoops, Koehring Scoopers, Draglines, Backhoes, Hoptoes-Crane-Type that require oilers, Derrick Boats, Pile Drivers and Skid Rigs, Clamshells, Locomotive Cranes, Dredge (all types), Motor Patrol, Power Blades Dumore-Elevating and similar types Tower Cranes (crawler mobile) and Stationary, Crane-Type Backfiller, Drott Yumbo and similar types Considered as Cranes, Caisson Rigs (require oilers) Dozer, Tournadozer, Work Boats, Ross Carrier and Helicopter

Group 2: Trench Machine, Pumpcrete-Belt Crete-Squeeze Crates-Screw-Type Pumps and Gypsum Bulker and Pump, Dinkys, Power Launches, Tournapulls (all), Multiple Unit, Earth Movers, \$.25 per hour for each Scoop over one, Scoops (all sizes), Push Cats, Endloaders (all types), Side Boom, P-H one pass Soil-Cement Machine (all similar types), Wheel Tractors (industrial) or Farm type w/dozer-Hoe-End-Loader or other attachments), Pugmill with Pump Backfillers, Asphalt Surfacing Machine, Euclid Loader, Forklifts, Formless Finishing Machine, Jeeps w/Ditching Machine, or other attachments, Trench-Luger, Rock Crushers, Automatic Cement and Gravel Batching Plants, Mobile Drills (soil testing and similar types), (require oiler), Flaherty Spreader or similar types (require oiler), Heavy Equipment Greaser (top greaser on spread), Guries and similar type), 1 and 2 Drum Hoists (buck Hoists and similar types Freight and Passenger Elevators Chicago Boom, Boring Machine and Pipe Jacking, Machine, Hydro Boom, Starting Engineer on Pipeline, C.M.I. and similar types (require oiler) Straw Blower, Hydro Seeder and F.W.D. and similar types

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POWER EQUIPMENT OPERATORS:

Boone, Bureau (E. of Rte. #26), Carroll, DeKalb, Jobavies, LaSalle, Lee, Livingston, Ogle, Putnam (E. of Illinois River), Stephenson, Whiteside (E 1/2), & Winnebago Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS I	\$15.80	1.50	1.35	.80	.05
CLASS II	14.50	1.50	1.35	.80	.05
CLASS III	13.05	1.50	1.35	.80	.05
CLASS IV	11.60	1.50	1.35	.80	.05

CLASS I: Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto (requires two engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-mix Plant; Combination Back Hoe Front Endloader Machine; Compressor and Throttle Valve; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver; Concrete Placer; Concrete Pump (truck mounted); Concrete Tower; Cranes; Crater Crane; Crusher, stone; Derricks; Derricks, traveling; Formless Curb and Gutter Machine; Grader, elevating; Grouting Machines; Highlift Shovels or Front Endloader, 2 1/2 yards and over; Hoists, elevators (outside type rack and pinion and similar machines); Hoists, one, two, and three drum; Hoists, two tugger one floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Locomotives; Mechanic; Motor Patrol; Pile Drivers and Skid Rig; Post Hole Digger; Pre-stress Machine; Pump Crates Dual Ram; Pump Crates: Squeeze Crates - screw type pumps, Gypsum Bulker and Pump; Raised and Blind Hole Drill; Rock Drill (self-propelled); Rock Drill (truck mounted); Roto Mill Grinder; Scoops, tractor drawn; Slip Form Paver; Straddle Buggies; Tournapull; Tractor with boom, and side boom; trenching Machines

CLASS II: Bobcat (over 3/4 cu. yd.); Boilers; Brick Forklift; Broom, all power propelled; Bulldozers; Concrete Mixer (two bag and over); Conveyor, portable; Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders, under 2 1/2 yds.; Hoists, automatic; Hoists, inside freight elevators; Hoists, sewer dragging machine; Hoists, tugger single drum; Rollers; Steam Generators; Tractors; Tractor drawn Vibratory Roller (receives an additional \$0.50 per hour); Winch Trucks with "A" Frame

CLASS III: Air Compressor; Combination, small equipment Operator; Generators; Heaters, mechanical; Hoists, inside elevators (Rheostat manual controlled and push button with automatic doors); Hydraulic Power Units (Pile Driving and extracting); Pumps, over 3" (1 to 3 not to exceed a total to 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 small electric Drill Winches; Bobcat (up to and including 3/4 cu. yd.); Brick Forklift

CLASS IV: Oilers

POWER EQUIPMENT OPERATORS (CONT'D)

Group 3: Tractor (track type) without power unit pulling rollers, Rollers on Asphalt, Brick or Macadam, Concrete Breakers, Concrete Spreaders, Mule Pulling Rollers, Center Stripper, Cement Finishing Machines, Barger Greene or similar Loaders, Vibro Tamper (all similar types), Self-Propelled, Winch or Boom Truck, Mechanical Bull Floats, Mixer over 3 bags to 27E, Tractor Pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Screed, Pugmill (with-out pump) Screed Man on Laydown Machine, Firemen and Spray Machine on Paving

Group 4: Air Compressor, All Air and Steam Valves, Power Subgrader, Oil Distributor, Straight Tractor, Trac-Are without attachments, Curb Machine, Truck Cranes Oiler, and Truck type Hoptoe Oilers

Group 5: Herman Nelson Heater, Drovo, Warner, Silent Glo, & similar types. One Engineer will operate 1-5 and after 5, Two Operators will be required, Self-Propelled Concrete Saws, Assistant Heavy Equipment Greaser on Spread, Roller, 5 tons and under on Earth or Gravel, Form Grader, Pump 1 or 2, Generator (1) or (2), Welding Machine (1) or (2) - 300 amp. or over, Mixer (3) bag and under (standard capacity) Bulk Cement Plant, Crawler Crane and Skid Rig Oilers

POWER EQUIPMENT OPERATORS:

Henry (W 1/2), Mercer, Rock Island, & Whiteside (W. part from the 5th Sectional line E. of Morrison running directly N. & S.) Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$14.80	1.00	.90		.08
CLASS 2	14.80	1.00	.90		.08
CLASS 3	13.40	1.00	.90		.08
CLASS 4	13.40	1.00	.90		.08
CLASS 5	12.35	1.00	.90		.08

Class 1: Cranes; Shovels; Chamsells; Draglines; Backhoes; Derricks; Cableways; Dual Drum Pavers; Concrete Spreaders (behind 2 pavers); Asphalt Spreaders; Asphalt Mixer Plant Engineers; Dipper Dredge Operator; Dipper Dredge Cranesmen; Dual Purpose Trucks (Boom or Winch); Laverman or Engine Men (Hydraulic Dredge); Mechanics; Paving Mixers (16-E to 34-E); Paving Mixers with Tower attached (2 operators required); Pile Drivers; Boom Tractors; Stationary, Portable, or Floating Mixing Plants; Trenching Machines; Building Hoists (2-drums); Hot Paint Wrapping Machines; Cleaning and Priming Machines, on basement excavating work; Backfillers (throw bucket); Locomotive Engineers Class 2: Athey, Barber Greene, Euclid or Haise Loaders; Asphalt Pug Mills; Firemen and Drivers; Concrete Pumps; Concrete Spreaders (behind 1 paver); Bulldozers; End Loaders (other than mentioned above); Fork-lifts; Elevating Graders; Group Equipment Greasers; Lefournapull and similar machines; Power Blades; Power Subgraders (on Forms and similar machines); Push Cats; Tractors pulling Elevating Graders or Power Blades; Tractors with power attachments; Rollers on Asphalt or Blacktop; Single drum Hoists; Jaeger Mix and Place Machines; Pipe Bending Machines; Welding Machines (3 to 4); Fuller Kenyon Cement Pumps or similar machines; Automatic cement and gravel Batch Plants (1 stop set-up)

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POWER EQUIPMENT OPERATORS (CONT'D)

Class 3: Asphalt Boosters; Firemen and Pump Operators at Asphalt Plants; Compressors (500 cu. ft. and over); Concrete Finishing Machines; Form Graders with Rollers on earth; Mixers (3 bag to 16-E); Power operating Bull Floats; Tractors without power attachment; Dope Pots (agitating motor); Dope Chop Machines; Distributors (Backend); Flex-planes; Boat Operator; Hydrohammers; Power Winch on paving work; Self-propelled earth Rollers or Compactors (other than paving work); Pump Operator (more than 1 well point pump); Portable Crusher Operator

Class 4: Air Compressors (275 C.F.M. or over); Drivers on Truck Cranes; Conveyors; Light Plants; Mixers (1 or 2 bag); Power Batching Machines (Cement Auger or Conveyor); Boiler Engineer or Firemen; Water Pumps; Welding Machines; Mechanical Brooms; Automatic cement and gravel Batch Plants (2 or 3 stop set-up); Small Rubber-tired Tractors

Class 5: Oilers; Mechanic Helpers; Water Pumps (pumping water to Paver); Mechanical Heaters (other than Steam Boiler)

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AREA 1:					
GROUP I	13.30	1.00	46.00a		
GROUP II	13.70	1.00	46.00a		
GROUP III	13.90	1.00	46.00a		
GROUP IV	14.15	1.00	46.00a		
AREA 2:					
GROUP I	13.65	1.00	46.00a		
GROUP II	14.05	1.00	46.00a		
GROUP III	14.25	1.00	46.00a		
GROUP IV	14.50	1.00	46.00a		

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

GEOGRAPHICAL JURISDICTIONS FOR CLASSIFICATIONS

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TRUCK DRIVERS (CONT'D):

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocacion	
AREA 3: 2-3 Axles	\$12.00	.55	1.00		
4 Axles	12.15	.55	1.00		
5 Axles	12.55	.55	1.00		
6 Axles	12.55	.55	1.00		
AREA 4: 2-3 Axles	12.25	29.00a	33.00a		
4 Axles	12.40	29.00a	33.00a		
5 Axles	12.60	29.00a	33.00a		
6 Axles	12.80	29.00a	33.00a		

FOOTNOTE:
a. Per Week Per Employee

TRUCK DRIVERS GEOGRAPHICAL JURISDICTIONS

AREA 1: Adams, Bond, Brown, Bureau, Calhoun, Carroll (Excluding portion N. of Rte. #72 & E. of Rte. #78), Cass, Clinton, Fulton, Greene, Hancock, Henderson, Henry, Jersey, Jobaviess (W. of Rte. #78 including Stockton), Knox, LaSalle, Lee (Excluding portion E. of Rte. #51), Livingston (Reading, New Town, Sunbury, Nevada, Long Point & Amity), Logan, McDonough, McLean, Macoupin, Menard, Mercer, Monroe, Montgomery, Morgan, Ogle (excluding portion E. of Rte. #51), Pike, Putnam, Randolph, Rock Island, Schuyler, Scott, Warren, Washington, & Whiteside Counties
 AREA 2: Marshall, Mason, Stark, & Woodford (NW Corner) Counties
 AREA 3: Boone, Carroll (N. of Rte. #72 & E. of Rte. 78), Jobaviess (E. of Rte. #78, excluding city of Stockton), Stephenson, & Winnebago Counties
 AREA 4: DeKalb, Lee (E. of Rte. #51), Livingston (excluding Reading, New Town, Sunbury, Nevada, Long Point & Amity), Ogle (E. of Rte. #51), & Woodford (excluding NW Corner) Counties

ASBESTOS WORKERS:
 AREA 1: Adams, Bond, Brown, Calhoun, Cass, Clinton, Fulton, Greene, Jersey, Logan, Macoupin, Mason, Menard, Monroe, Montgomery, Morgan, Pike, Randolph, Schuyler, Scott, & Washington Counties
 AREA 2: Boone, Ogle, Stephenson, & Winnebago Counties
 AREA 3: Bureau, DeKalb, LaSalle, Lee, Livingston, McLean, Marshall, Putnam, Stark, & Woodford Counties
 AREA 4: Carroll, Hancock, Henderson, Henry, Jobaviess, Knox, McDonough, Mercer, Rock Island, Warren, & Whiteside Counties

BOILERMAKERS:

AREA 1: Adams, Bond, Brown, Calhoun, Cass, Clinton, Greene, Jersey, Macoupin, Menard, Monroe, Montgomery, Morgan, Pike, Randolph, Scott, & Washington Counties
 AREA 2: Boone, DeKalb, & Winnebago Counties
 AREA 3: Bureau, Carroll, Fulton, Hancock, Henderson, Henry, Jobaviess, Knox, LaSalle, Lee, Livingston, Logan, McDonough, McLean, Marshall, Mason, Mercer, Ogle, Putnam, Rock Island, Schuyler, Stark, Stephenson, Warren, Whiteside, & Woodford Counties

BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS:

AREA 1: Adams, Brown, & Pike Counties
 AREA 2: Bond, Calhoun, Jersey, Macoupin (Staunton & Mt. Olive), & Montgomery Counties
 AREA 3: Boone, Carroll, Jobaviess, Lee, Ogle, Stephenson, Whiteside, & Winnebago Counties
 AREA 4: Bureau & Putnam Counties
 AREA 5: Cass, Greene, Macoupin (Exclu. Staunton & Mt. Olive), Morgan, Schuyler, & Scott Counties
 AREA 6: Clinton, Monroe, & Washington Counties
 AREA 7: DeKalb County
 AREA 8: Fulton, Henderson, Knox, Marshall, Warren, & Woodford Counties
 AREA 9: Hancock & McDonough Counties
 AREA 10: Henry & Stark Counties
 AREA 11: LaSalle (LaSalle, Peru & Vic.) County
 AREA 12: LaSalle (Seneca, Marseilles, Mendota, Ottawa, & Oglesby) County
 AREA 13: LaSalle (Streator & Vic.) County
 AREA 14: Livingston County
 AREA 15: Logan & Mason Counties
 AREA 16: McLean County
 AREA 17: Menard County
 AREA 18: Mercer & Rock Island Counties
 AREA 19: Randolph County

CARPENTERS; LATHERS; MILLWRIGHTS; FILEDRIVERSMEN; & SOFT FLOOR LAYERS:

AREA 1: Adams County
 AREA 2: Bond, Calhoun, Greene (S. of Apple Creek), Jersey, Macoupin (S 2/3), & Montgomery (S 2/3) Counties

CARPENTERS; LATHERS; MILLWRIGHTS; FILEDRIVERS; & SOFT FLOOR LAYERS (CONT'D):

- AREA 3: Bond, Calhoun, Greene (S. of Apple Creek), Jersey, Macoupin (S 2/3), Montgomery (S 2/3), Pike (S. of Rte. #54), & Scott (S. of Rte. #54) Counties
- AREA 4: Boone, Ogle (N 1/2), & Winnebago Counties
- AREA 5: Brown, Cass, Greene (Whitehall & N. thereof), Morgan, Pike, Schuyler (Except part lying N. of Illinois State Hwy. #101 to Federal Hwy. #67, S. of Federal Hwy. #67 1/2 mi., from this point to SW Corner of Fulton Co.), & Scott Counties
- AREA 6: Brown, Cass, Greene (Whitehall & N. thereof), Morgan, Pike (N. of Rte. #54), Schuyler (Except part lying N. of Illinois State Hwy. #101 to Federal Hwy. #67, S. of Federal Hwy. #67 1/2 mi., from this point to SW Corner of Fulton Co.), & Scott (N. of Rte. #54) Counties
- AREA 7: Bureau (Ohio), Lee (Ashton, Franklin Grove, Amboy, Lee Center, Compton, W. Brooklyn, Shaw Station, Sublette, Eldena, Harmon, Nelson & Prairieville), Ogle (Polo, Haldene, Mt. Morris, Oregon, Chana Woosung, Brookville & Grand Detour), & Whiteside (Penrose Corner) Counties
- AREA 8: Bureau (Exclu. Ohio & Area W. of Hwy. #88), LaSalle, Lee (Exclu. E 1/2 of Co. & Ashton, Franklin Grove, Amboy, Lee Center, Compton, W. Brooklyn, Shaw Station, Sublette, Eldena, Harmon, Nelson & Prairieville), Livingston (SW Corner, inclu. Blackstone & Cornell), Marshall, & Putnam Counties
- AREA 9: Bureau (W. of Hwy. #88), Henry, Mercer, Rock Island, & Whiteside (W. of Hwy. #78) Counties
- AREA 10: Carroll & JoDaviess Counties
- AREA 11: Clinton, Monroe, Randolph, St. Clair, & Washington (Except Territory E. of a line due S. of the Montgomery-Fayette Co. line to Rte. #177, then E. 1 1/2 mi., then S. 2 mi. to a road running E. & W. to the Jefferson Co. line) Counties
- AREA 12: DeKalb, Lee (E 1/2 of Co.), & Ogle (Rochelle & Vic.) Counties
- AREA 13: Fulton, Hancock (E 1/3), Henderson, Knox, Livingston (Exclu. NW Corner), Logan (Lincoln & Vic.), McDonough, McLean, Mason, Schuyler (N. of Illinois State Hwy. #101 to Federal Hwy. #67, S. of Federal Hwy. #67 1/2 mi., from this point to SW Corner of Fulton Co.), Stark, Warren, & Woodford Counties
- AREA 14: Hancock (W 2/3) County
- AREA 15: Henry, Mercer, Rock Island, & Whiteside (W 1/2) Counties
- AREA 16: Knox County
- AREA 17: Macoupin (Girard & N. thereof), Menard, & Montgomery (Waggomer, Standard City & N. thereof) Counties
- AREA 18: Ogle (Maryland, Forrester, Harper, Buffalo, Adeline, Lightsville, & Baileyville), & Whiteside (E. of Hwy. #78, exclu. Penrose Corner) Counties
- AREA 19: Stephenson County

CEMENT MASONS & PLASTERERS:

- AREA 1: Adams, Brown, & Pike Counties
- AREA 2: Bond, Calhoun, Clinton (W 1/2 inclu. Beckemeyer), Greene, Jersey, Macoupin, Monroe, & Montgomery Counties
- AREA 3: Boone & Winnebago Counties
- AREA 4: Bureau, LaSalle, Livingston (N. part inclu. Pontiac), Marshall (E. part inclu. Toluca), Putnam, & Woodford (NW part inclu. Mionk) Counties
- AREA 5: Carroll, JoDaviess, Lee, Ogle, Stephenson, & Whiteside (Except Erie Area & SW thereof) Counties
- AREA 6: Cass & Menard Counties

CEMENT MASONS & PLASTERERS (CONT'D):

- AREA 7: Clinton (Carlyle & E. thereof) County
- AREA 8: DeKalb County
- AREA 9: Fulton (NW Portion), Knox, Mercer (SE Corner) & Warren Counties
- AREA 10: Fulton (Exclu. NW Portion), Marshall (W. part, exclu. Toluca), Mason, & Woodford (Exclu. NW Part & Mionk) Counties
- AREA 11: Fulton (Exclu. NW Portion), Marshall (W. part, exclu. Toluca), Mason, Stark, & Woodford (Exclu. NW Part & Mionk) Counties
- AREA 12: Hancock, Lee (Part S. of a line drawn 3 mi. from the city limits of Ft. Madison in Iowa), McDonough, & Schuyler Counties
- AREA 13: Henderson (N 1/2), Henry (W 1/2), Mercer (Exclu. SE Portion), Rock Island, & Whiteside (Erie & Area SW thereof) Counties
- AREA 14: Henderson (N 1/2), Henry, Mercer (Exclu. SE Portion), Rock Island, & Whiteside (Erie & Area SW thereof) Counties
- AREA 15: Henderson (S 1/2) County
- AREA 16: Henry (E 1/2), & Stark Counties
- AREA 17: Livingston (S. part, exclu. Pontiac), McLean, & Woodford (E. part, exclu. Roanoke) Counties
- AREA 18: Logan County
- AREA 19: Morgan & Scott Counties
- AREA 20: Randolph County

ELECTRICIANS:

- AREA 1: Adams, Brown, Hancock, McDonough (Lamoine, Bethel, Industry, & Eldorado), Pike, & Schuyler Counties
- AREA 2: Bond (E 1/2), Clinton (Huey, Hoffman, & Vic.), Randolph (Exclu. Red Bud Twp.), & Washington (Exclu. Venedy Twp.) Counties
- AREA 3: Bond (W 1/2), Clinton (Exclu. Huey, Hoffman, & Vic.), Macoupin (Exclu. Brighton Twp., Athenville, Scottville, Girard & Area N. thereof), Monroe, Montgomery, Randolph (Red Bud Twp.), & Washington (Venedy Twp.) Counties
- AREA 4: Boone, Carroll (Cherry Grove, Shannon, Rock Creek, Limes, Wysox, & Elkhorn Grove Twp.), DeKalb (Franklin, Kingston, Genoa, S. Grove, Mansfield, Sycamore, Malta, DeKalb, Cortland, Milan, Alton, Pierce, Shabbona, Clinton, Square Grove, Pow Wow, Victor & Somonsauk Twp.), JoDaviess (Warren, Rush, Mora, Stockton, Wards Grove, Pleasant Valley, & Bertram Twp.), Lee, Ogle, Stephenson, Whiteside (Genesee, Jordan, Hopkins, Tampico, & Hahnman Twp.), & Winnebago Counties
- AREA 5: Bureau (Arlington, Cherry, LaMoille, Malden, Ohio, Walnut, Claretton, Bureau, Dover, Berlin, & Westfield), & LaSalle (S. part, inclu. Ottawa & Seneca) Counties
- AREA 6: Bureau (Arispe, Concord, Fairfield, Wyandot, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manlius, Milo, Mineral, Neponset, Selby, Wheatland, & Princeton), Henry (Annawan, Burns, Cambridge, Galva, Kewanee, Wellier, & Wethersfield Twp.), LaSalle (Deer Park, Eden, LaSalle, Peru, Utica, & Vermilion Twp.), Putnam (Granville, Hemmepin & Senaschwine Twp.), & Stark (Elmira, Goshen, Osceola, Penn., & Toulon Twp.) Counties
- AREA 7: Calhoun, Greene, Jersey, & Macoupin (Brighton Twp.) Counties
- AREA 8: Carroll (W. part, inclu. cities of Chadwick, Mt. Carroll, Savanna & Thompson), Henry (Exclu. Annawan, Burns, Cambridge, Galva, Kewanee, Wellier, & Westfield), JoDaviess (Savanna Ordnance Depot), Mercer (Exclu. Ohio Grove, N. Henderson, & Suez Twp.), Rock Island, & Whiteside (W. of Genessee, Hume, Mt. Pleasant, Tampico, & Suez Twp.) Counties

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ELECTRICIANS (CONT'D):

- AREA 9: Cass, Logan, Macoupin (Athensville, Scottville, Girard, & Area N. thereof), Mason (Lynchburg, Bath, Kilbourne, Crane Creek, Salt Creek & Mason Twp.), Menard, Henderson, Knox, McDonough (Blandinsville, Prairie City, Emmet, Tennessee, Scotland, Sciota, Bushnell, Macomb, Colechester, New Salem, Walnut Grove, Hire, Mound, & Chalmers Twp.), Mercer (Ohio Grove, Suez & N. Henderson Twp.), & Warren Counties
- AREA 10: DeKalb (Sandwich Twp.) County
- AREA 11: Fulton (Cass, Deerfield, Ellisville, Harris, Lee, Union, Young, & Hickory Twp.), Henderson, Knox, McDonough (Blandinsville, Prairie City, Emmet, Tennessee, Scotland, Sciota, Bushnell, Macomb, Colechester, New Salem, Walnut Grove, Hire, Mound, & Chalmers Twp.), Mercer (Ohio Grove, Suez & N. Henderson Twp.), & Warren Counties
- AREA 12: Fulton (Rem. of Co.), Marshall (W. of Bell Plain & Roberts Twp.), Mason (Exclu. Bath, Crane Creek, Kilbourne, Lynchburg, Mason City, & Salt Creek Twp.), Stark (Essex, Valley, & W. Jersey Twp.), & Woodford (W. of Kansas, Linn, Palestine, & Roanoke Twp.) Counties
- AREA 13: Jobavies (Exclu. Savanna Ordnance Depot & area E. of Apple River, Thompson & Woodbine Twp.) County
- AREA 14: LaSalle (Rem. of Co.), Livingston, McLean (Cropsey, Anchor, Cheney Grove, & Belleflower Twp.), Marshall (Roberts, Evans, Bell, Plaine, & Bennington), Putnam (Magnolia Twp.), & Woodford (Linn, Clayton, Minonk, Roanoke, Green, & Panola Twp.) Counties
- AREA 15: McLean (Exclu. Anchor, Belleflower, Cropsey, Cheney Grove Twp.), & Woodford (Palestine, El Paso & Kansas Twp.) Counties
- AREA 16: Montgomery (E. of Butlet Grove, Grisham, & Raymond Twp.) County

ELEVATOR CONSTRUCTORS:

- AREA 1: Adams, Brown, McLean, Macoupin, Menard, Morgan, Pike, & Scott Counties
- AREA 2: Boone, Lee, Ogle, Stephenson, & Winnebago Counties
- AREA 3: Carroll, Henry, Mercer, Rock Island, & Whiteside Counties
- AREA 4: DeKalb County
- AREA 5: Greene & Jersey Counties

GLAZIERS:

- AREA 1: Adams, Brown, Cass, Logan, Macoupin (N. part), Mason, Menard, Montgomery, Morgan, Pike, Schuyler, & Scott Counties
- AREA 2: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin (S. part), Monroe, Randolph, & Washington Counties
- AREA 3: Boone, DeKalb (N 2/3), Lee (NE part), & Winnebago Counties
- AREA 4: Bureau (New Bedford, Thomas, & Neponset), Carroll, Hancock, Henderson, Henry, Jobavies, Knox, Lee (NW, incl. Dixon), McDonough (N 1/2), Mercer, Rock Island, Stephenson, Warren, & Whiteside Counties
- AREA 5: Bureau (Exclu. New Bedford, Thomas, & Neponset), DeKalb (S 1/3), LaSalle, Lee (S 1/3), Livingston (N 4/5), McLean, Marshall (E 1/3), Putnam, Stark, & Woodford (E. Corner) Counties
- AREA 6: Fulton County

IRONWORKERS:

- AREA 1: Adams (SE Corner), Brown, Cass, Fulton (S. Tip, incl. Marbletown, Astoria, & Sumnum Twp.), Greene (N 1/2), Logan, Macoupin (N. part), Mason (E. of Rte. #136), Menard, Montgomery (Exclu. Litchfield, Hillsboro & S. thereof), Morgan, Pike, Schuyler (E 1/2), & Scott Counties

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IRONWORKERS (CONT'D):

- AREA 2: Adams (Exclu. SE Corner), Hancock, Henderson, Knox (W. of Hwy #41), Mercer, Schuyler (W 1/2), & Warren Counties
- AREA 3: Bond, Calhoun, Clinton, Greene (S 1/2), Jersey, Macoupin (S. part), Monroe, Montgomery (Litchfield, Hillsboro & S. thereof), Randolph, & Washington Counties
- AREA 4: Boone, Carroll (Exclu. Thompson, Savanna & Vic.), DeKalb (Exclu. SE 2/3), Jobavies (Exclu. E. Dubuque, Galena, Hanover & W.), Lee, Ogle, Stephenson, Whiteside (Cities of Rock Falls, Sterling, & W. Sterling), & Winnebago Counties
- AREA 5: Bureau, LaSalle, Marshall (Exclu. SW Corner), & Putnam Counties
- AREA 6: Carroll (Thompson, Savanna, & Vic.), Henry, Jobavies (E. Dubuque, Galena, Hanover, & Vic.), Knox (Galesburg & Areas N. of the City), Rock Island, & Whiteside (Exclu. Sterling, Rock Falls & W. Sterling) Counties
- AREA 7: DeKalb (SE 2/3 of Co. incl. Sycamore & DeKalb) County
- AREA 8: Fulton (Exclu. Marbletown, Astoria & Sumnum Twp.), Knox (Area S. & E. of Galesburg), Livingston, McDonough, McLean (W 1/2), Marshall (SW Corner), Mason (W. of Rte. #136), Stark, & Woodford Counties
- AREA 9: McLean (E 1/2) County

MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS:

- AREA 1: Adams, Brown, & Pike Counties
- AREA 2: Bond, Clinton, Monroe, Randolph, & Washington Counties
- AREA 3: Bond, Monroe, & Washington Counties
- AREA 4: Boone, Carroll, DeKalb, Ogle, Stephenson, & Winnebago Counties
- AREA 5: Cass, Greene, Macoupin, Morgan, Schuyler, & Scott Counties
- AREA 6: Fulton, Henderson, Knox, Marshall, Warren, & Woodford Counties
- AREA 7: Hancock & McDonough Counties
- AREA 8: Logan & Mason Counties
- AREA 9: McLean County
- AREA 10: Menard County
- AREA 11: Mercer & Rock Island Counties
- AREA 12: Randolph County

MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS:

- AREA 1: Adams, Brown, Cass, Greene, Logan, Macoupin, Mason, Menard, Morgan, Pike, Schuyler, & Scott Counties
- AREA 2: Bond, Clinton, Monroe, Randolph, & Washington Counties
- AREA 3: Boone, Carroll, DeKalb, Ogle, Stephenson, & Winnebago Counties
- AREA 4: Fulton, Hancock, Henderson, Knox, McDonough, McLean, Marshall, Warren, & Woodford Counties

PAINTERS:

- AREA 1: Adams County
- AREA 2: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Monroe, Montgomery, Pike, & Washington Counties
- AREA 3: Boone, Ogle, Stephenson, & Winnebago Counties
- AREA 4: Brown, Cass, Logan, Menard, Morgan (Meridiosa & Waverly), & Scott Counties
- AREA 5: Bureau, LaSalle (LaSalle, Mendota, Oglesby, Utica, Peru, & Vic.), & Putnam Counties

PAINTERS (CONT'D):

- AREA 6: Carroll, Henderson, Henry, Mercer, Rock Island, Warren, & Whiteside (W. of State Rte. #78) Counties
 AREA 7: DeKalb County
 AREA 8: Fulton, Marshall, Mason, Schuyler, & Woodford Counties
 AREA 9: Hancock & McDonough Counties
 AREA 10: Jobaviess County
 AREA 11: Knox & Stark Counties
 AREA 12: LaSalle (Ottawa, Streator, Marseilles, & Vic.) County
 AREA 13: Lee & Whiteside (E. of State Rte. #78) Counties
 AREA 14: Livingston County
 AREA 15: McLean County
 AREA 16: Randolph County

PIPEFITTERS; PLUMBERS; & STEAMFITTERS:

- AREA 1: Adams, Brown, Hancock (Exclu. E ½), & Schuyler Counties
 AREA 2: Bond, Calhoun, Greene, Jersey, Macoupin (S. of Rte. #108), & Montgomery (S. & W. of Rte. #127) Counties
 AREA 3: Boone, Carroll (To Rte. #78, inclu. Mt. Carroll), Jobaviess, Ogle, Stephenson, & Winnebago Counties
 AREA 4: Bureau, LaSalle, Livingston (N. of Pontiac), & Putnam Counties
 AREA 5: Carroll (W. of Rte. #78, exclu. Mt. Carroll), Henderson, Henry, Knox, Lee, Mercer, Rock Island, Warren, & Whiteside Counties
 AREA 6: Cass, Logan, Macoupin (N. of State Rte. #108, inclu. Carlinville), Mason, Menard, Montgomery (N. of State Rte. #127, inclu. Town of Hillsboro & Schram City), Morgan, Pike, Sangamon, & Scott Counties
 AREA 7: Clinton (W 2/3, inclu. Albers, Aviston, Bartelgo, Beckemeyer, Breese, Carlyle, Cermantown, New Baden, New Memphis, Posey, & Trenton), McDonough (Prairie), Monroe (Hecker), Randolph (Baldwin, Red Bud, Ruma, Tilden), & Washington (Addieville, Covington, Lively Grove, Nashville, New Menden, Oakdale, Okawville, & Venedy) Counties
 AREA 8: Clinton (E 1/3), & Washington (E ½) Counties
 AREA 9: DeKalb County
 AREA 10: Fulton, Hancock (E ½), & McDonough (Exclu. Prairie) Counties
 AREA 11: Livingston (Pontiac & S. of Rte. #116, extending E. to Ford Co.), McLean, & Woodford (S. of Rte. #116 to Rte. #116A & All territory E. of Rte. #116A to & Inclu. Goodfield) Counties
 AREA 12: Marshall, Stark & Woodford (Exclu. S. of Rte. #116 to Rte. #116A & All territory E. of Rte. #116A to & Inclu. Goodfield) Counties
 AREA 13: Monroe (Valmeyer & Vic.) County
 AREA 14: Randolph (Exclu. Baldwin, Red Bud, Ruma, & Tilden) County

ROOFERS:

- AREA 1: Adams County
 AREA 2: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin (S ½), Monroe, Randolph, & Washington Counties
 AREA 3: Boone, Carroll, DeKalb (W ½), Lee, Ogle, Stephenson, Whiteside (Rock Falls, Sterling & W. Sterling), & Winnebago Counties
 AREA 4: Brown, Cass, Logan, Macoupin (N ½), Mason, Menard, Montgomery, Morgan, Pike, Schuyler, & Scott Counties
 AREA 5: Bureau, LaSalle, Livingston, Marshall (NE ½), & Putnam Counties
 AREA 6: DeKalb (E ½, inclu. Sycamore, DeKalb, & Waterman) County

ROOFERS (CONT'D):

- AREA 7: Fulton, McDonough (E ½, exclu. Macomb), Marshall (SW ½), Stark, & Woodford Counties
 AREA 8: Hancock, Henderson, Knox, McDonough (W ½, inclu. Macomb), & Warren Counties
 AREA 9: Henry, Mercer, Rock Island, & Whiteside (Exclu. Rock Falls, Sterling, & W. Sterling) Counties
 AREA 10: Jobaviess County
 AREA 11: McLean County

SHEET METAL WORKERS:

- AREA 1: Adams, Calhoun, Hancock, & Pike Counties
 AREA 2: Bond, Clinton, Greene, Jersey, Macoupin, Monroe, Montgomery, Randolph, & Washington Counties
 AREA 3: Boone, Carroll (E ½), DeKalb, Jobaviess, Lee, Ogle, Stephenson, Whiteside, & Winnebago Counties
 AREA 4: Brown, Cass, Logan, Mason, Menard, Morgan, Schuyler, & Scott Counties
 AREA 5: Bureau, LaSalle, Livingston (S. Part), Marshall, Putnam, & Stark Counties
 AREA 6: Carroll (W. of Hwy #78), Henderson, Henry, Knox, McDonough, Mercer, Rock Island, Warren, & Whiteside (W. of Hwy #78) Counties
 AREA 7: Fulton, McLean, & Woodford Counties
 AREA 8: Livingston (N. Part) County

LABORERS:

- AREA 1: Adams County
 AREA 2: Brown, Cass, Mason, Morgan, Pike, Schuyler, & Scott Counties
 AREA 3: Logan & Menard (N ½) Counties
 AREA 4: Menard (S ½, inclu. City of Petersburg) County
 AREA 5: Bond (Greenville) & Macoupin (Mt. Olive & Vic.) Counties
 AREA 6: Bond (Pocahontas), Macoupin (Gillespie & Vic.), & Washington (Ashley & Vic.) Counties
 AREA 7: Bond (Sorento) & Jersey Counties
 AREA 8: Calhoun County
 AREA 9: Clinton (Carlyle, Trenton & Vic.) County
 AREA 10: Greene & Montgomery (Litchfield & Vic.) Counties
 AREA 11: Macoupin (Shipman) County
 AREA 12: Macoupin (Stanton & Vic.) & Washington (Okawville & Vic.) Counties
 AREA 13: Macoupin (Carlinville & Vic.) County
 AREA 14: Montgomery (Hillsboro & Vic.) & Randolph (Chester & Vic.) Counties
 AREA 15: Randolph (Sparta & Vic.) County
 AREA 16: Washington (Nashville & Vic.) County
 AREA 17: Boone County
 AREA 18: Bureau County
 AREA 19: LaSalle (Streator & Vic.) County
 AREA 20: LaSalle (Marseilles & Vic.) County
 AREA 21: LaSalle (Ottawa & Vic.) County
 AREA 22: LaSalle (LaSalle & Vic.) County
 AREA 23: Putnam County
 AREA 24: Winnebago County
 AREA 25: DeKalb & Ogle (City of Rochelle) Counties
 AREA 26: Carroll, Jobaviess, Lee, Ogle (Except City of Rochelle), Stephenson, & Whiteside Counties

SUPERSEDES DECISION

STATE: MICHIGAN
 COUNTIES: ALCONA, ALPENA, ANTRIM, ARENAC, BENZIE, CHARLEVOIX, CHEBOYGAN, CLARE, CRAWFORD, EMMET, GLADWIN, GRAND TRAVERS, KALKASKA, LAKE, LEECLANAU, MANISTEE, MASON, MECOSTA, MIDLAND, MISSAUKEE, MONTCALM, MUSKEGON, NEWAYGO, OCEANA, OGEWAW, OSCEOLA, OSCODA, OTSEGO, PRESQUE ISLE, ROSCOMMON, & WEXFORD.
 DATE: DATE OF PUBLICATION
 Supersedes Decision Number MI82-2013, dated July 6, 1981, 46 FR 34979.
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories) and HEAVY CONSTRUCTION PROJECTS (excluding Bridge, Airport, & Sewer Projects).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$15.33	1.35	2.25			.05
BOILERMAKERS	18.315	1.375	1.75			
BRICKLAYERS, STONE MASONS, MARBLE SETTERS, TILE SETTERS, & TERRAZZO WORKERS:						
Arenac, Gladwin, Midland, & Ogemaw Counties:	14.02	1.05	1.15			
Bricklayers & Stone masons	14.36		.40			
Marble setters, Tile setters, & Terrazzo workers	13.395		.75			
Bricklayers & Stone masons	12.21		.75			
Tile setters & Terrazzo Wkrs.	11.96		.75			.04
Mecosta & Montcalm Counties:	13.40	.75	.35			
Bricklayers & Stone masons	12.51	.75	.35			
Marble setters, Tile setters, & Terrazzo workers	12.25	1.10	1.00			.03
Remainder of Counties:	11.69	1.10	1.00			.03
Bricklayers, Stone masons, & Marble setters						
Tile setters & Terrazzo wkrs.						
CARPENERS, MILLWRIGHTS, FILE-DRIVERMEN, & SOFT FLOOR LAYERS:						
Benzie (Southern portion, south of Frankfort & Beulah), Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, & Oceana Counties:	13.79	.85	1.00			.10
Carpenters	13.30	.60	.80			.05
Millwrights	14.19	.85	1.00			.10
Piledrivers	11.69	.85	1.00			.10
Soft floor layers						
Arenac, Clare, Gladwin, Midland, & Ogemaw Counties:	14.60	.85	1.00			.02
Carpenters & Piledrivers	15.19	1.22	.99			.10
Millwrights	13.07	.85	1.00	.62		.01
Soft floor layers						
Remainder of Counties:	12.01	.85	1.00			.03
Carpenters & Soft floor layers						
Millwrights:	13.30	.60	.80			.05
Missaukee, Osceola, Wexford	13.01	.85	1.00			.03
Remainder of Counties	12.46	.85	1.00			.03
Piledrivers						

DECISION NO. IL82-2003

LABORERS (CONT'D):

- AREA 27: Clinton (New Baden & Vic.) County
- AREA 28: Fulton County
- AREA 29: Hancock & McDonough Counties
- AREA 30: Henderson, Knox, & Warren Counties
- AREA 31: Henry & Stark (W 1/2) Counties
- AREA 32: Livingston & Woodford Counties
- AREA 33: McLean County
- AREA 34: Marshall & Stark (E 1/2) Counties
- AREA 35: Mercer & Rock Island Counties
- AREA 36: Monroe County

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)).

DECISION NO. MIB2-2013

ELEVATOR CONSTRUCTORS:

Alcona, Alpena, Arenac, Cheboygan, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Cos. Mechanics

Helpers

Probationary helpers

Remainder of Counties:

Mechanics

Helpers

Probationary helpers

GLAZIERS:

Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties

Remainder of Counties

IRONWORKERS:

Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties

Ornamental & Structural

Reinforcing

Remainder of Counties

LATHERS:

Arenac, Clare, Gladwin, Midland & Ogemaw Counties

Benzie (Southern tier twps.), Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, & Oceana Counties

Remainder of Counties

PAINTERS:

Alcona, Alpena, Charlevoix (Except the SW. Part, drawing a straight line from Elmira to Charlevoix), Cheboygan, Emmet, Oscoda, Otsego, & Presque Isle Counties

Brush, roller, & drywall

Paperhanging

Spray

Sandblasting, steam cleaning

DECISION NO. MIB2-2013

CEMENT MASONS & PLASTERERS:

Arenac, Gladwin, Midland, & Ogemaw Counties:

Cement masons

Plasterers

Lake & Mason Counties

Muskegon, Newaygo, & Oceana Cos. Cement masons

Plasterers

Montcalm County:

Cement masons

Plasterers

Mecosta & Osceola (Southern Portion, including Reed City & Ewart) Counties:

Cement masons

Plasterers

Remainder of Counties:

Cement masons

Plasterers

ELECTRICIANS:

Arenac, Clare (E. 2/3), Gladwin, Midland (N. 2/3), including Midland), Ogemaw (Except Northern tier Twps.), & Roscommon (Southern tier Twps.) Counties

Midland (Remainder of Co.) Co.

Alcona, Alpena, Cheboygan (Except Meator Twp.), Crawford, (NE. Corner), Ogemaw (Remainder of Co.), Oscoda, Otsego (Dover, Chester, & Charlton Twps.), & Presque Isle Counties:

Contracts over \$50,000.00

Contracts \$50,000.00 or less

Mecosta, Montcalm, & Osceola (Ewart, Hersey, Orient, & Richmond Twps.) Counties

Lake (Except north of Cherry Valley, Pinors, Sweetwater, & Webber Twps.), Mason (Except Freesoil, Grant, & Meade Twps.), Muskegon, Newaygo, & Oceana Counties

Remainder of Counties

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
\$13.32	1.05	1.15		
14.32	1.05	.40		
13.395	.90	.75		
11.55	.90	1.00		.02
13.54	.90	1.00		.03
12.07	.90	1.00		.02
13.54	.90	1.00		.03
13.87	.75	.25		
13.54	.90	1.00		.03
11.80	1.10	1.00		.03
12.25	1.10	1.00		.03
15.82	.85	3% + 1.18		1/2 of 1%
15.05	1.05	3% + 1.50		3/4 of 1%
14.19	.85	3% + 1.18		1/10 of 1%
11.35	.85	3% + 1.18		1/10 of 1%
11.00	.85	3% + .35		.01
14.36	.85	9%		1/2 of 1%
14.21	.85	10%		.35%

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
\$15.53	1.345	1.085	a	.035
10.87	1.345	1.085	a	.035
7.765				
13.99	1.345	1.085	a	.035
9.79	1.345	1.085	a	.035
6.995				
9.15	.75	.50	.25	.01
11.00		.40		
14.98	1.1%	18%	18%	.09
13.08	1.98	19%	19%	.64%
14.97	1.06	1.40		.20
13.91	1.06	1.00		.01
13.03	1.06	1.00		.01
12.54	1.06	1.00		.01
12.05				
12.55				
12.80				
14.01				

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PAINTERS (Cont'd):

Remainder of Counties:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
New Construction:					
Brush, roller, drywall taper	\$13.47	.65	.60		.02
Wall covering	13.97	.65	.60		.02
Spray	13.92	.65	.60		.02
Sandblast	14.12	.65	.60		.02
Repaint & Maintenance Work:					
Brush, roller, drywall taper	12.87	.65	.60		.02
Wall covering	13.37	.65	.60		.02
Spray	13.42	.65	.60		.02
Sandblast	13.52	.65	.60		.02
PLUMBERS & PIPEFITTERS:					
Alcona, Arenac, Crawford, Ogemaw, Osceola, & Roscommon Counties:	16.12	1.30	1.00		.10
Alpena, Cheboygan, Otsego, & Presque Isle Counties	15.76	.60	.90		.10
Clare, Gladwin, & Midland Cos. Mecosta, Montcalm, & Osceola Counties	15.37	1.09	1.75		.02
Lake, Manistee, Mason, Muskegon, Newaygo, & Oceana Counties	14.89	.85	1.50		.08
Remainder of Counties	14.99	1.25	1.87		.03
ROOFERS:					
Arenac, Clare, Gladwin, Midland, Ogemaw, & Roscommon Counties	13.65	1.40	1.40		.02
Mecosta & Montcalm Counties:					
Slate & Tile	10.85	1.10	.40		
Built-up	10.60	1.10	.40		
Lake, Mason, Muskegon, Newaygo, & Oceana Counties:					
Roofers	12.12	.67		1.10	.04
Slate & Tile	12.37	.67		1.10	.04
Remainder of Counties:					
Roofers	13.56				
Pitch	14.06				
SHEET METAL WORKERS:					
Alcona, Alpena, Arenac, Cheboygan, Clare, Gladwin, Midland, Ogemaw, Osceola, & Presque Isle Counties	15.53	1.00	1.20		.06
Lake, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, & Osceola Counties					
Remainder of Counties	14.10	.92	1.20	1.00	.04
SPRINKLER FITTERS	15.18	.90	.68		.07
	15.65	.95	1.40		.08

DECISION NO. M82-2013

PAINTERS (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Steeple jack, tanks, towers, stacks, & flag poles	\$14.26				
Antrim, Charlevoix (Remainder of Co.), Grand Traverse, Kalkaska, Leelanau, & Wexford Counties:					
Brush & Roller	11.30	.65	.25		
Paper & Vinyl hangers	11.80	.65	.25		
Swing stage, boatswain chair, window jack, & tapers	11.90	.65	.25		
Spray	11.95	.65	.25		
Sandblasting & steamcleaning	12.05	.65	.25		
Arenac & Ogemaw Counties:					
New Construction:					
Brush & Roller & Taper	12.55	.65	1.00		
Spray & Sandblast	13.40	.65	1.00		
Repaint Work					
Brush & Roller & Taper	11.95	.65	1.00		
Spray & Sandblast	12.80	.65	1.00		
Industrial Work:					
Brush & Roller & Taper	13.35	.65	1.00		
Spray & Sandblast	14.20	.65	1.00		
Benzie, Lake, Manistee, & Mason Counties:					
Brush & Roller	11.75				.02
Paperhangers, drywall, structural steel	12.25				.02
Spray & Sandblast	12.50				.02
Muskegon, Newaygo (W. 1/2), & Oceana Counties:					
Brush & Roller	10.75				
Spray, sandblast, pressure roller, boatswain chair, swing stage, work performed with a falling distance over 50 feet, perfa tapers, & sanders on drywall work	11.25				
Mecosta, Montcalm, Newaygo (E. 1/2), & Osceola (Southern Part, including Ewart & Reed City) Counties:					
Brush & Roller	11.25	.65	.40		.02
Paperhangers, wall coverers, drywall finishers, & painters on railroad bridges	11.50	.65	.40		.02
Swing stage & window jacks	11.75	.65	.40		.02
Spray, sand & water blast	12.00	.65	.40		.02

DECISION NO. M182-2013

LABORERS: (Cont'd)

REMAINDER OF COUNTIES:

CLASS A - General laborers; vibrator operators, operators of chipping hammers, concrete breakers (90 lb. hammer or less), concrete mixers, tamping machines, motor driven buggies, sand blasters, plaster mixers, plaster tenders, pipe or crock layers, or caisson work in buildings only.
 CLASS B - Mortar mixers, material mixers, vibrator operators, operators of chipping hammers, concrete breakers (90 lb. hammer or less), concrete mixers, tamping machines, motor driven buggies, sand blasters, plaster mixers, plaster tenders, pipe or crock layers, or caisson work in buildings only.
 CLASS C - Cement gun nozzle men.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION:					
Linemen - Technicians	\$13.72	.45	7%	c + 5%	1/2 of 1%
Cable splicers	14.28	.45	7%	c + 5%	1/2 of 1%
Combination digger oprs, tractor oprs., groundmen	10.72	.45	7%	c + 5%	1/2 of 1%
Light equipment operators, groundmen, & distribution line truck driver	9.42	.45	7%	c + 5%	1/2 of 1%
Combination winch truck driver & groundmen	8.99	.45	7%	c + 5%	1/2 of 1%
Combination truck driver & groundman	7.62	.45	7%	c + 5%	1/2 of 1%
POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION CONSTRUCTION:					
CLASS A	16.20	1.15	2.10		.10
CLASS B	15.95	1.15	2.10		.10
CLASS C	15.45	1.15	2.10		.10
CLASS D	13.85	1.15	2.10		.10
CLASS E	13.55	1.15	2.10		.10
CLASS F	12.15	1.15	2.10		.10
CLASS G	11.30	1.15	2.10		.10

CLASSIFICATIONS:

CLASS A - Crane with main boom & jib 220' or longer;
 CLASS B - Crane with boom & jib 140' or longer, tower crane, gantry crane, & winch derrick;
 CLASS C - Regular equipment operator - crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, mechanic, head grease man;
 CLASS D - Air tugger (single drum), material hoist, boiler operator, sweeping machine, winch truck, bob-cat & similar equipment, fork lift truck (over 20' lift);
 CLASS E - Pump 6" or over, well points, freeze systems, boom truck (non swinging), fork lift truck (under 20' lift on masonry work);
 CLASS F - Air compressor, welder, generators, conveyors, pumps under 6", grease man;
 CLASS G - Oiler, fireman, & heater operator.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Mecosta, Montcalm, & Osceola Counties:					
CLASS A	\$10.11	.75	.65	.04	.04
CLASS B	10.26	.75	.65	.04	.04
CLASS C	10.36	.75	.65	.04	.04
CLASS D	10.61	.75	.65	.04	.04
Muskegon, Newaygo, & Oceana Counties:					
CLASS A	9.86	.75	.65	.04	.04
CLASS B	10.01	.75	.65	.04	.04
CLASS C	10.11	.75	.65	.04	.04
CLASS D	10.36	.75	.65	.04	.04
Lake, Manistee, & Mason Counties:					
CLASS A	9.70	.75	.65	.04	.04
CLASS B	9.85	.75	.65	.04	.04
CLASS C	10.15	.75	.65	.04	.04
CLASS D	9.95	.75	.65	.04	.04
CLASS E	10.10	.75	.65	.04	.04
CLASS F	10.05	.75	.65	.04	.04
Arenac, Clare, Gladwin, Midland, Ogemaw, & Roscommon Counties:					
CLASS A	11.24	.75	.65	.04	.04
CLASS B	11.36	.75	.65	.04	.04
CLASS C	11.44	.75	.65	.04	.04
CLASS D	12.01	.75	.65	.04	.04
Remainder of Counties:					
CLASS A	9.50	.75	.65	.04	.04
CLASS B	9.65	.75	.65	.04	.04
CLASS C	10.10	.75	.65	.04	.04

Mecosta, Montcalm, Muskegon, Newaygo, Oceana, & Osceola Counties:

CLASS A - General laborers;
 CLASS B - Material mixers, operators of portable mixers, air, electric, or gasoline tools, motor driven buggies, laborers working on swing scaffolds, plasterer tenders, and mason tenders;
 CLASS C - Jackhammer operators, crocklayers and caisson workers in buildings.
 CLASS D - Top men on chimneys or towers over thirty feet (30') in height.

Lake, Manistee, Mason Counties:

CLASS A - General laborers;
 CLASS B - Plasterer & mason tenders, mortar mixers, material mixers, all power tools, vibrators, chain saws, nozzle men, & green cut concrete work;
 CLASS C - Jackhammer, acetylene & propane torch, well wheel, swing scaffold, chimneys, towers, crane scaffold labor;
 CLASS D - Work on scaffold thirty feet (30') in height or more;
 CLASS E - Plasterer tenders - machine pumped.
 CLASS F - Pipe or crock layers, & caisson work in buildings.

Arenac, Clare, Gladwin, Midland, Ogemaw, & Roscommon Counties:

CLASS A - General laborers;
 CLASS B - Mechanized mortar mixing, air, electric, & gas driven tools;
 CLASS C - Air or electric driven pavement breakers, concrete vibrators, plasterer tenders & plaster mixers, crock & pipelayers, signal men & top men or caisson work in buildings;
 CLASS D - Drillers, blasters, burners, & welders.

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**POWER EQUIPMENT OPERATORS -
STEEL ERECTION CONSTRUCTION:**

Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Osceola, Otsego, Presque Isle, & Roscommon Counties:

CLASS A
CLASS B
CLASS C
CLASS D
CLASS E
CLASS F

CLASS A - Engineer when operating combination of boom jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer
CLASS C - Crane operator job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

MICH-2-PEO-SE

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$18.52	1.15	2.10	13%	.10
18.24	1.15	2.10	13%	.10
17.25	1.15	2.10	13%	.10
17.02	1.15	2.10	13%	.10
13.95	1.15	2.10	13%	.10
12.65	1.15	2.10	13%	.10

DECISION NO. MI82-2013

**POWER EQUIPMENT OPERATORS -
UNDERGROUND CONSTRUCTION:**

MIDLAND COUNTIES:

CLASS I
CLASS II
CLASS III
CLASS IV

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8" digging capacity), mechanic, endloader (over 1 1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade or over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip from paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1 1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom tractor (new-tired, other than backhoe or front endloader, crusher CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum 1/2 cu. yd. or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - including compressor) CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled) concrete saw (40 H.P. or over)

MICH-8-PEO-I

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.73	1.15	2.10	13%	.10
13.44	1.15	2.10	13%	.10
12.80	1.15	2.10	13%	.10
12.29	1.15	2.10	13%	.10

**POWER EQUIPMENT OPERATORS -
STEEL ERECTION**

REMAINING COUNTIES

CLASS A
CLASS B
CLASS C
CLASS D
CLASS E
CLASS F

CLASS A - Crane operator w/main boom & jib 220' or longer
CLASS B - Crane operator w/main boom & jib 140' or longer
CLASS C - Regular equipment operator; crane, dozer, loader; hoist, straddle wagon, Job mechanic
CLASS D - Air tugger (single drum); material hoist, pump 6" or over
CLASS E - Air compressor, welder, generators-conveyors
CLASS F - Oiler & Fireman

MICH-6-PEO-SE

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$16.55	1.15	2.10		.10
16.30	1.15	2.10		.10
15.80	1.15	2.10		.10
14.20	1.15	2.10		.10
12.85	1.15	2.10		.10
11.50	1.15	2.10		.10

DECISION NO. MI82-2013

POWER EQUIPMENT OPERATORS - UNDERGROUND CONSTRUCTION:

REMAINDER OF COUNTRIES:

- CLASS I
- CLASS II
- CLASS III
- CLASS IV

MI82-9-PEO-IV

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.22	1.15	2.10	13%	.10
11.79	1.15	2.10	13%	.10
11.35	1.15	2.10	13%	.10
11.10	1.15	2.10	13%	.10

CLASS I - Power shovel, crane dragline, backhoe clamshell, trencher (over 8" digging capacity), mechanic, endloader (over 1 1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade or over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip from paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1 1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom) tractor (neutired, other than backhoe or front endloader, crusher CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), pumpecrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum 1/2 cu. yd. or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - including compressor) CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

DECISION NO. MI82-2013

TRUCK DRIVERS:

Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Osceola, Otsego, Presque Isle, & Roscommon Counties:
Trucks under 8 cu. yds. capacity
Trucks 8 cu. yds. capacity and over, & tandem trucks
Semi, double bottom, lowboy, Pitman Ops. & related equip.
Euclid type equipment
Antrim, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Mecosta, Missaukee, Montcalm, Osceola, & Wexford Counties:
Semi trucks, mechanics
Trucks over 8 cu. yds. capacity
All other trucks

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.30	b 39.50	b 41.00		
10.40	b 39.50	b 41.00		
10.50	b 39.50	b 41.00		
10.60	b 39.50	b 41.00		
10.67	b 39.50	b 30.00		
10.57	b 39.50	b 30.00		
10.47	b 39.50	b 30.00		

FOOTNOTES:

- a. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving Day, & Christmas Day; and Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service.
 - b. Per Week, Per Employee.
 - c. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving Day, & Christmas Day; provided the employee worked the scheduled work day preceding and the work day following the day observed.
- 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 clause (29 CFR, 5.5 (a) (1) (ii)).

DECISION NO. PAS2-3012

SUPERSEDES DECISION

STATE: Pennsylvania
 COUNTIES: Columbia, Montour & Snyder
 DATE: Date of Publication
 SUPERSEDES DECISION NO. PAS2-3012 dated May 30, 1980, in 45 FR 36767.
 DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories). Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocetion	
Asbestos Workers: Columbia & Montour Counties Snyder County	\$13.83 14.01 16.67	.80 1.12 1.275	.90 .90 1.00		.01 .02 .02
Bricklayers & Stonemasons: Montour & Snyder Counties Columbia County	12.25 12.15 12.72	.55 .55 .70	.80 .80 .90		.01 .05
Carpenters Cement Masons: Montour & Snyder Counties Columbia County	12.45 11.85	.55	.70		.01 .01
Electricians: Montour County: North of U. S. Highway #522 & Selesgrove Twp. in Snyder Co., and Remainder of Columbia Co. Berwick Borough in Columbia Co. South of U. S. Highway #522 in Snyder County	13.65 13.27 13.56	.60 .65 .65	3%+.40 3%+1.00 3%+.67		.05 .05 1/2
Glaziers: Montour County in its entirety; Roaring Creek, Locust, Cleveland, Cunningham, Mt. Carmel Townships in Columbia County Snyder County Remainder of Columbia County	11.54 11.71 11.85 14.265	.75 .70 .65 1.49	.70 .65 .85 1.46		.015 .01 .045
Ironworkers: Montour & Snyder Counties Structural & Ornamental: Columbia County	14.75	b			.10
Reinforcing Columbia County Laborers: Columbia County: Unskilled laborers and window washers	14.65 8.59	b .80			.10
Mason tenders and scaffold builders Pneumatic electrical tool op. under the jurisdiction of laborers 2' pump-non-metallic pipe laying and making joints clay terra cotta, ironstone, vitrified concrete,	8.99	.80	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocetion	
Laborers (Cont'd.) handling of burning torches, asphalt or other hot material; cement finishers and blasters helpers, power buggies, and walk along hoist Plasterers tenders, blasters and wagon drill operator Montour County: Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition Operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12') nonmetallic pipe layers, plasterers tenders, mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of buildings, masons tenders	\$8.69 8.84 8.35	.80 .80 .70	1.00 1.00 .60		
General Laborers: Air, fuel and electric tool operators and all other pneumatic and mechanical tools, including blow pipe and vacuum cleaners. Cassion workers (top men), pipelayers for all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same Power-buggy, precast slab placers & signal men, blaster helper, excavation of all foundation, digging of trenches, piers and manholes. Wrecking and moving of all structures. Under pinning & shoring	8.50	.70	.60		

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Line Construction					
Lineman, dynamite man, heavy equipment operator	\$13.37	.55	3%		3/8%
Winch truck operator	9.38	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
Marble Setters	12.45	.70	.95		.05
Millwrights	14.42		.90		
Painters:					
Brush	10.85	.75	.60		.10
Tapers	11.51	.75	.60		.10
Hazardous	12.51	.75	.60		.10
Piledrivermen	12.97	3.13	1.40	d	.13
Plasterers:					
Columbia County	11.85	.55	.70		.01
Snyder & Montour Counties	10.69				
Plumbers & Steamfitters	13.80	1.02	1.00		.11
Roofers:					
Columbia & Montour Counties	12.05	1.00	1.10		
Snyder County	10.76	.80	.55		
Sheet metal workers	13.31	.80	.86		.04
Soft floor layers	10.98	.70	.90		.05
Sprinkler Fitters	15.56	.95	1.40		.08
Truck Drivers:					
Montour County	8.35				
Columbia & Snyder Counties					
Pick-ups and service dump and flat including "2" license	8.07	e	f		
All trucks over "2" license	8.12	e	f		
Fork lifts tow motors, front & pneumatic tired loaders	8.08	e	f		
WELDERS - Rate of Craft					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1) (ii)).					

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Labors (Cont'd.)					
stripping, dismantling, oiling & moving of concrete forms, loading, and caving of reinforcing steel, handling & distribution of lumber, and all other building material to stock piles, piles, unloading, caving, distribution, and laying of pre-cast concrete slabs and planks for flooring & roofing, General cleanup & removal of refuse, debris and all scrap material(s), vibrator operator (concrete placing - whose power is supplied by compressed air, electric gasoline & any other means	9.45	.60	.73		
Semi-Skilled: Cassion worker (bottom men), blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine (nozzle men), and steam jenny, plaster & cement mason tenders, machine mixers, plaster pump and scaffold builders (excluding masonry scaffolding sand blasting nozzle men)	9.92	.60	.73		
Nursery Workers: Window washers floor scrubbers, and watchmen. tenders of propane gas burners, salamanders, smudge pots, tool-room workers, fire watch	8.85	.60	.73		
Mason tenders, machine mixers, motorized stockers, scaffold builders (masonry), mortar pump conveyors, mechanical cleaners, and sandblasting for masonry and masonry equipment	9.72	.60	.73		.05
Lathers	12.72	.70	.90		
Lead Burners	10.75	.40	.25	c	.01

FOOTNOTES:

- a. Paid Holidays: July 4th, Labor Day, Thanksgiving Day & Good Friday.
- b. Employer contributes \$2.95 to a combined Health and Welfare & Pension Fund.
- c. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holidays.
- d. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.
- e. Employer contributes \$41.00 per month to employees who have worked 60 hour or more for the employer during the preceding month.
- f. Employer contributes \$25.00 per month to employees who have been employed over 13 weeks.

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	\$14.27	10%	10.3%	a	1.3%
GROUP 2	13.98	10%	10.3%	a	1.3%
GROUP 3	13.11	10%	10.3%	a	1.3%
GROUP 4	12.34	10%	10.3%	a	1.3%
GROUP 5	11.87	10%	10.3%	a	1.3%
GROUP 6	10.96	10%	10.3%	a	1.3%
GROUP 7	14.52	10%	10.3%	a	1.3%
GROUP 7-A	14.77	10%	10.3%	a	1.3%
GROUP 7-B	15.01	10%	10.3%	a	1.3%

CLASSIFICATIONS DEFINITIONS

- GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above
- GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3- $\frac{1}{2}$ c.v. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above
- GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3- $\frac{1}{2}$ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above
- GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above
- GROUP 5: - Fireman, grease truck
- GROUP 6: Oilers and deck hands (personnel boats), core drill helper
- GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over
- GROUP 7-A: 150 ft. and over
- GROUP 7-B: 200 ft. and over

FOOTNOTES:

- a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDES DECISION

STATE: Pennsylvania

COUNTIES: Clinton, Centre, Huntingdon, Fulton & Mifflin

DATE: Date of Publication
 Supersedes Decision No. PA80-3074 dated December 12, 1980, in 45 FR 81981.
 DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (Does not include single family homes or apartments up to and including 4 stories). Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos Workers: Clinton County Centre, Huntingdon, Fulton & Mifflin Counties	\$13.83	.80	.90		.01	
Boilermakers Clinton County	14.01	1.12	.90		.02	
Bricklayers & Stonemasons: Fulton & Huntingdon Counties Mifflin County	16.67 11.90 12.25	1.275 1.00 .55	1.00 1.20 .80		.02 .05	
Clinton County in its entirety, and the Remainder of Centre Co. Townships in Centre County; Rush, Halfmoon, Taylor, Patton, Worth & Huston	11.55	1.15	.90		.015	
Carpenters & Soft Floor Layers Clinton County	12.60 12.65	1.00 6%	1.20 8%	10%	.05	
Cement Masons: Centre, Clinton & Mifflin Cos. Huntingdon County Fulton County	13.26 12.85 12.10	9%	7% .90		.01	
Glaziers: Clinton County	13.44 11.71	1.12 .70	1.55 .65	1.29	.02 .01	
Electricians: Fulton, Huntingdon and Remainder of Centre County Mifflin County Clinton County in its entirety; Townships in Centre County; Burnside, Curtin, Liberty, Howard, Marion, Walker, Miles and Haines	15.95 13.56	1.75 .65	3%+1.00 3%+.67		.10 %	
Elevator Constructors Elevator Constructors Helpers Elevator Constructors Helpers (Prob.)	11.50 12.84 70%JR 50%JR	.65 1.345 1.345	3%+1.00 1.085 1.085	1.00 a+b a+b	.02 .035 .035	
Ironworkers: Centre & Clinton Counties Huntingdon and Mifflin Cos. Fulton County	13.59 14.265 14.03	1.22 1.49 .80	1.67 1.46 1.70		.04 .045	
Labors: Clinton County Unskilled Laborers Plasterers Tenders	10.34 10.39	10% 10%	9% 9%			

LABORERS (CONT'D.)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Centre, Huntingdon, Fulton and Mifflin Counties: Unskilled Laborers Plasterers Tenders	\$10.06 10.11 10.75	10% 10% .40	9% 9% .25	c	.01	
Lead Burners Line Construction: Centre, Fulton & Huntingdon Cos. Linemen	16.93 10.15 11.85	.60 .60 .60	3% 3% 3%		3/8% 3/8% 3/8%	
Groundman Winch truck operator Clinton County: Lineman, dynamite man, heavy equipment operators	13.37 8.97 9.19	.55 .55 .55	3% 3% 3%		3/8% 3/8% 3/8%	
Groundman Winch truck operator Mifflin County: Lineman Winch truck operator	14.23 9.96 8.54 13.16	.60 .60 .60 6%	3% 3% 3% 6%	25%	3/8% 3/8% 3/8% 1 1/2%	
Painters: Clinton County: Brush Tapers Hazardous Centre, Fulton, Huntingdon & Mifflin Counties	10.85 11.51 12.51	.75 .75 .75	.60 .60 .60		.10 .10 .10	
Commercial Brush & Roller Spray Industrial Brush & Steel Spray Piledriversmen Plasterers: Centre, Clinton & Mifflin Cos. Fulton County Huntingdon County Plumbers & Steamfitters Clinton County Huntingdon County Centre, Mifflin & Fulton Cos.	11.99 12.49 12.84 12.34 15.18 12.00 12.72 12.85 14.26 13.36 13.80	1.10 1.10 1.10 5.5% .70	1.19 1.10 1.10 1.10 .90 .95 1.22 1.00		.02 .02 .02 % .05 .01 .05 .27 .11	

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Roofers: Fulton County: Composition, damp and water-proof workers Clinton County Composition and kettleman Huntingdon County Composition roofers Centre & Mifflin Counties Composition roofers Sheet Metal Workers Clinton County Centre, Huntingdon, Fulton & Mifflin Counties Sprinkler Fitters TRUCK DRIVERS: Centre, Huntingdon & Fulton Cos.	\$11.35 12.05 15.96 10.76 13.31 13.51 15.36	.80 1.00 .77 .80 .80 1.17 .95	.45 1.10 1.50 .55 .86 2.17 1.40		.10 .16 .04 .23 .08
Service, dump, flat top, jeep fuel & water Transit mix, dump trailer, winch truck Euclid & tractor trailer Helpers Mifflin County Pick-ups, dump, service trucks flat trucks to and including 2 license plates Transit-mix, winch trucks, tractor, all types, euclids, ross lumber & trucks over 2 plates Truck Drivers Clinton County	8.27 8.35 8.42 8.17 9.47 9.72 8.35	d d d d f f	e e e e S S		
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 and F-Christmas Day.

FOOTNOTES:

- Employer contribute 8% hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- Paid Holidays: A through F, plus the Friday after Thanksgiving Day.
- 8 paid holidays: A through F and Washington's Birthday; Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.
- \$59.00 per month.
- \$14.00 per week.
- \$93.03 per month per employee who have worked sixty (60) hours during the month.
- \$57.89 per month for employee who have worked sixty (60) hours or more during the month.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$14.625	1.05	1.15		.09
14.875	1.05	1.15		.09
15.125	1.05	1.15		.09
15.375	1.05	1.15		.09
14.475	1.05	1.15		.09
12.60	1.05	1.15		.09
13.10	1.05	1.15		.09
11.95	1.05	1.15		.09
10.90	1.05	1.15		.09
11.20	1.05	1.15		.09
11.30	1.05	1.15		.09
11.45	1.05	1.15		.09
12.20	1.05	1.15		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

Class I - Austin-Western or similar type under 25 ton, austin-western similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant no conveyors for direct feeding or discharge (without roller), cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oil to be discussed at per job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types) when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors) Chicago Boom attached hoist (50 ft. or over) stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180 swing hop to or similar type with 360 swing local koehring scoop, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobilizing or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpcrete - mobile or similar type, quad mine, shovels (all types), slip form paver (CMI or similar), tractors - boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes boom or mast 100 ft. or over up & including 150 ft. +\$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + \$.25), hoist-hod (2 cages over 10 floors Class I rate +\$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + \$.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2 - Asphalt plant operator, athey loader, auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator new buildings), euclid loader, excavating equipment (all other), forklift lull or similar, (grader), grader elevating, greaser-equip-ment (head), hi-lift-less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (the following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over 5 KW up to 20 KW), pumps (1 1/2" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1 1/2" discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpcrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairment)

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1) (combination), crane (carry), curb builder (self-propelled), drills-well & horizontal truck mounted, forklifts (ridden or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), compressors (2) generators (2) mortar machine over 10 cu. ft. and single unit conveyor, pumps (1 1/2" discharge or less (2 to 3), pumps (over 1 1/2" discharge (2) in back) within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1 1/2" discharge regardless of power used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine pin puller (powered) pulverizer, pump - 1 1/2" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to mot incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A - Crane truck oiler & fireman

CLASS 6-B - Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C - Oiler - truck crane 100 ton and over

SUPERSEDEAS DECISION

STATE: Wisconsin
 COUNTY: Barron, Dunn, Polk and St. Croix Counties
 DECISION NUMBER: WI82-2006
 DATE: Date of Publication
 Supersedes Decision No. WI80-2029 dated, April 25, 1980 in 45 FR 28075
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$16.03	.60	1.50		.15
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS	12.90	.90	.90		.05
CARPENTERS	12.27		1.00		.05
Millwrights & Piledrivermen	12.67	.60	1.00		.05
CEMENT MASONS	12.90	.90	.60		.10
ELECTRICIANS	14.91	5%	5%		1 1/8
ELEVATOR CONSTRUCTORS:					
Constructors	14.77	1.345	.95	a+b	.035
Helpers (Prob.)	10.34	1.345	.95	a+b	.035
7.63					
IRONWORKERS: Structural, Ornamental and Reinforcing	14.80	.95	.90		.04
LABORERS:					
Laborers, Common Tender	10.67	.65	.55		.03
Mortar Mixer & Plasterer					
Laborer Air, Gas & Electric Equipment, Vibrator Operator, Kettlemen, Dumpmen & Pittmen, Burner on Wrecking, Scaffold Builder & Washing Walls on swinging Scaffold, Gunnite man & Nozzle men, Puddlers (when concrete pumps & when working behind paving machine), Dumper Jackhammer	10.82	.65	.55		.03
10.97	.65	.55			.03
LATHERS	12.27	.60	1.00		.05
LINE CONSTRUCTION:					
Linemen	14.40	.45	.9%		1 1/8
Heavy Equipment Operator	12.96	.45	.9%		1 1/8
Light Equipment Operator	11.52	.45	.9%		1 1/8
Heavy Groundmen-Truck Driver	10.08	.45	.9%		1 1/8
Light Groundmen - Truck Driver	9.36	.45	.9%		1 1/8
Groundmen	7.92	.45	.9%		1 1/8

DECISION NO. W182-2006

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education end/or Appr. Tr.
GROUP I	14.12	1.35	1.00		.05
GROUP II	13.85	1.35	1.00		.05
GROUP III	13.52	1.35	1.00		.05
GROUP IV	13.41	1.35	1.00		.05
GROUP V	12.90	1.35	1.00		.05
GROUP VI	12.47	1.35	1.00		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Dredge Operator and Traveling Cranes (Bridge Type), Concrete Paver (over 27E), Concrete Spreader and Distributor

GROUP II - Material Hoists, Tractor or Truck Mounted Hydraulic Backhoe, Tractor or Truck Mounted Hydraulic Crane (5 tons or Under), Mannoist, Tractor (over 40 H.P.), Bulldozer H.P., Endloader (over 40 H.P.), Forklift (25' and over), Motor Patrol, Scraper Operator, Sideboom, Saddle Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket), Elevator

GROUP III - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete finishing (Road Type), Roller (Rubber Tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw type Pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 H.P.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and Firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'); Tampers-Compactors riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete-Auto Breaker, Hydro-Hammer (small), Booms and Sweeper, Hoists (tuggers) Stump chipper (large), Boats, Safety, Work, Barges and launch

GROUP V - shouldering Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt Plants), Air Compressor (300 CFM or over)

GROUP VI - Generators over 150 KW, Pumps over 3", Augers (vertical and horizontal), Combination Small Equipment Operator; Air, Electric Hydraulic Jacks (Slip Form), Compressors (under 300 CFM); Generators (under 150 KW), Pumps (3" and under); winches (small electric), Oiler and Greaser, Boiler Operators (Temporary heat), Rotary Drill Helpers, Conveyors, Forklift (12' and under)

DECISION NO. W182-2006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education end/or Appr. Tr.
PAINTERS:					
Brush	12.00		.15	5%	
Structural Steel	13.00		.15	5%	
Sandblaster and Spray	12.50		.15	5%	
Swing Stage	12.00		.15	5%	
PLASTERERS & STEAMFITTERS	12.90	.90	.85	.60	.10
PLUMBERS	13.67	.75		1.70	
SHEET METAL WORKERS	13.32		.60	3%	.06
14.79		.75			
TRUCK DRIVERS:					
Two axle	11.10	c	d		
3 or more axles	11.20	c	d		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- Employer contributes 8% of regular hourly rate to Vacation Pay. Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay. Credit for employee who has worked in business less than 5 years.
- Holidays: A through F
- \$.21.45 per week for each employee.
- \$.27.00 per week for each employee.

SUPERSEDEAS DECISION

STATE: Wisconsin
 COUNTRIES: Brown, Door, Kewaunee & Oconto
 DATE: Date of Publication
 Supersedes Decision No. W180-2038 dated, May 16, 1980 in 45 FR 32546
 DESCRIPTION OF WORK: Building Construction (excluding single family apartments up to and including 4 stories)

DECISION NO. W182-2008

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. Holidays, A through F
- b. Employer contributes 8% regularly hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$15.06	1.20	.50	.85	.10	
BOILERMAKERS	14.97	1.375	1.15		.05	
BRICKLAYERS & MARBLE SETTERS	12.10	.90	.85		.05	
& STONEMASONS	12.27	.60	1.00		.05	
CARPENTERS & LATHERS	11.60	.90	.85		.05	
CEMENT MASONS	14.50	.75	3%+.65		1½	
ELECTRICIANS						
ELEVATOR CONSTRUCTORS:						
Constructors	14.75	1.345	.95	a+b	.035	
Helper	10.325	1.345	.95	a+b	.035	
Helpers (Prob.)	7.375					
IRONWORKERS:						
Structural, Ornamental & Reinforcing	13.81	1.30	1.50	1.21	.23	
MILLRIGHTS & PILEDRIVMEN	12.67	.60	1.00		.05	
PAINTERS:						
Brush	13.05	1.00				
Structural Steel	13.43	1.00				
Spray & Swing Stage	13.43	1.00				
PLASTERERS	12.10	.90	.85		.05	
PLUMBERS & STEAMFITTERS	15.68	.85	1.12		.12	
ROOFERS:						
Composition	13.50			.50		
SHEET METAL WORKERS	13.24	.95	.72	2.25	.09	
SOFT FLOOR LAYERS	12.27	.60	1.00		.05	
TERRAZO WORKERS & TILE SETTERS	12.10	.90	.85		.05	

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS					
CLASS I	10.48	.65	.55		.03
CLASS II	10.58	.65	.55		.03
CLASS III	10.73	.65	.55		.03

CLASS I - Construction Laborers, Form Stripper, Form Oiler, Form Cleaner, Dump Men, Pit Men, Building Wrecker, Plumbers Laborer, Motorized Buggy Operator, Concrete Laborer, Air Spade and Chipping Hammer, Drag Tender and Signal Man, Concrete Pumps and Nozzle Man, Bituminous Worker

CLASS - Plasterer Tender, Hod Carrier, Dry Cement Handler, Kettleman, Vibrator Operator, Slacking Line, Tile Setter Helpers, Core Drill Operator

CLASS III - Jackhammer Operator, Driller Gunite Men, Burner on Wrecking Air Operated Concrete Breaker, Sheeting Driver, Power Tapper, Fork Lift Operator, Jumping Jack, Terrazzo Grinder, Mortar and Plaster Mixer, Cressote Worker, Bob Cat Operator, Sand Blaster, Welder, Mud Jack Operator, Precast Erector Bituminous Raker and Luteman

SUPERSEDES DECISION

STATE: WISCONSIN

COUNTIES: Calumet, Fond Du Lac, Manitowoc, Outagamie & Sheboygan

DECISION NUMBER: WI82-2009
 Supersedes Decision No. WI80-2039 dated May 23, 1980 in 45 FR 35152
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	14.12	1.35	1.00		.05
GROUP II	13.85	1.35	1.00		.05
GROUP III	13.52	1.35	1.00		.05
GROUP IV	13.41	1.35	1.00		.05
GROUP V	12.90	1.35	1.00		.05
GROUP VI	12.47	1.35	1.00		.05

POWER EQUIPMENT OPERATORS

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Dredge Operator and Traveling Cranes (Bridge Type), Concrete Paver (over 27E), Concrete Spreader and Distributor

GROUP II - Material Hoists, Tractor or Truck Mounted Hydraulic Backhoe, Tractor or Truck Mounted Hydraulic Crane (5 tons or Under), Manhoist, Tractor (over 40 H.P.), Bulldozer H.P.), Endloader (over 40 H.P.), Forklift (25' and over), Motor Patrol, Scraper Operator, Sideboom, Straddle Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket), Elevator

GROUP III - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete finishing (Road Type), Roller (Rubber Tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw Type Pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 H.P.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and Firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'); Tampers-Compactors riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete-Auto Breaker, Hydro-Hammer (small), Booms and Sweeper, Hoists (tuggers) Stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt plants), Air Compressor (300 CFM or over)

GROUP VI - Generators over 150 KW, Pumps over 3", Augers (vertical and horizontal), Combination Small Equipment Operator; Air, Electric Hydraulic Jacks (Slip Form), Compressors (under 300 CFM); Generators (under 150 KW), Pumps (3" and under); winches (small electric), Oiler and Greaser, Boiler Operators (Temporary heat), Rotary Drill Helpers, Conveyors, Forklift (12' and under)

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$15.06	1.28	.50		.10
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS	12.10	.90	.85		.05
CARPENTERS:					
All Counties	12.27	.60	1.00		.05
Millwrights & Piledriver-men	12.67	.60	1.00		.05
CEMENT MASONS	11.60	.90	.85		.05
ELECTRICIANS:					
Calumet & Outagamie Cos.	14.88	.85	5%		1%
Manitowoc County	14.50	.75	3%+.65		1%
Fond Du Lac & Sheboygan Cos.	13.81	1.20	3%+.68	10%	2%
ELEVATOR CONSTRUCTORS:					
Outagamie Co.:	14.75	1.345	.95	a+b	.035
Constructors	10.325	1.345	.95	a+b	.035
Helpers	50%JR				
Helpers (Prob.)					
Remainder of Counties:					
Constructors	15.89	1.345	.95	a+b	.035
Helpers	11.12	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	11.76	1.05	.70	1.00	
IRONWORKERS:					
Western Part of Fond Du Lac and Outagamie Cos.	13.11	1.25	1.00		.07
Remainder of the Area	13.81	1.30	1.50	1.21	.20
LABORERS:					
General Laborer; Building Wrecker; Form Stripper	10.48	.65	.55		.03
Plaster Tender, Hod Carrier, Mason Tender,					
Vibrator Operator	10.58	.65	.55		.03
Jackhammer Operators, Driller, Gunnite Men, Mortar & Plasterer Mixer, Fork Lift Operator	10.73	.65	.55		.03

DECISION NO. WI82-2008

DECISION NO. W182-2009

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. Six paid holidays, A thru F
- b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

DECISION NO. W182-2009

LATHERS
 PAINTERS:
 Fond Du Lac, Outagamie & Northwestern Corner of Calumet Counties:
 Brush, Paperhangers and Structural Steel
 Spray and Sandblasting
 Manitowoc and the Remainder of Calumet Counties:
 Brush
 Spray and Roller
 Sheboygan County:
 Brush
 Drywall Finishing
 Spray
 PLASTERERS
 PLUMBERS & STEAMFITTERS:
 Outagamie Co. and the Northwestern corner of Calumet County
 Manitowoc Co. and the Northeastern part of Calumet County
 Fond Du Lac, Sheboygan & the Remainder of Calumet County
 ROOFERS:
 CALUMET & Manitowoc Cos.
 Fond Du Lac County
 Outagamie County
 Sheboygan County
 SHEET METAL WORKERS:
 Outagamie County
 Remainder of Counties
 TERRAZZO WORKERS & TILE SETTERS
 WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appt. Tr.
	H & W	Pensions	Vacation		
12.27	.60	1.00			.05
12.25	1.05	.35			.05
12.75	1.05	.35			.05
11.30					
11.80					
10.40	.50	.30	.30		
10.40	.50	.30	.30		
10.90	.50	.30	.30		
12.10	.90	.85			.05
15.25	1.19	1.11			.20
15.23	.85	1.12			.12
13.35	.80	1.25	1.54		.03
13.03	.57	.15	.35		
11.60	1.65	.80			
10.65	.95	.70	.55		
12.60	1.00	.15	.35		
13.24	.95	.72	2.25		.09
13.46	1.30	1.23	.62		.10
12.10	.90	.85			.05

DECISION NO. W182-2009

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	14.12	1.35	1.00		.05
GROUP II	13.85	1.35	1.00		.05
GROUP III	13.52	1.35	1.00		.05
GROUP IV	13.41	1.35	1.00		.05
GROUP V	12.90	1.35	1.00		.05
GROUP VI	12.47	1.35	1.00		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Dredge Operator and Traveling Cranes (Bridge Type), Concrete Paver (over 27E), Concrete Spreader and Distributor

GROUP II - Material Hoists, Tractor or Truck Mounted Hydraulic Backhoe, Tractor or Truck Mounted Hydraulic Crane (5 tons or Under), Manhoist, Tractor (over 40 H.P.), Bulldozer H.P.), Endloader (over 40 H.P.), Forklift (25' and over), Motor Patrol, Scraper Operator, Sideboom, Straddle Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket), Elevator

GROUP III - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete finishing (Road Type), Roller (Rubber Tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw Type Pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 H.P.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and Firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'); Tampers-Compactors riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete-Auto Breaker, Hydro-Hammer (small), Booms and Sweeper, Hoists (tuggers) Stump chipper (large), Boats, Safety, Work Barges and launch)

GROUP V - Shouldering Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt Plants), Air Compressor (300 CFM or over)

GROUP VI - Generators over 150 KW, Pumps over 3", Augers (vertical and horizontal), Combination Small Equipment Operator; Air, Electric Hydraulic Jacks (Slip Form), Compressors (under 300 CFM); Generators (under 150 KW), Pumps (3" and under); winches (small electric), Oiler and Greaser, Boiler Operators (temporary heat), Rotary Drill Helpers, Conveyors, Forklift (12' and under)

[FR Doc. 82 5725 Filed 3-4-82; 8:45 am]

BILLING CODE 4510-27-C

Federal Register

Friday
March 5, 1982

Part III

Office of Personnel Management

Post Employment Conflict of Interest Provisions

**OFFICE OF PERSONNEL
MANAGEMENT**
5 CFR Part 737
**Post Employment Conflict of Interest;
Designation of Certain Positions and
Agencies**

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: The Office of Personnel Management is issuing a final regulation under the Ethics in Government Act of 1978 which (1) designates certain positions subject to the post employment conflict of interest regulations applicable to "Senior Employees," and (2) designates certain statutory and non-statutory agencies/bureaus for the purpose of limiting the application of 18 U.S.C. 207(c).

DATE: Effective Date: March 5, 1982.

ADDRESS: Office of Government Ethics, Room 436H, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Gary Davis or Robert Flynn at (202) 632-7642.

SUPPLEMENTARY INFORMATION:

Subsection 207(d)(1)(C) of title 18 U.S.C., contained in Title V of the Ethics in Government Act of 1978, as amended, ("the Act"), (Pub. L. 95-521), gives the Director of the Office of Government Ethics ("OGE") authority to designate (1) certain employee positions for purposes of the restrictions of 18 U.S.C. subsections 207(b)(ii) and 207(c), and (2) agencies and bureaus, within a parent department or agency, having separate and distinct subject matter jurisdiction; i.e., "separate non-statutory agencies/bureaus." Regulations implementing this authority were published on February 1, 1980 (45 FR 7402). Those regulations designated as "Senior Employees" all employees in a position in any pay system for which the basic rate of pay is equal to or greater than that for GS-17 of the General Schedule, as prescribed by 5 U.S.C. 5332, or positions which are established within the Senior Executive Service (SES) pursuant to the Civil Service Reform Act of 1978, subject to specific exemptions to be made by OGE. The regulations also set forth those separate statutory (18 U.S.C. 207(e)) agencies and bureaus and those separate non-statutory agencies/bureaus (18 U.S.C. 207(d)(1)(C)) as determined by the Director, OGE, to be qualified for designation at the time of publication.

Regarding "Senior Employees" designations, upon review of agency

recommendations, made pursuant to the requirement set forth in 5 CFR 737.25(b)(1), the Director, OGE, determined that only those non-exempted positions, i.e., those subject to the prohibitions of 18 U.S.C. 207 (b)(ii) and (c), would be published in the Federal Register. A partial list of such "designated" positions was contained in the February 1, 1980, Federal Register publication (45 FR 7402). That list was followed by another partial list which was published on February 8, 1980 (45 FR 8544). The 1980 Annual Amendments to the list were published on November 14, 1980 (45 FR 75500). The combined lists represented all 18 U.S.C. 207(d)(1)(C) positions which were not exempted by the Director, OGE. This regulation consolidates and amends the previously published lists and is based upon a review of agency annual submissions made pursuant to 5 CFR 737.25(b)(1). All positions designated pursuant to 5 U.S.C. 207 (d)(1)(C) not previously designated are marked by an asterisk. In accordance with 5 CFR 737.25(d), designation of such positions shall not become effective until the last day of the fifth full calendar month after this publication. Those positions marked by a double asterisk are former Executive level positions which were converted to SES positions. Such positions were designated by law effective July 1, 1980.

Section 737.25 of the final regulations sets forth the standards and procedures to be applied in determining which position shall be designated. OGE also issued a memorandum to heads of departments, independent agencies, commissions and Government corporations/designated agency ethics officials dated April 26, 1979, giving additional information and guidance on this subject. Section 737.11 sets forth the standards and procedures to be applied in determining which separate statutory and non-statutory agencies and bureaus shall be designated.

The Director, OGE, in consultation with each department and agency concerned, has determined that the positions set forth below qualify for designation as "Senior Employee" positions, 5 CFR 737.33 is hereby amended accordingly. The Director has further determined, in consultation with each department or agency concerned, the separate statutory and non-statutory agencies/bureaus set forth below qualify for such designation.

The "Senior Employee" positions listed constitute all such positions designated under the provisions of subsection 207(d)(1)(C) of title 18 U.S.C. for the departments and agencies listed. In accordance with 5 CFR 737.25(d),

subsequent designation of positions within the departments or agencies listed shall not be effective until the last day of the fifth full calendar month after the first publication of a notice by the Director, OGE, of intention to so designate. Such fair notice shall not apply to subsequent designations made under the rule concerning position shifting set forth in 5 CFR 737.25(i).

In several cases, a position in one agency has been designated while a position of similar title in another has not. OGE has, in the exercise of its discretion, accorded some deference to the decision of a department or agency to designate a position where that decision was in favor of designation above minimum OGE standards. As OGE conducted the review necessary for these designations, it became apparent that, because of the subject matter of a department's or agency's business, the gravity of the "revolving door" problems varied significantly from agency to agency. Moreover, positions which were ostensibly similarly titled and described nevertheless had different roles from agency to agency. Also, OGE believes it desirable that the balance between post employment restrictions and impact on recruiting and retention be adjudged on an agency level, as long as minimum standards are met.

Positions automatically designated by 18 U.S.C. 207(d)(1) (A) and (B) are not included in this publication.

This is a final not a proposed regulation. The Director of the Office of Personnel Management, acting pursuant to 5 U.S.C. 553(b)(3)(A), has found good cause for waiving the general notice of proposed rulemaking. This regulation is interpretive in nature, exempt from 5 U.S.C. 553.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with Foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 737—REGULATIONS CONCERNING POST EMPLOYMENT CONFLICT OF INTEREST

Accordingly, the Office of Personnel Management is revising 5 CFR 737.31, 737.32, and 737.33 to read as follows:

§ 737.31 Separate statutory agencies: Designations.

In accordance with the provisions of 18 U.S.C. 207(e) and § 737.13, each of the following departments or agencies is determined, for purposes of 18 U.S.C. 207(c), to have within it separate statutory agencies or bureaus as set forth below:

Parent Agency: DEPARTMENT OF THE TREASURY

Separate Statutory Components:
Bureau of Alcohol, Tobacco and Firearms
Bureau of Engraving and Printing
Bureau of the Mint
Comptroller of the Currency
Internal Revenue Service
United States Customs Service
United States Secret Service

Parent Agency: FEDERAL EMERGENCY MANAGEMENT AGENCY

Separate Statutory Components: United States Fire Administration

Parent Agency: OFFICE OF PERSONNEL MANAGEMENT

Separate Statutory Components: Office of Government Ethics

Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Separate Statutory Components:
Education Division
Food and Drug Administration
Public Health Service
Social Security Administration

Parent Agency: DEPARTMENT OF TRANSPORTATION

Separate Statutory Components:
Federal Aviation Administration
Federal Highway Administration
Federal Railroad Administration
Maritime Commission
National Highway Traffic Safety Administration
Saint Lawrence Seaway Development Corporation
United States Coast Guard
Urban Mass Transportation Administration

Parent Agency: DEPARTMENT OF LABOR

Separate Statutory Components:
Bureau of Labor Statistics
Mine Safety and Health Administration
Occupational Safety and Health Administration

Parent Agency: DEPARTMENT OF JUSTICE

Separate Statutory Components:

Bureau of Prisons (including Federal Prison Industries, Inc.)

Community Relations Service

Drug Enforcement Administration

Federal Bureau of Investigation

Foreign Claims Settlement Commission

*Law Enforcement Assistance Administration

*National Institute of Justice

*Bureau of Justice Statistics

*Office of Justice Assistance, Research and Statistics

Immigration and Naturalization Service

United States Parole Commission

Parent Agency: DEPARTMENT OF DEFENSE

Separate Statutory Components:

Department of the Army

Department of the Navy

Department of the Air Force

Defense Civil Preparedness Agency

Defense Mapping Agency

Parent Agency: DEPARTMENT OF ENERGY

Separate Statutory Components:

Federal Energy Regulatory Commission

Parent Agency: DEPARTMENT OF COMMERCE

Separate Statutory Components:

Economic Development Administration

Patent and Trademark Office

Maritime Administration

National Oceanic and Atmospheric Administration

Bureau of the Census

Parent Agency: NATIONAL CREDIT UNION ADMINISTRATION

Separate Statutory Component:

Central Liquidity Facility

§ 737.32 Separate components of agencies or bureaus: designations.

In accordance with the provisions of 18 U.S.C. 207(d)(1)(C) and § 737.14, each of the component agencies or bureaus as set forth below is determined, for purposes of 18 U.S.C. 207(c) and this Part 737, to be separate from the remaining agencies and bureaus of its parent agency (except such agencies and bureaus as specified):

Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Separate Components:

Health Care Financing Administration

Parent Agency: DEPARTMENT OF TRANSPORTATION

Separate Components:

Alaska Railroad

Parent Agency: DEPARTMENT OF LABOR

Separate Components:

Employment and Training Administration

Employment Standards Administration

Labor-Management Services Administration

Parent Agency: DEPARTMENT OF DEFENSE

Separate Components:

Defense Communications Agency

Defense Intelligence Agency

Defense Nuclear Agency

National Security Agency

*These four components shall not, for purposes of 18 U.S.C. 207(c), be considered separate from one another but only from other separate components of the Department of Justice.

Parent Agency: DEPARTMENT OF STATE

Separate Components:

Foreign Service Grievance Board

International Joint Commission, United States and Canada (American Section)

Parent Agency: DEPARTMENT OF JUSTICE

Separate Components:

Office of United States Attorney (for each judicial district (95))—however, each such Office is not designated as separate from the Office of the U.S. Marshal for the same judicial district.

Office of United States Marshal (for each judicial district (95))—however, each such Office is not designated as separate from the Office of the U.S. Attorney for the same judicial district.

Office of United States Marshal (for each judicial district (95))—however, each such Office is not designated as separate from the Office of the U.S. Attorney for the same judicial district.

Antitrust Division

Civil Rights Division

Land and Natural Resources Division

Tax Division

Civil Division

Criminal Division

Office for Improvements in the Administration of Justice

Parent Agency: DEPARTMENT OF COMMERCE

Separate Components:

International Trade Administration

Minority Business Development Administration

National Telecommunication and Information Administration

Bureau of Industrial Economics

§ 737.33 "Senior Employee" designations.

In accordance with § 737.25(b)(1), the following employee positions have been designated as "Senior Employee" positions for purposes of subsections 207(b)(ii) and (c) of title 18, U.S.C., as amended.¹

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF ADMINISTRATION)

Positions: No Section 207(d)(1)(C) Designations

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (COUNCIL OF ECONOMIC ADVISERS)

Positions: No Section 207(d)(1)(C) Designations

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (COUNCIL ON ENVIRONMENTAL QUALITY)

Positions:

GS-18 General Counsel

GS-18 Executive Director

¹ All positions designated pursuant to section 207(d)(1)(C) not previously designated are marked by an asterisk (*). Those positions marked by a double asterisk (**) are former Executive level positions which were converted to SES positions. Positions automatically designated by section 207(d)(1)(A) and (B) are not shown.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (PRESIDENT'S COMMISSION ON EXECUTIVE EXCHANGE)

Positions: No Section 207(d)(1)(C) Designations

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF MANAGEMENT AND BUDGET)

Positions:

SES General Counsel
 SES *Assistant Administrator, Office of Information and Regulatory Affairs
 SES *Assistant Administrator for Regulations, Office of Information and Regulatory Affairs
 SES Deputy Associate Director, Intergovernmental Affairs
 SES *Deputy Associate Director, Organization Studies
 SES *Deputy Assistant Administrator, Statistical Policy
 SES *Deputy Assistant Director for Evaluation
 SES Deputy Assistant Director for Budget Review
 SES Deputy Associate Director for International Affairs
 SES Deputy Associate Director for National Security
 SES Deputy Associate Director for Management, National Security and International Affairs
 SES Deputy Associate Director for Health and Income Maintenance
 SES Deputy Associate Director for Transportation, Commerce and Housing
 SES Deputy Associate Director for Natural Resources
 SES Deputy Associate Director for Energy and Science
 SES Assistant Director for Public Affairs
 SES Assistant Director for Civil Rights
 SES Assistant Director for Administration
 SES Assistant Director for Legislative Affairs
 SES *Deputy Assistant Director for Legislative Affairs
 SES Deputy Assistant Director for Legislative Reference
 SES Deputy Assistant Director for Economic Policy
 SES Chief, Financial Management Branch, Budget Review
 SES Chief, Fiscal Analysis Branch, Budget Review
 SES Deputy Chief, International Affairs Division
 SES Deputy Chief, National Security Division
 SES Deputy Associate Director for Management, National Security and International Affairs
 SES Deputy Associate Director for Labor, Veterans and Education
 SES Deputy Division Chief (Labor), Labor, Veterans and Education
 SES Deputy Associate Director for Management, Human Resources, Veterans and Labor
 SES Deputy Associate Director for Justice, Treasury and General Management
 SES Deputy Associate Director for Management, Economics and Government

SES Deputy Division Chief, Energy and Science
 SES Deputy Associate Director for Management, Natural Resources, Energy and Science
 SES Deputy General Counsel
 SES Executive Director, President's Commission on National Agenda for the 1980's
 SES Executive Associate Director
 SES Administrator, Office of Information and Regulatory Affairs
 SES Associate Director, Management
 SES Associate Director, National Security and International Affairs
 SES Associate Director, Human Resources, Veterans and Labor
 SES Associate Director, National Resources, Energy and Science
 SES Associate Director, Economics and Government
 SES Assistant Director, Economic Policy
 SES Assistant Director, Budget Review
 SES Assistant Director, Legislative Reference
 SES Assistant Director, Management Improvement and Evaluation
 SES Assistant Director, Federal Personnel Policy
 SES *Special Counsel for Policy Analysis and Law

OFFICE OF FEDERAL PROCUREMENT POLICY

SES Associate Administrator for Systems and Technology
 SES Associate Administrator for Regulations and Procedure
 SES Associate Administrator for Acquisition Law
 SES Assistant Administrator for Commercial Products
 SES Director, Federal Acquisition Institute
 SES *Principle Associate Administrator for Procurement
 SES Chief, Veterans Affairs Branch, Labor, Veterans and Education Division
 SES Chief, Education Branch, Labor, Veterans, and Education Division
 SES Chief, Commerce Branch, Transportation, Commerce, and Housing Division
 SES Chief, Transportation Branch, Transportation, Commerce, and Housing Division
 SES Chief, Housing and Urban Development Branch, Transportation, Commerce, and Housing Division
 SES Chief, Justice Treasury Branch, Justice Treasury, General Management Division
 SES Chief, General Management Branch, Justice Treasury, General Management Division
 SES Chief, Interior Branch, Natural Resources Division
 SES Chief, Water Resources Branch, Natural Resources Division
 SES Chief, Environmental Branch, Natural Resources Division
 SES Chief, Agriculture Branch, Natural Resources Division
 SES Chief, Science and Space Programs, Energy and Science Division
 SES Chief, Energy Conservation and Regulation Branch, Energy and Science Division

SES Chief, Energy Technology Branch, Energy and Science Division

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (NATIONAL SECURITY COUNCIL)

Positions:

GS-18 *Special Assistant to the President for National Security Affairs
 GS-18 *Director, Planning and Evaluation Division
 GS-18 Staff Member (Foreign Affairs) (2)
 GS-18 Staff Member (Foreign Affairs Officer)
 GS-17 Staff Member (Foreign Affairs) (2)
 SES-4 *Staff Director
 GS-18 *Director, Intelligence Division
 FSR-1 Staff Member (Foreign Affairs)
 FSIO-1 Staff Member (Foreign Affairs)
 O-8 *Military Assistant to the Assistant to the President for National Security Affairs

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF SCIENCE AND TECHNOLOGY POLICY)

Positions: No Section 207(d)(1)(C) Designations

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS)

Positions:

SES General Counsel
 SES Deputy General Counsel
 SES Assistant U.S. Trade Representative—Agricultural Affairs and Commodity Policy
 SES Assistant U.S. Trade Representative—Energy Policy
 SES Assistant U.S. Trade Representative—Industrial Policy
 SES Assistant U.S. Trade Representative—Policy Development
 SES Deputy Assistant U.S. Trade Representative—Policy Development
 SES Director, Computer Operations
 SES Assistant U.S. Trade Representative—Japan and LDC Affairs
 SES Deputy Assistant U.S. Trade Representative—Japan and LDC Affairs
 SES Assistant U.S. Trade Representative—East-West and Developed Country Affairs
 SES Assistant U.S. Trade Representative—Interagency Coordination
 SES Deputy Assistant U.S. Trade Representative—Interagency Coordination
 SES Assistant U.S. Trade Representative—GATT Affairs
 SES Chief, Textile Negotiator
 SES Deputy Assistant U.S. Trade Representative—GATT Affairs
 SES Deputy Assistant U.S. Trade Representative—Industrial Trade Policy

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES)

Positions:

AD Chief of Staff
 AD Counsel to the Vice President

AD Assistant to the Vice President for National Security Affairs
 AD Assistant to the Vice President and Press Secretary
 AD Assistant to the Vice President for Domestic Policy
 AD Assistant to the Vice President for Scheduling and Appointments

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (THE WHITE HOUSE OFFICE)

Positions: No Section 207(d)(1)(C) Designations

AGENCY: DEPARTMENT OF AGRICULTURE

Positions:

OFFICE OF THE SECRETARY

SES Assistant Secretary for Administration
 SES Executive Assistant to the Secretary
 SES Deputy Assistant Secretary for Food and Consumer Services
 SES Deputy Assistant Secretary for Natural Resources and Environment
 SES Deputy Under Secretary for Small Community and Rural Development
 SES Deputy Under Secretary for International Affairs
 SES Deputy Under Secretary for Commodity Programs
 SES Deputy Assistant Secretary for Marketing and Transportation Services
 SES Deputy Assistant Secretary for Economics
 SES Special Assistant for International Scientific and Technical Cooperation

OFFICE OF THE INSPECTOR GENERAL

SES Deputy Inspector General
 GS-17 Assistant Inspector General for Auditing
 SES Assistant Inspector General for Investigations
 SES *Assistant Inspector General for Planning, Research and Evaluation
 SES Deputy Assistant Inspector General for Auditing
 SES Deputy Assistant Inspector General for Investigations

OFFICE OF GOVERNMENTAL AND PUBLIC AFFAIRS

SES Associate Director

OFFICE OF THE GENERAL COUNSEL

SES Deputy General Counsel

OFFICE OF ADMINISTRATIVE LAW JUDGES

No Section 207(d)(1)(C) Designations

OFFICE OF PERSONNEL

SES Director

OFFICE OF EQUAL OPPORTUNITY

No Section 207(d)(1)(C) Designations

OFFICE OF OPERATIONS AND FINANCE

SES Director
 SES Director, National Finance Center

OFFICE OF BUDGET, PLANNING AND EVALUATION

SES Director

WORLD FOOD AND AGRICULTURAL OUTLOOK AND SITUATION BOARD

SES Chairperson

ECONOMICS AND STATISTICS SERVICES

SES Administrator
 SES Deputy Administrator for Statistics
 SES Deputy Administrator for Economics

AGRICULTURAL COOPERATIVES SERVICE

SES Administrator

RURAL ELECTRIFICATION ADMINISTRATION

SES Deputy Administrator

FARMERS HOME ADMINISTRATION

SES Associate Administrator
 SES Deputy Administrator, Financial and Administrative Operations
 SES Deputy Administrator, Rural Development
 SES Deputy Administrator, Farm and Family Programs
 SES Associate Administrator for Rural Development Policy Management and Coordination

SCIENCE AND EDUCATION ADMINISTRATION

SES Director
 SES Associate Director
 SES Administrator, Human Nutrition Center
 SES Associate Administrator, Human Nutrition Center
 SES Assistant Director for Special Programs
 SES *Deputy Chief for Planning and Evaluation
 SES Administrator, Extension
 SES Associate Administrator, Extension
 SES Administrator, Cooperative Research
 SES Associate Administrator, Cooperative Research
 SES Deputy Director for Administrative Management
 SES Administrator, Agricultural Research
 SES Associate Administrator, Agricultural Research

SOIL CONSERVATION SERVICE

SES Chief
 SES Associate Chief
 SES Deputy Chief for Administration
 SES Deputy Chief for Natural Resource Assessments
 SES Deputy Chief for Technology Development and Application
 SES *Deputy Chief for State and Local Operations
 SES *Deputy Chief for Natural Resource Projects
 SES *Deputy Chief for Planning and Evaluation

FOREST SERVICE

SES Chief
 SES Associate Chief
 SES Deputy Chief for Administration
 SES Deputy Chief for Research
 SES Associate Deputy Chiefs for Research (2)
 GS-18 Deputy Chief, National Forest System
 SES Associate Deputy Chiefs, National Forest System (2)

SES Deputy Chief, State and Private Forestry
 GS-17 Associate Deputy Chief, State and Private Forestry
 GS-18 Deputy Chief for Programs and Legislation
 GS-17 Associate Deputy Chief for Programs and Legislation

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SES Administrator
 SES Associate Administrator
 SES Deputy Administrator, State and County Operations
 SES Deputy Administrator, Management
 SES Deputy Administrator, Commodity Operations

FEDERAL CROP INSURANCE CORPORATION

SES Manager
 SES Deputy Manager

FOREIGN AGRICULTURAL SERVICE

SES Administrator
 SES Associate Administrator
 SES Deputy Assistant Administrator, Commodity Programs
 SES Associate Administrator and General Sales Manager

FOOD SAFETY AND QUALITY SERVICE

SES Administrator
 SES Associate Administrator
 SES Deputy Administrator, Commodity Services
 SES Deputy Administrator, Meat and Poultry Inspection, Field Operations
 SES Deputy Administrator, Administrative Management

FOOD AND NUTRITION SERVICE

SES Administrator
 SES Associate Administrator

AGRICULTURAL MARKETING SERVICE

SES Administrator
 SES Deputy Administrator, Marketing Program Operations
 SES Deputy Administrator, Packers and Stockyards

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SES Administrator
 SES Associate Administrator
 SES Deputy Administrator, Veterinary Services
 SES Deputy Administrator, Plant Protection and Quarantine
 SES Deputy Administrator for Management

FEDERAL GRAIN INSPECTION SERVICE

SES Deputy Administrator, Program Operations

AGENCY: DEPARTMENT OF COMMERCE

Positions:

OFFICE OF THE SECRETARY

SES Counsellor to the Secretary
 SES Special Assistants to the Secretary (2)
 SES Special Assistant Secretary for Regional Development

- SES *Deputy Commissioner General of Section
SES Chairperson, Federal Regional Council, Region VI
- Office of the Deputy Secretary**
SES *Special Assistant to the Deputy Secretary
- Office of the Associate Deputy Secretary**
SES *Associate Deputy Secretary for Strategic Policy and Planning
SES Associate Deputy Secretary
- Office of Congressional Affairs**
SES Deputy Assistant Secretary
SES *Deputy Assistant Secretary
- Office of Public Affairs**
SES Director
SES Deputy Director
- Office of General Counsel**
SES Deputy General Counsel
- Office of Assistant Secretary for Tourism**
SES Deputy Assistant Secretary
- Minority Business Development Agency**
SES Director
SES Deputy Director
SES Associate Director for Policy and Market Development
- Office of Assistant Secretary for Administration**
SES *Deputy Assistant Secretary for Operations
SES *Deputy Assistant Secretary for Resources Management
SES Director, Office of Budget
SES *Deputy Assistant Secretary for Acquisition, Grants and Information
- Office of the Chief Economist**
SES Chief Economist
SES Deputy Chief Economist
SES Director, Office of Federal Statistical Policy and Standards
- Bureau of Industrial Economics**
SES Director
SES Deputy Director
- Bureau of Economic Analysis**
SES Director
SES Deputy Director
- Office of Assistant Secretary for Productivity, Technology and Innovation**
SES Deputy Assistant Secretary
- Office of Environmental Affairs**
SES Deputy Assistant Secretary
- Office of Product Standards**
SES Deputy Assistant Secretary
- National Technical Information Service**
SES Director
SES Deputy Director
- NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION**
SES Deputy Assistant Secretary
SES Deputy Administrator for Operations
- Office of Planning and Policy Coordination**
SES Chief Counsel
- Office of International Affairs**
SES Director
- Office of Federal Systems and Spectrum Management**
SES Associate Administrator
SES Deputy Associate Administrator
- Office of Policy Analysis and Development**
SES Associate Administrator
SES Deputy Associate Administrator
- Office of Telecommunications Applications**
SES Associate Administrator
SES *Deputy Associate Administrator
- Institute for Telecommunications Sciences**
SES Associate Administrator
SES Deputy Associate Administrator
- BUREAU OF THE CENSUS**
SES Deputy Director
- Demographic Fields**
SES Associate Director
- Information Technology**
SES Associate Director
- Statistical Standards and Methodology**
SES Associate Director
- Field Operations**
SES Associate Director
- Economic Fields**
SES Associate Director
- ECONOMIC DEVELOPMENT ADMINISTRATION**
SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Development Finance
- Office of Chief Counsel**
SES Chief Counsel
- Office of Special Projects**
SES Director
- Economic Development Policy and Planning**
SES Deputy Assistant Secretary
- Economic Development Operations**
SES Deputy Assistant Secretary
- Office of Public Works**
SES Director
- INTERNATIONAL TRADE ADMINISTRATION**
SES Deputy Under Secretary
SES *Director General of the Foreign Commercial Service
- Office of the Assistant Secretary for International Economic Policy**
SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Textiles and Apparel
SES Deputy Assistant Secretary for Trade Agreements
SES Deputy Assistant Secretary for Finance, Investment and Services
- SES Deputy Assistant Secretary for Policy Planning and Analysis
- Office of the Assistant Secretary for Trade Administration**
SES Deputy Assistant Secretary for Import Administration
SES Deputy to the Deputy
SES Deputy Assistant Secretary
SES Deputy to the Deputy Assistant Secretary
- Office of the Assistant Secretary for Trade Development**
SES Deputy Assistant Secretary (2)
SES Deputy Assistant Secretary for U.S. Commercial Service
SES Deputy to the Deputy Assistant Secretary
SES Deputy Assistant Secretary for East-West Trade
- MARITIME ADMINISTRATION**
SES Deputy Assistant Secretary
SES *Assistant Administrator for Marketing and Domestic Enterprise
- Office of the General Counsel**
SES General Counsel
SES Deputy General Counsel
- Policy and Administration**
SES Assistant Administrator
- Maritime Aids**
SES Assistant Administrator
SES Deputy Assistant Administrator for Maritime Aids (Trade)
SES Deputy Assistant Administrator for Maritime Aids (Finance)
- Assistant Secretary for Maritime Affairs**
SES Assistant Administrator for Shipbuilding and Ship Operations
SES Director, Office of Ship Operations
SES Director, Office of Ship Construction
SES Director, Office of Shipbuilding Costs
- Research Development**
SES Assistant Administrator
SES Deputy Assistant Administrator
- U.S. Merchant Marine Academy**
SES Superintendent
- NATIONAL BUREAU OF STANDARDS**
SES Deputy Director
SES Associate Director for International Affairs
- Office of Associate Director for Programs, Budget and Finance**
SES Director, Planning Office
- National Measurement Laboratory**
SES Director
SES Deputy Director for Resources and Operations
- National Engineering Laboratory**
SES Director
SES Deputy Director
- Institute for Computer Sciences and Technology**
SES Director
SES Deputy Director

SES Associate Director for Automatic Data Processing Standards

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

GS-17 Special Counsel for Law of the Sea

Office of the General Counsel

SES General Counsel

Office of Policy and Planning

SES Assistant Administrator

Coastal Zone Management

SES Assistant Administrator

National Marine Fisheries Service

SES Assistant Administrator for Fisheries

SES Deputy Assistant Administrator

Office of Research and Development

SES Assistant Administrator for Research and Development

Environmental Research Laboratories

SES Director

Office of Sea Grants

SES Director

Oceanic and Atmospheric Services

SES Assistant Administrator

SES Deputy Assistant Administrator

National Weather Service

SES Director

SES Deputy Director

National Ocean Survey

07-08 Director

SES Deputy Director

Environmental Data and Information Service

SES Director

SES Deputy Director

National Earth Satellite Service

SES Assistant Administrator

SES Deputy Assistant Administrator

SES Deputy Director

NOAA CORPS

07-08 Director

PATENT AND TRADEMARK OFFICE

GS-18 Deputy Commissioner

Office of Assistant Commissioner for Patents

GS-18 Assistant Commissioner

SES Deputy Assistant Commissioner

Office of Assistant Commissioner for Trademarks

GS-17 Assistant Commissioner

SES Deputy Assistant Commissioner

Office of the Solicitor

SES Solicitor

SES Deputy Solicitor

AGENCY: DEPARTMENT OF DEFENSE

Positions:

Office of the Secretary of Defense

SES *The Executive Assistant to the Deputy Secretary of Defense

SES *The Special Assistant to the Secretary and Deputy Secretary of Defense

SES *Inspector General for Defense Intelligence

U.S. Mission to NATO and International Military Activities Staff

SES *Defense Advisor, U.S. Mission to NATO

SES *Deputy Defense Advisor for Research Engineering and Acquisition

SES *Director, Defense Plans Division

SES *Director, Communications and Electronics Division

Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)

SES Principal Deputy Assistant Secretary

SES Special Assistant for Weapons Support

SES Senior Advisor to ASD (MRA&L) and Director, Office of Economic Adjustment (OEA)

SES Deputy Director, OEA

SES Deputy Assistant Secretary, Equal Opportunity

SES Director for Equal Opportunity (Military)

SES Director for Equal Opportunity (Civilian)

SES Deputy Assistant Secretary, Program Management

SES Staff Director, Program Management (PM)

SES Director for Department of Defense Dependent Schools

SES Deputy Assistant Secretary, Supply, Maintenance, and Transportation (SM&T)

SES Director for Supply Management Policy (SM&T)

SES Director for Transportation and Distribution Policy (SM&T)

SES Director for Maintenance Policy (SM&T)

SES Deputy Assistant Secretary, Installation & Housing (I&H)

SES Director for Installation Management and Planning (I&H)

SES Director for Construction Standards and Design (I&H)

SES Director for Facilities Programming (I&H)

O-7 Director for Construction Operations & Facilities Management (I&H)

SES Special Assistant to the DASD, Reserve Affairs

O-8 Deputy Assistant Secretary, Military Personnel Policy (MP)

SES Deputy Assistant Secretary, Civilian Personnel Policy (CP)

SES Director for Compensation & Position Management (CP)

SES Director for Staffing and Career Management (CP)

SES Director for Labor/Management Relations (CP)

SES Director, Overseas & Nonappropriated Funds Personnel Policy (CP)

SES Deputy Assistant Secretary, Energy, Environment, and Safety (EES)

SES Director for Energy Policy (EES)

SES Director for Safety and Occupation Health Policy (EES)

SES Deputy Assistant Secretary, Requirements, Resources & Analysis (RRA)

SES Director for Resource Management and Analysis (RRA)

SES Director for Logistics Programs, Budget & Analysis (RRA)

SES Director for Research & Data (RRA)

SES Director for International Logistics & Support Analysis (RRA)

SES Director, Special Projects

SES Director, Organizational Programs

Under Secretary of Defense (Policy)

SES Deputy Under Secretary of Defense (Policy), OUSD/P

SES Principal Deputy Assistant Secretary of Defense, International Security Affairs

FSO Deputy Assistant Secretary of Defense, Inter-American Affairs, OASD/ISA

SES Deputy Assistant Secretary of Defense, European & NATO Affairs, OASD/ISA

SES Deputy Assistant Secretary of Defense, East Asia & Pacific Affairs, OASD/ISA

SES Deputy Assistant Secretary of Defense, Near Eastern, African and South Asian Affairs, OASD/ISA

SES Deputy Assistant Secretary of Defense, International, Economic and Energy Affairs, OASD/ISA

O-8 Director, Near Eastern & South Asian Region, OASD/ISA

SES Director, Foreign Military Rights Affairs, OASD/ISA

SES Director, Africa Region, OASD/ISA

SES Director, International Economic and Energy Affairs, OASD/ISA

O-8 Director, European and NATO Affairs, OASD/ISP

O-8 Principal Deputy Assistant Secretary of Defense, (International Security Policy)

SES Director, General Purposes Forces Policy, OASD/ISA

SES Director, Theater Nuclear Policy, OASD/ISP

SES Director, Strategic Force Policy OASD/ISP

SES Deputy Director, DOD SALT Task Force, OASD/ISP

SES Deputy Director, Policy and Plans, OASD/ISA

O-8 Director, Intelligence and Space Policy, ODUSD/P

SES Assistant Deputy Under Secretary of Defense (Policy), ODUSD/P

SES Director for Communications, Command and Control Policy, ODUSD/P

SES *Director, Information Security, ODUSD/P

SES Director for Counterintelligence and Security Policy, ODUSD/P

SES Director, Net Assessment

SES Deputy Director, Net Assessment

SES *Director, Defense Security Assistance Agency

O-8 Deputy Director, DSAA

SES Comptroller, DSAA

SES *Deputy Comptroller, DSAA

SES Director, Security Assistance Operations, DSAA

SES Director, Security Assistance Policy and Plans, OASD/ISA

SES *Deputy Assistant Secretary, International Economics, Trade and Security Policy, OASD/ISP

SES *Assistant Deputy Director for Strategic Systems and Senior OSD Advisor (SALT Overseas Element), DOD SALT Task Force, OASD/ISP

- SES *Director, MBFR Task Force, OASD/ISP
- SES *SECDEF Representative, MBFR Negotiations, OASD/ISP
- SES *Deputy Director, EUR/NATO Affairs, OASD/ISP
- SES *Director, Counterintelligence and Investigative Programs, ODUSD/P
- SES *Director, Special Advisory Staff, ODUSD/P
- SES *Deputy Assistant Secretary, Inter-American Affairs, OASD/ISA
- Assistant Secretary of Defense (Comptroller)**
- SES Principal Deputy Assistant Secretary (Comptroller)
- SES Deputy Assistant Secretary (Program Budget)
- SES Director for Program and Financial Control
- SES Director for Construction
- SES Director for Procurement
- SES Director for Research and Development
- SES Director for Operations
- SES Deputy Assistant Secretary (Management Systems)
- SES Principal Assistant to Deputy Assistant Secretary (Management Systems)
- SES Director for Accounting Policy
- SES Deputy Assistant Secretary (Audit)
- SES Director, Defense Audit Service
- SES Deputy Controller for Audit Policy
- SES Deputy Assistant Secretary (Administration), Director Washington Headquarters Services
- SES Director for Data Automation
- SES Director for Management Information Control and Analysis
- SES Director for Banking, International Financial and Professional Development
- SES *Director, Organizational and Management Planning, DASD/ADMIN
- Assistant Secretary of Defense (Program Analysis and Evaluation)**
- SES Principal Deputy Assistant Secretary (Program Analysis and Evaluation)
- SES Deputy Assistant Secretary (General Purpose Programs)
- SES Deputy Assistant Secretary (Strategic Programs)
- SES Deputy Assistant Secretary (Regional Programs)
- SES Deputy Assistant Secretary (Resource Analysis)
- SES Director, Land Forces Division
- SES Director, Mobility Forces Division
- SES Director, Naval Forces Division
- SES Director, Tactical Air Division
- SES Director, Asia Division
- SES Director, Europe Division
- SES Director, Special Regional Studies Division
- SES Director, Cost and Economic Analysis Division
- SES Director, Strategic Offensive Forces and Arms Limitations Division
- SES Director, Strategic Defensive and Theater Nuclear Forces Division
- Assistant Secretary of Defense (Public Affairs)**
- SES Principal Deputy Assistant Secretary (Public Affairs)
- O-8 Deputy Assistant Secretary (Public Affairs)
- SES Director, American Forces Information Service
- SES Director for Freedom of Information and Security Review
- Assistant to the Secretary of Defense (Atomic Energy)**
- O-8 Deputy Assistant (Atomic Energy), (Military Applications)
- SES Deputy Assistant (Atomic Energy), (Assessment)
- SES *Deputy Assistant (Atomic Energy), (Long Range Resource Planning)
- Assistant Secretary of Defense (Health Affairs)**
- SES Principal Deputy Assistant Secretary of Defense (Health Affairs)
- O-8 Deputy Assistant Secretary (Health Resources & Programs)
- O-7 Deputy Assistant Secretary (Drug and Alcohol Abuse Prevention)
- SES *Deputy Assistant Secretary (Health Systems)
- SES *Director, Office of Civilian Health and Medical Program of the Uniformed Services
- Defense Advanced Research Projects Agency**
- SES *Director, Defense Advanced Research Projects Agency
- SES Director, Tactical Technology Office
- SES *Deputy Director, Defense Advanced Research Projects Agency
- SES Director, Strategic Technology Office
- SES Director, Information Processing Techniques Office
- SES Director, Directed Energy Office
- Joint Chiefs of Staff**
- O-7/O-8 Vice Director, Joint Staff
- O-7/O-8 Vice Director, Plans and Policy Directorate
- O-7/O-8 Deputy Director for Tactical Theater Systems, Command Control and Communications Systems Directorate
- Under Secretary of Defense for Research and Engineering and Assistant Secretary of Defense (Communications, Command, Control and Intelligence)**
- SES *Staff Specialist for International Programs and Policy
- SES Deputy Under Secretary R&E (Acquisition Policy)
- SES Deputy Under Secretary R&E (International Programs and Technology)
- SES Deputy Under Secretary R&E (Research and Advanced Technology)
- SES Deputy Under Secretary R&E (Strategic and Space Systems)
- SES Deputy Under Secretary R&E (Tactical Warfare Programs)
- SES Director, Defense Test & Evaluation
- SES *Director, Material Acquisition Policy
- SES *Deputy Director, Production Resources
- SES *Director, Contracts and Systems Acquisition
- SES *Deputy Director, Defense Acquisition Regulatory System
- SES *Deputy Director, Major Systems Acquisition
- SES *Director, Electronics and Physical Sciences
- SES *Director, Engineering Technology
- SES *Director, Directed Energy Programs
- SES *Director, Defensive Systems
- SES *Director, Cruise Missile Systems
- SES *Director, Offensive and Space Systems
- SES *Director, Office of Land Warfare
- SES *Director, Naval Warfare
- SES *Director, Office of Air Warfare
- SES *Deputy Director for Test Facilities and Resources
- SES *Director, Technology Trade
- SES *Director, Technology Export
- SES *Director, for NATO/European Affairs
- SES *Deputy Under Secretary of Defense R&E (Communications, Command, Control and Intelligence)
- SES *Deputy Assistant Secretary (Communications, Command and Control)
- SES *Deputy Assistant Secretary (Technical Policy and Operations)
- SES *Director, Communications Systems
- SES *Deputy Assistant Secretary (Intelligence)
- SES *Director, National Intelligence Systems
- SES *Director, Theater and Tactical Communications, Command and Control
- SES *Director, Electronic Warfare and C³ Countermeasures
- SES *Staff Specialist for WWMCCS and Other C³ Systems Architecture
- SES *Director, Systems Research and Evaluation
- SES *Director, C³ Resources
- SES *Director, Tactical Intelligence Systems
- SES *Director, Information Systems
- Office of Small Business and Economic Utilization Policy**
- SES *Director, Small and Disadvantaged Business Utilization
- SES *Director, Disadvantaged Business Utilization Policy
- SES *Director, Small Business and Economic Utilization Policy
- Washington Headquarters Services**
- SES *Director, Space Management and Services
- SES *Director, Information, Operations and Reports
- SES *Director, Personnel and Security
- SES *Director, Budget and Finance
- DEFENSE AUDIT SERVICE**
- SES *Deputy Director
- DEFENSE CONTRACT AUDIT AGENCY**
- SES *Director
- SES *Deputy Director
- AGENCY: DEPARTMENT OF THE AIR FORCE**
- Positions:
- Civilian**
- OFFICE OF THE SECRETARY OF THE AIR FORCE**
- Under Secretary of the Air Force**
- SES Deputy Under Secretary of the Air Force (Space Systems)
- Assistant Secretary of the Air Force (Financial Management)**
- SES Principal Deputy Assistant Secretary of the Air Force (Financial Management)

SES Principal Deputy Assistant Secretary for Programs and Budget
 SES *Deputy for Data Automation
 SES Deputy for Financial Systems and Analysis
 SES The Auditor General
 SES Director of Acquisition and Logistics Systems, Air Force Audit Agency

Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations)

SES *Principal Deputy Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations)
 SES Principal Deputy Assistant Secretary for Installations
 SES Principal Deputy Assistant Secretary for Manpower Resources and Military Personnel
 SES Deputy Assistant Secretary (Reserve Affairs)

Assistant Secretary of the Air Force (Research, Development and Logistics)

SES Principal Deputy Assistant Secretary of the Air Force (Research, Development and Logistics)
 SES Deputy Assistant Secretary for Logistics
 SES Deputy Assistant Secretary for Programs and Acquisitions
 SES Deputy for Acquisition
 SES Deputy for Programs and Production
 SES Deputy for Supply and Maintenance
 SES Deputy for Transportation and Civil Aviation

Administrative Assistant to the Secretary of the Air Force

SES Administrative Assistant to the Secretary of the Air Force

General Counsel

SES The General Counsel
 SES Deputy General Counsel
 SES Assistant General Counsel, Procurement

Office of Space Systems

SES Director, Office of Space Systems

COMPTROLLER OF THE AIR FORCE

SES Deputy Comptroller of the Air Force
 SES Assistant Director, Budget
 SES Deputy Director, Air Force Accounting and Finance Center

DEPUTY CHIEF OF STAFF, LOGISTICS AND ENGINEERING

SES Associate Director, Engineering and Services
 SES Associate Director, Logistics Plans and Programs
 SES *Deputy Director, Air Force Commissary Service

DEPUTY CHIEF OF STAFF, MANPOWER AND PERSONNEL

SES Deputy Assistant Secretary (Civilian Personnel Policy); and Director of Civilian Personnel

DEPUTY CHIEF OF STAFF, RESEARCH, DEVELOPMENT AND ACQUISITION

SES Director, Office of Small and Disadvantaged Business Utilization

SES Associate Director, Contracting and Manufacturing Policy

AIR FORCE LOGISTICS COMMAND

SES Chairperson, Air Force Logistics Command Procurement Committee
 SES Director, Materiel Requirements and Financial Resource Management
 SES Assistant Deputy Chief of Staff, Logistics Operations
 SES Assistant Deputy Chief of Staff, Maintenance
 SES Assistant Deputy Chief of Staff, Plans and Programs
 SES Assistant Deputy Chief of Staff, Procurement and Production
 SES Deputy for Contracting and Manufacturing, Air Force Acquisition Logistics Division
 SES Deputy Director, Materiel Management, Ogden Air Logistics Center
 SES Deputy Director, Materiel Management, Oklahoma City Air Logistics Center
 SES Deputy Director, Materiel Management, Sacramento Air Logistics Center
 SES Deputy Director, Materiel Management, San Antonio Air Logistics Center
 SES Deputy Director, Materiel Management, Warner Robins Air Logistics Center

AIR FORCE SYSTEMS COMMAND (AFSC)

Headquarters AFSC

SES Principal Assistant Deputy Chief of Staff, Contracting and Manufacturing
 SES Chairman, Contract Review Committee
 SES Director of Manufacturing

Aeronautical Systems Division

SES Assistant Deputy for Contracting and Manufacturing

Electronics Systems Division

SES Assistant Deputy for Contracting and Manufacturing
 SES Deputy for Technical Operations

Space Division

SES Assistant Deputy for Contracting and Manufacturing

AIR FORCE WEAPONS LABORATORY

SES Research and Development Executive (Director, AFWL)

AIR FORCE WRIGHT AERONAUTICAL LABORATORIES

Air Force Materials Laboratory

SES Research and Development Executive (Director, AFML)

AIR FORCE OFFICE OF SCIENTIFIC RESEARCH

SES Research and Development Executive (Director, AFOSR)
 SES Director, Aerospace Sciences
 SES Director, Chemical Sciences
 SES Director, Electronics and Solid State Sciences
 SES Director, Life Sciences
 SES Director, Mathematical and Information Sciences

Military

OFFICE OF THE SECRETARY OF THE AIR FORCE

O-7/O-8 Commander, Air Force Audit Agency; and Deputy Auditor General
 O-7/O-8 Director of Special Projects; and Deputy Commander for Space Operations, Space Division (AFSC)

OFFICE OF AIR FORCE RESERVE

O-7/O-8 Chief of Air Force Reserve; and Commander, Air Force Reserve

NATIONAL GUARD BUREAU

O-7/O-8 Director, Air National Guard

ASSISTANT CHIEF OF STAFF, STUDIES AND ANALYSIS

O-7/O-8 Assistant Chief of Staff, Studies and Analysis

OFFICE OF THE JUDGE ADVOCATE GENERAL

O-7/O-8 The Judge Advocate General; and Commander, Air Force Legal Services Center
 O-7/O-8 Deputy Judge Advocate General

COMPTROLLER OF THE AIR FORCE

O-7/O-8 Director, Budget
 O-7/O-8 Deputy Director, Budget
 O-7/O-8 Commander, Air Force Accounting and Finance Center; Assistant Comptroller for Accounting and Finance; and Assistant Director, Security Assistance Accounting, Defense Security Assistance Agency

DEPUTY CHIEF OF STAFF, LOGISTICS AND ENGINEERING

O-7/O-8 Director, Logistics Plans and Programs
 O-7/O-8 *Deputy Director, Logistics Plans and Programs
 O-7/O-8 Director, Engineering and Services
 O-7/O-8 *Director, Regional Engineer, M-X
 O-7/O-8 Director, Transportation
 O-7/O-8 Commander, Air Force Commissary Service

DEPUTY CHIEF OF STAFF, PROGRAMS AND EVALUATION

O-7/O-8 *Assistant Deputy Chief of Staff, Programs and Evaluation
 O-7/O-8 Director, Programs
 O-7/O-8 Director, International Programs

DEPUTY CHIEF OF STAFF, RESEARCH, DEVELOPMENT AND ACQUISITION

O-7/O-8 Assistant Deputy Chief of Staff, Research, Development and Acquisition
 O-7/O-8 Director, Space Systems and Command, Control, Communications
 O-7/O-8 Director, Contracting and Manufacturing Policy
 O-7/O-8 Director, Development and Production
 O-7/O-8 Special Assistant for M-X Matters

DEPUTY CHIEF OF STAFF, PLANS AND OPERATIONS

O-7/O-8 Director, Plans

**AIR FORCE COMMUNICATIONS
COMMAND**

O-7/O-8 Commander, Air Force
Communications Command

AIR FORCE LOGISTICS COMMAND

O-7/O-8 Chief of Staff
O-7/O-8 Deputy Chief of Staff, Contracting
and Manufacturing
O-7/O-8 Deputy Chief of Staff, Logistics
Operations
O-7/O-8 Deputy Chief of Staff,
Maintenance
O-7/O-8 Deputy Chief of Staff, Plans and
Programs
O-7/O-8 Staff Judge Advocate
O-7/O-8 Vice Commander, Air Force
Acquisition Logistics Division
O-7/O-8 Commander, Air Force Logistics
Command International Logistics Center;
and Assistant for International Logistics
O-7/O-8 Commander, Ogden Air Logistics
Center
O-7/O-8 Commander, Oklahoma City Air
Logistics Center
O-7/O-8 Commander, Sacramento Air
Logistics Center
O-7/O-8 Commander, San Antonio Air
Logistics Command
O-7/O-8 Commander, Warner Robins Air
Logistics Center

AIR FORCE SYSTEMS COMMAND

O-7/O-8 Deputy Chief of Staff, Contracting
and Manufacturing
O-7/O-8 Deputy Chief of Staff, Systems
O-7/O-8 Director, Laboratories
O-7/O-8 Staff Judge Advocate
O-7/O-8 Vice Commander, Aeronautical
Systems Division (ASD)
O-7/O-8 Deputy for Airlift and Trainer
Systems; and C-X System Program
Director, ASD
O-7/O-8 *Deputy for Tactical Systems,
ASD
O-7/O-8 Deputy for F-16, ASD
O-7/O-8 Vice Commander, Electronics
Systems Division (ESD)
O-7/O-8 Deputy for Airborne Warning and
Control Systems, ESD
O-7/O-8 Vice Commander, Space Division
O-7/O-8 *Deputy for Space Launch and
Control Systems; and System Program
Director, Space Transportation System
(Space Shuttle), Space Division
O-7/O-8 Commander, Armament Division
O-7/O-8 Deputy Commander, Development
and Acquisition, Armament Division
O-7/O-8 Commander, Air Force Contract
Management Division
O-7/O-8 Commander, Ballistic Missile
Office
O-7/O-8 *Vice Commander, Ballistic
Missile Office

MILITARY AIRLIFT COMMAND

O-7/O-8 Deputy Chief of Staff, Air
Transportation

**AGENCY: DEPARTMENT OF THE
ARMY**

Positions:

Office, Secretary of the Army

SES Administrative Assistant to the
Secretary of the Army

SES Deputy Administrative Assistant

Office of the General Counsel

SES General Counsel
SES Principal Deputy General Counsel

Office of the Under Secretary

SES *Deputy Under Secretary of the Army
SES Deputy Under Secretary of the Army
(Operations Res)

**Office, Assistant Secretary of the Army
(Installations, Logistics and Financial
Management)**

SES Principal Deputy ASA (IL&FM)
SES Deputy for Installations & Housing
SES Deputy for Logistics
SES Assistant Deputy for Installations and
Housing
SES Assistant Deputy for Logistics
SES Deputy for Resource Analysis
SES Deputy for Management System
SES Assistant Deputy for Resource
Analysis
SES Deputy for Environment Safety and
Occupational Health

**Office, Assistant Secretary of the Army
(Manpower and Reserve Affairs)**

SES Principal Deputy and Deputy ASA for
Reserve Affairs (M&RA)
SES Deputy ASA (DA Review Boards and
Personnel Security)

**Office, Small and Disadvantaged Business
Utilization**

SES Director, Small and Disadvantaged
Business Utilization

**Office, Assistant Secretary of the Army (Civil
Works)**

SES Principal Deputy ASA (CW)

**Office, Assistant Secretary of the Army
(Research, Development and Acquisition)**

SES Deputy ASA (R&D)
SES Deputy ASA (Acquisition)
SES Deputy for Science and Technology
SES Deputy for Materiel Acquisition
Management
SES Deputy for Procurement Policy
SES Deputy for Management and Budget
SES Deputy for Air and Missile Defense
SES Deputy for Communications and Target
Acquisition
SES Associate Director for Procurement and
Management Review

**Ballistic Missile Defense Program Office
(Washington)**

SES Deputy BMD Program Manager
SES Director, BMDPO

**Ballistic Missile Defense Systems Command
(Huntsville)**

SES Chief, Contracts Office
SES Director, Systems Technology Project
Office

**Ballistic Missile Defense Advance
Technology Center (Huntsville)**

SES Director, BMD Advance Technical
Center

Office of the Chief of Staff

SES Director, Study Management Program

**US Army Operational Test and Evaluation
Agency (OCA)**

SES Scientific Advisor

**Assistant Chief of Staff for Automation and
Communications**

SES Deputy Assistant Chief of Staff Auto
and Commo
SES Director, USA Management Systems
Spt Agency
SES Director, US Army Computer Systems
Selection Acquisition Agency

Deputy Chief of Staff for Logistics

SES Special Assistant to the DCSLOG/
Chief Aviation Logistics

**Program Analysis and Evaluation Directorate
(OCA)**

SES Deputy Director for Programming

Comptroller of the Army

SES Deputy Comptroller

Army Audit Agency (OSA)

SES The Auditor General (OCA)
SES Deputy Auditor General (OSA)
SES *Director, Personnel and Force
Management Audits (OSA)
SES *Director, Audit Policy, Plans, and
Resources (OSA)
SES Director, Logistical and Financial
Audits (OSA)
SES Director, Acquisition and Systems
Audits (OSA)

Office of the Judge Advocate General

SES Special Assistant for Comm, Trans and
Utilities

**US Army Materiel Development and
Readiness Command (DARGOM)
Headquarters**

SES Deputy Comptroller
SES Command Counsel
SES Deputy Command Counsel
SES Chief, Patent Law Division
SES Director, Management Information
Systems
SES Director for Quality Assurance
SES Principal Assistant Deputy for Materiel
Development
SES *Assistant Deputy for Resources and
Management
SES Assistant Deputy for Science and
Technology
SES Assistant Deputy for International
Research, Development and
Standardization
SES Chief, Office of Manufacturing
Technology
SES Deputy Director for Development and
Engineering
SES *Associate Director for Materiel
Programs
SES Assistant Deputy for Materiel
Readiness
SES Deputy Director for Materiel
Management
SES Associate Director for Procurement
SES Deputy Director, Security Assistance
SES Deputy Director for Procurement and
Production

Nuclear Munitions Project Office

SES Deputy Project Manager

Project Office (PATRIOT)

SES Deputy Project Manager

BETA Joint Project Office

SES Director, Beta Joint Project Office

US Army Materiel Systems Analysis Agency (AMSAA)

SES Director, Army Materiel Systems Analysis Agency

US Army Materiel and Mechanics Research Center (AMMRC)

SES Director

Army Research Office (ARO) Durham

SES Technical Director

SES Director, Electronics Division

SES Director, Metallurgy and Materials Science

SES Director, Physics Division

SES Director, Mathematics Division

SES Director, Engineering Sciences Division

US Army Armament research & Development Command (ARRADCOM) Headquarters

SES Technical Director

Ballistic Research Laboratory

SES *Director, Ballistic Research Laboratory

US Army Armament Materiel Readiness Command (ARRCOM)

SES Deputy for Procurement and Production

SES *Chief Counsel

Chemical Systems Lab

SES Deputy Director

Large Caliber Weapon Systems Laboratory

SES Deputy Director

Small Caliber Weapon Systems Lab

SES Deputy Director

US Army Aviation R&D Command (AVRADCOM) Headquarters

SES Technical Director

SES Director, Aeromechanics Lab

SES Director, Structures Lab

SES Director, Propulsion Lab

SES Director, Research & Technology Lab

US Army Communication and Electronics Materiel Readiness Command (CERCOM)

SES Chief Counsel

US Army Communications R&D Command (CORADCOM)

SES Technical Director

SES Director, Communications System Center

SES Director, Tactical Computer Systems Center

SES Director, Systems Engineering and Integration Center

SES Technical Director, (SATCOMA)

SES Deputy Project Manager, (ARTADS)

US Army Depot Systems Command (DESCOM)

SES Deputy for Tactical Operations

US Army Electronics R&D Command (ERADCOM) Headquarters

SES Technical Director

SES Director, Night Vision & Electronic Optics Lab

SES Director, Signals Warfare Lab

SES Director, Electronic Warfare Lab

SES Director, Electronics Technology & Devices Lab

SES Deputy Director, Combat Surveillance & Target Acquisition Lab

SES Technical Director, Harry Diamond Lab

Mobility Equipment Research and Development Command (MERADCOM)

SES Technical Director

US Army Missile Command (MICOM)

SES *Technical Director and Director, Army Missile Lab

SES Director for Procurement and Production

SES Chief Counsel

SES Deputy Project Manager, Roland

SES *Assistant Director for Readiness

SES *Deputy Director, Missile Intelligence Agency

Natick Research & Development Command (NARADCOM)

SES Technical Director

SES Director, Clothing, Equipment & Materiel Engineering Lab

SES Director, Food Sciences Lab

SES Director, Food Engineering Lab

SES Deputy Technical Director, Food Service System Program

XM-1 Tank Systems Project Office

SES Chief Engineer/Chief Systems Engineering Division

Office of the Project Manager, Fighting Vehicle Systems (FVS)

SES Deputy Project Manager

US Army Tank-Automotive Command (TACOM)

SES Chief Counsel

SES Director, Procurement & Production

SES Technical Director

US Army Test and Evaluation Command (TECOM)

SES Technical Director

SES Director for Analysis

SES Associate Director, Materiel Test Dir (APG)

SES Scientific Director (DPG)

SES Technical Director, Elec Prov Grnd (EPG)

SES Technical Director, National Range Opinions (WSMR)

SES Technical Director & Chief Scientist (WSMR)

US Army Troop Support and Aviation Materiel Readiness Command (TSARCOM)

SES Director for Procurement & Production

Foreign Science and Technology Center

SES Deputy Director, FSTC

US Army Human Engineering Laboratory

SES Director, HEL

Army Materiel and Mechanics Research Center (AMMRC)

SES Director, AMMRC

TRADOC SYSTEM ANALYSIS ACTIVITY (WSMR)

SES Director, TRASANA

THE ARMY STAFF

O-8 Director, Management

O-8 Chief, Army Force Modernization Coordination Office

O-8 Director, Program Analysis and Evaluation

O-8 Assistant Deputy Chief of Staff for Personnel

O-8 Assistant Deputy Chief of Staff for Operations and Plans

O-8 Assistant Deputy Chief of Staff for Operations and Plans for Joint Affairs

O-8 Assistant Deputy Chief of Staff for Logistics

O-8 ADCSRDA and ADCSRDA for International Programs

O-8 Director of Army Budget

O-8 Chief, Army Reserve

O-7 Deputy Chief, Army Reserve

O-8 Director, Army National Guard

O-8 Assistant Chief of Staff for Automation and Communications

O-7 Director of Network Integration

O-8 Assistant Chief of Staff for Intelligence

O-7 Deputy Assistant Chief of Staff for Intelligence

O-8 The Adjutant General

O-7 Deputy TAG

O-8 Chief of chaplains

O-8 The Judge Advocate General

O-8 The Assistant Judge Advocate General

O-8 The Deputy Surgeon General

O-7 Assistant Surgeon General (Research and Development)

O-8 Deputy Chief of Engineers and Chairman, Board of Engineers for Rivers and Harbors

ARMY STAFF FIELD OPERATING AGENCIES*Office, Chief of Staff*

O-8 Commanding General, Ballistic Missile Defense Systems Command, Huntsville, Alabama

O-8 Commanding General, US Army Operational Test and Evaluation Agency, Falls Church, Virginia

Office, Deputy Chief of Staff for Personnel

O-8 Commanding General, USA Military Personnel Center, Alexandria, Virginia

O-8 Commanding General, USA Recruiting Command, Fort Sheridan, Illinois

O-7 Deputy Commanding Generals, USA Recruiting Command, Fort Sheridan, Illinois(2)

O-7 Deputy Superintendent, US Military Academy—West Point, New York

Office, Deputy Chief of Staff for Logistics

O-7 Commanding General, US Army Troop Support Agency, Fort Lee, Virginia

Office, Assistant Chief of Staff for Automation and Communications

O-8 Commanding General, US Army Computer Systems Command, Fort Belvoir, Virginia

O-7 Deputy Commanding General, US Army Computer Systems Command, Fort Belvoir, Virginia

Office, The Adjutant General

O-7 Commanding General, US Army Reserve Components Personnel and Administration, St. Louis, Missouri

Office, The Judge Advocate General

O-7 Commanding General, Chief Judge, US Army Legal Services Agency/United States Court of Military Review, Falls Church, Virginia

Office, The Surgeon General

O-7/O-8 Commanding General, US Army Medical Research and Development Command, Fort Detrick, Maryland

US Army Training and Doctrine Command—FORT MONROE, VIRGINIA

O-8 Chief of Staff
O-8 Deputy Chief of Staff, Combat Developments
O-7 Commanding General, Combat Developments Experimentation Command, Fort Ord, California
O-8 Commanding General, TRADOC Combined Arms Test Activity, Fort Hood, Texas

US Army Materiel Development and Readiness Command, Alexandria, Virginia

O-8 Deputy Commander For Resources and Management
O-7/O-8 Director, Development and Engineering
O-8 Director, Procurement and Production
O-7 Director, Materiel Management
O-7/O-8 Director, U.S. Army Security Assistance Center
O-8 Comptroller
O-8 Commanding General, US Army Tank-Automotive Command, Warren, Michigan
O-7 Deputy Commanding General for Research and Development, US Army Tank-Automotive Command, Warren, Michigan
O-8 Command General, US Army Aviation Research and Development Command, St. Louis, Missouri
O-8 Commanding General, US Army Troop Support and Aviation Materiel Readiness Command—St. Louis, Missouri
O-7 *Deputy Director/Commander, US Army Materiel Systems Analysis Activity (AMSAA)
O-7 Deputy Commanding General, US Army Troop Support and Aviation Materiel Readiness Command—St. Louis, Missouri
O-8 Commanding General, US Army Armament Materiel Readiness Command—Rock Island, Illinois
O-7 Deputy Commanding General, US Army Armament Materiel Readiness Command—Rock Island, Illinois
O-8 Commanding General, US Army Armament Research and Development Command—Picatinny Arsenal, New Jersey
O-7 Deputy Commanding General, US Army Armament Research and Development Command—Picatinny Arsenal, New Jersey
O-8 Commander, US Army Missile Command—Redstone Arsenal, Alabama
O-7 Deputy Commander, US Army Missile Command—Redstone Arsenal, Alabama
O-7 Deputy Commander/Deputy for Research and Development, U.S. Army Missile Command

O-7 Project Manager, Roland US Army Missile Command—Redstone Arsenal, Alabama
O-8 Commanding General, US Army Communications and Electronics Materiel Readiness Command
O-7 Deputy Commander/Deputy for Procurement, US Army Communications and Electronics Materiel Readiness Command
O-7 Project Manager, ARTADS/Deputy Commander, US Army Communications and Electronics Materiel Readiness Command
O-8 Commanding General, US Army Electronics Research and Development Command—Adelphi, Maryland
O-8 Commanding General, US Army Test and Evaluation Command—Aberdeen Proving Grounds, Maryland
O-7 Commanding General, White Sands Missile Range—White Sands, New Mexico
O-8 Commanding General, US Army Communication Research and Development Command, Fort Monmouth, New Jersey
O-7 Commanding General, US Army Depot System Command—Chambersburg, Pennsylvania
O-8 Project Manager, Separate Project Managers XM-1 Tank—Warren, Michigan
O-8 Project Manager, Patriot—Redstone Arsenal, Alabama
O-7 Project Manager, Fighting Vehicle Systems—Warren, Michigan
O-7 Program Manager, Advanced Attack Helicopter Program—St. Louis, Missouri
O-7 Project Manager, Saudi Arabian National Guard Modernization—Saudi Arabia

U.S. Army Communications Command

O-8 Commanding General, US Army Communications Command, Fort Huachuca, Arizona
O-7 Commanding General, US Army Communications Systems Agency, Fort Monmouth, New Jersey

Other Commands

O-8 Commander, Military Traffic Management Command, Washington, D.C.
O-8 Commanding General, US Army Intelligence and Security Command, Arlington, Virginia
O-8 Commanding General, US Army Military District of Washington, Washington, D.C.
O-8 Commanding General, US Army Criminal Investigation Command, Falls Church, Virginia
O-8 Commanding General, US Army Health Services Command, Fort Sam Houston, Texas

*MAJOR OVERSEAS COMMANDS**US Army, Europe and Seventh Army*

O-8 Chief of Staff
O-8 Deputy Chief of Staff, Engineer
O-8 Commanding General, US Army Southern European Task Force

U.S. Army Japan/IX Corps

O-7/O-8 Chief of Staff, United States Army, Japan/IX Corps

U.S. Army Western Command

O-8 Commanding General, US Army Western Command

*Special Activities**Army and Air Force Exchange Service*

O-8 Commander, Army and Air Force Exchange Service—Dallas, TX

*AGENCY: DEPARTMENT OF THE NAVY**Positions**Civilian**Secretariat*

SES **Deputy Under Secretary of the Navy (Financial Management)
SES *Deputy Assistant Secretary of the Navy (Logistics)
SES *Deputy Assistant Secretary of the Navy (Sealift and Maritime Affairs)
SES Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics)
SES Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs)
SES Deputy Assistant Secretary of the Navy (Research and Applied Space Technology)
SES Deputy Assistant Secretary of the Navy (Command, Control, Communications and Intelligence)
SES Deputy Assistant Secretary of the Navy (Manpower)
SES Deputy Assistant Secretary of the Navy (Reserve Affairs)
SES Deputy Assistant Secretary of the Navy (Civilian Personnel Policy/Equal Employment Opportunity)
SES Director, Office of Small and Disadvantaged Business Utilization
SES Assistant Deputy Assistant Secretary of the Navy (Systems Engineering)
SES General Counsel
SES Principal Deputy General Counsel
SES Director, Resources and Policy Evaluation
SES Deputy General Counsel, Logistics
SES Principal Deputy Assistant Secretary of the Navy (Research, Engineering and Systems)
SES Special Assistant to ASN(FM) for Data Automation

Office of the Navy Comptroller

SES Director of Banking and Contract Financing

Naval Audit Service

SES Auditor General of the Navy

Office of Naval Research

SES Director, Acquisition

Office of the Chief of Naval Operations

SES Assistant Deputy Chief of Naval Operations (CP/EEO)
SES Special Assistant for Special Programs

Office of the Chief of Naval Operations Organizations

SES Principal Civilian Adviser for Education and Training

Navy Data Automation Command

SES Technical Director

Naval Security Group Command, Headquarters

SES Technical Director

Military Sealift Command

SES Deputy Executive Director

Marine Corps

SES Assistant Deputy Chief of Staff for Installations and Logistics

SES Director, Contracts Division

SES Fiscal Director of the Marine Corps

Naval Supply Systems Command

SES Assistant Deputy Commander, Plans and Systems Design

Naval Material Command, Headquarters

SES Head, Tri-Service Negotiation Staff

SES Executive Director for Contracts and Business Management

SES Assistant Deputy Chief of NAVMAT (Operations and Logistics)

SES Deputy Chief of Naval Material

SES Director, Procurement Control and Clearance Division

SES Assistant Deputy Chief of Naval Material (Reliability and Engineering)

Strategic Systems Project Office

SES Director, Plans and Programs Division

Naval Air Systems Command

SES Executive Director for Procurement Management

Naval Electronic Systems Command

SES Technical Director, Material

SES Acquisition Engineering Directorate

SES Technical Director

SES Executive Director, Contracts

Naval Sea Systems Command

SES Assistant Deputy Commander for Contracts

Naval Facilities Engineering Command

SES Deputy Assistant Commander for Contracts

Navy Resale System

UA-17 Financial Management Group Director

Military**Flag Officers**

O-7/O-8 Vice Commander, Naval Air Systems Command

O-7/O-8 Deputy Commander for Plans and Programs, Naval Air Systems Command

O-7/O-8 Assistant Commander for Contracts, Naval Air Systems Command

O-7/O-8 Assistant Commander for Logistics and Fleet Support, Naval Air Systems Command

O-7/O-8 Assistant Commander for Systems and Engineering, Naval Air Systems Command

O-7/O-8 Assistant Commander for Test and Evaluation, Naval Air Systems Command

O-7/O-8 Commander, Naval Aviation Logistics Center, Naval Air Systems Command

O-7/O-8 Deputy Chief of Naval Material for Logistics, HDQTRS NAVMATCOMD

O-7/O-8 Deputy Chief of Naval Material for Acquisition, HDQTRS NAVMATCOMD

O-7/O-8 Project Manager, TRIDENT System, Naval Material Command

O-7/O-8 Major Project Manager, LAMPS, NAVAIRSYSCOM

O-7/O-8 Director, Saudi Naval Expansion Program, NAVMAT

O-7/O-8 Project Manager, Navy Space Project, NAVELECSYSCOM

O-7/O-8 Director, Joint Cruise Missile Project, Joint Cruise Missiles Project Office (JPM-3)

O-7/O-8 Technical Director, Strategic Systems Projects, SSPO

O-7/O-8 Commander, ASW Systems Project Office (Manager, ASW Systems Project Office) Anti-Submarine Warfare Systems Project Office

O-7/O-8 Vice Commander, Naval Sea Systems Command

O-7/O-8 Deputy Commander for Plans, Programs and Financial Management/Comptroller, Naval Sea Systems Command

O-7/O-8 Deputy Commander for Contracts, NAVSEASYSYSCOM

O-7/O-8 NAVSEA Principal Deputy Commander for Acquisition, NAVSEASYSYSCOM

O-7/O-8 Principal Deputy Commander for Logistics, NAVSEASYSYSCOM

O-7/O-8 Deputy Commander for Combat, Systems and Training, NAVSEASYSYSCOM

O-7/O-8 Assistant Deputy Commander for Anti-Submarine Warfare and Underwater Systems, NAVSEASYSYSCOM (ADDU to CNO as Executive Manager for Explosive Ordnance Disposal Technology and Training)

O-7/O-8 Commander, Military Sealift Command, ADDU: Assistant for Naval Control of Shipping Matters, CNO

O-7/O-8 Project Manager, AEGIS Shipbuilding Project, NAVSEASYSYSCOM

O-7/O-8 Deputy Commander for Industrial and Facility Management, NAVSEASYSYSCOM

O-7/O-8 Deputy Commander for Submarines, NAVSEASYSYSCOM

O-7/O-8 Deputy Commander for CV/AMPH/AUX Ships, NAVSEASYSYSCOM

O-7/O-8 Deputy Commander for Surface Combatant Ships, NAVSEASYSYSCOM

O-7/O-8 Supervisor of Shipbuilding, Conversion and Repair, Newport News

O-7/O-8 Deputy Commander for Ship Design and Integration, Naval Sea Systems Command

O-7/O-8 Commander, Naval Supply Systems Command and Chief of Supply Corps

O-7/O-8 Vice Commander, Naval Supply Systems Command

O-7/O-8 Deputy Commander Plans, Policy and Programs Development, Naval Supply Systems Command

O-7/O-8 Commanding Officer, Navy Ships Parts Control Center, Mechanicsburg, PA

O-7/O-8 Supervisor of Shipbuilding, Conversion and Repair, USN, Pascagoula, MS

O-7/O-8 Commanding Officer, Navy Resale and Services Support Office, Brooklyn, NY

O-7/O-8 Commanding Officer, Navy Aviation Supply Office, Philadelphia, PA

O-7/O-8 Commander, Naval Electronics Systems Command Headquarters

O-7/O-8 Vice Commander, Naval Electronics Systems Command

O-7/O-8 Project Manager, Command, Control and Communications, Naval Electronics Systems Command

O-7/O-8 Director, Oceanography Division, OPNAV, Oceanographer of the Navy

O-7/O-8 Commander, Naval Telecommunications Command, Naval Telecommunications

O-7/O-8 Commander, Naval Facilities Engineering Command

O-7/O-8 Vice Commander, Naval Facilities Engineering Command

O-7/O-8 Deputy Commander for Planning, Naval Facilities Engineering Command

O-7/O-8 Commander, Atlantic Division, Naval Facilities Engineering Command

O-7/O-8 Commander, Pacific Division, Naval Facilities Engineering Command

O-7/O-8 Commanding Officer, Northern Division, Naval Facilities Engineering Command

O-7/O-8 Commanding Officer, Western Division, Naval Facilities Engineering Command

O-7/O-8 Director, Multilateral Support Force, Amphibious, Mine and Advanced Naval Vehicles Ships Division, CNO

O-7/O-8 Director, Logistics Plans Division, CNO, ADDU: Naval Advisor to Assistant Secretary for Maritime Affairs, Maritime Administration

O-7/O-8 Director, Material Division, CNO

O-7/O-8 Director, Ships Maintenance and Modernization Division, CNO

O-7/O-8 Director, Shore Facilities Programming Division, CNO

Office of the Comptroller of the Navy

O-7/O-8 Deputy Comptroller of the Navy

O-7/O-8 Director of Budget and Reports

O-7/O-8 Assistant Comptroller, Financial Management Systems/Commander, Navy Accounting and Finance Center

Other Officers

O-7/O-8 Inspector General, HQMC

O-7/O-8 Assistant Deputy Chief of Staff for Plans and Policies

O-7/O-8 Deputy Chief of Staff for Installations and Logistics, Headquarters, Marine Corps

O-7/O-8 Deputy Chief of Staff for Research and Development, HQMC

O-7/O-8 Deputy Chief of Staff for Requirements and Programs, HQMC

O-7/O-8 Director, Personnel Procurement, HQMC

O-7/O-8 Director of Material Division, HQMC

O-7/O-8 Director, Facilities and Services Division, HQMC

O-7/O-8 Director, Command, Control, Communications and Computer Systems Division, HQMC

O-7/O-8 Commanding General, Marine Corps Logistics Base, Albany, Georgia

O-7/O-8 Commanding General, Marine Corps Logistics Base, Barstow, California

O-7/O-8 Director of the Development Center, Marine Corps Development and Education Command

O-7/O-8 Deputy Chief of Naval Material For Contracts and Business Management

- O-7/O-8 Director, Tactical Nuclear Weapons Project, NAVMAT
 O-7/O-8 Supervisor of Shipbuilding, Conversion and Repair, Groton, CT

AGENCY: DEFENSE COMMUNICATIONS AGENCY

Positions:

- O-7 USA Deputy Director, Plans and Programs
 O-7 Commander, White House Communications Agency
 SES Deputy WWMCCS System Engineer—WSE (Engineering)
 O-7 USAF Director, Command and Control Technical Center (CCTC)
 SES Assistant Manager (Technology & Standards)—NCS
 SES Assistant Manager (Plans and Operations), NCS
 SES Deputy Director, WWMCCS, ADP, Technical Support, CCTC
 SES Comptroller, DCA
 SES WWMCCS System Engineer—WSEO
 O-8 USAF Vice Director, Defense Communications Agency
 SES Chief Scientist—Associate Director, Technology—DCA
 SES Deputy Director, DCEC
 SES Chief, Systems Engineering Division, DCEC
 SES Deputy Director, Command and Control Technical Center
 O-7 USA Deputy Director, Operations and Readiness
 SES Assistant Deputy Director, for Computer Services—CCTC
 SES Senior Advisor for Technology—DCEC
 SES Deputy Manager, National Communications System—DCA
 SES Chief, Interoperability and Standards Office—DCEC
 SES General Counsel, DCA
 SES *Assistant Deputy Director, NMCS ADP—CCTC
 SES *Deputy Director for Engineering—CCTC
 SES *Deputy Director, Military Satellite Communications Systems
 SES *Deputy WWMCCS System Engineer—SD&A—WSE
 SES *Chief, WWMCCS Information System Office—WSE

AGENCY: DEFENSE INTELLIGENCE AGENCY

Positions:

- GS-18 Deputy Director for Defense Intelligence
 GS-17 Assistant Director for Resources and Systems
 O-9 Director
 O-8 Deputy Director

AGENCY: DEFENSE LOGISTICS AGENCY

Positions:

- O-8 Deputy Director
 O-8 Deputy Director, Contract Administration Services
 O-8 Assistant Director, Plans, Programs and Systems
 O-7 Executive Director, Supply Operations
 O-7/O-8 Executive Director, Quality Assurance

- O-8 Commander, Defense Construction Supply Center
 O-7 Commander, Defense Electronics Supply Center
 O-8 Commander, Defense Fuel Supply Center
 O-7 Commander, Defense General Supply Center
 O-7 Commander, Defense Industrial Supply Center
 O-8 Commander, Defense Personnel Support Center
 O-7 Commander, Defense Property Disposal Service
 O-7 Commander, Defense Contract Administration Services Region, Los Angeles
 O-7 Commander, Defense Contract Administration Services Region, New York

Headquarters

- SES Comptroller, DLA
 SES Counsel, DLA
 SES Executive Director, Technical and Logistics Services
 SES Executive Director, Contracting
 SES Deputy Executive Director, Supply Operations
 SES Executive Director, Contract Management
 SES Associate Counsel, DLA
 SES Chief, Logistics Programs Division
 SES Chief, Contracts Division, Directorate of Contracting
 SES *Executive Director, Office of Telecommunications and Information Systems
 SES *Deputy Executive Director, Quality Assurance
 SES *Staff Director, Small and Disadvantaged Business Utilization
 SES *Chief, Accounting and Finance

AGENCY: DEFENSE MAPPING AGENCY

Positions:

- SES Deputy Director, Management and Technology
 SES Deputy Director, PP&O
 SES Deputy Director for Systems and Techniques
 SES Comptroller
 O-8 Director, Defense Mapping Agency
 O-8 Deputy Director, Defense Mapping Agency
 O-7 Deputy Director for Plans and Requirements
 SES Staff Director of Personnel
 SES Assistant Deputy Director for Programming
 SES Assistant Deputy Director for Production and Distribution
 SES Chief, Advanced Technology Division (STT)
 SES Chief, Acquisitions Systems Development

AGENCY: DEFENSE NUCLEAR AGENCY

Positions:

- O-8 Director
 AD Deputy Director, Science and Technology
 AD Scientific Assistant to the Deputy Director, Science and Technology

- AD Assistant to the Deputy Director (Science and Technology) for Theoretical Research
 AD Assistant to the Deputy Director (Science and Technology) for Experimental Research
 AD Assistant to the Deputy Director (Science and Technology) for Testing
 AD Assistant to the Director for Biomedical Effects
 O-8 Deputy Director (Operations and Administration)
 O-7 Commander, Field Command
 AD *Scientific Advisor to the Director, Armed Forces Radiobiology Research Institute

AGENCY: NATIONAL SECURITY AGENCY

Positions:

Military

- O-8 Deputy Director, NSA, for Operations

AGENCY: DEPARTMENT OF EDUCATION

Positions:

Office of the Secretary

- SES Executive Assistant to the Secretary
 SES Executive Secretary to the Secretary
 SES *Counsel to the Secretary for Regulation Reform and Deputy General Counsel

Office of the Under Secretary

- SES Director of Regional Liaison
 SES *Director of Intergovernmental Affairs
 SES *Director of Interagency Affairs

Deputy Under Secretary for Management

- SES Controller
 SES *Administrator for Management Services

Deputy Under Secretary for Planning and Budget

- SES Director of Budget Systems and Services
 SES Director of Program Planning and Budget Analysis
 SES Director of Planning and Evaluation Services

Assistant Secretary for Legislation and Public Affairs

- SES Deputy Assistant Secretary for Legislation
 SES Deputy Assistant Secretary for Public Affairs

General Counsel

- SES Assistant General Counsel for Program Services
 SES Assistant General Counsel for Departmental Services

Inspector General

- SES Assistant Inspector General for Audits
 SES Assistant Inspector General for Investigation
 SES Assistant Inspector General for Policy, Planning and Management

Office of Civil Rights

- SES Deputy Assistant Secretary for Civil Rights
- SES Director of Program Review and Assistance
- SES Director of Litigation, Enforcement and Policy
- SES Director of Planning and Compliance Operations

Office of Education for Overseas Dependents

- SES Administrator of Education for Overseas Dependents

Office of Bilingual Education and Minority Language Affairs

- SES Director of Bilingual Education and Minority Languages Affairs
- SES Deputy Director of Bilingual Education and Minority Languages Affairs

Office of Special Education and Rehabilitative Services

- SES Deputy Assistant Secretary for Special Education and Rehabilitative Services
- SES Director of Special Education Programs
- SES Deputy Commissioner, Rehabilitative Services Administration
- SES Deputy Director, National Institute of Handicapped Research

Office of Postsecondary Education

- SES Deputy Assistant Secretary for Postsecondary Education
- SES Deputy Assistant Secretary for Student Financial Assistance
- SES Director of Institutional Support Programs
- SES Director of International Education Programs
- SES Director, Fund for the Improvement of Postsecondary Education

Office of Vocational and Adult Education

- SES Deputy Assistant Secretary for Vocational and Adult Education
- SES *Director of Policy Analysis and Legislation

Office of Elementary and Secondary Education

- SES Deputy Assistant Secretary for Elementary and Secondary Programs
- SES Director of Educational Support Programs
- SES Director of Equal Educational Opportunity Programs
- SES Director of Compensatory Education Programs
- SES Director of Indian Education Programs
- SES Director of Migrant Education Programs
- SES Director of School Improvement Programs

Office of Educational Research & Improvement

- SES *Deputy Assistant Secretary for Educational Research and Improvement
- SES Deputy Director, National Institute of Education
- SES Director of Learning and Technology Programs
- SES Director of Dissemination and Professional Development Programs
- SES Administrator, National Center for Educational Statistics

- SES Deputy Administrator, National Center for Educational Statistics

AGENCY: DEPARTMENT OF ENERGY**Positions:**

- SES Executive Assistant to the Secretary and the Deputy Secretary, Office of the Secretary
- SES Deputy Under Secretary (2), Office of the Under Secretary
- SES Director of Administration, Office of the Directorate of Administration
- SES Director, Intergovernment Affairs, Office of Assistant Secretary, Intergovernmental and Institutional Relations
- SES Deputy Administrator, Energy Information Administration
- SES Controller, Office of the Controller
- SES Administrator, Bonneville Power Administration
- SES Deputy General Counsel (1), Office of the General Counsel
- SES *Administrative Assistant to the Secretary and Chief of Staff
- SES *Special Assistant to the Secretary for Programs and Policy
- SES *Director, Office of Policy, Planning, and Analysis

Economic Regulatory Administration

- SES Deputy Administrator for Operations and Emergency Management
- SES Deputy Administrator for Policy
- SES Assistant Administrator for Enforcement
- SES Assistant Administrator for Regulations and Emergency Planning
- SES Assistant Administrator for Fuels Conversion
- SES Assistant Administrator for Petroleum Operations
- SES Assistant Administrator for Utilities Systems
- SES Deputy Assistant Administrator for Enforcement
- SES Deputy Assistant Administrator for Regulations and Emergency Planning
- SES Director, Regulatory Interventions Division
- SES Director, Regulatory Assistance Division
- SES Director, Office of Field Operations, Office of Special Counsel
- SES Special Counsel, Office of Special Counsel
- SES Deputy Special Counsel, Office of Special Counsel
- SES Solicitor, Office of Special Counsel
- SES Deputy Assistant Administrator for Petroleum Operations
- SES Assistant Administrator for Energy Contingency Planning
- SES Deputy Assistant Administrator for Energy Contingency Planning
- SES Director, Office of Management and Program Coordination
- SES Deputy Assistant Administrator for Fuels Conversion
- SES Director, Natural Gas Division

Office of the Director, Policy, Planning, and Analysis

- SES Deputy Assistant Secretary for Coal, Nuclear and Electrical Systems
- SES Deputy Assistant Secretary for Conservation and Renewable Sources

- SES Deputy Assistant Secretary for Oil and Gas

- SES Deputy Assistant Secretary for Systems Analysis
- SES Principal Deputy Assistant Secretary for Policy and Evaluation

Office of Energy Research

- SES Deputy Director
- SES Associate Director, Office of Program Analysis
- SES Associate Director, Office of Basic Energy Sciences
- SES Associate Director, Office of High Energy and Nuclear Physics
- SES Associate Director, Office of Field Operations Management
- SES Associate Director, Office of Nuclear Non-Proliferation
- SES Deputy Associate Director, Office of Field Operations Management
- SES Deputy Associate Director, Office of Basic Energy Sciences
- SES Deputy Director, Office of Fusion Energy
- SES Director, Office of Fusion Energy

Office of the Assistant Secretary for Conservation and Solar Applications

- SES Director, Office of Commercialization
- SES Director, Office of Policy, Planning and Evaluation
- SES Deputy Assistant Secretary for Conservation
- SES Deputy Assistant Secretary for Solar Energy
- SES Deputy Assistant Secretary for State and Local Assistance Programs
- SES Deputy Assistant Secretary for Field Operations and International Programs
- SES *Principal Deputy Assistant Secretary for Conservation and Solar Energy

Office of the Assistant Secretary for Environment

- SES Deputy Assistant Secretary for Research
- SES Director, Office of Technology Impacts
- SES Deputy Director, Office of Technology Impacts
- SES Director, Office of Health and Environmental Research
- SES Deputy Director, Office of Health and Environmental Research
- SES Director, Office of Health and Environmental Compliance and Overview
- SES Deputy Director, Office of Environmental Compliance and Overview
- SES Director, Office of Program Coordination

Office of the Assistant Secretary for International Affairs

- SES Deputy Assistant Secretary for International Nuclear and Technical Programs
- SES Deputy Assistant Secretary for International Energy Resources
- SES Deputy Assistant Secretary for International Energy Analysis
- SES Director, Office of Energy Consuming Nations
- SES Director, Office of Energy Producing Nations
- SES Director, Office of Nuclear Affairs

- SES Director, Office of Technical Cooperation
- SES Deputy Director, Office of Nuclear Affairs
- SES Deputy Director, Office of Technical Cooperation
- SES Principal Deputy Assistant Secretary for International Affairs
- SES Deputy Assistant Secretary for International Intelligence Affairs
- SES Director, Office of Strategic Assessments
- SES Director, Office of Market Analysis
- SES Director, Office of Country Energy Assessments
- SES Director, Office of Senior Intelligence Officer Support Staff
- SES Director, Office of International Program Support
- SES Deputy Assistant Secretary for International Trade Resources
- Office of the Assistant Secretary for Resource Applications**
- SES Deputy Assistant Secretary for Utility and Industrial Energy Applications
- SES Deputy Assistant Secretary for Industrial Planning and Development
- SES Deputy Assistant Secretary for Strategic Petroleum Reserve
- SES Deputy Director for Strategic Petroleum Reserve
- SES Deputy Assistant Secretary for Liquid Fuels
- Office of the Assistant Secretary for Defense Programs**
- SES Deputy Assistant Secretary
- SES Director, Office of Classification
- SES Director, Office of International Security Affairs
- SES Director, Office of Inertial Fusion Security
- SES Director, Office of Nuclear Materials Production
- SES Deputy Director, Office of Nuclear Materials Production
- SES Deputy Director, Office of Classification
- SES Deputy Director, Office of Safeguards and Security
- SES Deputy Director, Office of Military Applications
- SES Deputy Director, Office of International Security Affairs
- SES Deputy Director, Office of Inertial Fusion
- SES Director, Division of Political-Military Security Affairs
- Energy Information Administration**
- SES Assistant Administrator, Energy Information Validation
- SES Assistant Administrator, Applied Analysis
- SES Assistant Administrator, Program Development
- SES Assistant Administrator, Energy Systems Support
- SES Assistant Administrator, Energy Data Operations
- SES Deputy Assistant Administrator, Energy Systems Support
- SES Deputy Assistant Administrator, Energy Data Operations
- SES Deputy Assistant Administrator for Applied Analysis
- SES Deputy Assistant Administrator for Energy Information Validation
- SES Assistant Administrator for Energy Data Validation
- SES Director, Financial Reporting System
- SES Director, Oil and Gas Information System
- Procurement and Contracts Management Directorate**
- SES Director
- SES Deputy Director
- SES Director, Office of Small and Disadvantaged Business Utilization
- SES Director, Policy Office
- SES Director, Program Support Office
- SES Director, Procurement Management Office
- SES Director, Procurement Operations Office
- SES Deputy Director, Program Support Office/Director, Conservation, Solar and Institutional Support Division
- SES Deputy Director, Procurement Operations Office
- SES Director, Policy and Procedures Division, Office of Policy
- Office of the Inspector General**
- SES Assistant Inspector General for Audits
- SES Assistant Inspector General for Inspections
- SES Assistant Inspector General for Investigations
- SES Deputy Assistant Inspector General for Investigations
- SES Deputy Assistant Inspector General for Inspections
- Directorate of Administration**
- SES Deputy Director
- SES Director, Office of Personnel
- SES Director, Office of Organization and Management Systems
- SES Director, Office of Administrative Services
- SES Director, Office of Computer Services and Telecommunications Management
- SES Deputy Director, Office of Personnel
- SES Deputy Director, Office of Organization and Management Systems
- SES Deputy Director, Office of Administrative Services
- SES Deputy Director, Office of Computer Services and Telecommunications Management
- Controller**
- SES Deputy Controller
- SES Director, Office of Budget
- SES Director, Office of Finance and Accounting
- SES Director, Office of Financial Policy, Analysis, GAO Liaison
- SES Director, Office of Program and Project Assessment and Control
- SES Director, Office of Management Information Systems
- Office of the General Counsel**
- SES Deputy General Counsel, Regulations
- SES Deputy General Counsel, Enforcement and Litigation
- SES Deputy General Counsel, Programs
- SES Deputy General Counsel, Legal Services
- Office of Equal Opportunity**
- SES Director
- SES Deputy Director
- Field Offices**
- SES Regional Representative of the Secretary, Region I
- SES Regional Representative of the Secretary, Region II
- SES Regional Representative of the Secretary, Region III
- SES Regional Representative of the Secretary, Region IV
- SES Regional Representative of the Secretary, Region V/Manager, Chicago Operations Office
- SES Regional Representative of the Secretary, Region VI
- SES Regional Representative of the Secretary, Region VII
- SES Regional Representative of the Secretary, Region VIII
- SES Regional Representative of the Secretary, Region IX
- SES Regional Representative of the Secretary, Region X
- SES Deputy Manager, Chicago Operations Office
- SES Chief Counsel, Chicago Operations Office
- SES Manager, Oak Ridge Operations Office
- SES Deputy Manager, Oak Ridge Operations Office
- SES Chief Counsel, Oak Ridge Operations Office
- SES Manager, Richland Operations Office
- SES Deputy Manager, Richland Operations Office
- SES Chief Counsel, Richland Operations Office
- SES Manager, Nevada Operations Office
- SES Deputy Manager, Nevada Operations Office
- SES Chief Counsel, Nevada Operations Office
- SES Manager, San Francisco Operations Office
- SES Deputy Manager, San Francisco Operations Office
- SES Chief Counsel, San Francisco Operations Office
- SES Manager, Albuquerque Operations Office
- SES Deputy Manager, Albuquerque Operations Office
- SES Chief Counsel, Albuquerque Operations Office
- SES Deputy Manager, Idaho Operations Office
- SES Manager, Savannah River Operations Office
- SES Deputy Manager, Savannah River Operations Office
- SES Administrator, Southeastern Power Administration
- SES Administrator, Western Area Power Administration
- SES Administrator, Southwestern Power Administration
- SES Administrator, Alaska Power Administration
- SES Deputy Administrator, Western Area Power Administration

- SES Deputy Administrator, Bonneville Power Administration
- SES Assistant Administrator, Engineering and Construction, Bonneville Power Administration
- SES Assistant Administrator, Power Management, Bonneville Power Administration
- SES Deputy Administrator, Southwest Power Administration
- Office of the Under Secretary**
- SES Deputy Under Secretary
- SES Director, Office of Project Management and Field Operations
- Chief Financial Officer**
- SES Chief Financial Officer
- Gasoline Rationing Preimplementation Project Office**
- SES Special Administrator, Gasoline Rationing Preimplementation Project Office
- SES Deputy Special Administrator, Gasoline Rationing Preimplementation Project Office
- Nuclear Energy**
- SES Principal Deputy Assistant for Nuclear Energy
- SES Deputy Assistant Secretary for Nuclear Reactor Programs
- SES Deputy Assistant Secretary for Nuclear Waste Management
- SES Executive Director, Office of Nuclear Energy Programs
- SES Deputy Director, Nuclear Waste Management Programs
- SES Deputy Director, Naval Reactor Division
- SES Director, Office of Resource Management and Planning
- SES Director, Office of Plans and Resource Management
- SES *Director, Office of Resource Management
- SES *Associate Deputy Assistant Secretary for Nuclear Reactor Programs
- Fossil Energy**
- SES Principal Deputy Assistant Secretary for Fossil Energy
- SES Deputy Assistant Secretary for Oil, Gas and Shale Technology
- SES Deputy Assistant Secretary for Management
- SES Deputy Assistant Secretary for Coal Technology
- SES Program Director for Project Management
- Minority Economic Impact**
- SES Deputy Director, Office of Minority Economic Impact
- Office of the Assistant to the Secretary for Legislative Affairs**
- SES Director, Office of Congressional Affairs
- SES Deputy Director, Office of Congressional Affairs
- SES *Deputy Assistant Secretary for House Liaison
- SES *Deputy Assistant Secretary for Senate Liaison
- Office of Consumer Affairs**
- SES Director, Office of Consumer Affairs
- SES Deputy Director, Office of Consumer Affairs
- Office of the Assistant Secretary for Congressional, Intergovernmental and Public Affairs**
- SES Director, Office of Public Affairs
- SES Deputy Director, Office of Public Affairs
- SES *Deputy Assistant Secretary for External Affairs
- SES *Deputy Assistant Secretary for Legislative Affairs
- AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES**
- Positions:**
- OFFICE OF THE SECRETARY**
- Immediate Office of the Secretary**
- SES *Chief of Staff
- SES *Executive Secretary
- SES *Deputy Executive Secretaries to the Department (2)
- Immediate Office of the Under Secretary**
- SES *Counselor to the Under Secretary
- SES Deputy Under Secretary
- SES Deputy Under Secretary for Special Projects
- SES Deputy Under Secretary/Intergovernmental Affairs
- SES Principal Regional Official—Region I
- SES Principal Regional Official—Region II
- SES Principal Regional Official—Region III
- SES Principal Regional Official—Region IV
- SES Principal Regional Official—Region V
- SES Principal Regional Official—Region VI
- SES Principal Regional Official—Region VII
- SES Principal Regional Official—Region VIII
- SES Principal Regional Official—Region IX
- SES Principal Regional Official—Region X
- SES Director, Office of Refugee Affairs
- SES Chairman, Departmental Grant Appeals Board
- SES Special Assistant to the Under Secretary/Director, Office of Small and Minority Business Utilization
- Office of Planning and Evaluation**
- SES Principal Deputy Assistant Secretary for Planning and Evaluation
- SES Deputy Assistant Secretary for Income Security Policy
- SES Deputy Assistant Secretary for Health Planning
- SES Deputy Assistant Secretary for Program Systems
- SES Deputy Assistant Secretary for Social Services Policy
- SES Deputy Assistant Secretary for Evaluation and Technical Analysis
- Office of Inspector General**
- SES Assistant Inspector General for Auditing
- SES Deputy Assistant Inspector General for Auditing
- SES Senior Assistant Inspector General for Auditing and Systems
- SES Assistant Inspector General for Health Care and Systems Review
- SES Assistant Inspector General for Investigations
- SES Deputy Assistant Inspector General for Investigations
- SES Executive Assistant Inspector General
- Office of Management and Budget**
- SES Assistant Secretary for Management and Budget
- SES Deputy Assistant Secretary for Policy Coordination
- SES Deputy Assistant Secretary for Budget
- SES Deputy Assistant Secretary for Finance
- SES Deputy Assistant Secretary, Management Analysis and Systems
- SES Deputy Assistant Secretary, Grants and Procurement
- Legislation**
- SES Deputy Assistant Secretary for Legislation
- SES Deputy Assistant Secretary for Legislation (Health)
- SES Deputy Assistant Secretary for Legislation (Welfare)
- SES Director of Program Coordination
- SES *Deputy Assistant Secretary for Legislation (Special Projects)
- SES Deputy Assistant Secretary for Legislation (Congressional Liaison)
- Office for Civil Rights**
- SES Special Assistant to the Secretary for Civil Rights, Director, Office for Civil Rights
- SES Deputy Special Assistant to the Secretary/Deputy Director, Office for Civil Rights
- SES *Deputy Director for Compliance and Enforcement, Office for Civil Rights
- SES *Deputy Director for Technical Assistance, OCR
- SES *Deputy Director for Program Development, OCR
- Office for Personnel Administration**
- SES Assistant Secretary for Personnel Administration
- SES Deputy Assistant Secretary, Personnel
- SES Principal Deputy Assistant Secretary for Personnel Administration
- SES Deputy Assistant Secretary, Equal Employment Opportunity
- Office of Public Affairs**
- SES Deputy Assistant Secretary for Operations Management
- SES Deputy Assistant Secretary for Communication Planning
- SES Deputy Assistant Secretary for Issue and Policy Analysis
- Office of the General Counsel**
- SES *Deputy General Counsel, Program Review
- SES *Deputy General Counsel, Regulations
- SES *Deputy General Counsel, Litigation
- SES Legal Counsel
- SES Assistant General Counsel, Legislation Division
- SES Assistant General Counsel, Public Health Division
- SES Assistant General Counsel, Social Security
- SES Assistant General Counsel, Food and Drug Administration
- SES Assistant General Counsel, Health Care Financing and Human Development

SES Assistant General Counsel, Civil Rights Division

SES Assistant General Counsel, Business and Administrative Law Division

SES Associate General Counsel (Regional Operations)

Office of Consumer Affairs

SES Deputy Director, Office of Consumer Affairs

OFFICE OF HUMAN DEVELOPMENT SERVICES

SES Deputy Commissioner, Administration on Aging

SES Deputy Assistant Secretary, Human Development Services

GS-18 Commissioner, Administration for Children, Youth and Families

SES Deputy Commissioner, Administration for Children, Youth and Families

SES Commissioner, Administration for Native Americans

SES Commissioner, Administration on Developmental Disabilities

SES Director, Office of Program Coordination and Review

HEALTH CARE FINANCING ADMINISTRATION

SES Administrator, Health Care Financing Administration

SES Deputy Administrator, Health Care Financing Administration

SES Director, Bureau of Program Operations, Medicare

SES Director, Health Care Standards and Quality Bureau

SES Director, Office of Intergovernmental Affairs

SES Director, Office of Management and Budget

SES Director, Office of Research, Demonstrations and Statistics

GS-17 *Director, Office of Professional and Scientific Affairs

SES *Chairperson, Provider Reimbursement Review Board

SES *Associate Administrator for Management and Support Services

SES *Associate Administrator for Policy

SES *Associate Administrator for Operations

SES *Deputy Associate Administrator for Operations (Field)

SES *Associate Administrator for External Affairs

SES Director, Office of Executive Operations

SES Regional Administrator, Region I

SES Regional Administrator, Region II

SES Regional Administrator, Region III

SES Regional Administrator, Region IV

SES Regional Administrator, Region V

SES Regional Administrator, Region VI

SES Regional Administrator, Region VII

SES *Regional Administrator, Region VIII

SES Regional Administrator, Region IX

SES *Regional Administrator, Region X

SES Director, Bureau of Program Policy

SES Director, Bureau of Quality Control

SES Director, Office of Legislation and Policy

SES Director, Bureau of Support Services

SES *Director, Office of Public Affairs

PUBLIC HEALTH SERVICE

Office of the Assistant Secretary for Health

SES *Deputy Assistant Secretary for Health

SES Deputy Assistant Secretary, Health Operations

SES Deputy Assistant Secretary, Health Policy Research, Statistics and Technology

SES Deputy Assistant Secretary, Planning and Evaluation

SES Director, Office of International Health

SES Deputy Assistant Secretary, Population Affairs

SES/O-7 Regional Health Administrators—Regions I-X

SES Executive Director, President's Council on Physical Fitness and Sports

SES Director, National Center for Health Statistics

SES Deputy Director, National Center for Health Statistics

SES Director, National Center for Health Services Research

SES *Director, National Center for Health Care Technology

O-8 Deputy Surgeon General and Chief Dental Officer, Public Health Service

O-8 Chief Nurse Officer, Public Health Service

O-8 Senior Adviser for Environmental Affairs

Center for Disease Control

O-8 Director, Center for Disease Control

O-7 *Director, Center for Prevention Services

SES *Director, Center for Environmental Health

O-7 *Director, Center for Infectious Diseases

SES Director, Center for Professional Development and Training

SES Director, Center for Health Promotion and Education

SES Director, National Institute for Occupational Safety and Health

SES Deputy Director, National Institute for Occupational Safety and Health

Health Resources Administration

SES Administrator, Health Resources Administration

SES Deputy Administrator, Health Resources Administration

SES Director, Bureau of Health Facilities, Financing Compliance and Conversion

SES Director, Bureau of Health Planning

SES Director, Bureau of Health Professions

Health Services Administration

O-8 Administrator, Health Services Administration

SES Deputy Administrator, Health Resources Administration

O-7 Director, Bureau of Medical Services

O-7 Deputy Director, Bureau of Medical Services

O-7 Director, Bureau of Community Health Services

SES Deputy Director, Bureau of Community Health Services

O-8 Director, Indian Health Services

SES Deputy Director, Indian Health Service

O-8 *Director, Bureau of Health Personnel, Development and Service

O-8 *Deputy Director, Bureau of Health Personnel, Development and Service

Alcohol, Drug Abuse, and Mental Health Administration

SES Deputy Administrator, ADAMHA

SES Associate Administrator for Extramural Programs, ADAMHA

SES Associate Administrator for Program Planning and Coordination, ADAMHA

SES Director, National Institute on Alcohol Abuse and Alcoholism

SES Deputy Director, National Institute on Alcohol Abuse and Alcoholism

O-8 Director, National Institute of Mental Health

SES Deputy Director, National Institute of Mental Health

O-8 Director, National Institute on Drug Abuse

SES Deputy Director, National Institute on Drug Abuse

National Institutes of Health

SES Deputy Director, NIH

O-7 Deputy Director for Science

SES Associate Director for Extramural Research Training

SES Associate Director for Program Planning and Evaluation

SES Associate Director for Administration

SES Associate Director for Communications

SES Associate Director for Research Services

SES Associate Director for Clinical Care, NIH and Director of Clinical Center

SES Director, Division of Computer Research and Technology

SES Director, Division of Research Grants

SES Deputy Director, Division of Research Grants

O-8 Director, National Cancer Institute

SES Deputy Director, National Cancer Institute

SES Director, Division of Research Resources

SES Deputy Director, Division of Research Resources

SES Director, Division of Research Services

SES Director, National Eye Institute

SES Director, National Heart, Lung, and Blood Institute

O-8 Director, National Institute of Allergy and Infectious Diseases

SES Deputy Director, National Institute of Allergy and Infectious Diseases

SES Director, National Institute of Arthritis, Metabolism and Digestive Diseases

O-7 Deputy Director, National Institute of Arthritis, Metabolism and Digestive Diseases

O-7 Director, National Institute on Aging

SES Deputy Director, National Institute on Aging

SES Director, National Institute on Child Health and Human Development

SES Deputy Director, National Institute on Child Health and Human Development

O-7 Director, National Institute on Dental Research

O-8 Director, National Institute on Environmental Health Sciences

SES Deputy Director, National Institute on Environmental Health Sciences

SES Director, National Institute of General Medical Sciences

O-7 Director, National Institute of Neurological and Communicative Disorders and Stroke
 SES Deputy Director, National Institute of Neurological and Communicative Disorders and Stroke
 SES Director, National Library of Medicine
 SES Deputy Director, National Library of Medicine

FOOD AND DRUG ADMINISTRATION

SES Commissioner of Food and Drugs
 SES Deputy Commissioner for Food and Drugs
 SES Associate Commissioner for Consumer Affairs
 SES Associate Commissioner for Legislative Affairs
 SES Associate Commissioner for Health Affairs
 SES Deputy Associate Commissioner for Health Affairs (Sciences)
 SES Deputy Associate Commissioner for Health Affairs (Medicine)
 SES Deputy Associate Commissioner for Health Affairs (Education and Professional Training)
 SES Associate Commissioner for Policy Coordination
 SES Associate Commissioner for Planning and Evaluation
 SES Associate Commissioner for Regulatory Affairs
 SES Deputy Associate Commissioner for Regulatory Affairs
 SES Associate Commissioner for Management and Operations
 SES Associate Commissioner for Public Affairs

BUREAU OF FOODS

SES Director, Bureau of Foods
 SES Deputy Director, Bureau of Foods
 O-7 Associate Director for Sciences
 SES Deputy Associate Director for Sciences
 SES Director, Division of Pathology
 SES Director, Division of Toxicology
 SES Associate Director for Regulatory Evaluation
 SES Associate Director for Laboratory Investigations
 SES Director, Division of Chemistry and Physics
 SES Director, Division of Microbiology
 SES Deputy Director, Division of Microbiology
 SES Associate Director for Compliance
 SES Director, Division of Food and Color Additives
 SES Director, Office of Technology
 SES Deputy Associate Director for Technology
 SES Director, Division of Food Technology
 SES Director, Division of Chemical Technology
 SES Associate Director for Nutrition and Consumer Sciences
 SES Deputy Associate Director for Nutrition and Consumer Sciences
 SES Director, Division of Nutrition

BUREAU OF DRUGS

O-7 Director, Bureau of Drugs
 O-7 *Deputy Director, Bureau of Drugs
 SES Director, Office of Planning and Evaluation
 SES Associate Director for Compliance

SES Associate Director for New Drug Evaluation
 SES Director, Division of Oncology and Radio-Pharmaceutical Drug Products
 SES Director, Scientific Investigations Staff
 SES Director, Division of Anti-Infective Drug Products
 SES Director, Division of Cardio-Renal Drug Products
 SES Director, Division of Metabolism and Endocrine Drug Products
 SES Director, Division of Surgical-Dental Drug Products
 SES Associate Director for Pharmaceutical Research and Testing
 SES Deputy Associate Director for Pharmaceutical Research and Testing
 SES Director, Division of Drug Biology
 SES Director, Division of Drug Chemistry
 SES Chief, Drug Pharmacology Branch
 SES Director, National Center for Antibiotics Analysis
 SES Associate Director for Information Systems
 SES Associate Director for Biometrics and Epidemiology
 SES Deputy Associate Director for Biometrics and Epidemiology
 SES Director, Division of Biometrics
 SES Director, Division of Drug Experience
 SES Deputy Associate Director for Drug Monographs
 SES Director, Division of Biopharmaceutics

BUREAU OF VETERINARY MEDICINE

SES Director, Bureau of Veterinary Medicine
 SES Deputy Director, Bureau of Veterinary Medicine
 SES Associate Director for Scientific Evaluation
 SES Director, Division of Drugs for Avian Species
 SES Director, Division of Drugs for Non-Food Animals
 SES *Associate Director for Human Food Safety
 SES Director, Division of Drugs for Swine and Minor Species
 SES Director, Division of Drugs for Ruminant Species
 SES Associate Director for Surveillance and Compliance
 SES Associate Director for Research
 SES Director, Division of Veterinary Medical Research

BUREAU OF MEDICAL DEVICES

SES Director, Bureau of Medical Devices
 SES Deputy Director, Bureau of Medical Devices
 SES Associate Director for Device Evaluation
 SES Associate Director for Standards
 SES Associate Director for Compliance
 SES Associate Director for Device Research and Testing

BUREAU OF RADIOLOGICAL HEALTH

O-8 Director, Bureau of Radiological Health
 SES Deputy Director, Bureau of Radiological Health
 SES Director, Division of Biological Effects

BUREAU OF BIOLOGICS

O-8 Director, Bureau of Biologics
 SES Deputy Director, Bureau of Biologics

SES Associate Director for Compliance
 SES Director, Division of Pathology
 SES Director, Division of Control Activities
 SES Assistant to the Director for Medical Programs
 SES Director, Division of Blood and Blood Products

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

SES Director, National Center for Toxicological Research
 SES Associate Director for Biometry and Experimental Design
 SES Associate Director for Scientific Research
 SES Director, Division of Molecular Biology
 SES Associate Director for Chronic Studies

EXECUTIVE DIRECTOR OF REGIONAL OPERATIONS

SES Executive Director of Regional Operations
 SES Deputy Executive Director of Regional Operations
 SES Associate Director for Field Support
 SES Regional Food and Drug Director, I
 SES Regional Food and Drug Director, II
 SES Regional Food and Drug Director, III
 SES Regional Food and Drug Director, IV
 SES Regional Food and Drug Director, V
 SES Regional Food and Drug Director, VI
 SES Regional Food and Drug Director, VII
 SES Regional Food and Drug Director, VIII
 SES Regional Food and Drug Director, IX
 SES Regional Food and Drug Director, X
 O-7 Regional Medical Officer, Region X

SOCIAL SECURITY ADMINISTRATION

SES Deputy Commissioner for Operations
 SES *Deputy Commissioner for External Affairs
 SES Deputy Commissioner for Programs
 SES *Deputy to Deputy Commissioner for Programs
 SES Associate Commissioner for Policy
 SES Associate Commissioner for Assessment
 SES Associate Commissioner for Systems
 SES Associate Commissioner for Central Operations
 SES Associate Commissioner for Family Assistance
 SES Associate Commissioner, Office of Operational Policy and Procedures
 SES Deputy Associate Commissioner for Policy
 SES Deputy Associate Commissioner for Central Operations
 SES Deputy Associate Commissioner, Office of Operational Policy and Procedures
 SES Associate Commissioner, Office of Hearings and Appeals
 SES Deputy Associate Commissioner for Appeals, OHA
 SES Associate Commissioner for Management, Budget, and Personnel
 SES Director, Division of Policy, Office of Family Assistance
 SES Deputy Director, Office of Child Support Enforcement
 SES Regional Commissioner, Boston—Region I
 SES Regional Commissioner, New York—Region II

SES Regional Commissioner, Philadelphia—
Region III
SES Regional Commissioner, Atlanta—
Region IV
SES Regional Commissioner, Chicago—
Region V
SES Regional Commissioner, Dallas—
Region VI
SES Regional Commissioner, Kansas City—
Region VII
SES Regional Commissioner, Denver—
Region VIII
SES Regional Commissioner, San
Francisco—Region IX
SES Regional Commissioner, Seattle—
Region X

**AGENCY: DEPARTMENT OF
HOUSING AND URBAN
DEVELOPMENT**

Positions:

OFFICE OF THE SECRETARY

SES *Deputy Undersecretary for
Intergovernmental Relations
SES Executive Assistants to the Secretary
(2)
SES Assistant to the Secretary for
International Affairs
SES Assistant to the Secretary for Labor
Relations
SES Assistant to the Secretary for Public
Affairs

**OFFICE OF THE ASSISTANT SECRETARY
FOR HOUSING**

SES Deputy Assistant Secretary for
Multifamily Housing Programs
SES Deputy Assistant Secretary for Single-
Family Housing and Mortgage Activities
SES Deputy Assistant Secretary for Public
Housing and Indian Programs
SES Deputy Assistant Secretary for Policy
and Budget
SES General Deputy Assistant Secretary for
Housing/Deputy Federal Housing
Commissioner
SES *Associate General Deputy Assistant
Secretary, Housing and Field Coordination
SES *Associate General Deputy Assistant
Secretary for Housing

**OFFICE OF THE ASSISTANT SECRETARY
FOR COMMUNITY PLANNING AND
DEVELOPMENT**

SES Deputy Assistant Secretary for
Planning and Evaluation
SES *Director, Office of Urban
Development Action Grants
SES General Deputy Assistant Secretary for
Community Planning and Development
SES *Deputy Assistant Secretary for
Program Management

**OFFICE OF THE ASSISTANT SECRETARY
FOR FAIR HOUSING AND EQUAL
OPPORTUNITY**

SES Deputy Assistant Secretary for
Operations and Management
SES Deputy Assistant Secretary for Fair
Housing and Equal Opportunity
SES Deputy Assistant Secretary for
Enforcement and Compliance

**OFFICE OF THE ASSISTANT SECRETARY
FOR POLICY DEVELOPMENT AND
RESEARCH**

SES Deputy Assistant Secretary for
Research
SES Deputy Assistant Secretary for Policy
Development
SES Deputy Assistant Secretary for
Economic Affairs
SES *Deputy Assistant Secretary for Urban
and Community Studies

OFFICE OF THE GENERAL COUNSEL

SES Deputy General Counsel
SES *Deputy General Counsel (Operations)

**OFFICE OF THE ASSISTANT SECRETARY
FOR ADMINISTRATION**

SES Deputy Assistant Secretary for
Administration

**OFFICE OF THE ASSISTANT SECRETARY
FOR LEGISLATION AND
CONGRESSIONAL RELATIONS**

SES *Deputy Assistant Secretary for
Legislation
SES *Deputy Assistant Secretary for
Congressional Relations

OFFICE OF THE INSPECTOR GENERAL

SES Deputy Inspector General

**GOVERNMENT NATIONAL MORTGAGE
ASSOCIATION**

SES Vice President (Mortgage Finance)
SES Vice President (Mortgage Backed
Securities)
SES Executive Vice President

Field Offices

Region I

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Boston Area Office

Region II

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, New York Area Office
SES Area Manager, Newark Area Office

Region III

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Philadelphia Area
Office
SES Area Manager, Pittsburgh Area Office

Region IV

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Atlanta Area Office
SES Area Manager, Greensboro Area Office
SES Area Manager, Jacksonville Area
Office

Region V

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Detroit Area Office
SES Area Manager, Chicago Area Office
SES Area Manager, Columbus Area Office
SES Area Manager, Minneapolis/St. Paul
Area Office
SES Area Manager, Indianapolis Area
Office

Region VI

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Dallas Area Office
SES Area Manager, New Orleans Area
Office
SES Area Manager, Oklahoma City Area
Office

Region VII

SES Regional Administrator
SES Deputy Regional Administrator

Region VIII

SES Regional Administrator
SES Deputy Regional Administrator

Region IX

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, San Francisco Area
Office
SES Area Manager, Los Angeles Area
Office

Region X

SES Regional Administrator
SES Deputy Regional Administrator

**AGENCY: DEPARTMENT OF THE
INTERIOR**

Positions:

Office of the Secretary

SES Assistant Inspector General for
Auditing
SES Assistant Inspector General for
Investigations
SES Director, Office of Small and
Disadvantaged Business Utilization
SES Assistant to the Secretary and Director,
Office of Congressional Relations
SES Executive Assistant to the Secretary
SES Assistant to the Secretary and Director
of Public Affairs
SES Assistants to the Secretary (4)
SES Director, Office of Youth Programs
SES Deputy Under Secretaries (3)
SES Director, Office for Equal Opportunity
SES Legislative Counsel
SES Deputy Director—Senate
SES Deputy Director—House
SES Assistant Director—Federal EEO
SES Assistant Director—Title VI
SES *Deputy Director for Public Affairs
SES *Special Assistant (Field
Representative) (Denver)
SES *Special Assistants (3)
SES *Special Assistant to the Secretary
(Anchorage)

Office of Hearings and Appeals

SES Director, Office of Hearings and
Appeals
SES Chairman, Board of Surface Mining and
Reclamation Appeals
SES Chairman, Board of Contract Appeals
SES Vice Chairman, Board of Contract
Appeals

**Office of Assistant Secretary—Territorial and
International Affairs**

SES Director, Office of Technical
Assistance
SES High Commissioner of the Trust
Territory

SES Deputy High Commissioner of the Trust Territory
 SES Chief Justice, Trust Territory
 SES *Deputy Assistant Secretary Territorial and International Affairs (Policy)
 SES *Deputy Assistant Secretary (Operations) and Science Advisor
 SES *Director, Office of Program Coordination

Office of the Solicitor

SES Deputy Solicitor
 SES *Deputy Solicitor, Legal Services
 SES Associate Solicitor—Energy and Resources
 SES Associate Solicitor—General Law
 SES Associate Solicitor—Conservation Wildlife
 SES Associate Solicitor—Indian Affairs
 SES Associate Solicitor—Surface Mining
 SES Regional Solicitors (7)

Office of the Assistant Secretary—Fish and Wildlife and Parks

SES Deputy Assistant Secretaries (2)
 SES *Staff Assistant to the Assistant Secretary
 SES *Special Assistant to the Assistant Secretary

National Park Service

SES Director
 SES Deputy Director
 SES Associate Directors (2)
 SES Assistant Directors (3)
 SES Director, National Capital Region
 SES Regional Directors (8)
 SES Regional Director (Alaska)
 SES Associate Director, Administration
 SES *Chief, Office of Legislation
 SES *Chief Scientist

Heritage Conservation and Recreation Service (HCRS)

SES Regional Directors (5)

Fish and Wildlife Service

SES Deputy Director
 SES Associate Directors (3)
 SES Associate Director for Research
 SES Associate Director for Fisheries Resources
 SES Regional Directors (5)
 SES Regional Director (Alaska)
 SES Assistant Director—Planning and Budget

Office of the Assistant Secretary—Energy and Minerals

SES Deputy Assistant Secretaries (2)
 SES *Director, Office of Minerals Policy and Research Analysis

Bureau of Mines

SES Deputy Directors (2)
 SES *Management Services Officer
 SES *Assistant Director for Special Projects
 SES *Chief Staff Officer

U.S. Geological Survey

SES Associate Director
 SES Assistant Directors (5)
 SES *Chief, Office of Earth Sciences Application
 SES *Assistant Regional Directors (3)

Office of Surface Mining

SES Deputy Director

SES Assistant Directors (5)
 SES Regional Directors (5)

Office of the Assistant Secretary—Land and Water Resources (LWR)

SES Deputy Assistant Secretaries (LWR) (2)
 SES *Staff Assistant to the Assistant Secretary (3)
 SES *Special Assistant for Emergency Water Planning

Office of Water and Power Resources

SES Commissioner
 SES Deputy Commissioner
 SES Assistant Commissioners (4)
 SES Regional Directors (7)
 SES *Special Assistant to the Commissioner

Bureau of Land Management

SES Associate Director
 SES Assistant Directors (5)
 SES Deputy Directors (3)
 SES *Director, Denver Service Center
 SES *Chief, Office of Special Projects
 SES *State Directors (11)

Office of Water Research and Technology

SES Director
 SES Deputy Director
 SES Assistant Directors (2)

Office of the Assistant Secretary Policy, Budget and Administration

SES Deputy Assistant Secretaries (3)
 SES Assistant to the Assistant Secretary

Office of Acquisition and Property Management

SES Director
 SES Chief, Division of Acquisition and Grants

Office of Information Resources Management

SES Director
 SES Deputy Director

Office of Environmental Project Review

SES Director

Office of Administrative Services

SES Director

Office of Budget

SES Director
 SES Deputy Director
 SES *Chief, Division of Budget Operations

Office of Outer Continental Shelf Program Coordination

SES Director
 SES Assistant Directors (2)

Office of Policy Analysis

SES Director
 SES Assistant Directors (3)

Office of Personnel

SES Director
 SES Deputy Director

Office of the Assistant Secretary Indian Affairs

SES Deputy Assistant Secretaries (2)

Bureau of Indian Affairs

SES Area Directors (12)
 SES Director, Indian Services
 SES Director of Trust Responsibilities

SES Director of Administration,
 SES Director of Indian Education Programs
 SES Director of Tribal Resources

AGENCY: DEPARTMENT OF JUSTICE

Positions:

Office of the Attorney General

SES Counselor to the Attorney General
 SES Assistant to the Attorney General
 SES *Special Assistant

Office of the Deputy Attorney General

SES All Associate Deputy Attorneys General

Office of the Associate Attorney General

SES All Deputy Associate Attorneys General

Office of the Solicitor General

SES All Deputy Solicitors General

Legal Divisions: Antitrust, Civil, Civil Rights, Criminal, Land and Natural Resources, and Tax

SES All Deputy Assistant Attorneys General in legal divisions
 SES Director of Operations, Antitrust Division
 SES Chief, Organized Crime and Racketeering Section, Criminal Division

Office of Legal Counsel

SES All Deputy Assistant Attorneys General

Office of Legislative Affairs

No Section 207(d)(1)(C) Designations

Justice Management Division

SES Assistant Attorney General for Administration
 SES *Special Assistants to the Assistant Attorney for Administration
 SES All Deputy Assistant Attorneys General
 SES Staff Directors
 SES *Deputy Director, Audit Staff

Office of Public Affairs

SES Director

Board of Immigration Appeals

No Section 207(d)(1)(C) Designations

Office of the Pardon Attorney

No Section 207(d)(1)(C) Designations

United States Parole Commission

GS-18 All Commissioners

United States Marshals Service

SES Director
 SES Deputy Director
 SES Assistant Director for Operations
 SES Assistant Director for Planning, Budget and Administration
 SES *Assistant Director for Legal and Personnel Programs

United States Attorneys

SES All United States Attorneys

Drug Enforcement Administration

GS-18 All Assistant Administrators

GS-17 *All Deputy Assistant Administrators
 GS-17 All Regional Directors
 GS-17 *Director, Office of Congressional and Public Affairs
 GS-17 Director, Office of Science and Technology
 GS-17 Director, Office of Training
 GS-17 Chief Counsel
 GS-17 *Chief Inspector

Federal Bureau of Investigation

GS-18 Executive Assistant Directors
 GS-18 All Assistant Directors
 GS-18 Inspector in Charge—Public Affairs Office
 GS-17 All Inspectors/Deputy Assistant Directors
 GS-18 or GS-17 All Special Agents in Charge of Field Offices above GS-16

Immigration and Naturalization Service

SES Deputy Commissioner
 SES *Special Assistant to the Deputy Commissioner for Statistical Information
 SES Executive Assistant to the Commissioner
 SES Associate Deputy Commissioner for Planning and Evaluation
 SES All Associate Commissioners
 SES All Regional Commissioners
 SES General Counsel
 SES *Special Investigator

Bureau of Prisons

SES Director
 SES All Assistant Directors
 SES All Regional Directors
 SES *Assistant Regional Directors
 SES Associate Commissioner for Prison Industries
 SES *Wardens
 SES General Counsel
 SES *Director, National Institute of Corrections

Community Relations Service

SES Deputy Director

Office of Justice Assistance, Research, and Statistics

SES Comptroller
 SES *Director, Office of Civil Rights Compliance Task Force
 SES Assistant Director, Office of Operations Support
 SES General Counsel
 SES Assistant Administrator, Office of Planning and Management
 SES *Assistant Director for Research Coordination

Law Enforcement Assistance Administration

SES Assistant Administrator, Office of Criminal Justice Programs
 SES Deputy Assistant Administrator, Office of Criminal Justice Programs
 SES Assistant Administrator, Office of Community Anti-Crime Programs

National Institute of Justice

SES Assistant Director, Office of Development Testing and Dissemination
 SES Assistant Director, Office of Research Programs

Office of Juvenile Justice and Delinquency Prevention

SES Deputy Assistant Administrator

Bureau of Justice Statistics

SES Assistant Director, Systems Development Division
 SES Deputy Director

Executive Office for United States Trustees

SES *Director

Office of Legal Policy

SES *Deputy Assistant Attorneys General

Office of Intelligence Policy Review

SES *Counsel for Intelligence Policy
 SES *Deputy Counsel for Operations

Foreign Claims Settlement Commission

SES *General Counsel

AGENCY: DEPARTMENT OF LABOR

Positions:

Office of the Inspector General (OIG)

SES Deputy Inspector General
 SES Assistant Inspector General for Investigations
 SES Assistant Inspector General for Audit
 SES Director, Office of Loss Analysis and Prevention

Women's Bureau

GS-17 Director
 SES Deputy Director

Office of Legislation and Intergovernmental Relations (OLIR)

SES Deputy Under Secretary for Legislation and Intergovernmental Relations

Office of the Assistant Secretary, Administration and Management

SES Deputy Assistant Secretary
 SES Director, Office of Administrative Programs and Services
 SES Comptroller for the Department
 SES Deputy Comptroller
 SES Assistant Secretary for Administration and Management

Office of Administrative Law Judges (ALJ)

No Section 207(d)(1)(C) Designations

Office of the Assistant Secretary for Labor-Management relations (LMSA)

SES Deputy Assistant Secretary for Labor-Management Relations
 SES **Administrator for Pension and Welfare Benefit Programs (PWBP)
 SES Deputy Administrator for Pension and Welfare Benefit Programs (PWBP)
 SES Director, Office of Labor-Management Standards Enforcement (LMSE)

Office of the Assistant Secretary for Occupational Safety and Health Administration (OSHA)

SES Deputy Assistant Secretary for Occupational Safety and Health Administration
 SES Director, Policy Analysis, Integration and Evaluation
 SES Director, Federal Compliance and State Programs
 SES Director, Safety Standards Programs

SES Director, Health Standards Programs
 SES Director, Training, Education, Consultation and Federal Agency Programs (TECFAP)

SES Director, Technical Support, TECFAP

Office of the Assistant Secretary for Mine Safety and Health Administration (MSHA)

SES Deputy Assistant Secretary for Mine Safety and Health Administration
 SES Administrator for Metal and Nonmetal Mine Safety and Health
 SES Deputy Administrator for Metal and Nonmetal Mine Safety and Health
 SES Administrator for Coal Mine Safety and Health
 SES Deputy Administrator for Coal
 SES Director of Technical Support
 SES Director of Education and Training
 SES Director of Assessments
 SES Chief, Standards, Regulations and Variances

Office of the Deputy Under Secretary for Employment Standards Administration (ESA)

SES *Deputy Under Secretary for Employment Standards
 SES Associate Deputy Under Secretary for Employment Standards
 SES Director, Office of Federal Contract Compliance Programs (OFCCP)
 SES Deputy Director, OFCCP
 SES Deputy Administrator, Wage and Hour Division (WH)
 SES Director, Office of Workers' Compensation Programs (OWCP)
 SES Deputy Director, OWCP for Operations

Bureau of Labor Statistics (BLS)

SES Deputy Commissioner

Office of the Solicitor of Labor

SES Deputy Solicitor
 SES *Deputy Solicitor for Regional Operations

Office of the Assistant Secretary, Employment and Training Administration (ETA)

SES Administrator, Office of Management Assistance
 SES Deputy Assistant Secretary, ETA

Office of Policy Evaluation and Research (OPER)

SES Administrator
 SES Director, Office of Research and Development

Office of Comprehensive Employment Development (OCED)

SES Administrator

Office of National Programs (ONP)

SES Administrator

Unemployment Insurance Service (UIS)

SES Administrator
 SES Deputy Administrator

United States Employment Services (USES)

SES Administrator
 SES Deputy Administrator

Bureau of Apprenticeship and Training (BAT)

SES Administrator
 SES Deputy Administrator

Office of Administration and Management (OAM)

No Section 207(d)(1)(C) Designations

Office of Youth Programs (OYP)

SES Administrator

SES *Deputy Administrator

Office of the Deputy Under Secretary International Labor Affairs (ILAB)

SES Deputy Under Secretary for International Affairs

SES Associate Deputy Under Secretary for International Labor Affairs

Office of the Assistant Secretary for Policy Evaluation and Research (ASPER)

SES Deputy Assistant Secretary for Policy, Evaluation and Research

SES Deputy Assistant Secretary for Economic Policy and Research

National Commission for Employment Policy (NCEP)

GS-18 Director

President's Committee on Employment of the Handicapped (PCEH)

SES Executive Director

SES Deputy Executive Director

Office of the Assistant Secretary for Veteran's Employment

SES *Deputy Assistant Secretary

AGENCY: DEPARTMENT OF STATE**Positions:**

FEMC Executive Assistant to Secretary, S
 FEOC Deputy Executive Secretary (3), S/S
 FEMC Deputy Director for Planning, S/P
 FEMC Office Director, S/P
 FEOC Deputy Director for Planning, S/P
 FEMC Office Director, D/CT
 FEOC Deputy Director, EEO, M/EEOCR
 FEMC Deputy Director of Management Operations (2), M/MO
 FEMC Director of Management Operations, M/MO
 FEMC Deputy Inspector General (2), S/IG
 FEMC Director Political Military, PM/OD
 FEMC Deputy Director PM, PM/AS
 FEMC Deputy Director PM, PM/ST
 FEMC Medical Director, M/MED
 FEMC Deputy Assistant Secretary, INM
 FEMC Deputy Assistant Secretary (2), OES
 FEMC Director, Refugee Programs, RP
 FEOC Deputy Assistant Secretary, RP
 FEMC Deputy Assistant Secretary, EB
 FEMC Deputy Assistant Secretary, EB/IFD
 FEMC Deputy Assistant Secretary, EB/ORF
 FEMC Deputy Director INR, INR
 FEMC Deputy US Representative, ARA/
 USOAS
 FEMC Deputy Assistant Secretary (5), EUR
 FEMC Deputy Assistant Secretary (2), EA
 FEMC Deputy Assistant Secretary (4), NEA
 FEMC Deputy Assistant Secretary, AF
 FEO1 Deputy Assistant Secretary, AF
 FEMC Deputy US Representative, USUN
 FEMC Deputy Assistant Secretary, IO
 FEMC Deputy Assistant Secretary, A/CDC
 FEMC Deputy Assistant Secretary, DGP/
 PER
 FEMC Deputy Assistant Secretary, A/OPR
 FEMC Director Foreign Service Institute, M/
 FSI

FEMC Deputy Assistant Secretary, A/OC
 FEMC Deputy Assistant Secretary, CA
 FEMC Deputy Assistant Secretary, CA/PPT
 FEMC Deputy Chief of Mission, Buen. Aires
 FEOC Deputy Chief of Mission, La Paz
 FEMC Deputy Chief of Mission, Brasilia
 FEMC Principal Officer, Rio De Jan
 FEMC Principal Officer, Sao Paulo
 FEOC Deputy Chief of Mission, Santiago
 FEOC Principal Officer, Belize City
 FEMC Deputy Chief of Mission, Bogota
 FEOC Deputy Chief of Mission, Bridgetown
 FEOC Deputy Chief of Mission, San Jose
 FEMC Principal Officer, Havana
 FEOC Deputy Chief of Mission, Santo Dom.
 FEOC Deputy Chief of Mission, Quito
 FEOC Principal Officer, Guayaquil
 FEOC Deputy Chief of Mission, San Salv
 FEOC Deputy Chief of Mission (2),
 Guatemala
 FEOC Deputy Chief of Mission, Prt-Au-Prn
 FEOC Deputy Chief of Mission, Tegucigalpa
 FEOC Deputy Chief of Mission (2), Kingston
 FEMC Deputy Chief of Mission, Mexico D.F.
 FEOC Principal Officer, Guadalajara
 FEOC Principal Officer, Monterrey
 FEOC Principal Officer, Tijuana
 FEOC Deputy Chief of Mission, Managua
 FEMC Deputy Chief of Mission, Panama
 FEOC Deputy Chief of Mission, Asuncion
 FEMC Deputy Chief of Mission, Lima
 FEOC Deputy Chief of Mission, Montevideo
 FEMC Deputy Chief of Mission, Caracas
 FEOC Deputy Chief of Mission (2), Port O
 Spain
 FEMC Deputy Chief of Mission, Vienna
 FEMC Deputy US Representative, Unvie
 Vienna
 FEMC US Representative, Unvie Vienna
 FEMC Deputy US Representative, MBFR
 Vienna
 FEMC US Representative, MBFR Vienna
 FEMC Deputy Chief of Mission, Brussels
 FEMC Deputy Chief of Mission, Brussel-EC
 FEMC Deputy Chief of Mission, Brussels
 NTO
 FEMC US Representative, Brussels NTO
 FEOC Deputy Chief of Mission (2), Nicosia
 FEMC Deputy Chief of Mission, Athens
 FEOC Principal Officer, Thessaloniki
 FEMC US Representative, Montreal
 FEOC Deputy US Representative, Montreal
 FEMC Deputy Chief of Mission, Ottawa
 FEMC Principal Officer, Montreal
 FEMC Principal Officer, Toronto
 FEOC Principal Officer, Vancouver
 FEOC Deputy Chief of Mission, Copenhagen
 FEMC Deputy Chief of Mission, London
 FEOC Deputy Chief of Mission, Helsinki
 FEMC Deputy Chief of Mission, Paris
 FEMC US Representative, OECD Paris
 FEMC US Representative, Unesco PRS
 FEMC Deputy US Representative, Unesco
 PRS
 FEMC Deputy Chief of Mission, Bonn
 FEMC Assistant Chief of Mission, Berlin
 FEOC Principal Officer, Dusseldorf
 FEMC Principal Officer, Frankfurt
 FEOC Principal Officer, Hamburg
 FEMC Principal Officer, Munich
 FEOC Principal Officer, Stuttgart
 FEOC Deputy Chief of Mission, Berlin
 FEOC Deputy Chief of Mission, Reykjavik
 FEMC Deputy Chief of Mission, Rome
 FEMC Principal Officer, Milan
 FEMC Principal Officer (2), Naples

FEOC US Representative, USM FAO Rome
 FEOC Deputy Chief of Mission, The Hague
 FEOC Principal Officer, Amsterdam
 FEOC Principal Officer, Rotterdam
 FEOC Deputy Chief of Mission, Oslo
 FEOC Deputy Chief of Mission, Warsaw
 FEOC Deputy Chief of Mission, Lisbon
 FEOC Deputy Chief of Mission, Bucharest
 FEMC Deputy Chief of Mission, Madrid
 FEOC Principal Officer, Barcelona
 FEMC Deputy Chief of Mission, Stockholm
 FEOC Deputy Chief of Mission, Bern
 FEMC US Representative, US Mis Gen
 FEMC Deputy US Representative, US Mis
 Gen
 FEMC Deputy Chief of Mission, Ankara
 FEMC Principal Officer, Istanbul
 FEOC Principal Officer, Izmir
 FEMC Deputy Chief of Mission, Moscow
 FEOC Principal Officer, Leningrad
 FEOC Deputy Chief of Mission, Belgrade
 FEMC Deputy Principal Officer, Hong Kong
 FEMC Principal Officer, Hong Kong
 FEMC Deputy Chief of Mission, Beijing
 FEMC Deputy Chief of Mission, Canberra
 FEOC Principal Officer, Melbourne
 FEMC Principal Officer, Sydney
 FEMC Deputy Chief of Mission, Tokyo
 FEOC Principal Officer, Osaka-Kobe
 FEOC Principal Officer (2), Naha
 FEMC Deputy Chief of Mission, Seoul
 FEMC Deputy Chief of Mission (2),
 Vientiane
 FEOC Deputy Chief of Mission, Wellington
 FEMC Deputy Chief of Mission, Manila
 FEMC Deputy Chief of Mission, Bangkok
 FEOC Deputy Chief of Mission, Singapore
 FEOC Deputy Chief of Mission, Kuala
 Lumpur
 FEOC Deputy Chief of Mission, Rangdon
 FEOC Deputy Chief of Mission, Kabul
 FEOC Deputy Chief of Mission (2), Dacca
 FEOC Deputy Chief of Mission, Colombo
 FEMC Deputy Chief of Mission, Cairo
 FEOC Principal Officer, Alexandria
 FEMC Deputy Chief of Mission (2), New
 Delhi
 FEMC Principal Officer, Bombay
 FEOC Principal Officer, Baghdad
 FEMC Deputy Chief of Mission, Tel Aviv
 FEMC Principal Officer, Jerusalem
 FEOC Deputy Chief of Mission (2), Amman
 FEOC Deputy Chief of Mission, Kuwait
 FEMC Deputy Chief of Mission, Beirut
 FEOC Deputy Chief of Mission, Rabat
 FEOC Principal Officer, Casablanca
 FEOC Deputy Chief of Mission, Kathmandu
 FEMC Deputy Chief of Mission, Islamabad
 FEMC Principal Officer, Karachi
 FEMC Deputy Chief of Mission, Jidda
 FEOC Principal Officer, Dhahran
 FEOC Deputy Chief of Mission, Damascus
 FEOC Deputy Chief of Mission, Tunis
 FEMC Deputy Chief of Mission, Kinshasa
 FEOC Deputy Chief of Mission, Add. Ababa
 FEOC Deputy Chief of Mission, Dakar
 FEOC Deputy Chief of Mission, Accra
 FEOC Deputy Chief of Mission, Abidjan
 FEOC Deputy Chief of Mission, Nairobi
 FEOC Deputy Chief of Mission, Monrovia
 FEMC Deputy Chief of Mission, Lagos
 FEOC Deputy Chief of Mission, Pretoria
 FEOC Principal Officer, Capetown
 FEOC Principal Officer, Johannesburg

AGENCY: DEPARTMENT OF TRANSPORTATION

Positions:

Office of the Secretary of Transportation

SES Deputy General Counsel
 SES Deputy Assistant Secretary for Planning and Policy Analysis
 SES Deputy Assistant Secretary for Policy and Program Development
 SES Deputy Assistant Secretary for Budget and Programs
 SES Deputy Assistant Secretary for Governmental Affairs
 SES Assistant Secretary for Administration
 SES Deputy Assistant Secretary for Administration
 SES Director, Office of Civil Rights

United States Coast Guard

SES Deputy Chief Counsel
 O-7/O-8 Chief of Staff (Rear Admiral)
 O-7/O-8 Chief, Office of Boating, Public and Consumer Affairs (Rear Admiral)
 O-7/O-8 Comptroller (Rear Admiral)
 O-7/O-8 Chief Counsel (Rear Admiral)
 O-7/O-8 Chief, Office of Engineering (Rear Admiral)
 O-7/O-8 Chief, Office of Marine Environment and Systems (Rear Admiral)
 O-7/O-8 Chief, Office of Merchant Marine Safety (Rear Admiral)
 O-7/O-8 Chief, Office of Navigation (Rear Admiral)
 O-7/O-8 *Chief, Office of Command, Control and Communication (Rear Admiral)
 O-7/O-8 Chief, Office of Operations (Rear Admiral)
 O-7/O-8 Chief, Office of Research and Development (Rear Admiral)
 O-7/O-8 District Commanders (Rear Admirals) (10)

Federal Aviation Administration

SES Associate Administrator for Administration
 SES Deputy Associate Administrator for Administration
 SES Associate Administrator for Airports
 SES Associate Administrator for Air Traffic and Airway Facilities
 SES *Deputy Associate Administrator for Air Traffic and Airway Facilities
 SES Associate Administrator for Aviation Standards
 SES *Deputy Associate Administrator for Aviation Standards
 SES Associate Administrator for Engineering and Development
 SES Deputy Associate Administrator for Engineering and Development
 SES Associate Administrator for Policy and International Aviation
 SES Federal Air Surgeon
 SES Deputy Federal Air Surgeon
 SES Chief Counsel
 SES Deputy Chief Counsel
 SES Director, Eastern Region (New York)
 SES Deputy Director, Eastern Region (New York)
 SES Director, New England Region (Boston)
 SES Deputy Director, New England Region (Boston)
 SES Director, Southern Region (Atlanta)

SES Deputy Director, Southern Region (Atlanta)
 SES Director, Southwest Region (Fort Worth)
 SES Deputy Director, Southwest Region (Fort Worth)
 SES Director, Central Region (Kansas City)
 SES Deputy Director, Central Region (Kansas City)
 SES Director, Great Lakes Region (Chicago)
 SES Deputy Director, Great Lakes Region (Chicago)
 SES Director, Western Region (Los Angeles)
 SES Deputy Director, Western Region (Los Angeles)
 SES Director, Rocky Mountain Region (Denver)
 SES Director, Northwest Region (Seattle)
 SES Deputy Director, Northwest Region (Seattle)
 SES Director, Alaska Region (Anchorage)
 SES Deputy Director, Alaska Region (Anchorage)
 SES Director, Pacific-Asia Region (Honolulu)
 SES Deputy Director, Pacific-Asia Region (Honolulu)
 SES Director, Europe-Africa-Middle East Office

Federal Highway Administration

SES Associate Administrator for Planning and Policy Development
 SES Associate Administrator for Research and Development
 SES Associate Administrator for Right-Of-Way and Environment
 SES Associate Administrator for Engineering and Traffic Operations
 SES Associate Administrator for Safety
 SES Associate Administrator for Administration
 SES Deputy Associate Administrator for Administration
 SES Chief Counsel
 SES Deputy Chief Counsel
 SES Regional Federal Highway Administrators (9)
 SES Deputy Administrator
 SES Executive Director

Federal Railroad Administration

SES Associate Administrator for Administration
 SES Chief Counsel
 SES Associate Administrator for Federal Assistance
 SES Associate Administrator for Intercity Programs
 SES Deputy Associate Administrator for Intercity Programs
 SES Associate Administrator for Research and Development
 SES Associate Administrator for Policy and Program Development
 SES Associate Administrator for Safety
 SES Deputy Associate Administrator for Safety
 SES Director, Transportation Test Center (TTC)
 SES General Manager, Alaska Railroad
 SES Deputy Associate Administrator for Policy and Program Development
 SES Deputy Administrator

National Highway Traffic Safety Administration

SES Chief Counsel
 SES Associate Administrator for Rulemaking
 SES Deputy Associate Administrator for Rulemaking
 SES Associate Administrator for Traffic Safety Programs
 SES Associate Administrator for Research and Development
 SES Associate Administrator for Enforcement
 SES Associate Administrator for Plans and Programs
 SES Associate Administrator for Administration
 SES Deputy Administrator

Urban Mass Transportation Administration

SES Executive Director
 SES Associate Administrator for Administration
 SES Chief Counsel
 SES Associate Administrator for Technology Development and Deployment
 SES Associate Administrator for Transit Assistance
 SES Associate Administrator for Policy, Budget, and Program Development
 SES Associate Administrator for Planning, Management, and Demonstrations
 SES Deputy Administrator

Saint Lawrence Seaway Development Corporation

SES Associate Administrator and Resident Manager

Research and Special Programs Administration

SES Deputy Administrator
 SES Chief Counsel
 SES Associate Administrator, Office of Policy, Plans, and Program Management
 SES Director, Material Transportation Bureau
 SES Director, Transportation Programs Bureau
 SES Director, Transportation Systems Center
 SES Deputy Director, Transportation Systems Center
 SES Administrator

AGENCY: DEPARTMENT OF THE TREASURY

Positions:

Office of the Secretary

SES Inspector General

Office of the Assistant Secretary for Domestic Finance

SES Deputy Assistant Secretary, Debt Management
 SES Deputy Assistant Secretary, Financial Institutions and Capital Markets Policy
 SES Deputy Assistant Secretary, State and Local Finance
 SES *Deputy Assistant Secretary, Federal Finance
 SES *Director, Office of Government Financing

Office of the Assistant Secretary for International Monetary Affairs

SES Deputy Assistant Secretary for International Monetary Affairs
 SES Deputy Assistant Secretary for Developing Nations Finance
 SES Deputy Assistant Secretary, Trade and Investment Policy
 SES Deputy Assistant Secretary, Commodities and Natural Resources

Office of the Assistant Secretary for Tax Policy

SES Deputy Assistant Secretary, Tax Policy
 SES Deputy Assistant Secretary, Tax Policy and Director, Office of Tax Analysis

Office of the Fiscal Assistant Secretary

SES Assistant Secretary

Office of the Assistant Secretary for Public Liaison and Consumer Affairs

SES *Assistant Secretary

Office of the Assistant Secretary for Administration

SES **Assistant Secretary

Legal Division

SES Deputy General Counsel, Office of the General Counsel
 SES Assistant General Counsel and Director, Tax Legislative Counsel, Office of the General Counsel
 SES International Tax Counsel and Director, Office of International Tax Counsel, Office of the General Counsel
 SES Chief Counsel, Customs Department
 SES Deputy Chief Counsel, Customs Department
 SES Chief Counsel, Comptroller of the Currency
 SES Deputy Chief Counsel, Comptroller of the Currency
 SES Chief Counsel, Bureau of Alcohol, Tobacco and Firearms
 SES Deputy Chief Counsel, Bureau of Alcohol, Tobacco and Firearms
 SES Legal Counsel, U.S. Secret Service
 SES Deputy Chief Counsel (General), Internal Revenue Service
 SES Deputy Chief Counsel (Litigation), Internal Revenue Service
 SES Deputy Chief Counsel (Technical), Internal Revenue Service

Customs Service

SES Commissioner
 SES Deputy Commissioner
 SES *Assistant Commissioner, Border Operations
 SES *Deputy Assistant Commissioner, Border Operations
 SES Director, Office of Investigations
 SES Comptroller
 SES Assistant Commissioner, Commercial Operations
 SES *Director, Management Inspection Staff
 SES Assistant Commissioner, Management Integrity

Bureau of Alcohol, Tobacco and Firearms

SES Director
 SES Deputy Director
 SES Assistant Director, Regulatory Enforcement

SES Assistant Director, Criminal Enforcement
 SES Assistant Director, Internal Affairs

Bureau of Government Financial Operations

GS-18 Commissioner

Bureau of the Mint

GS-18 Director
 SES Deputy Director
 SES *Assistant Director (Production)

Bureau of Public Debt

GS-18 Commissioner of Public Debt

Office of Revenue Sharing

SES Director

U.S. Secret Service

SES Director
 SES Deputy Director

Office of the Comptroller of the Currency

SES Deputy Comptroller for Special Examinations
 SES Chief National Bank Examiner
 SES Deputy Comptroller of the Currency, Special Surveillance
 SES Deputy Comptroller, Multinational Banking
 SES Deputy Comptroller, Research and Economic Programs
 SES Deputy Comptroller for Administration/Special Assistant to the Deputy Comptroller for Operations
 SES Assistant to the Comptroller/ Senior Advisor to the Comptroller
 SES Director, Bank Organization and Structure
 SES Deputy Comptroller, Customer and Community Programs
 SES Deputy Comptroller of the Currency for Interagency Coordination
 SES Senior Deputy Comptroller for Operations
 SES Senior Deputy Comptroller for Policy
 SES First Deputy Comptroller
 SES Senior Deputy Comptroller for Bank Supervision

Internal Revenue Service

SES Deputy Commissioner
 SES Assistant Commissioner (EP/EO)
 SES Assistant Commissioner (Compliance)
 SES Assistant Commissioner (Technical)
 SES Assistant Commissioner (Resources Management)
 SES Assistant Commissioner (Planning and Research)
 SES Assistant Commissioner (Taxpayer Service and Returns Processing)
 SES Assistant Commissioner (Inspection)
 SES Assistant Commissioner (Data Services)
 SES Regional Commissioner, North Atlantic Region
 SES Regional Commissioner, Midwest Region
 SES Regional Commissioner, Western Region
 SES Regional Commissioner, Southeast Region
 SES Regional Commissioner, Central Region
 SES Regional Commissioner, Southwest Region
 SES Regional Commissioner, Mid-Atlantic Region

Bureau of Engraving and Printing

SES Director
 GS-17 Deputy Director
 SES Assistant Director (Administration)
 SES Assistant Director (Operations)
 SES Assistant Director (Research and Engineering)

Treasurer of the United States

GS-18 Treasurer and National Savings Bond Director, Office of the Secretary

AGENCY: ACTION**Positions:**

SES *Executive Officer
 SES Deputy Associate Director for Domestic and Anti-Poverty Operations
 SES Executive Assistant for Programs
 SES *Deputy Associate Director for Older Americans Volunteer Program (OAVP)
 SES Assistant Director for Administration and Finance
 SES *Deputy Assistant Director for Administration and Finance
 SES General Counsel
 SES *Assistant Director for Congressional and Governmental Affairs
 SES *Deputy Assistant Director for Voluntary Citizen Participation
 SES *Director of Accounting
 SES *Deputy Associate Director for VISTA/ ACTION Education Programs
 SES Assistant Director for Compliance
 SES Assistant Director for Policy and Planning
 SES *Director, Vietnam Veterans Leadership Program
 SES *Inspector General
 FQ-1 *Assistant Director for Recruitment and Communications
 FE-2 *General Counsel, Peace Corps
 FE-2 *Associate Director, Program Operations, Peace Corps

AGENCY: ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**Positions:**

SES Executive Secretary
 SES Executive Director

AGENCY: ADVISORY COUNCIL ON HISTORIC PRESERVATION**Positions:**

SES Executive Director

AGENCY: AMERICAN BATTLE MONUMENTS COMMISSION**Positions:**

O-8 Secretary

AGENCY: BOARD FOR INTERNATIONAL BROADCASTING**Positions:**

SES Executive Director
 SES Director of Engineering

AGENCY: CENTRAL INTELLIGENCE AGENCY**Positions:**

AD General Counsel
 AD Inspector General
 AD Legislative Counsel

AD Deputy Director for Administration
 AD Associate Deputy Director for Administration
 AD Deputy Director for Operations
 AD Associate Deputy Director for Operations
 AD Deputy to Director of Central Intelligence for Resource Management
 AD Associate Deputy to Director of Central Intelligence for Resource Management
 AD Deputy to Director of Central Intelligence for Collection Tasking
 AD *Chairman, National Intelligence Council
 AD *Associate Chairman, National Intelligence Council
 AD Associate Deputy to Director of Central Intelligence for Collection Tasking
 AD Deputy Director of the National Foreign Assessment Center
 AD Deputy Director for Science and Technology
 AD Associate Deputy Director for Science and Technology
 AD Director of Technical Services
 AD Director of Data Processing
 AD Director of Sigint Operations
 AD Director of Security
 AD Director of Research and Development
 AD Director of Personnel
 AD Comptroller
 AD Deputy Comptroller
 AD Director of Development and Engineering
 AD Director of Logistics
 AD Director of Finance
 AD Deputy Director of Development and Engineering
 AD Deputy Director of Research and Development
 AD Deputy Director of Personnel
 AD Deputy Director of Finance
 AD Deputy Director of Logistics
 AD Deputy Director—Data Processing
 AD Director of Public Affairs
 AD Deputy Legislative Counsel
 AD Deputy General Counsel
 AD Deputy Inspector General

AGENCY: CIVIL AERONAUTICS BOARD

Positions:
 SES Managing Director, Office of Managing Director
 SES Director, Bureau of Carrier Accounts and Audits
 SES Director, Bureau of Compliance and Consumer Protection
 SES Director, Bureau of Domestic Aviation
 SES Director, Bureau of International Aviation
 SES Director, Office of Community and Congressional Relations
 SES Director, Office of Human Resources
 SES Comptroller, Office of Comptroller
 SES General Counsel, Office of the General Counsel
 SES Deputy General Counsel, Office of the General Counsel
 SES Deputy Director, Bureau of Compliance and Consumer Protection
 SES Deputy Director, Bureau of Domestic Aviation
 SES Associate Director, Bureau of International Aviation

AGENCY: COMMISSION ON CIVIL RIGHTS

Positions:
 SES Solicitor
 SES Assistant Staff Director for Regional Programs
 SES Assistant Staff Director for Administration
 SES Assistant Staff Director for Program Planning and Evaluation
 SES Acting Assistant Staff Director for Program and Policy Review
 SES Assistant Staff Director for Civil Rights Evaluation
 SES Assistant Staff Director for Congressional and Public Affairs
 SES Deputy Staff Director
 SES General Counsel

AGENCY: COMMISSION OF FINE ARTS

Positions: No Section 207(d)(1)(C) Designations

AGENCY: COMMODITY FUTURES TRADING COMMISSION

Positions:
 SES Executive Director
 SES Deputy Executive Director (2)
 SES Director, Division of Enforcement
 SES Deputy Director, Division of Enforcement (2)
 SES Chief Economist, Division of Economics and Education
 SES Deputy Chief Economist, Division of Economics and Education (2)
 SES Director, Division of Trading and Markets
 SES Deputy Director, Division of Trading and Markets (2)
 SES Deputy General Counsel, Office of General Counsel (2)
 SES *Supervisory Economist, Division of Economics and Education

AGENCY: COMMUNITY SERVICES ADMINISTRATION

Positions:
 SES Regional Director, Region I
 SES Regional Director, Region II
 SES Regional Director, Region III
 SES Regional Director, Region IV
 SES Regional Director, Region V
 SES Regional Director, Region VI
 SES Regional Director, Region VII
 SES Regional Director, Region VIII
 SES Regional Director, Region IX
 SES Regional Director, Region X
 SES Associate Director for Economic Development
 SES Director, Regional Operations
 SES Director for Program Development
 SES Deputy General Counsel
 SES Deputy Associate Director for Economic Development
 SES Deputy Assistant Director for Community Action
 SES Controller
 SES Deputy Inspector General
 SES Assistant Inspector General for Auditing
 SES Assistant Inspector General for Investigations
 SES **General Counsel

SES **Assistant Director for Policy, Planning and Evaluation

AGENCY: CONSUMER PRODUCT SAFETY COMMISSION

Positions:
 SES General Counsel
 SES Deputy General Counsel
 SES Executive Director
 SES Deputy Executive Director
 SES Associate Executive Director for Engineering and Science
 SES Associate Executive Director for Hazard Identification and Analysis
 SES Associate Executive Director for Field Operations
 SES Associate Executive Director for Administration
 SES Associate Executive Director for Compliance and Enforcement
 SES Associate Executive Director for Communications
 SES Deputy Associate Executive Director for Engineering and Science
 SES Deputy Associate Executive Director for Health Sciences
 SES Deputy Associate Executive Director for Epidemiology
 SES Director, Office of Program Management
 SES Director, Office of Budget, Program Planning and Evaluation

AGENCY: COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Positions: No Section 207(d)(1)(C) Designations

AGENCY: DISTRICT OF COLUMBIA GOVERNMENT

Positions:
 Corporation Counsel
 Director, Department of Transportation
 Director, Department of Human Resources
 Director, Department of Environmental Services
 Superintendent of Schools
 President, University of the District of Columbia
 Director, Public Defender Service

AGENCY: ENVIRONMENTAL PROTECTION AGENCY

Positions:
 SES Regional Administrator, Region I, Boston
 SES Regional Administrator, Region II, New York
 SES Regional Administrator, Region III, Philadelphia
 SES Regional Administrator, Region IV, Atlanta
 SES Regional Administrator, Region V, Chicago
 SES Regional Administrator, Region VI, Dallas
 SES Regional Administrator, Region VII, Kansas City
 SES Regional Administrator, Region VIII, Denver
 SES Regional Administrator, Region IX, San Francisco

SES Regional Administrator, Region X, Seattle

SES Associate Assistant Administrator for Management Reform

SES Associate Assistant Administrator for Program Management and Policy

SES *Associate Assistant Administrator for Strategic Planning (Water)

SES *Associate Assistant Administrator for Policy and Program Management Operations (Water)

SES Associate Assistant Administrator for Toxics Integration

SES *Associate Administrator for Legal and Enforcement Counsel

SES *Director, Office of Enforcement Counsel

SES *Associate Administrator for Policy and Resources Management

SES *Deputy Associate Administrator for Resources Management

SES Director, Office of Water Enforcement

SES Director, Office of Mobile Source Air Pollution Control

SES Director, Office of Radiation Programs

SES Director, Office of Noise Abatement and Control

SES Director, Office of Water Program Operations

SES Director, Office of Water Regulations and Standards

SES Director, Office of Solid Waste

SES Director, Office of Drinking Water

SES Director, Office of Pesticides Programs

SES Director, Office of Monitoring Systems and Quality Assurance (ORD)

SES Director, Office of Health Research

SES Director, Office of Environmental Processes and Effects Research

SES Director, Office of Environmental Engineering and Technology

SES Director, Office of Toxic Substances

SES Director, Office of Air Quality Planning and Standards

SES General Counsel

SES Deputy General Counsel

SES Deputy Inspector-General for Audits

SES Deputy Inspector-General for Inspection

SES *Chief of Staff to Administrator

SES Assistant to the Administrator

SES Assistant to the Deputy Administrator

SES Director, Office of Federal Activities

SES Director, Office of Legislation

SES Director, Criteria and Assessment Office—RTP (ORD)

AGENCY: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Positions:

SES Associate General Counsel, Trial Division

SES Executive Director

SES Deputy Executive Director

SES Director, Office of Program Planning and Evaluation

SES Deputy General Counsel

AGENCY: EXPORT-IMPORT BANK OF THE UNITED STATES

Positions:

GS-18 General Counsel

GS-17 Deputy General Counsel

GS-17 Senior Vice President, Exporter Credits, Guarantees and Insurance

GS-17 Senior Vice President, Policy

GS-17 Senior Vice President, Direct Credits and Financial Guarantees

GS-17 Senior Vice President, International Relations

AGENCY: FARM CREDIT ADMINISTRATION

Positions:

SES Senior Deputy Governor

SES Chief of Staff to the Senior Deputy Governor

SES General Counsel

SES Deputy Governor, Office of Supervision

SES Associate Deputy Governor, Office of Supervision

SES Assistant Deputy Governor, Office of Supervision

SES Deputy Governor and Chief Examiner

SES Associate Deputy Governor, Office of Examination

SES Deputy Governor, Office of Administration

SES Director, Administrative Division

SES *Director, Congressional and Public Affairs Division

GS-18 *Members of the Federal Farm Credit Board (13)

AGENCY: FEDERAL COMMUNICATIONS COMMISSION

Positions:

SES General Counsel

SES Chief, Broadcast Bureau

SES Chief Scientist

SES Chief, Common Carrier Bureau

SES Chief, Field Operations Bureau

SES Deputy Chief, Broadcast Bureau

SES Executive Director

SES Chief, Private Radio Bureau

SES Deputy Chief, Private Radio Bureau

SES Associate Chief, Private Radio Bureau (Policy)

SES Chief, Office of Opinions and Review

SES Deputy Chief Scientist (Technology)

SES Deputy Chief Scientist (Policy)

SES Deputy Chief, Common Carrier Bureau (Operations)

SES Deputy Chief, Common Carrier Bureau (Policy)

SES Chief, Office of Plans and Policy

SES Deputy Chief, Office of Plans and Policy

SES Deputy General Counsel

SES Chief, Cable Television Bureau

SES Deputy Chief, Field Operations Bureau

SES *Management Systems Advisor, Office of Chairman

AGENCY: FEDERAL DEPOSIT INSURANCE CORPORATION

Positions:

AD-18 Deputy to the Chairman

AD-18 Assistant to the Director (Appointive)

AD-17 Director, Office of Employee Relations

AD-17 Director, Office of Personnel Management

AD-18 Contoller

AD-18 Director, Division of Management Systems and Financial Statistics

AD-17 Deputy Director, Division of Management Systems and Financial Statistics

AD-17 Director, Office of Corporate Audits

AD-18 General Counsel

AD-18 Director, Division of Bank Supervision

AD-17 Chief Deputy Director, Division of Bank Supervision

AD-17 Deputy Directors, Division of Bank Supervision (2)

AD-17 Assistant Director, Division of Liquidation

AD-18 Director, Division of Liquidation

AD-18 Director, Division of Research

AD-17 Deputy General Counsel

AGENCY: FEDERAL ELECTION COMMISSION

Positions:

GS-17 *Deputy General Counsel

AGENCY: FEDERAL EMERGENCY MANAGEMENT AGENCY

Positions:

SES Director, Public Affairs

SES General Counsel

SES Director, Operations Support

SES Inspector General

SES Director, Program Analysis and Evaluation

SES Director, Finance and Administration

SES Director of Personnel

SES Director, Training and Education

GS-18 Associate Director, Mitigation and Research

AGENCY: FEDERAL EMERGENCY MANAGEMENT AGENCY

Positions:

SES Executive Director, Office of the Executive Director

SES Deputy Executive Director, Office of the Executive Director

SES Director, Office of Electric Power Regulation

SES Deputy Director, Office of Electric Power Regulation

SES Director, Office of Pipeline and Producer Regulation

SES Deputy Director, Office of Pipeline and Producer Regulation

SES General Counsel, Office of General Counsel

SES Deputy General Counsel, Office of General Counsel

SES Director, Office of Regulatory Analysis

SES Deputy Director, Office of Regulatory Analysis

SES Chief Accountant, Office of Chief Accountant

SES Deputy Chief Accountant, Office of Chief Accountant

SES Director, Office of Enforcement

SES *Deputy Director, Office of Enforcement

SES Director, Office of Opinions and Review

SES Deputy Director, Office of Opinions and Review

AGENCY: FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Positions:

GS-18 Executive Secretary

AGENCY: FEDERAL HOME LOAN BANK BOARD

Positions:

SES General Counsel
 SES Director, Office of District Banks
 SES Director, Office of Community Investment
 SES Director, Office of Policy and Economic Research
 SES Director, Federal Savings and Loan Insurance Corporation
 SES Executive Staff Director
 SES Director, Office of Examinations and Supervision
 SES Director, Internal Evaluation and Compliance Office

AGENCY: FEDERAL HOME LOAN MORTGAGE CORPORATION

Positions:

AD President—Chief Executive Officer
 AD Executive Vice President—Chief Operating Officer
 AD Executive Vice President—Chief Administrative Officer
 AD Executive Vice President—General Counsel
 AD Regional Vice President—Los Angeles
 AD Executive Vice President—Chief Financial Officer
 AD Special Assistant to the President
 AD *Vice President—Corporate Information Resources

AGENCY: FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Positions:

SES Deputy Federal Inspector (Washington)
 SES *Deputy Federal Inspector (Alaska)
 SES Executive Director
 SES General Counsel
 SES Director, External Affairs
 SES Director, Environment
 SES Director, Engineering
 SES *Deputy Director, Engineering
 SES Director, Cost Control and Audit
 SES Director, Compliance and Permitting
 SES Director of Administration
 SES Deputy Director for Administration
 SES Director, Procurement and Contracts

AGENCY: FEDERAL LABOR RELATIONS AUTHORITY

Positions:

GS-18 *Member of the Foreign Service Labor Relations Board (2)
 GS-18 *Members, Foreign Service Impasse Disputes Panel (2)
 GS-18 Members of the Federal Service Impasses Panel (7)
 GS-17 *Chief Judge, Office of Administrative Law Judges
 SES Executive Director of the Authority
 SES Deputy Executive Director of the Authority
 SES Chief Counsel, Office of the Chief Counsel
 SES Director, Office of Operations and Technical Assistance
 SES Deputy General Counsel
 SES Assistant General Counsel (Field Management) (3)
 SES Assistant General Counsel for Appeals

SES Regional Director, Washington Region
 SES *Regional Director, Atlanta Region
 SES Executive Director, Federal Service Impasses Panel

AGENCY: FEDERAL MARITIME COMMISSION

Positions:

SES General Counsel
 SES Managing Director
 SES Director, Bureau of Tariffs
 SES Director, Bureau of Agreements
 SES Deputy General Counsel, Division of Reports, Opinions and Decisions
 SES Deputy General Counsel, Division of Legislation, Orders and Legal Research and Assistance
 SES Director, Bureau of Investigation and Enforcement
 SES Director, Bureau of Certification and Licensing
 SES Secretary
 SES Deputy Managing Director
 SES *Director, Office of Regulatory Policy and Planning

AGENCY: FEDERAL MEDIATION AND CONCILIATION SERVICE

Positions:

SES Deputy Director
 SES Director of Mediation Services
 SES Associate Director of Mediation Services (2)
 SES Director of Administration
 SES Director of Arbitration Services
 SES Director of Special Services
 SES General Counsel
 SES Regional Directors (8)

AGENCY: FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Positions:

SES Executive Director
 SES General Counsel

AGENCY: FEDERAL RESERVE SYSTEM

Positions:

FRO-1 Secretary of the Board
 FRO-1 Staff Director for Monetary and Financial Policy
 FRO-1 Staff Director for Management
 FRO-1 Director, Division of Research and Statistics
 FRO-1 General Counsel
 FRO-1 Director, Division of Banking Supervision and Regulation
 FRO-1 Director, Division of International Finance
 FRO-1 Staff Director for Federal Reserve Bank Activities

AGENCY: FEDERAL TRADE COMMISSION

Positions:

SES Director, Office of Policy Planning
 SES General Counsel
 SES Deputy General Counsel
 SES Director, Bureau of Competition
 SES Deputy Directors, Bureau of Competition
 SES Director, Bureau of Consumer Protection
 SES Deputy Directors, Bureau of Consumer Protection

SES Director, Bureau of Economics
 SES Deputy Director, Bureau of Economics
 SES Executive Director
 SES Assistant to the Chairman
 SES *Special Assistant to the Chairman
 SES Deputy Director, Office of Policy Planning
 SES *Special Deputy for Litigation and Enforcement Analysis

AGENCY: GENERAL ACCOUNTING OFFICE

Positions:

SES Director, Program Analysis Division (PAD)
 SES Deputy Director, PAD
 SES Director, Energy and Minerals Division (EMD)
 SES Deputy Director, EMD
 SES Director, Community and Economic Development Division (CEDD)
 SES Deputy Director, CEDD
 SES Director, Federal Personnel and Compensation Division (FPCD)
 SES Deputy Director, FPCD
 SES Director, Field Operations Division (FOD)
 SES Deputy Director, FOD
 SES Director, Accounting and Financial Management Division (AFMD)
 SES Deputy Director (AFMD)
 SES Director, General Government Division (GGD)
 SES Deputy Director, GGD
 SES Director, International Division (ID)
 SES Deputy Director, ID
 SES Director, Procurement, Logistics and Readiness Division (PLRD)
 SES Deputy Director, PLRD
 SES Director, Missions Analysis and Systems Acquisitions Division (MASAD)
 SES Deputy Director, MASAD
 SES Director, Human Resources Division
 SES Deputy General Counsel
 SES Director, Office of Internal Review
 SES Director, Office of Policy
 SES Director of Personnel
 SES Director, General Services and Controller
 SES *Deputy Director of Personnel
 SES *Deputy Director, General Services and Controller
 SES *Director, Office of Organization and Human Development
 SES *Director, Institute for Program Evaluation
 SES *Deputy Director, Institute for Program Evaluation
 SES *Director, Civil Rights Office
 SES **General Counsel
 SES **Assistant Comptroller General for Program Evaluation
 SES **Assistant Comptroller General for Policy and Program Planning
 SES **Assistant Comptroller General for Administration
 SES *Special Assistant for Defense and Materiel Management Studies

AGENCY: GENERAL SERVICES ADMINISTRATION

Positions:

OFFICE OF THE ADMINISTRATOR
 SES Deputy Administrator

SES Executive Assistant to the Administrator

OFFICE OF EXTERNAL AFFAIRS

SES Assistant Administrator for External Affairs
SES Deputy Assistant Administrator for External Affairs

INFORMATION SECURITY OVERSIGHT OFFICE

SES Director of Information Security Oversight
SES Deputy Director, Information Security Oversight

OFFICE OF ACQUISITION POLICY

SES Assistant Administrator for Acquisition Policy
SES Deputy Assistant Administrator for Acquisition Policy
SES Director of Contract Clearance
SES Director of Acquisition Policy
SES *Director, Office of Small and Disadvantaged Business Utilization

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

SES Assistant Administrator for Plans, Programs, and Financial Management
SES Deputy Assistant Administrator for Plans, Programs, and Financial Management
SES Director of Finance
SES Director of Budget
SES Director of Data Systems
SES Deputy Director of Planning and Analysis
SES Director of Program Coordination Staff
SES Executive Officer

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE (ADTS)

SES Commissioner, ADTS
SES *Deputy Commissioner for Program Management
SES *Deputy Commissioner for Government-wide Management
SES Assistant Commissioner for Policy and Planning
SES Assistant Commissioner for Procurement
SES Assistant Commissioner for Systems Engineering and Operations
SES Executive Director, ADTS
SES Director, Voice Communications Systems Division
SES Director, Advanced Planning and Research
SES Director, Data Communications Systems Division
SES Director, Software Development Office

FEDERAL PROPERTY RESOURCES SERVICE (FPRS)

SES Commissioner, Federal Property Resources Service
SES Deputy Commissioner, Federal Property Resources Service
SES *Assistant Commissioner for Real Property
SES *Assistant Commissioner for Personal Property
SES *Deputy Assistant Commissioner for Personal Property

SES Assistant Commissioner, Office of Stockpile Management
SES Assistant Commissioner, Office of Stockpile Transactions

FEDERAL SUPPLY SERVICE (FSS)

SES Commissioner, FSS
SES Deputy Commissioner for Procurement, FSS
SES Deputy Commissioner for Requirements and Supply Management
SES *Assistant Commissioner for Planning, Analysis and Data Systems
SES Assistant Commissioner for Contracts
SES Assistant Commissioner for Supply and Requirements
SES Assistant Commissioner for Supply Policy
SES Assistant Commissioner for Property Management
SES Assistant Commissioner for Acquisition Planning

NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)

SES Archivist of the United States
SES Deputy Archivist of the United States
SES *Associate Archivist for Management

PUBLIC BUILDINGS SERVICE (PBS)

SES Commissioner, PBS
SES Deputy Commissioner, PBS
SES Assistant Commissioner for Buildings Management
SES *Assistant Commissioner for Federal Protective Service Management
SES *Director, Office of Special Programs
SES Deputy Assistant Commissioner for Buildings Management
SES Assistant Commissioner for Program Support
SES Assistant Commissioner for Design and Construction
SES Assistant Commissioner for Space Management
SES Assistant Commissioner for Contracts

TRANSPORTATION AND PUBLIC UTILITIES SERVICE (TPUS)

SES Commissioner, TPUS
SES Deputy Commissioner, TPUS
SES Assistant Commissioner for Transportation and Travel Management
SES Assistant Commissioner for Public Utilities
SES Assistant Commissioner for Motor Equipment
SES Assistant Commissioner for Transportation Audits

OFFICE OF GENERAL COUNSEL (OGC)

SES General Counsel
SES Deputy General Counsel

GSA BOARD OF CONTRACT APPEALS

GS-18 Chairman and Chief Administrative Judge of Board of Contract Appeals
GS-17 Vice Chairman, Board of Contract Appeals

REGIONAL OFFICES

SES Regional Administrator, Region 1 (Boston)
SES Regional Administrator, Region 2 (New York)

SES Regional Administrator, Region 3 (Philadelphia)
SES Regional Administrator, Region 4 (Atlanta)
SES Regional Administrator, Region 5 (Chicago)
SES Deputy Regional Administrator, Region 5 (Chicago)
SES Regional Administrator, Region 6 (Kansas City)
SES Regional Administrator, Region 7 (Fort Worth)
SES Regional Administrator, Region 8 (Denver)
SES Regional Administrator, Region 9 (San Francisco)
SES Regional Administrator, Region 10 (Auburn)
SES Regional Administrator, National Capitol Region (Washington, D.C.)
SES Deputy Regional Administrator, National Capitol Region (Washington, D.C.)

OFFICE OF THE INSPECTOR GENERAL

SES Deputy Inspector General

OFFICE OF HUMAN RESOURCES AND ORGANIZATION

SES Assistant Administrator for Human Resources and Organization
SES Staff Director to the Assistant Administrator for Human Resources and Organization

AGENCY: INTER-AMERICAN FOUNDATION

Positions: No Section 207(d)(1)(C) Designations

AGENCY: INTERNATIONAL COMMUNICATION AGENCY

Positions:
GS-17 Executive Assistant to the Director
FSIO-1 Director, Office of Public Liaison
SES *Counselor of the Agency
SES Director, Office of the General Counsel and Congressional Liaison
SES Deputy General Counsel
FSIO-1 Deputy Associate Director
GC-18 Director for Institutional Relations
FSIO-1 Director of Cultural Centers and Resources
GC-17 Director, Office of Academic Programs

THE DIRECTORATE FOR BROADCASTING (THE VOICE OF AMERICA)

FSIO-1 Deputy Associate Director
SES Director of Administration
FSIO-1 Director, Office of Programs
SES Director of Engineering and Technical Operations

THE DIRECTORATE FOR MANAGEMENT

FSIO-1 Director of Administrative Services
SES Director of Comptroller Services
SES Director of Personnel Services
SES Director, Office of Systems Technology

THE DIRECTORATE FOR PROGRAMS

SES Director of Exhibits Service
FSIO-1 Director of Press and Publication Services
FSIO-1 Director of Television and Film Service

FSIO-1 Deputy Associate Director
SES Executive Officer

Area Offices

FSIO-1 Director of African Affairs
SES Deputy Director of African Affairs
FSIO-1 Director of European Affairs
FSIO-1 Deputy Directors of European Affairs (2)
FSIO-1 Deputy Director of European Affairs (Exchanges)
FSIO-1 Director of East Asian and Pacific Affairs
FSIO-1 Deputy Directors of East Asian and Pacific Affairs (2)
FSIO-1 Director of American Republic Affairs
FSIO-1 Deputy Director of American Republic Affairs
FSIO-1 Director of North African, Near Eastern and South Asian Affairs
FSIO-1 Deputy Director of North African and Near Eastern Affairs
FSIO-1 Deputy Director of South Asian Affairs
FSIO-1 Public Affairs Officers of Class I Posts (6)

AGENCY: INTERNATIONAL TRADE COMMISSION

Positions:

SES Director of Operations
SES General Counsel
SES Director of Industries
SES Director of Investigations
SES Director, Economic Research
SES *Director of Administration

AGENCY: INTERSTATE COMMERCE COMMISSION

Positions:

SES Managing Director
SES General Counsel
SES Director, Bureau of Traffic
SES Director, Bureau of Accounts
SES Director, Office of Proceedings
SES Director, Office of Policy and Analysis/
Rail Services Planning Office
SES Assistant Managing Director
SES Deputy General Counsel
SES Associate Director, Office of Proceedings
SES Associate Director, Office of Policy and Analysis/
Rail Services Planning Office
SES *Director, Office of Consumer Protection
SES *Assistant Director, Office of Consumer Protection

AGENCY: JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Positions:

SES Executive Director

AGENCY: MERIT SYSTEMS PROTECTION BOARD

Positions:

SES Managing Director
SES Deputy Managing Director
SES General Counsel
SES Deputy General Counsel
SES *Legislative Counsel
SES Director, Office of Appeals
SES Director, Office of Merit Systems Review and Studies

SES Director, Office of Administration
SES Chief Appeals Officer (Seven positions, one each at these field locations: Atlanta, Chicago, Dallas, New York, Philadelphia, San Francisco, Washington, D.C.)

AGENCY: NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Positions:

OFFICE OF THE ADMINISTRATOR

SES *Associate Administrator/General Manager
SES Associate Deputy Administrator

OFFICE OF THE COMPTROLLER

SES Deputy Comptroller
SES Associate Administrator/Comptroller

OFFICE OF LEGISLATIVE AFFAIRS

SES Director, Legislative Affairs
SES Deputy Director, Legislative Affairs

OFFICE OF THE CHIEF ENGINEER

SES Chief Engineer, NASA
SES Deputy Chief Engineer, NASA

OFFICE OF SPACE AND TERRESTRIAL APPLICATIONS

SES Associate Administrator for Space and Terrestrial Applications
SES Deputy Associate Administrator for Space and Terrestrial Applications

OFFICE OF GENERAL COUNSEL

SES General Counsel
SES Deputy General Counsel, NASA

OFFICE OF PROCUREMENT

SES Director of Procurement
SES Deputy Director of Procurement

OFFICE OF EXTERNAL RELATIONS

SES Associate Administrator for External Relations
SES Deputy Associate Administrator for External Relations

OFFICE OF SPACE TRANSPORTATION SYSTEMS

SES Associate Administrator for Space Transportation Systems
SES Deputy Associate Administrator for Space Transportation Systems

OFFICE OF MANAGEMENT OPERATIONS

SES Associate Administrator for Management Operations
SES Deputy Associate Administrator for Management Operations

OFFICE OF SPACE TRANSPORTATION OPERATIONS

SES *Associate Administrator for Space Transportation Operations
SES Deputy Associate Administrator for Space Transportation Operations

OFFICE OF THE CHIEF SCIENTIST

SES Associate Administrator (Chief Scientist)

OFFICE OF AERONAUTICS AND SPACE TECHNOLOGY

SES Associate Administrator for Aeronautics and Space Technology
SES Deputy Associate Administrator for Aeronautics and Space Technology

OFFICE OF SPACE SCIENCE

SES Associate Administrator for Space Science
SES Deputy Associate Administrator for Space Science

OFFICE OF SPACE TRACKING AND DATA SYSTEMS

SES Associate Administrator for Space Tracking and Data Systems
SES Deputy Associate Administrator for Space Tracking and Data Systems

OFFICE OF EQUAL OPPORTUNITY PROGRAMS

SES Director of Equal Opportunity Programs
SES Deputy Director of Equal Opportunity Programs

INSPECTOR GENERAL

SES Deputy Inspector General

AMES RESEARCH CENTER

SES Director, NASA Ames Research Center
SES Deputy Director, NASA Ames Research Center

DRYDEN FLIGHT RESEARCH CENTER

SES Director, NASA Dryden Flight Research Center
SES Deputy Director, NASA Dryden Flight Research Center

GODDARD SPACE FLIGHT CENTER

SES Director, NASA Goddard Space Flight Center
SES Deputy Director, NASA Goddard Space Flight Center

JOHNSON SPACE CENTER

SES Director, NASA Johnson Space Center
SES Deputy Director, NASA Johnson Space Center

KENNEDY SPACE CENTER

SES Director, NASA Kennedy Space Center
SES Deputy Director, NASA Kennedy Space Center

LANGLEY RESEARCH CENTER

SES Director, NASA Langley Research Center
SES Deputy Director, NASA Langley Research Center

LEWIS RESEARCH CENTER

SES Director, NASA Lewis Research Center
SES Deputy Director, NASA Lewis Research Center

MARSHALL SPACE FLIGHT CENTER

SES Director, NASA Marshall Space Flight Center
SES Deputy Director, NASA Marshall Space Flight Center

NATIONAL SPACE TECHNOLOGY LABORATORIES

SES Manager, National Space Technology Laboratories
SES Deputy Manager, National Space Technology Laboratories

WALLOPS FLIGHT CENTER

SES Director, NASA Wallops Flight Center

SES Associate Director, NASA Wallops Flight Center

AGENCY: NATIONAL CAPITAL PLANNING COMMISSION

Positions:

SES Executive Director
SES Associate Executive Director for Regional Affairs
SES Associate Executive Director for District of Columbia Affairs
SES General Counsel
SES Assistant Executive Director for Administration

AGENCY: NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Positions:

SES 0-4 Executive Director

AGENCY: NATIONAL CREDIT UNION ADMINISTRATION

Positions:

SES General Counsel
SES Director, Office of Examination and Insurance
SES Director, Office of Administration
SES Comptroller
SES Director, Office of Internal Audit and Investigation
SES Regional Directors (6)
SES Director, Office of Policy Analysis
SES Deputy Director, Examination and Insurance
SES Deputy General Counsel
SES President, Central Liquidity Facility
SES *Director, Office of Consumer Affairs

AGENCY: NATIONAL ENDOWMENT FOR THE ARTS

Positions:

SES Deputy Chairman for Policy and Planning
SES Deputy Chairman for Programs
SES Deputy Chairman, Federal Council on the Arts and the Humanities
SES Director of Administration
SES Director, Office for Partnership
SES General Counsel
SES Director of Program Coordination

AGENCY: NATIONAL ENDOWMENT FOR THE HUMANITIES

Positions:

SES Deputy Chairman for Programs
SES Assistant Chairman for Institutional Relations
SES Deputy Chairman for Management
SES Director, Division of State Programs
SES General Counsel
SES Director, Office of Planning and Policy Assessment
SES Director, Division of Public Programs
SES *Director, Division of Education Programs

AGENCY: NATIONAL LABOR RELATIONS BOARD

Positions:

SES Solicitor
SES Executive Secretary
SES Deputy General Counsel
SES Associate General Counsel, Division of Enforcement Litigation

AGENCY: NATIONAL SCIENCE FOUNDATION

Positions:

SES Director, Office of Audit and Oversight
SES Director, Office of Government and Public Programs
SES Director, Office of Planning and Resources Management
SES Director, Office of Small Business Research & Development
SES Deputy Assistant Director, Science Education
SES Deputy Assistant Director, Astronomical, Atmospheric, Earth & Ocean Sciences
SES Deputy Assistant Director, Scientific, Technological and International Affairs
SES Deputy Assistant Director, Administration
SES Deputy Assistant Director, Biological, Behavioral, & Social Sciences
SES General Counsel
SES Assistant Director, Scientific, Technological and International Affairs
SES Assistant Director for Administration
SES *Assistant Director for Engineering
SES *Assistant Director for Science and Engineering Education

AGENCY: NATIONAL TRANSPORTATION SAFETY BOARD

Positions:

SES Managing Director
SES Deputy Managing Director
SES General Counsel
SES Director, Bureau of Accident Investigation
SES Director, Bureau of Technology
SES Director, Bureau of Administration

AGENCY: NUCLEAR REGULATORY COMMISSION

Positions:

SES Executive Director, ACRS
SES Deputy Executive Director, ACRS
SES Assistant Executive Director for Project Review, ACRS

OFFICE OF ADMINISTRATION

SES Director, Office of Administration
SES Deputy Director, Office of Administration
SES Director, Division of Organization and Personnel
SES Director, Division of Contracts
SES Director, Division of Tech Information and Document Control

OFFICE OF THE CONTROLLER

SES Controller

OFFICE OF THE SECRETARY

SES Secretary of the Commission
SES Assistant Secretary of the Commission

OFFICE OF INSPECTOR AND AUDITOR

SES Director, OIA
SES Assistant Director for Investigations
SES Assistant Director for Audits

OFFICE OF STATE PROGRAMS

SES Director, State Programs

OFFICE OF STANDARDS DEVELOPMENT

SES Director, Office of Standards Development
SES Deputy Director, Office of Standards Development

ATOMIC SAFETY AND LICENSING BOARD PANEL

SES Vice Chairman, Executive Secretary, ASLBP
SES *Vice Chairman, Technical, ASLBP
SES Chairman, ASLBP

ATOMIC SAFETY AND LICENSING APPEAL PANEL

SES Vice Chairman, ASLAP
CG-17 Permanent Legal Members, ASLAP (3)
SES Chairman, ASLAP

OFFICE OF THE GENERAL COUNSEL

SES General Counsel
SES Solicitor, OGC
SES Deputy General Counsel for Dom Lic & Ru
SES Deputy General Counsel for International Legislation
SES Assistant General Counsel

OFFICE OF PUBLIC AFFAIRS

SES Director, Office of Public Affairs
SES Deputy Director, Office of Public Affairs

OFFICE OF CONGRESSIONAL AFFAIRS

SES Director, Office of Congressional Affairs

OFFICE OF POLICY EVALUATION

SES Director, Office of Policy Evaluation
SES A/D for Technical Review, OPE 229
SES A/D for Management and Program Evaluation, OPE

EXECUTIVE DIRECTOR FOR OPERATIONS

SES Executive Director for Operations
SES Deputy Executive Director for Operations
SES Assistant for Operations
SES *Technical Advisor

OFFICE OF THE EXECUTIVE LEGAL DIRECTOR

SES Executive Legal Director
SES Deputy Executive Legal Director
SES Director and Chief Counsel, Regulations Division
CG-17 Special Assistants to the Executive Legal Director (2)
SES Director/Chief Counsel, Operations and Administration Division
SES Director and Chief Counsel, Hearing Division
SES Assistant Chiefs, Hearing Counsel (4)
SES Deputy Chief, Hearing Counsel, Deputy Director, Hearing Division
SES Director and Chief Counsel, Rulemaking and Enforcement Division
SES Director and Chief Counsel, Antitrust Division

OFFICE OF INTERNATIONAL PROGRAMS

SES Director, Office of International Programs

SES Deputy Director for International Programs and A/D for International Cooperation

SES A/D for Export/Import and International Safeguards

OFFICE OF NUCLEAR REACTOR REGULATION

SES Director, NRR
 SES Deputy Director, Office of Nuclear Reactor Regulation
 SES Program Director, TMI Program Office
 SES Deputy Program Director, TMI Program Office
 SES Director, Planning and Program Analysis Staff
 SES Director, Division of Licensing
 SES Deputy Director, Division of Licensing
 SES Assistant Director for Operating Reactors
 SES Chief, Operating Reactors Branch 1
 SES Chief, Operating Reactors Branch 2
 SES Chief, Operating Reactors Branch 3
 SES Chief, Operating Reactors Branch 4
 SES Assistant Director for Licensing
 SES Chief, Licensing Branch 1
 SES Chief, Licensing Branch 2
 SES Chief, Licensing Branch 3
 SES Chief, Standardization and Special Projects Branch
 SES Assistant Director for Safety Assessment
 SES Chief, Operating Reactors Branch 5
 SES Chief, Systematic Evaluation Program Branch
 SES Chief, Operating Reactors Assessment Branch
 SES Director, Division of Engineering
 SES Assistant Director for Components and Structures Engineering
 SES Chief, Mechanical Engineering Branch
 SES Chief, Structural Engineering Branch
 SES Chief, Geosciences Branch
 SES Chief, Hydrologic and Geotechnical Engineering Branch
 SES Assistant Director for Materials and Qualifications Engineering
 SES Chief, Materials Engineering Branch
 SES Chief, Chemical Engineering Branch
 SES Chief, Equipment Qualification Branch
 SES Chief, Quality Assurance Branch
 SES Assistant Director for Environmental Technology
 SES Chief, Environmental Engineering Branch
 SES Chief, Siting Analysis Branch
 SES Chief, Utility Finance Branch
 SES Director, Division of Systems Integration
 SES Assistant Director for Plant Systems
 SES Chief, Instrumentation and Control Systems Branch
 SES Chief, Power Systems Branch
 SES Chief, Containment Systems Branch
 SES Chief, Auxiliary Systems Branch
 SES Assistant Director for Radiation Protection
 SES Chief, Accident Evaluation Branch
 SES Chief, Effluent Treatment Systems Branch
 SES Assistant Director for Reactor Systems
 SES Chief, Reactor Systems Branch
 SES Chief, Core Performance Branch
 SES Chief, Systems Interaction Branch
 SES Director, Division of Human Factors Safety

SES Deputy Director, Division of Human Factors Safety

SES Chief, Human Factors Engineering Branch

SES Chief, Operator Licensing Branch

SES Chief, Licensee Qualifications Branch

SES Chief, Procedures and Test Review Branch

SES Director, Division of Safety Technology

SES Assistant Director for Generic Projects

SES Chief, Generic Issues Branch

SES Chief, Licensing Guidance Branch

SES Chief, Research and Standards Coordination Branch

SES Assistant to the Director for Technology

SES Chief, Safety Program Evaluation Branch

SES Chief, Operating Experience Evaluation Branch

SES Chief, Reliability and Risk Assessment Branch

OFFICE OF NUCLEAR REGULATORY RESEARCH

SES Director, Nuclear Regulatory Research

SES Deputy Director, Nuclear Regulatory Research

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

SES Director, NMSS
 SES Deputy Director, NMSS
 SES Director, Division of Safeguards
 SES Deputy Director, Division of Safeguards
 SES AD, Division of Safeguards
 GG-17 Special Assistant for Licensing
 SES Chief, Physical Security Development Branch
 SES Chief, Physical Security Licensing Branch
 SES Chief, Technical Planning and Information Branch
 SES Chief, Material Control and Accountability Licensing Branch
 SES Chief, Regulatory Improvements Branch
 SES Chief, Material Control and Accountability Development Branch
 SES Deputy Director, Division of Fuel Cycle and Material Safety
 SES Director, Division of Fuel Cycle and Material Safety
 SES Chief, Adv and Spent Fuel Licensing Branch
 SES Chief, Uranium Fuel Licensing Branch
 SES Chief, Transportation Branch
 SES A/D for Material Safety and Licensing
 SES Chief, Procedures and Certification Branch
 SES Chief, Technology Assessment Branch
 SES A/D for Operations and Technology
 SES Chief, Low Level Waste Licensing Branch
 SES Chief, Uranium Recovery Licensing Branch
 SES Chief, Licensing Proc and Integration Branch
 SES Chief, Hi-Level Waste Technology Development Branch
 SES Deputy Director, Waste Management Division
 SES Chief, Hi-Level Waste Licensing Management Branch
 SES Director, Division of Waste Management

OFFICE OF INSPECTION AND ENFORCEMENT

SES Director, Inspection and Enforcement
 SES Deputy Director, Inspection and Enforcement
 SES *Director, Enforcement and Investigation Staff
 SES *Director, Division of Resident and Regional Reactor Inspection
 SES *Deputy Director, Division of Resident and Regional Reactor Inspection
 SES *Chief, Reactor Engineering Branch
 SES *Chief, Reactor Projects and Resident Inspection Branch
 SES *Chief, Vendor and Special Projects Branch
 SES *Director, Division of Safeguards and Radiological Safety Inspection
 SES *Chief, Safeguards Branch
 SES *Chief, Radiological Safety Branch
 SES *Director, Division of Program Development and Appraisal
 SES *Deputy Director, Division of Program Development and Appraisal
 SES *Chief, Program Development Branch
 SES *Chief, Program Appraisal Branch
 SES *Director, Division of Emergency Preparedness
 SES *Deputy Director, Division of Emergency Preparedness
 SES *Chief, Emergency Preparedness Licensing Branch
 SES Director, Region I
 SES Deputy Director, Region I
 SES Director, Region II
 SES Deputy Director, Region II
 SES Director, Region III
 SES Deputy Director, Region III
 SES Director, Region IV
 SES *Deputy Director, Region IV
 SES Director, Region V
 SES *Deputy Director, Region V
 SES Director, Office for Analysis and Evaluation of Operational Data
 SES Deputy Director, Office for Analysis and Evaluation of Operational Data
 SES Director, Division of Engineering Standards, Office of Standards Development
 SES Director, Division of Siting, Health and Safeguards Standards Branch, Office of Standards Development
 SES Director, Probabilistic Staff, Office of Nuclear Regulatory Research
 SES Director, Division of Reactor Safety Research, Office of Nuclear Regulatory Research
 SES Director, Division of Safeguard Fuel Cycle and Environmental Research Branch, Office of Nuclear Regulatory Research

AGENCY: OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Positions:

SES Executive Director
 SES General Counsel

AGENCY: OFFICE OF THE FEDERAL CO-CHAIRMAN, APPALACHIAN REGIONAL COMMISSION

Positions: No Section 207(d)(1)(C) Designations

AGENCY: OFFICE OF PERSONNEL MANAGEMENT

Positions:

SES Assistant Director for Intergovernmental Personnel Programs
 SES Assistant Director for Labor-Management Relations
 SES Director, Office of Planning and Evaluation
 SES Deputy Associate Director for Staffing, Staffing Services Group
 SES Chairman, Federal Prevailing Rate Advisory Committee
 SES Assistant Director for Agency Compliance and Evaluation, Agency Relations Group
 SES Director, Office of Administrative Law Judges, Executive Personnel and Management Development Group
 SES Assistant Director for Staffing, Staffing Services Group
 SES Deputy Associate Director, Compensation Group
 SES Assistant Director for Retirement Programs, Compensation Group
 SES Director, Eastern Region
 SES *Deputy Director, Eastern Region
 SES Director, Great Lakes Region
 SES *Deputy Director, Great Lakes Region
 SES Director, Southwest Region
 SES *Deputy Director, Southwest Region
 SES Director, Western Region
 SES *Deputy Director, Western Region
 SES *Director, New England Region
 SES *Deputy Director, New England Region
 SES Director, Mid-Atlantic Region
 SES *Deputy Director, Mid-Atlantic Region
 SES *Director, Southeast Region
 SES *Deputy Director, Southeast Region
 SES *Director, Rocky Mountain Region
 SES *Deputy Director, Rocky Mountain Region
 SES *Director, Mid-Continent Region
 SES *Deputy Director, Mid-Continent Region
 SES *Director, Northwest Region
 SES *Deputy Director, Northwest Region
 SES Assistant Director for Insurance Operations, Compensation Group
 SES Director, Federal Executive Institute
 SES Chief, Medical Division, Compensation Group
 SES Deputy Assistant Director for Labor-Management Relations
 SES Chief, Personnel Research and Development Center, Staffing Services Group
 SES Assistant Director for Affirmative Employment Programs
 SES Deputy Assistant Director for Grants, Office of Intergovernmental Personnel Programs
 SES Deputy Assistant Director for Personnel Systems, Office of Intergovernmental Personnel Programs
 SES Director, Office of Management
 SES Deputy Associate Director for Personnel Investigations, Staffing Services Group
 SES Deputy General Counsel, Office of the General Counsel
 SES Associate Director, Agency Relations Group
 SES Associate Director, Staffing Services Group

SES Associate Director, Executive Personnel and Management Development Group
 SES Associate Director, Compensation Group
 SES Associate Director, Work Force Effectiveness and Development Group
 SES Deputy Director, Office of Government Ethics
 SES Counselor, Office of Government Ethics

AGENCY: OFFICE OF SPECIAL COUNSEL (MSPB)

Positions:

SES Deputy Special Counsel
 SES Associate Special Counsel for Investigation
 SES Associate Special Counsel for Prosecution

AGENCY: OVERSEAS PRIVATE INVESTMENT CORPORATION

Positions: No Section 207(d)(1)(C) Designations

AGENCY: PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Positions:

AD Executive Director of the Corporation
 AD Assistant Director—Legal
 AD Assistant Director—Finance
 AD All members of the Board of Directors (23)

AGENCY: PENSION BENEFIT GUARANTY CORPORATION

Positions:

GS-17 Deputy Executive Director
 GS-17 General Counsel
 GS-17 Director, Office of Program Operations

AGENCY: POSTAL RATE COMMISSION

Positions:

GS-18 General Counsel of Commission
 GS-18 Director of Technical Analysis and Planning
 GS-17 *Deputy Director of Technical Analysis and Planning

AGENCY: RAILROAD RETIREMENT BOARD

Positions:

SES Chief Executive Officer
 SES Director, Bureau of Retirement Claims
 SES Director of Research
 SES General Counsel
 SES Chief Actuary
 SES Deputy Executive Officer
 SES Director, Bureau of Data Processing and Accounts
 SES Director, Bureau of Unemployment and Sickness Insurance
 SES *Director of Budget and Fiscal Operations
 SES *Director of Management Control
 SES *Assistant Executive Officer

AGENCY: SECURITIES AND EXCHANGE COMMISSION

Positions:

SES General Counsel

SES Director, Division of Corporation Finance
 SES Director, Division of Corporate Regulation
 SES Director, Division of Enforcement
 SES Director, Division of Investment Management
 SES Director, Division of Market Regulation
 SES Deputy Director, Division of Corporation Finance
 SES Deputy Director, Division of Market Regulation
 SES Chief Accountant of the Commission
 SES Deputy Chief Accountant
 SES Executive Director
 SES Regional Administrator, New York
 SES Regional Administrator, Chicago
 SES Regional Administrator, Los Angeles
 SES Deputy Regional Administrator, New York

AGENCY: SELECTIVE SERVICE SYSTEM

Positions:

SES Deputy Director of the Agency
 SES Associate Director, Administration
 SES Associate Director, Planning and Operations
 SES Associate Director, Management Information Systems
 SES Associate Director, Policy Development and Administrative Legal Systems
 SES *Manager, Purchasing and Contracting Division

AGENCY: SMALL BUSINESS ADMINISTRATION

Positions:

SES Deputy Administrator
 SES Associate Administrator for Policy, Planning and Budgeting
 SES Regional Administrator, Region I
 SES Regional Administrator, Region II
 SES Regional Administrator, Region III
 SES Regional Administrator, Region IV
 SES Regional Administrator, Region V
 SES Regional Administrator, Region VI
 SES Regional Administrator, Region VII
 SES Regional Administrator, Region VIII
 SES Regional Administrator, Region IX
 SES Regional Administrator, Region X
 SES Director, Equal Employment Opportunity and Compliance
 SES General Counsel
 SES Deputy General Counsel
 SES Associate Administrator for Procurement and Technology Assistance
 SES Associate Administrator for Management Assistance
 SES Associate Administrator for Minority Small Business & Capital Ownership Development
 SES Director of Business Development
 SES Director of Field Management
 SES *Associate Deputy Administrator
 SES *Associate Administrator for Finance and Investment
 SES *Assistant Administrator for Administration
 SES Assistant Administrator for External Affairs
 SES Director of Personnel

AGENCY: TENNESSEE VALLEY AUTHORITY

Positions: No Section 207(d)(1)(C)
Designations

AGENCY: UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Positions:

SES General Counsel
SES Public Affairs Adviser
SES The Special Assistant to the Director
SES Deputy Assistant Director, NP
SES Deputy Assistant Director, ISP
SES Deputy Assistant Director, WEC
Vacant/O-7 Senior Military Adviser, D
SES Administrative Director
SES Chief of Operations Analysis
SES Ambassador to CD, D
SES Deputy Assistant Director, MA

AGENCY: U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Positions:

Office of the Assistant Director for Administration

SES Assistant Director for Administration

Office of the Associate Director for Policy and Budget

SES Component Coordinator

AGENCY FOR INTERNATIONAL DEVELOPMENT*Office of the General Counsel (GC)*

SES General Counsel
SES Deputy General Counsel

Office of the Inspector General

SES Inspector General
SES Deputy Inspector General

Office of Legislative Affairs (LEG)

SES Director

Office of Public Affairs (OPA)

SES Director

*Board for International Food and Agricultural Development Support Staff (BIFAD/S)***Office of the Executive Director**

SES Executive Director

Office of U.S. Foreign Disaster Assistance (OFDA)

SES Coordinator, Foreign Disaster Relief

Office of Science Advisor (SCI)

SES Science Advisor

Office of Financial Management

SES Director
SES Deputy Controller

Office of Personnel Management

SFS-MC Director
SES Deputy Director

Office of Equal Opportunity Programs (EOP)

SES Director

Bureau for Food for Peace and Voluntary Assistance (FVA)

Office of the Assistant Administrator (AA/FVA)

SFS-CM Deputy Assistant Administrator

Office of Food for Peace (FFP)

SFS-C Coordinator, Food for Peace
SES Deputy Coordinator, Food for Peace

Office of Private and Voluntary Cooperation (PVC)

SES Director, Private and Voluntary Cooperation

Office of Program and Management Support (PMS)

SFS-C Director, Program and Management Support

Bureau for Private Enterprise (PRE)

Office of the Assistant Administrator (AA/PRE)

SFS *Deputy Assistant Administrator for Investment

SES *Special Assistant for Management

Office of Project and Policy Review

SES *Director

Office of Housing

SES Director

Bureau for Program and Policy Coordination

Office of the Assistant Administrator (AA/PPC)

SFS-CM Deputy Assistant Administrator, Bureau for Program and Policy Coordination

Office of Policy Development and Program Review (PPC/PDPR)

SFS-MC Director

Office of Planning and Budgeting (PPC/PB)

SFS-MC Director

Bureau for Program and Management Services (SER)

Office of the Assistant to the Administrator for Management (AA/SER)

SES Assistant to the Administrator

SES Deputy Assistant Administrator

Office of Management Planning (SER/MP)

SES Director

Office of Management Operations (SER/MO)

SES *Director

Office of Contract Management (SER/CM)

SES Director

SES Deputy Director

Office of Commodity Management (SER/COM)

SES Director

Office of Data Management

SES *Director

SES *Computer Systems Administrator

Bureau for Science and Technology (S&T)

(Undergoing Major Reorganization)

Bureau of Africa (AFR)

Office of the Assistant Administrator (AA/AFR)

SFS-CM Deputy Assistant Administrator

Office of Development Planning (AFR/DP)

SFS-MC *Director

Office of Program Management Resources (AFR/DP)

SFS-MC *Director

Office of Development Resources (AFR/DR)

SFS-MC *Director

Bureau for Asia (ASIA)

Office of the Assistant Administrator (AA/ASIA)

SFS-CM Deputy Assistant Administrator

Office of Development Planning (ASIA/DP)

SFS-MC *Director

Office of Technical Resources (ASIA/TR)

SFS-MC *Director

Bureau for Latin America and the Caribbean (LAC)

Office of the Assistant Administrator (AA/LAC)

SFS-CM Deputy Assistant Administrator

Office of Development Programs (LAC/DP)

SFS-MC Director

Office of Development Resources (LAC/DR)

SFS-MC Director

Bureau for Near East (NE)

Office of the Assistant Administrator (AA/NE)

SES Deputy Assistant Administrator

Office of Development Planning (NE/DP)

SFS-CM Director

Office of Project Development (NE/DP)

SES Director

Office of Technical Support (NE/TECH)

SFS-MC *Director

MISSIONS**Africa**

FR-01 Director, Botswana

FR-01 Director, Cameroon

FR-02 *AID Representative, The Gambia

FR-01 Director, Ghana

FR-01 Director, Kenya

FR-01 Director, Lesotho

FR-01 Director, Liberia

FR-01 *AID Representative, Malawi

FR-01 Director, Mali

FR-01 Director, Mauritania

FR-01 Director, Niger

FR-01 Director, Senegal

FR-01 Director, Somalia

FR-01 Director, Sudan

FR-01 Director, Swaziland

FR-01 Director, Tanzania

FR-02 *AID Representative, Togo

FR-01 *Director, Uganda

FR-01 Director, Upper Volta

FR-02 *AID Representative, Zambia

FSR-1 *Director, Zimbabwe

FR-01 Regional Development Officer, West Africa

FR-01 Regional Development Officer, East Africa

Asia

FR-02 *AID Representative, Burma

FR-02 *Regional Development Officer, Fiji
 FR-01 Director, Nepal
 FR-01 Director, Sri Lanka

Europe

No Section 207(d)(1)(C) Designations

Latin America and the Caribbean

FR-01 Director, Bolivia
 FR-01 Director, Regional Development Office, Caribbean
 FR-01 Director, Costa Rica
 FR-01 Director, Ecuador
 FR-01 Director, El Salvador
 FR-01 Director, Guatemala
 FR-01 Director, Guyana
 FR-01 Director, Regional Office for Central American Programs, ROCAP
 FR-01 Director, Haiti
 FR-01 Director, Honduras
 FR-01 Director, Jamaica
 FR-01 Director, Nicaragua
 FR-01 Director, Panama
 FR-01 Director, Paraguay

Near East

FR-02 *AID Representative, Italy
 FR-01 AID Representative, Lebanon
 FR-01 Director, Morocco
 FR-02 *AID Representative, Oman
 FR-01 AID Representative, Portugal
 FR-01 Director, Syria
 FR-01 Director, Tunisia
 FR-01 Director, Yemen

AGENCY: UNITED STATES METRIC BOARD**Positions:**

SES Director, Office of Research, Planning and Coordination
 SES Director, Office of Public Awareness and Education
 SES General Counsel

AGENCY: U.S. POSTAL SERVICE

Positions: No Section 207(d)(1)(C) Designations

AGENCY: UNITED STATES RAILWAY ASSOCIATION**Positions:**

AD President
 AD *Executive Vice President—Law
 AD Vice President—Finance
 AD Vice President—Operations and Marketing
 AD Vice President—Law
 AD Vice President—Administration
 AD *Vice President for Planning

AGENCY: VETERANS ADMINISTRATION**Positions:****Office of the Administrator**

SES Associate Deputy Administrator
 SES *Assistant Deputy Administrator

Office of the General Counsel

SES General Counsel
 SES Deputy General Counsel

Department of Memorial Affairs

SES Chief, Memorial Affairs Director
 SES Deputy Chief, Memorial Affairs Director

Department of Veterans' Benefits

SES Chief Benefits Director
 SES Deputy Chief Benefits Director

Office of Controller

SES Controller

Staff Office Heads

SES Assistant Administrator for Information Services
 SES Assistant Administrator for Planning and Program Evaluation
 SES Assistant Administrator for Construction
 SES Assistant Administrator for Personnel
 SES Assistant Administrator for Data Management and Telecommunications
 SES Assistant Administrator for Human Goals

SES *Assistant Administrator for Supply Services

Department of Medicine and Surgery

AD Deputy for Operations
 AD Deputy for Program Management

Office of the Inspector General

SES Deputy Inspector General for Intergovernmental Policy Coordination

Office of Construction

SES Deputy Assistant Administrator

Office of Information Services

SES Deputy Assistant Administrator

Office of Personnel

SES Deputy Assistant Administrator

Office of Data Management and Telecommunications

SES Deputy Assistant Administrator

Office of Planning and Program Evaluation

SES *Deputy Assistant Administrator

AGENCY: WATER RESOURCES COUNCIL**Positions:**

SES Director
 SES Deputy Director
 SES Chairman, Great Lakes Basin Commission
 SES Chairman, Missouri River Basin Commission
 SES Chairman, New England River Basin Commission
 SES Chairman, Ohio River Basin Commission
 SES Chairman, Pacific Northwest River Basin Commission
 SES Chairman, Upper Mississippi River Basin Commission

(18 U.S.C. 207(d)(1)(C))

[FR Doc. 82-5876 Filed 3-4-82; 8:45 am]

BILLING CODE 6325-01-M

Main body of the page containing several columns of faint, illegible text. The text appears to be organized into a structured format, possibly a list or a table, but the individual entries are too light to read.

Federal Register

Friday
March 5, 1982

Part IV

**Department of
Energy**

Strategic Petroleum Reserve

Phase III

DEPARTMENT OF ENERGY**Strategic Petroleum Reserve Phase III; Development at Big Hill, West Hackberry and Bryan Mound Salt Domes; Floodplain/Wetlands Statement of Findings****AGENCY:** Department of Energy.**ACTION:** Statement of findings for locating components of the Strategic Petroleum Reserve Phase III development within floodplain/wetlands.**SUPPLEMENTARY INFORMATION:****Statement of Findings**

The Department of Energy (DOE) decided to proceed with Phase III of the Strategic Petroleum Reserve (SPR) program, which will increase the SPR crude oil storage capacity to 750 million barrels (MMB) by the addition of 212 MMB and increase the average SPR drawdown rate by 1 MMB per day (MMB/D) from 3.5 to 4.5 MMB/D. To achieve the 212-MMB SPR Phase III requirement, DOE will construct storage facilities for 140 MMB at Big Hill salt dome in Jefferson County, Texas. Existing facilities will be expanded at Bryan Mound (Brazoria County, Texas) by 40 MMB and at West Hackberry (Cameron Parish, Louisiana) by 30 MMB. There will also be 2 MMB in associated pipelines and storage tanks.

The proposed site development at Big Hill and the expansion at West Hackberry will not be located in the 100-year floodplain or wetlands. The brine line, raw water pipeline, and oil distribution pipeline(s) for Big Hill and the expansion at Bryan Mound will impact floodplains and wetlands. Storage of crude oil is not a "critical action" within the definition in § 1022.4(c) of the DOE floodplain regulations. Therefore, consideration of the 500-year floodplain is unnecessary.

In compliance with Executive Order 11988, "Floodplain Management", Executive Order 11990, "Protection of Wetlands", Water Resources Council "Floodplain Management Guidelines" (43 CFR 6030), and Department of Energy regulations "Compliance with Floodplain/Wetlands Environmental Review Requirements" (10 CFR 1022), alternatives to this proposed action have been identified and their environmental impacts evaluated. The evaluation included public comments made during the review period for the Draft Environmental Impact Statement (EIS). A determination has been made by DOE that no practicable alternative exists to locating the proposed project in floodplains or wetlands. The proposed

action includes all practicable measures to minimize harm to floodplains and wetlands.

Selection of Candidate Storage Sites

Several alternatives to Gulf Coast salt dome storage sites were considered for Phase III and rejected as impracticable for various reasons described in the Final Supplemental EIS for SPR Phase III Development (DOE/EIS-0075, October 1981). DOE evaluated the feasibility of expanding existing Gulf Coast SPR sites, specifically Bryan Mound, West Hackberry, Weeks Island, Bayou Choctaw, and Sulphur Mines. Expansion of the latter three sites was not feasible. The maximum practicable expansion is 60 MMB at Bryan Mound and 30 MMB at West Hackberry for a total increase of 90 MMB. At least one new site is required to store the additional 120 MMB necessary to meet the SPR Phase III goal of 750 MMB.

New candidate sites were identified from the three groups of salt domes (Seaway, Texoma, and Capline) which have been under consideration for the SPR program. These were Napoleonville, Chacahoula, and Iberia of the Capline Group; Black Bayou, Vinton, and Big Hill of the Texoma Group; and Nash, Allen, Damon Mound, and West Columbia of the Seaway Group. The Big Hill dome was chosen as the preferred alternative because of its suitability with regard to all major SPR site selection criteria which include: existing and potential capacity; accessibility to the crude oil distribution network; technical desirability; extent of environmental impacts; feasibility of acquisition; and costs.

Practicability of Alternative Sites

Of the existing and new sites not proposed for expansion or development, an evaluation must be made to determine whether they would be practicable alternatives to locating in floodplains and/or wetlands. The three primary criteria developed to determine the practicability for Phase III development are sufficient storage capacity (for new sites), capability to dispose of brine, and avoidance of major impacts, which could not be adequately mitigated, on a significant area of wetlands.

The Iberia, Allen, and Vinton sites would not provide sufficient storage capacity. Ten sites (Iberia, Chacahoula, Napoleonville, Bayou Choctaw, Nash, Damon Mound, Weeks Island, West Columbia, Sulphur Mines, and Vinton) had major brine disposal problems. Iberia, Chacahoula, Napoleonville, and Black Bayou would have major impacts,

which could not be mitigated, on a significant amount of wetlands.

All these sites failed to satisfy the practicability criteria. Therefore, it is believed that there are no practicable alternative sites available for oil storage that would not be located in floodplains and/or wetlands.

Selection of Pipeline Routes

It is also necessary to determine whether any practicable alternatives exist to locating the Big Hill pipelines in floodplains and/or wetlands. Existing facilities would be used at Bryan Mound and West Hackberry.

Crude Oil Pipelines

The preferred crude oil pipeline will extend 23 miles northeast from Big Hill to Sun Terminal at Nederland, Texas (Fig. 1). Any pipeline from the Big Hill dome will cross floodplains (fig. 2). Wetlands traversed by the proposed pipeline occur near Alligator Hole Marsh, Taylor Bayou, and Hillebrandt Bayou. It is estimated that the 150-ft. right-of-way (ROW) would impact about 45 acres of fresh marsh. Most of the land in the area is used for agriculture.

Two alternative crude oil pipeline routes to the Galveston Bay area were developed from 25 possible scenarios (Fig. 1). Factors used in making the choice included total length; land use patterns; environmentally sensitive areas; presence of archaeological, historical, or cultural sites; number of water crossings; presence of existing ROWs; and construction techniques required. The two selected alternatives are the northern route to Oil Tanking of Texas, Inc. (OTTI) and a southern route to Pelican Island, as shown in Fig. 1.

The pipeline route to OTTI would temporarily impact floodplains and wetlands (including areas near Spindletop, Elm, Double, and Cedar bayous) in the area west of Big Hill and in the Trinity Bay area. The southern pipeline route would cross floodplains and wetlands (including areas near Spindletop, Elm, Oyster, and Loan Oak bayous) west and south of Big Hill and the Galveston Bay area. There are no practicable alternatives to routing the crude oil pipelines across floodplains and wetlands to transport the oil to terminal facilities.

Raw Water and Brine Disposal Systems

The raw water and onshore brine disposal pipeline systems will cross a continuous floodplain/wetlands area between the Big Hill site and the Gulf of Mexico. There are no practicable alternatives to brine disposal in the Gulf of Mexico. Brine disposal by

underground injection has been employed by DOE at four SPR sites and has been found to be impracticable. Except as a small scale, short-term, back-up system. The raw water intake facilities (electric pumps, etc.) will be located at the Intracoastal Waterway (ICW) on a spoil bank around an abandoned barge slip. The raw water intake pipe and associated protective structures will be located within the floodplain below the lowest water level. This will ensure an uninterrupted water supply. These structures will not alter flood elevations in the area and will pose no threat to lives or property. Considering the need for a large amount of raw water located near the site, there is no practicable alternative to laying the pipeline across the floodplain and wetlands to the ICW.

Alternatives at the Proposed Sites

Raw Water Intake Structure at Big Hill

The raw water intake structure will be constructed on an abandoned barge slip at river mile 305 on the ICW. All components of the system (such as electric pump motors) that cannot withstand flooding will be located above the 14-ft., 100-year floodplain level. These structures will not significantly alter the floodplain or floodplain characteristics beyond those alterations caused by the presence of the ICW. Construction of the raw water intake structure will require dredging about 10,000 cubic yards of spoil from the intake channel to guarantee adequate depth and uninterrupted water supply. Spoil may be used as fill for the construction of the upland portion of the raw water facilities or may be placed in an upland spoil disposal area out of wetlands. The exact disposal techniques used will be dependent on the requirements imposed by the permitting agency. There are no expected impacts to wetlands since all construction will be on previously filled areas.

Crude Oil, Raw Water, and Brine Disposal Pipelines for Big Hill

Pipelines associated with Big Hill SPR

site development will descend from the site elevation of 30 to 35 ft. to the surrounding floodplain and wetland areas. Pipeline construction will have minimal short-term effects on local flood drainage. Spoil will be stockpiled in a manner that will not totally inhibit natural drainage patterns. Openings of about 50 ft. will be left between every 200 ft. of spoil. Buried pipelines will have no long-term impacts on floodplain action and will not affect property or lives. At water crossings, shorelines will be restored as close to the original contour as practicable, reducing effects on natural overbank flood water distribution.

A major consideration in selecting pipeline routes was the avoidance of wetlands. Appropriate dredging and ditching techniques of pipeline construction will be determined through consultation with permitting and other local, State, and Federal authorities. Impacts resulting from the stockpiling of spoil will be temporary and of short duration. Recovery of vegetation should occur within three years.

The revegetation of critical areas will be incorporated into the mitigation program if deemed necessary through continuing consultation with local, State, and Federal authorities.

By rerouting the brine disposal pipeline, it would be possible to avoid the 73 acres of wetlands in McFaddin National Wildlife Refuge that will be affected by construction. This would affect a greater number of acres (96) of wetlands and was therefore not considered a viable alternative. High-quality wetlands are distributed somewhat homogeneously south of the Big Hill project site from Sabine Lake to Galveston Bay between the ICW and the Gulf of Mexico. The route that would potentially impact fewer wetlands would be the more direct route across McFaddin National Wildlife Refuge. In compliance with the Rights-of-Way General Regulations (50 CFR 29.21; 34 FR 19907), DOE will file a permit application with the Department of the Interior to gain easement across the

refuge. Existing pipeline ROWs will be followed where practicable, and mitigating measures (e.g., double-ditching, revegetation, and habitat creation) will be used as required to minimize impacts. The nature and extent of these actions will be determined through continuing consultation with the refuge manager and other authorities.

Bryan Mound Site

Expansion at Bryan Mound will occur within the 100-year floodplain and in an area having some wetlands (Fig. 3). Construction of wellpads will not alter floodplain action or affect the extent or severity of floods. Construction of the wellpads could require disruption of about 5 to 10 acres of wetland habitat under the 40-MMB expansion alternative. Between 7 and 15 acres of wetlands could be disrupted under the 60-MMB expansion alternative. Should Phase III construction at Bryan Mound impact existing wetlands, a wetlands mitigation agreement, with the U.S. Fish and Wildlife Service, provides for creation of new wetlands habitat by lowering and vegetating upland acreage with wetland grasses.

No Action Alternative

There are several significant impacts associated with the no-action option of the proposed Phase III SPR expansion. The SPR would be limited to the 538 MMB storage now under development in Phases I and II and therefore would not provide the United States with sufficient petroleum reserves to adequately minimize the effects of a future oil supply issue. No action would also be in violation of the Energy Policy and Conservation Act of 1975, as amended by the Omnibus Reconciliation Act of August 13, 1981, Section 1033 (Pub. L. 97-35). For these reasons, the no action option is not a practicable alternative.

Dated: February 6, 1982.

Guy W. Fiske,
Under Secretary.

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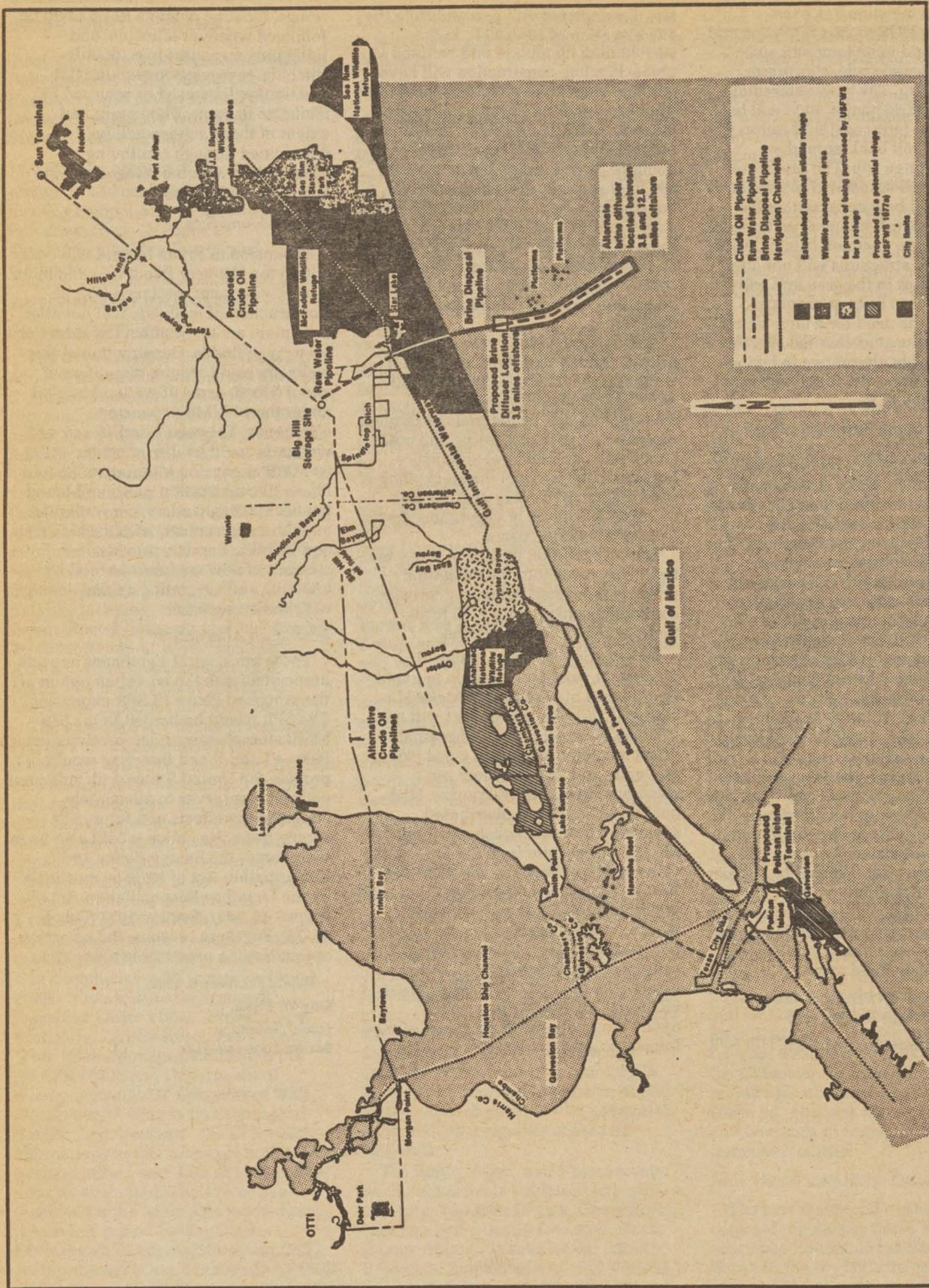


Figure 1. Preferred and alternate pipelines associated with the Big Hill 140-MMB crude oil storage facility.



Figure 2. Local 100-year floodplain distribution in the vicinity of the Big Hill SPR site.

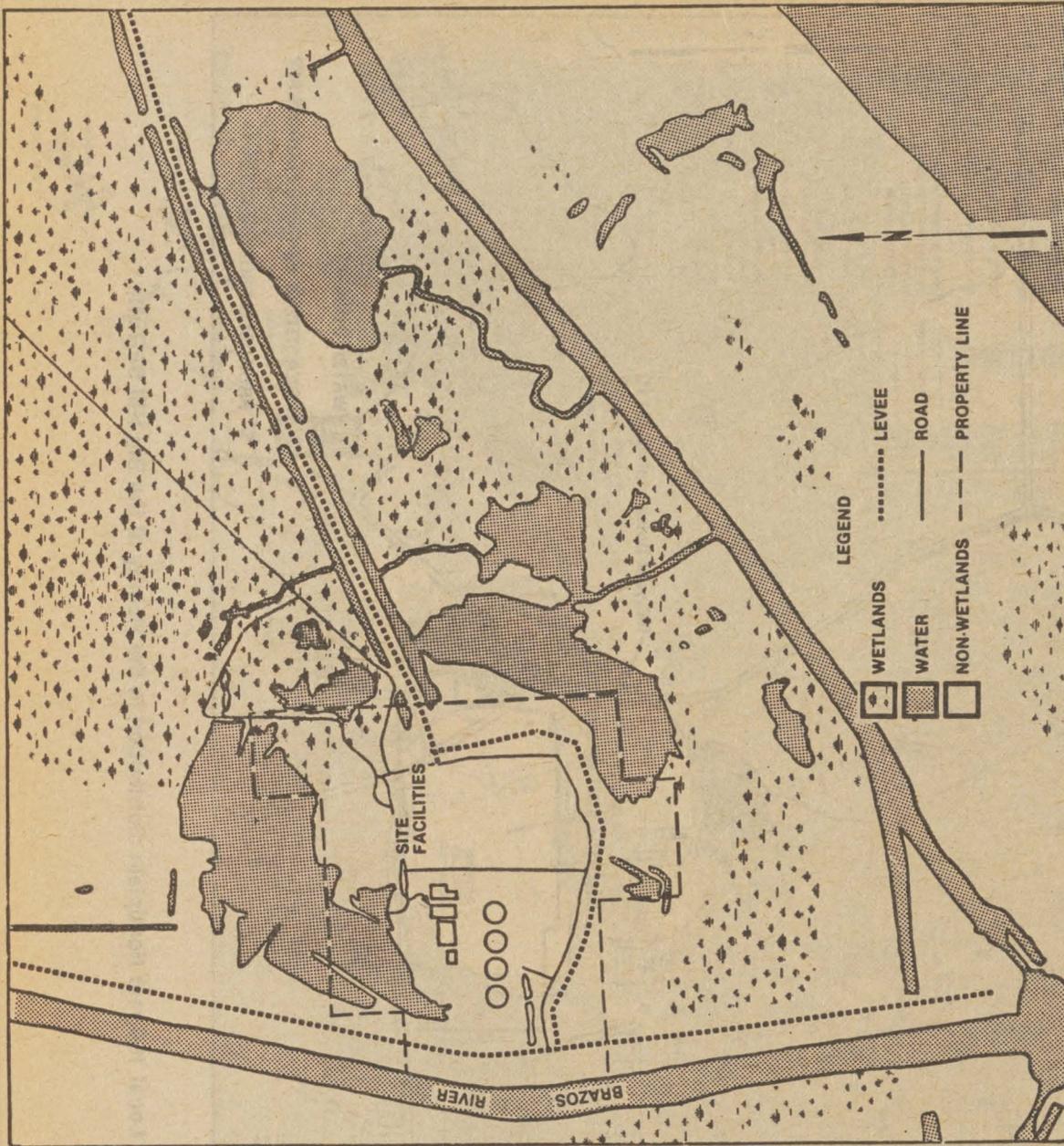


Figure 3. Bryan Mound SPR site hurricane flood protection system.

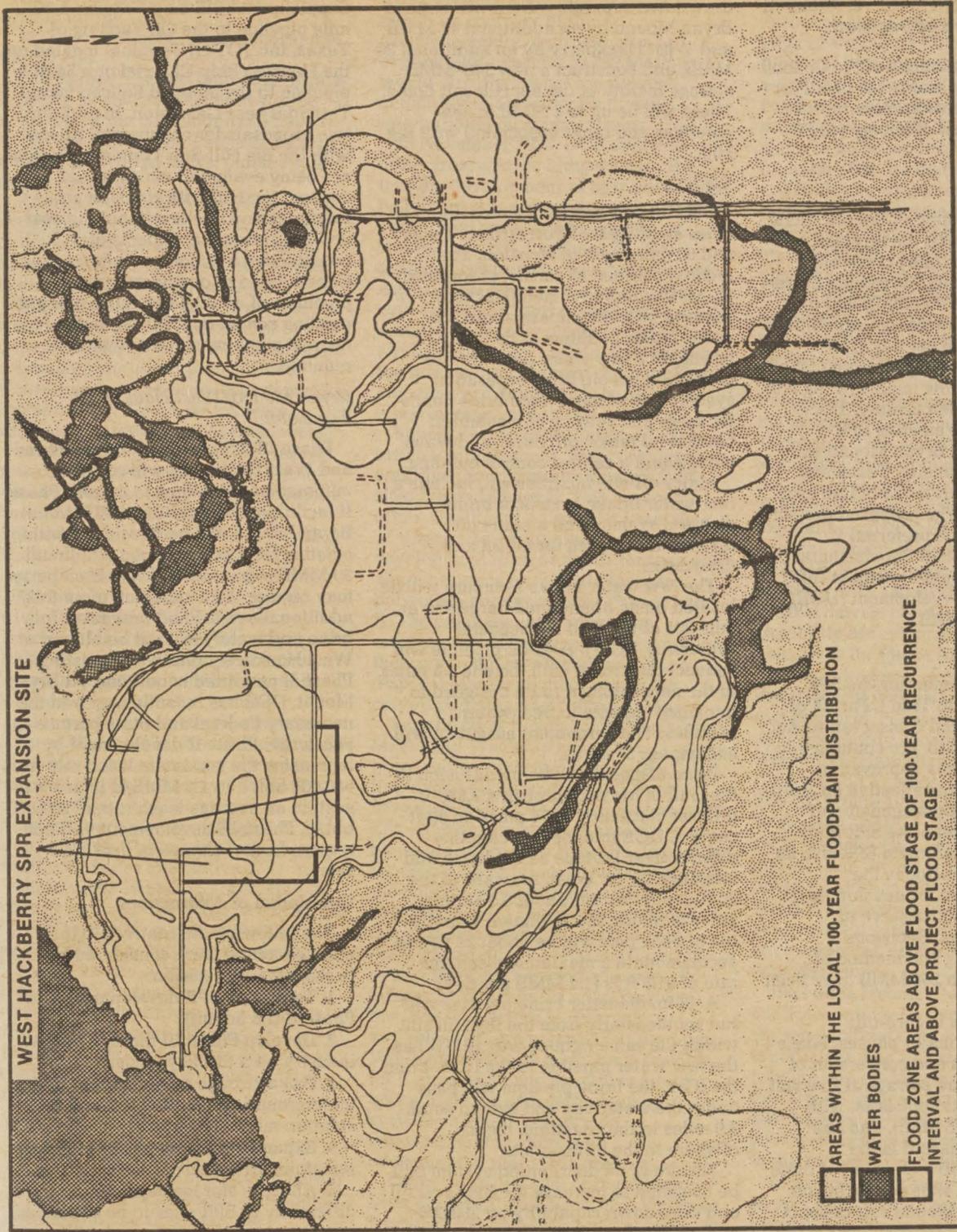


Figure 4. Local 100-year floodplain distribution in the vicinity of the West Hackberry SPR site.

Strategic Petroleum Reserve; Phase III Expansion; Record of Decision

Pursuant to Regulations of the Council on Environmental Quality (40 CFR Part 1505) and Implementing Procedures of the U.S. Department of Energy (45 FR 20694).

Decision

The U.S. Department of Energy (DOE) has elected to expand the Strategic Petroleum Reserve (SPR) crude oil storage capacity from 538 million barrels (MMB) to a total of 750 MMB and to increase the SPR drawdown capability from 3.5 to 4.5 MMB per day. The additional storage will be accomplished by constructing a new facility at Big Hill salt dome in Jefferson County, Texas and expanding two existing SPR facilities located at Bryan Mound salt dome in Brazoria County, Texas and West Hackberry salt dome in Cameron Parish, Louisiana. The proposed project was identified as the preferred alternative in the Final Supplemental Environmental Impact Statement (EIS) for SPR Phase III Development (DOE/EIS-0075, October 1981).

Project Description

Policies for implementing the SPR program, pursuant to Title I, Part B, of the Energy Policy and Conservation Act of 1975, Pub. L. 94-163, are contained in the SPR Plan that was approved by Congress and became effective on April 18, 1977. As currently amended and approved by Congress, the SPR Plan now authorizes an ultimate SPR size up to 1,000 MMB and includes the implementation plan for developing a 750 MMB government reserve in underground storage. Decisions regarding the timing and method of achieving the fourth 250 MMB have been deferred.

The SPR program is currently structured in three major phases. Phase I was the acquisition and conversion of existing underground storage at five salt domes in Texas and Louisiana, with total capacity of 248 MMB, and one marine terminal. Phase II is the continuing 290-MMB expansion at three of the existing SPR sites consisting of: 120 MMB at Bryan Mound salt dome, 3 miles southwest of Freeport, Texas; 160 MMB at West Hackberry salt dome, 12 miles southwest of Lake Charles, Louisiana; and 10 MMB at Bayou Choctaw salt dome, Iberville Parish, Louisiana, 12 miles southwest of Baton Rouge, Louisiana.

To achieve the Phase III requirement of an additional 212 MMB storage capacity and 935,000 barrel per day

drawdown capability, DOE will expand Bryan Mound by an additional 40 MMB and West Hackberry by an additional 30 MMB, and construct a new 140-MMB storage facility at the Big Hill salt dome. There will be up to 2 MMB in new pipelines and tanks associated with Big Hill.

Big Hill

Big Hill salt dome is located about 23 miles southwest of Port Arthur, Texas and 68 miles east of Houston. The facility, planned to consist of fourteen 10-MMB solution-mined (leached) caverns, will encompass about 250 acres. Major facilities at the site will consist of a raw water pond for fire protection; an oil/brine separation system; one or more lined brine ponds for surge and settling of insolubles; blanket oil tanks; oil, brine, and water pumps; and a central control building.

Major off-site facilities will include a raw water intake system, a brine disposal system, and a crude oil distribution system for oil fill and drawdown.

The raw water intake structure will be located on an abandoned barge slip at mile 305 of the Gulf Intracoastal Waterway (ICW). A 48-in. pipeline will connect the intake with the site 5.3 miles to the north along a route designed to minimize impacts to freshwater marshes. The permanent easement will encompass 31 acres.

Brine disposal will be by diffusion in the Gulf of Mexico through a 4,380-ft diffuser consisting of 74 ports on 60-ft centers. DOE intends to locate the diffuser near latitude 29°35' North and longitude 94°10' West, seaward of the 30-ft depth contour about 3.5 statute miles offshore. Brine effluent velocity out of each port will be about 25 ft/s to accommodate a maximum discharge rate of 91.5 ft³/s (1.4 MMB per day).

A 48-in. diameter brine pipeline will run southeasterly from the Big Hill site within the same right-of-way (ROW) as the raw water pipeline to the ICW. From the ICW, the brine pipeline will pass under the waterway and extend south 3.9 miles to the coastline, thence offshore to the diffuser site.

The crude oil distribution system will be designed to increase the SPR's oil fill and drawdown capability by 280,000 and 935,000 barrels per day, respectively. A 36-in. crude oil pipeline will be constructed from the site 23 miles northeast to the Sun Terminal in Nederland, Texas. A final decision has not been made regarding the provision for additional oil distribution to the Galveston Bay area. Either of the alternative crude oil pipelines which were discussed in the Final

Supplemental EIS may be built: a 60-mile pipeline to the Oil Tanking of Texas, Inc. (OTTI) Terminal located on the Houston Ship Channel or a 54-mile pipeline to the planned Pelican Island Terminal near Galveston. In addition, two proposals for commercial tie-ins with the Big Hill-Sun Terminal pipeline are being evaluated which would connect Big Hill with Houston area refineries and docks without the cost and environmental impacts of constructing a major new pipeline. Construction of one or more spur pipelines of about 4 to 6 miles along the existing commercial ROWs to the nearest pumping station would be required.

Bryan Mound/West Hackberry Expansion

Phase III expansion of Bryan Mound and West Hackberry will require minimal modifications to current Phase II facilities. The additional 40 MMB at Bryan Mound will be developed within existing DOE property. An additional 30-MMB expansion at West Hackberry may require the acquisition of up to 27 additional acres. Fluid flow rates (oil, brine and water) will not be altered at West Hackberry relative to existing Phase II permitted conditions. At Bryan Mound, DOE has recently acquired the necessary Federal and State permits to accelerate Phase II development by increasing the maximum leach rate from 680,000 bbl/d to 1.1 MMB/d in order to sustain an average leach rate of 980,000 bbl/d. Phase III development will not require further change in fluid flow rates.

Description of Alternatives

The following alternatives to the planned action were considered by DOE in reaching its decision:

1. Terminate SPR development after Phase II (no action);
2. Develop Phase III through private industry on a turnkey basis;
3. Use a storage medium other than underground conventional mines or solution-mined caverns;
4. Expand storage capacity at three remaining SPR sites;
5. Allocate storage capacity differently at SPR sites to be expanded;
6. Develop a new storage facility at a different coastal salt dome;
7. Develop a new storage facility in a salt dome inland from the coastal zone;
8. Develop a new storage facility in a salt dome offshore lying within the Gulf of Mexico;
9. Develop a new storage facility in a conventional inland salt or limestone mine;

10. Use an alternate oil distribution system for Big Hill;

11. Use a different brine disposal site for Big Hill.

Alternative 1 would limit SPR storage capacity to the 538 MMB that will be available at the completion of Phase II at the five existing SPR storage facilities and the associated tanks; pipelines, and marine terminal.

Alternatives 4 and 5 would limit activity to existing SPR sites. In addition to those above, these include Sulphur Mines in Calcasieu Parish and Weeks Island in Iberia Parish, Louisiana.

Alternatives 2, 3, and 6 through 9 would entail the development of one or more new sites. Each of the alternatives 6 through 9 contains options. Under alternative 6, nine coastal salt domes in Louisiana and Texas, which were addressed in previous SPR EISs, were re-evaluated in addition to Big Hill for new development by leaching. These include five in Louisiana (Napoleonville, Assumption Parish; Chacahoula, Lafourche Parish; Iberia, Iberia Parish; Black Bayou, Cameron Parish; and Vinton, Calcasieu Parish) and four in Texas (Nash, Fort Bend County; and Allen, Damon Mound, and West Columbia, all in Brazoria County). Under alternative 7, a group of seven domes in Louisiana, Mississippi, and Alabama was evaluated for new development from an initial screening group of 42 domes located from 40 to 160 miles inland from the coast. Three salt domes in the Gulf of Mexico from 40 to 60 miles offshore of Texas and Louisiana were also considered (alternative 8). Three inland mines were considered under alternative 9.

Alternatives 10 and 11 are related to subsystems for the selected new site, Big Hill. Oil distribution alternatives to the Big Hill-Sun Terminal pipeline were discussed above. Alternative brine disposal sites in the Gulf of Mexico were considered throughout a corridor from 3.5 to 12.5 miles offshore. Throughout the corridor, the sea bottom is flat and relatively featureless; depth ranges from 30 to 40 ft.

Basis for Decision

The SPR program development schedule has been a major governmental policy issue. There has been widespread agreement among Congress, the Executive Branch, and the public at large on the urgency of developing an adequate emergency petroleum stockpile. Congress has reaffirmed its commitment to expand the SPR and has recently provided that the Administration should seek to fill the SPR at an average rate of at least 300,000 barrels per day on an annual

basis. Failure to implement Phase III would be contrary to the Congressionally approved plan to expand SPR capacity to 750 MMB and would directly impact the national capability to deal effectively with international oil supply issues.

In November 1978, DOE solicited offers from private industries for the turnkey development of new sites in the belief that this approach might result in the earliest possible availability of storage capacity for Phase III. The turnkey procurement was cancelled in August 1979 because changes in the world crude oil market made the oil-fill schedule and other assumptions of the turnkey effort less certain, and because the turnkey procurement did not offer any apparent advantages to offset the disadvantages of such an approach.

Subsequent to cancellation of the turnkey procurement, first consideration was given to expanding existing SPR sites beyond Phase II. This approach offers significant potential advantages of minimizing environmental impacts, development time, and cost through use of major onsite and offsite facilities previously constructed for Phases I and II. The only new onsite facilities required would be the new caverns and their crude oil, raw water, and brine disposal system connections to the central pumping and control areas.

Expansion at Bayou Choctaw, Sulphur Mines and Weeks Island is not practicable primarily because of limitations on brine disposal. As was fully disclosed in its Final Supplemental EIS, DOE has determined that there is no viable alternative to ocean discharge for disposing of brine at the rates and in the volume required for the SPR. Experience with Phase I underground injection has confirmed that, for the scale of operations of Phases II and III, even a short-term period of successful brine injection may be unattainable because of subsurface reservoir variables that are essentially unknown. While underground injection is feasible for limited rates and durations and is appropriate for an interim backup system, complete reliance on underground injection is an unacceptable risk to the program.

Other brine disposal options have been evaluated and discarded. Usage as feedstock by the petrochemical industry is precluded because of the scale of leaching operations. Permanent brine retention in surface ponds is environmentally unacceptable because of the surface area required. Disposal by tankers on the high seas is logistically and economically impractical.

Sulphur Mines and Bayou Choctaw are too far from the coast for ocean

discharge of brine to be reasonable. Although Weeks Island is located on the edge of Vermilion Bay, a very large-diameter pipeline longer than 50 miles would be required because of the number of environmentally sensitive areas involved and the distance off shore to an acceptable depth. Crossing of major offshore oil fields is unavoidable, which would significantly increase construction difficulties.

Bryan Mound could be expanded by up to 60 MMB and West Hackberry could be expanded by up to 30 MMB within SPR technical criteria (e.g., land acquisition, fluid flow rates, cost effectiveness, and implementation time). However, if expansion at Bryan Mound is limited to 40 MMB, it can be integrated into the leaching program for the second half of Phase II development at the site. This will result in a significant time saving of 13 months relative to sequential development. Therefore, the practicable limit for expanding existing SPR sites, consistent with the timing objectives of Phase III, is 70 MMB. Accordingly, new storage facilities with 140-MMB capacity and 935,000 barrels per day drawdown capability are required to achieve the objectives for Phase III.

First consideration for new-site development was given to ten coastal salt domes of Texas and Louisiana that were previously considered as alternatives new sites in the Seaway, Capline, and Texoma Final EISs (DOE/EIS-0021, June 1978; DOE/EIS-0024, July 1978; and DOE/EIS-0029, November 1978, respectively). Preference was given to salt domes with the desired potential storage capacity of at least 140 MMB. New development of multiple sites was not preferred because of environmental, cost, and management considerations.

Big Hill is technically and environmentally the most desirable of the ten candidate coastal domes. Its size is sufficient, and it is close to major oil refining and distribution networks. Further, its location on the coast is desirable for brine disposal to the Gulf, yet the site is not located in wetlands or in the 100-year floodplain.

In contrast, Chacahoula and Black Bayou, two alternative domes comparable in size to Big Hill, lie entirely in wetlands. Napoleonville lies partially in wetlands; this site, Nash, Damon Mound, and West Columbia are too far from the coast for ocean discharge of brine to be practicable. Iberia and Vinton are too small, having a potential capacity of about 50 MMB, and Vinton is too far inland for brine disposal to the ocean. Allen salt dome,

which is near Bryan Mound, is conveniently close to the coast. However, it lies partially under the San Bernard River and its salt mass is too ill-defined to substantiate greater than 35-MMB potential capacity.

Each of the seven inland domes in Alabama, Mississippi, and northern Louisiana was eliminated from consideration because of prohibitive problems resulting from the impracticality of the available method of brine disposal (i.e., deep well injection).

Offshore dome development has been rejected for Phase III because of the unacceptable time required, conservatively estimated to be an additional two years, to resolve geotechnical, engineering, and vulnerability questions before feasibility could be adequately established.

Three existing inland mines were rejected because of their relatively small size (14 to 30 MMB) in relation to the cost of new surface facilities required, their remoteness from existing oil distribution systems, and their capability to serve only one refinery. Similarly, excavation of new rock mines would have a practical capacity limit of about 30 MMB. The disposition of mine tailings would present a substantial environmental and economic problems. Therefore, new mine development is inappropriate for Phase III objectives.

Consideration of storage media other than underground mines and caverns was limited to surface tankage and floating storage (e.g., moored surplus tankers). Vulnerability and oil spill risks were judged to be excessive for floating storage; further, air emissions and operating and maintenance costs would be higher than for underground storage. Similarly, compared to underground storage, conventional tankage involves greater vulnerability and oil spill risk, requires a large amount of land and is substantially more expensive to construct.

At Big Hill, DOE's proposal to locate the brine diffuser 3.5 miles offshore is based on a one-year oceanographic site characterization study, regional fishery surveys, and brine discharge monitoring at Bryan Mound and West Hackberry. The available data indicate biological effects, if any, of brine discharge at this site will be minimal.

In summary, the decision to expand SPR facilities at Bryan Mound and West Hackberry and to develop a new crude oil storage facility at Big Hill is based on the belief that, compared to all alternatives considered, it will result in the earliest achievement of SPR Phase III storage and drawdown goals in the most cost-effective manner and will be consistent with the spirit and letter of

applicable environmental laws and regulations.

Discussion of Environmentally Preferred Alternatives

The environmentally preferred alternative would be to do nothing ("no action", alternative 1). Environmental impacts of SPR construction and operation would be limited to those associated with continuing Phase I and Phase II activities. At Bryan Mound, the destruction of up to ten acres of wetlands within existing site boundaries would be avoided. At West Hackberry, the acquisition of up to 27 acres of prime farmland, which could result in the removal of up to ten residences and displacement of a corresponding number of families, would not occur. Consumption of raw water for leaching, ocean discharge of brine, and air emissions from oil fill associated with Bryan Mound and West Hackberry development would terminate at least ten months sooner than with Phase III implementation. Big Hill would remain in private ownership and could continue to be used as agricultural pastureland or be developed for various other uses. Resources saved that would otherwise be committed by Big Hill development include 47,000 tons of steel, 200,000 ft³ of concrete, 53 million tons of rock salt, and the energy equivalent of 520,000 barrels of crude oil for construction and 1.25 MMB of crude oil for operation over the life of the project.

The offsetting environmental impacts of an inadequate national petroleum stockpile resulting from the no-action alternative cannot be accurately determined because of the large number of variables involved. In the absence of sufficient reserves, national security would be impaired by international oil supply issues. "No action" would be in direct violation of the Energy Policy and Conservation Act of 1975 as amended by the Omnibus Reconciliation Act of August 13, 1981, Section 1033 (Pub. L. 97-35).

For purpose of comparison with the eight program development alternatives (alternatives 2 through 9), the pertinent environmental characteristics of the chosen action are summarized as follows.

Construction at Bryan Mound will be within the 100-year floodplain and may destroy up to 10 acres of wetlands. Dikes will protect well pads and associated structures from floods and, conversely, will not alter floodplain action or affect the extent or severity of floods.

West Hackberry expansion will occur above the 100-year flood elevation. No wetlands will be affected.

Air quality may be expected to deteriorate temporarily at Bryan Mound and West Hackberry in proportion to the leaching of additional Phase III caverns. At both sites, Phase III caverns are presently planned to be leached simultaneously with the second half of Phase II. Worst-case emissions of non-methane hydrocarbons (NMHC) will occur during a stage of development called leach/fill. Leach/fill, which accounts for less than 45 percent of the total leaching period, is the only leaching stage for which there is a significant oil injection rate into caverns.

Leach/fill will occur for about 18 months at each site, during which NMHC emissions may be as high as 122 tons per year (tpy) at Bryan Mound and 128 tpy at West Hackberry. During adverse meteorological conditions, these emissions may result in ambient concentrations of up to 5.55 parts per million (ppm) zone. Existing air quality throughout the region is typically about 0.60ppm NMHC and 0.20 ppm NMHC and 0.13 ppm ozone; i.e., background levels of NMHC and ozone already consistently violate National Ambient Air Quality Standards, 0.24 ppm and 0.12 ppm, respectively. At all times other than leach/fill, including oil drawdown, NMHC emissions are predicted to be substantially lower than 50 tpy at each site. In comparison, hydrocarbon emissions in 1977 for Jefferson, Harris, and Galveston counties combined exceeded 500,000 tpy. Therefore, considering that existing background hydrocarbon levels exceed national standards and in view of the intermittent nature of SPR operations, the overall hydrocarbon emissions from Bryan Mound and West Hackberry will probably not contribute significantly to regional levels of photochemical oxidants.

Development of Big Hill will remove 250 acres of prime farmland soils from agricultural production. Construction of the site will have no long- or short-term impact on floodplains or wetlands. The dome elevation places the project facilities well above the 100-year floodplain. Flooding should not occur at the site as it represents the highest elevation in the immediate region. There will be no alteration of surrounding floodplain elevation or other characteristics.

At the off-site raw water intake structure, all components that cannot withstand flooding will be located above the 14-ft, 100-year floodplain level. Above 145 acres of wetlands will be temporarily disrupted by construction of the raw water and brine

pipelines. After backfilling, there will be no long-term impacts.

Big Hill will be a major stationary source of air pollutants. NMHC emissions may be as high as 163 tpy during the 18 months that leach/fill is occurring. At all other times, NMHC emissions are expected to be less than 60 tpy. As with West Hackberry and Bryan Mound, adverse meteorological conditions during leach/fill may result in occasional (temporary) down-wind violations of the 0.12 ppm ozone standard.

Although the quantity of water to be withdrawn from the ICW for the Big Hill project is large, long-term effects on the aquatic environment should be negligible. The project should have no impact on water level or quality in the region. There will be no impact on existing uses for transportation and recreation. The source water is too brackish for agricultural use and will be readily replenished from Sabine Lake, Galveston Bay, Spindletop Ditch, and runoff from adjoining wetlands. Salinity of the ICW near the intake, which typically ranges from near 0 to 10 parts per thousand (ppt), will increase by less than 1 ppt due to induced water flow patterns.

Of the eight program development alternatives considered, only the use of offshore domes (alternative 8) was judged to be environmentally preferable to the chosen action.

Development of an offshore dome would entail offshore platforms for pumping and control equipment to accomplish leaching, oil fill, and drawdown; crew living quarters; and ship mooring and anchorage facilities. Fairways leading to designated shipping lanes would be established.

Located 40 to 60 miles from shore in water depths of 85 to 122 ft, the three candidate salt domes off shore of Texas and Louisiana would provide access for Very Large Crude Carriers (VLCCs). Cavern leaching would be accomplished by using seawater, and brine would be discharged from the platforms a few feet below the sea surface.

The offshore dome concept offers distinct environmental advantages over onshore concepts. Oil spill risks would be mitigated because direct offloading of VLCCs into salt dome storage through single-point moorings would result in reduced transshipments and lightering, and avoidance of congested harbors and approaches. Although the maximum credible spill would increase with the use of VLCCs, the biological productivity and environmental sensitivity of the marine environment 40 to 60 miles offshore is substantially less than for estuaries and coastal wetlands,

and the probability for spill containment and clean-up without impacting the coast would be relatively high. Brine diffusion downward from near the surface at platforms in deep water is more effective than upward from the bottom in relatively shallow water as is done at Bryan Mound and West Hackberry. For an offshore dome, the area and concentration of the residual brine plume on the sea bottom would be insignificant compared to those at Bryan Mound and West Hackberry. Finally, the use of offshore domes would avoid land use conflicts and would transfer air quality impacts to the open ocean.

Hydrocarbon storage has never been attempted at an offshore dome. The technical considerations of the concept are significantly different from onshore storage and offshore hydrocarbon production. DOE is not yet comfortable with the feasibility of the concept, as major geotechnical, engineering, and vulnerability questions are unresolved. Selection of the offshore alternative is not appropriate at this time.

The turnkey approach (alternative 2), which was initially the preferred alternative for SPR Phase III, would have required the offerors to direct all aspects of the development of the sites proposed by them, including environmental compliance, site design and construction, and initial fill. Environmental evaluation of the array of alternatives developed by DOE subsequent to termination of the turnkey effort revealed nothing to indicate that turnkey development would not have had impacts at least as great as the selected alternative.

Above-ground storage media, such as conventional tanks and floating storage (alternative 3), are less desirable environmentally than underground storage in stable geologic structures. Surface tankage would result in greater land use, NMHC emissions, risks of oil spill and fire, cost, and substantially greater vulnerability to storms, natural disasters, and acts of terrorism. The acreage equivalent to that of the 140-MMB Big Hill site, 250 acres, could accommodate a tank farm of only 12 to 18 MMB. The primary advantages of tank farms are the potential for earlier availability and siting flexibility. The disadvantages outweigh the advantages in comparison to the intended project.

Alternative 4, expansion at the remaining three SPR sites, Sulphur Mines, Bayou Choctaw, and Weeks Island, in lieu of development of a new site, was impractical because of unacceptable technical risks and constraints.

Sulphur Mines is a small salt dome whose availability for expansion is

limited; brine disposal is a severe problem; and the site also poses high risk in drilling new caverns because of extensive historical sulfur mining in the dome's caprock.

There is sufficient salt at Bayou Choctaw and Weeks Island combined for leaching additional capacity of more than 150 MMB, which would obviate the need for Big Hill. Up to 30 MMB of new capacity could be accommodated at Bayou Choctaw within existing site property and without impacting wetlands. An additional 20- to 30-MMB increment could be feasible but would require up to 18 acres of deciduous swamp. At Weeks Island, there is sufficient salt to leach more than 100 MMB on the east flank of the dome, which would be compatible with continuing commercial mining on the west flank. However, because the Weeks Island SPR facility is a converted conventional mine, expansion by solution mining would require essentially a whole new facility comparable to Big Hill. Brine disposal at Bayou Choctaw and Weeks Island is impractical; in addition, expansion of Weeks Island alone would offer no environmental advantage over Big Hill, and expansion of the combined sites would be environmentally less desirable.

One of the alternatives available to DOE is to achieve the combined 70-MMB expansion at Bryan Mound and West Hackberry by developing six 10-MMB caverns at Bryan Mound and one 10-MMB cavern at West Hackberry (alternative 5). The advantage of the 60:10 expansion alternative is that it would minimize land acquisition at West Hackberry.

The 60:10 alternative was rejected because it would preclude the complete integration of Phase III solution mining with Phase II at Bryan Mound, resulting in a 6-month delay in completing Phase III expansion relative to the preferred 40:30 configuration. In addition, the 60:10 alternative would cause the following changes in impacts relative to the preferred 40:30 configuration:

- (1) Two additional well pads and associated structures would be located within the 100-year floodplain;
- (2) Impacts to wetlands would be increased by half at Bryan Mound without any offsetting wetlands avoidance at West Hackberry;
- (3) An 8-month increase in duration of worst-case predicted NMHC emissions at Bryan Mound (3.50 grams per second (g/s)), but only a 2½-month reduction of comparable worst-case predicted emissions at West Hackberry (3.67 g/s).

Under alternative 6, the only coastal dome alternatives to Big Hill for which brine disposal to the Gulf of Mexico is reasonable were eliminated, as discussed in the "Basis for Decision" section of this Record of Decision, primarily because of unacceptable impacts to wetlands.

The primary motivation in examining inland salt domes (alternative 7) was to develop a set of alternatives to storage development in the coastal zone. Since wetland avoidance is not an issue at Big Hill, it is not altogether clear that any of the candidate inland domes offers environmental advantages over Big Hill. On the contrary, to dispose of 1.4 MMB/d of brine for almost 4 years, as would be needed for a 140 MMB facility, a brine injection well field of 112 wells located on 980 acres of land would be required. Moreover, raw water supplies would likely be a serious issue that does not exist at Big Hill. DOE judged inland domes to constitute an unacceptable risk to SPR objectives because there is no assurance that subsurface disposal zones would accept brine at the required rate or volume.

The conversion of three existing mines (alternative 9), Central Rock, Ironton, and Kleer, with a combined available capacity of 65 MMB, is an alternative to the 70-MMB expansion of Bryan Mound and West Hackberry. This alternative was discarded because of strategic, economic, and technical disadvantages, as noted in the "Basis for Decision" section. A judgment of environmental preference between this alternative and the proposed action is difficult primarily because of the uncertainty in the extent and nature of land acquisition and impacts at each mine. The acreage that would be graded for construction at each mine would be minimal. However, it is concluded that the combined unavoidable environmental impacts of converting 65 MMB of capacity at the three mines would be comparable to the conversion of Weeks Island and would impact the environment at least as much as the 70-MMB expansion of Bryan Mound and West Hackberry.

Each of the Big Hill-Galveston Bay area crude oil pipeline alternatives (alternative 10) is significantly longer than the Big Hill-Sun Terminal pipeline and would entail proportionally greater oil spill risk. The Big Hill-OTTI pipeline would be 37 miles longer than the Big Hill-Sun Terminal pipeline and would cross an additional half mile of wetland and 11.5 miles of open water. A Big Hill-Pelican Island pipeline would be 31 miles longer and would result in impacts to an additional 9.5 miles of wetlands

and 14.5 miles of open water. Impacts of pipeline construction would be temporary, except for the permanent ROW on land which would be kept clear of woody vegetation.

Alternative brine diffuser sites (alternative 11), more distant than the proposed site, 3.5 miles off shore, would involve proportionally greater construction impacts on sessile organisms in the dredged area. Additional increased construction impacts would include greater turbidity and greater temporary hazard to commercial fishing.

The practical limit for alternative diffuser sites was determined to be 12.5 miles. Offshore of this point are an anchorage and a safety fairway, on which encroachment is prohibited. Farther offshore, there would be concern about proximity of Sabine and Heald Banks, which are sensitive and rich habitats for hard-bottom fauna.

Based on a one-year oceanographic survey, the proposed 3.5-mile site is environmentally preferred to more distant alternatives from the perspective of brine discharge. At the 3.5-mile site, the dynamics of biological community composition and density respond to seasonal temperature changes, occurrences of limiting concentration of dissolved oxygen, pulses of micronutrients and shifts in sediment texture but not to variation in salinity which is relatively great at the site. There are fewer data farther offshore, but as one proceeds offshore, salinity increases and is less variable, i.e., the environment is more marine. It is reasonable to conclude that indigenous populations of the 3.5-mile site are adapted to unstable conditions of a highly variable environment and are, therefore, more tolerant to salinity variation than those farther offshore. The nearshore site would be the more environmentally prudent location to discharge brine.

Conclusion

The benefits from the Phase III expansion of the SPR have been balanced against the potential adverse environmental impacts. In addition, reasonably available project alternatives have been considered. As a result of these evaluations, DOE has decided to proceed with the project. Of the practicable alternatives considered, the project as proposed is environmentally preferred and most likely to achieve SPR program objectives. DOE is aware of the project's potential environmental impacts and will use all practical means to avoid or mitigate them.

Dated: January 22, 1982.

William A. Vaughan,
Assistant Secretary, Environmental
Protection, Safety, and Emergency
Preparedness.

ATTACHMENT 1.— ENVIRONMENTAL COMPLIANCE, CONTROL, MITIGATION, AND MONITORING FOR PHASE III IMPLEMENTATION OF THE STRATEGIC PETROLEUM RESERVE, DEVELOPMENT OF BIG HILL AND EXPANSION OF BRYAN MOUND AND WEST HACKBERRY

The Department of Energy (DOE) will comply with the requirements of all applicable local, state, and Federal statutes and regulations regarding environmental compliance, control, monitoring, and mitigation of impacts required for construction and operation of facilities for Phase III development of the Strategic Petroleum Reserve.

Specifications for most mitigation measures and monitoring plans will be determined through the permitting procedures of the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers and through consultation with other appropriate local, state, and Federal agencies.

In addition to the types of mitigation measures described below, a detailed Spill Prevention, Control, and Countermeasure (SPCC) Plan and Contingency Plan will be prepared for Big Hill which will identify proper actions to protect the environment from the damaging effects of spills of oil and brine. Existing Contingency and SPCC Plans for Bryan Mound and West Hackberry will be amended if necessary to account for new construction.

Mitigation of Construction Impacts

Land Use

Existing pipeline rights-of-way (ROW) will be followed where practicable.

To the extent practicable, original contours will be maintained, applicable soil conservation practices will be used, and site landscaping will utilize existing trees, shrubs and meadows to enhance the aesthetics of the facility.

Should Phase III construction at Bryan Mound impact existing wetlands, a wetlands mitigation agreement, with the U.S. Fish and Wildlife Service, provides for creation of new wetlands habitat by lowering and vegetating upland acreage with wetland grasses.

Impacts of pipeline construction will be mitigated by construction techniques specified by the Corps of Engineers in permits granted under Section 10 of the Rivers and Harbors Act of 1899 or Section 404 of the Clean Water Act of

1972 as amended. Such techniques may include double-ditching, revegetation, and directional drilling.

DOE is consulting with the manager of McFaddin National Wildlife Refuge to gain easement for constructing the brine pipeline across the refuge from the Intracoastal Waterway (ICW) to the shore. The nature and extent of mitigation measures will be determined by the refuge manager and other authorities.

Dredge spoil from pipeline construction will be stockpiled in a manner that will not totally inhibit natural drainage patterns.

Dredge spoil from construction of the Big Hill raw water intake structure at the ICW may be used as fill for construction of the upland portion of the raw water facilities or may be placed in an upland disposal area out of wetlands as determined by the permit requirements of the Corps of Engineers.

Water Quality

The choice of appropriate dredging techniques and handling of dredge spoil related to pipeline construction will be determined by the requirements of the Corps of Engineers. Mitigation measures to be used will also be determined by the Corps of Engineer in consultation with local, state, and Federal authorities during the permitting process. Choice of dredging and disposal techniques for the crossings at Taylor and Hillebrandt Bayous will depend on results of chemical analysis of sediments for contamination.

During site construction, appropriate erosion control measures will be used to minimize turbidity and sedimentation in nearby waterways and wetlands.

If either of the two alternative crude oil pipelines to the Galveston Bay area is selected, impacts of water crossing at Galveston Bay would be mitigated by turbidity screens if required.

At pipeline water crossings, shorelines will be restored as close to the original contour as practicable, reducing effects on natural overbank flood water distribution.

Air Quality

Dust suppression techniques will be used to the extent necessary. Any incineration during construction will be limited to materials and times as stated by the applicable regulations.

Biota

The American alligator is the only endangered or threatened species that could be impacted by construction activities. Should it not be delisted in Texas prior to construction, formal consultation will be conducted with the

U.S. Fish and Wildlife Service. Alligator nests are highly visible and will be avoided to the extent practicable.

Clearing of land will be minimized. ROWs will be revegetated as stipulated in permits or in other programs developed through continuing consultation with local, state, and Federal authorities.

Noise

Construction contractors will be required to meet all state and Federal regulations related to the exposure of employees to extreme noise levels, as defined by Occupational Safety and Health Administration regulations.

Historic and Archaeologic Sites

The appropriate State Historic Preservation Office (SHPO) will be informed of construction schedules. The proximity of a known shell midden in the vicinity of Taylor Bayou to the planned crude oil pipeline crossing will be investigated before construction. If either crude oil pipeline alternative to the Galveston Bay area is selected, a field survey and a more intensive records survey, commensurate with the known sensitivity of both projected routes, will be conducted before construction. Although there are no known or suspected archaeological, historical, or cultural resources at the storage sites, construction will be carefully monitored. If any such resource is uncovered during construction, all activities will cease and the SHPO will be notified immediately, as required by the National Historic Preservation Act of 1966. Construction will not proceed until the nature and importance of the find is determined.

Mitigation of Operations Impacts

Water Quality

Each site will be secured and brine ponds will be drawn down in advance of floods and hurricanes.

Brine ponds will be lined to prevent leakage.

A sewage treatment system will be designed and operated at Big Hill in accordance with the required EPA wastewater discharge permit and any local and state requirements.

Dikes will be constructed around well pads at all storage sites to contain water from a 25-year 24-hour rainfall until it can be determined that its discharge meets effluent criteria. Culverts will be placed where needed to maintain natural drainage. All water discharges from the sites will be monitored to ensure permit compliance with Federal and state water quality criteria.

Pipeline sectionalizing valves will be installed at the edge of each major water crossing.

Air Quality

Emissions of volatile organic compounds will be controlled by vapor control technology as directed by applicable permit requirements.

Biota

The brine pipeline will be instrumented so that leaks can be quickly detected from the central control building to allow rapid shutdown of the brine disposal system. Performance criteria and specifications for brine line integrity assurance and additional operational requirements will be determined through consultation and negotiation with the permitting agency.

To avoid entrainment of biota, the raw water intake structure will be equipped with traveling screens and will be designed to ensure a maximum water velocity at the traveling screens of 0.5 ft/s while providing 1.4 MMB per day of raw water to the site.

Socioeconomics

The brine diffuser will be designed, situated, and constructed to minimize impacts to commercial fisheries. To prevent entanglement of fishing nets, the diffuser will be buried about 6 ft below the ocean floor in accordance with pipeline permit requirements, a steel diffuser guard cage will be installed on each diffuser port below the mud line, and diffuser port risers above the mud line will be flexible rubber hose. Mutual aid services, such as area-wide fire protection, will be provided to local communities.

Monitoring Programs

Onshore environmental characterization of the Big Hill SPR site will be conducted prior to site development in accordance with DOE Orders and other regulations. This effort will address numerous aspects of the affected environment and will attempt to predict the nature of SPR construction and operations-related impacts. The following factors will be sampled and evaluated as appropriate: meteorology, air quality and noise; hydrology and water quality; soils; vegetation; aquatic ecology; and wildlife.

Monitoring of the brine discharge may be required as a condition of the EPA National Pollutant Discharge Elimination System permit. This determination will be made by the EPA Regional Administrator under applicable rules and regulations. The results of continuing monitoring

programs at Bryan Mound and West Hackberry will undoubtedly be a significant contribution in EPA's determination.

A 1-year oceanographic survey of baseline conditions was conducted in

the area of the proposed Big Hill diffuser from September 1977 to October 1978. This study, which was part of a larger regional Texoma survey, included detailed documentation of physical oceanography, marine chemistry,

sediment texture and distribution, macro- and meio-benthos, phytoplankton, zooplankton, and demersal nekton populations.

[FR Doc. 82-5789 Filed 3-4-82; 8:45 am]

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federal register

**Friday
March 5, 1982**

Part V

Civil Aeronautics Board

**Uniform System of Accounts and
Reports for Certificated Air Carriers;
Reporting of Employment Levels and
Employee Protection Program**

CIVIL AERONAUTICS BOARD**14 CFR Part 241**

[Reg. ER-1285; Amdt. No. 44; Docket No. 38483]

Uniform System of Accounts and Reports for Certificated Air Carriers; Reporting of Employment Levels

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB requires air carriers that held certificates on October 24, 1978, to report the number of employees deprived of employment because of a strike along with the employment levels that they already report monthly. This amendment will enable the CAB to fulfill its responsibilities under the Employee Protection Program established in section 43 of the Airline Deregulation Act. Supplementary information about this rule appears in PR-245, also published in today's issue.

DATES: Adopted: November 18, 1981;¹ Effective: May 3, 1982.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428; 202-673-5340.

SUPPLEMENTARY INFORMATION: This rule is subject to OMB clearance under the Paperwork Reduction Act. The Board will publish a notice of OMB's decision.

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

The Civil Aeronautics Board amends 14 CFR Part 241, *Uniform System of Accounts and Reports for Certificated Air Carriers*, as follows:

1. The authority citation for Part 241 is revised to read:

Authority: Secs. 101, 204, 401, 402, 403, 404, 407, 411, 416, 417, 901, 902, 1002, 1601, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 754, 758, 766, 769, 774, 783, 788, 76 Stat. 145, 92 Stat. 1744 (49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1472, 1482, 1551); Sec. 43, Pub. L. 95-504, 92 Stat. 1750, 49 U.S.C. 1552.

2. In the instructions to Schedule P-1(a) in Section 24, *Profit and Loss Elements*, the last sentence of paragraph (d) is amended and paragraph (e) is amended by adding a sentence at the end, so that the instructions read as set forth below. As revised, paragraphs (d)(7) and (d)(8), the last two sentences of paragraph (d) and paragraph (e) are revised to read as follows:

¹ Received for publication at the Office of the Federal Register on March 1, 1982.

Schedule P-1(a)—Interim Operations Report

(d) Air carriers shall report on this schedule * * * (7) the total number of full-time and (8) part-time employees. Total number of full-time employees and total number of part-time employees shall reflect for the overall or system operations of the air carrier the total number of full-time and part-time employees, respectively, who worked or received pay for any part of the pay period(s) ending nearest the 15th day of the month. For the purposes of this part, "part-time employees" means those employees hired to work less than the number of hours that is customary or standard for their occupational specialty.

(e) In the event of a labor strike, the "number of employees" to be reported on this schedule shall be determined on and actual payroll basis. Actual payroll shall be determined in accordance with paragraph (d) of these reporting instructions. An air carrier that on October 24, 1978, held a certificate issued under section 401 of the Act shall also report in a footnote on this schedule the number of full-time employees who were deprived of employment because of a strike (i.e., the number of full-time employees who, but for a strike, would have been included in the number reported in accordance with paragraph (d)(7)).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-5974 Filed 3-4-82; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 314

[Reg. PR-245; Docket No. 38483]

Employee Protection Program

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB adopts procedures for implementing its responsibilities under the Employee Protection Program established in section 43 of the Airline Deregulation Act. This program provides for Federal payments to certain airline employees who are dislocated or who have their compensation reduced "on account of a qualifying dislocation." The CAB is responsible for determining when a "qualifying dislocation" has taken place; the program is otherwise administered by the Secretary of Labor.

DATES: Adopted: November 18, 1981;¹ Effective: April 3, 1982.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5340.

SUPPLEMENTARY INFORMATION: The application requirements of §§ 314.11 and 314.21(b) are subject to OMB clearance under the Paperwork Reduction Act. The Board will publish a notice of OMB's decision. Section 43 of the Airline Deregulation Act, Pub. L. 95-504, established an employee protection program. This program provides protection for airline employees (other than officers or members of the board of directors) who, on October 24, 1978, the date of the Deregulation Act's passage, had at least 4 years of service with one certificated airline. Two types of protection are provided. One, requiring certificated air carriers to accord priority of hiring to furloughed workers, is administered solely by the Secretary of Labor. The second provides for Federal assistance payments to workers who have been deprived of employment or have had their compensation reduced because of a qualifying dislocation. A qualifying dislocation, in turn, is defined by the Act as a bankruptcy or a major contraction in employment, "the major cause of which is the change in regulatory structure provided by the Airline Deregulation Act of 1978." This program is also administered by the Secretary of Labor, who is responsible for determining the eligibility of individual applicants and the level of payments. However, Congress has given the Board the job of deciding the threshold question of whether a qualifying dislocation has occurred. This rule establishes procedures for deciding that question.

The Proposed Rule

In notice of proposed rulemaking EDR-406/PDR-72 (45 FR 49291; July 24, 1980) ("the NPRM"), we proposed to adopt a new 14 CFR Part 314 to govern the Board's role in the employee protection program. Under the proposed rule, the Board would investigate bankruptcies and major contractions to determine whether they were qualifying dislocations. Investigations would begin either on the Board's initiative, or in response to applications from affected employees or their representatives. Applicants could rely on a Board finding that a major contraction had occurred, as discussed below, but would have to

¹ Received for publication at the Office of the Federal Register on March 1, 1982.

explain their basis for claiming that the Deregulation Act was the major cause. Applications would be served on the affected air carrier and the Secretary of Labor, and there would be 7 days for answers. After an investigation, the Board would announce its preliminary determination in a show-cause order, and allow 30 days for interested persons to file objections or comments along with supporting information. The Board would ordinarily make its final determination on the pleadings, but would have the discretion to hear oral argument. It would hold an oral evidentiary hearing only if there were material issues of decisional fact that could not adequately be resolved without a hearing. The Board's final determination would be announced in an order, with notice sent directly to the applicant (if any), the affected air carrier, and the Secretary of Labor.

A "major contraction" is defined in the Act as a reduction by at least 7½ percent in the total number of an air carrier's full-time employees within a 12-month period. Under the proposed rule, the Board would monitor the employment levels reported by certificated carriers and publish the results each month. If any carrier's monthly level were 92.5 percent or less of any of that carrier's preceding 12 reported monthly levels, the Board would find that that carrier had undergone a major contraction. For example, if an airline had 1000 full-time workers in December 1979, an employment level of 925 or less for any month through December 1980 would represent a reduction of at least 7½ percent, and thus constitute a major contraction. To speed up the process when a 7½ percent reduction had not yet occurred but clearly would occur, the Board could make an advance determination of a major contraction. The Board could do this on its own initiative or in response to an application.

The Act directs the Board to determine major contractions without including those employees who are deprived of employment because of a strike or are terminated for cause. The NPRM stated that in order to exclude such employees from a *reduction* in employment, we would include them in the total employment figures. The following example was given:

An airline has 1,000 full-time employees through January, but in February has only 748 because 50 have been laid off, 200 have gone on strike, and 5 have been fired for cause with 3 of the 5 replaced by new employees. This does not constitute a major contraction. To the 748 actually employed, we add the 200 on strike and the 5 fired for cause, and

subtract the 3 replacements—to make a total of 950. (Since those fired for cause are included in the total, their replacements must be subtracted to avoid distortion.)

Air carriers already report their full-time and part-time employment levels monthly on Schedule P-1(a) under 14 CFR Part 241, but these figures include only those employees who have actually been paid during the relevant pay period. To enable the Board to comply with the statutory requirement to disallow certain employee reductions, the NPRM proposed to require the reported number of full-time employees to include those on strike and the number of positions that are vacant as a result of terminations for cause.

The NPRM also proposed an alternative reporting scheme to minimize the burden on air carriers: regular monthly reports would include paid and striking employees, but not vacancies for cause. Under this alternative the Board would presume that the number of such vacancies was always below some threshold, such as 1 or 2 percent. The Board would require a carrier to determine and report the number only on those occasions when it would make a difference in the computation of a major contraction.

The NPRM also briefly addressed the meaning of the statutory requirement that, in order to be a qualifying dislocation, a bankruptcy or major contraction must have as its major cause "the change in regulatory structure provided by the Airline Deregulation Act of 1978." The Supplementary Information portion stated that we would not consider changes in employment that were merely seasonal to be caused by the Deregulation Act. Similarly, it stated that we would ordinarily not consider employment cuts caused by a decline in the general economy or by fuel shortages to be so caused. The text of the proposed rule, however, simply reflected the statutory language.

The Comments

Nine comments on the proposed rule were filed. The commenters were the U.S. Department of Labor, California State Employment Security Agency, Air Transport Association of America (ATA), Pacific Southwest Airlines (PSA), and eight labor organizations, four of which filed jointly. The individual labor commenters were the Air Line Pilots Association (ALPA), Association of Flight Attendants (AFA), Independent Union of Flight Attendants (IUFA), and the International Brotherhood of Teamsters. The joint labor commenters were the Brotherhood of Railway and Airline Clerks, Flight

Engineers' International Association, International Association of Machinists and Aerospace Workers, and the Transport Workers Union of America.

Most of the comments were especially concerned with how the Board will interpret and apply the "major cause" language in the statutory definition of qualifying dislocation. Other main areas of concern were reporting requirements and the method of accounting for employees on strike or terminated for cause. The comments also addressed almost every other aspect of the proposed rule.

We have considered all the comments and decided to adopt the rule essentially as proposed, but with the alternative approach to reporting vacancies for cause (i.e., counting them only in close cases) and several changes in the details of the procedure. The comments and our responses are discussed below by subject area.

Interpreting the "Major Cause" Provision

The ATA and the California State Employment Security Agency agreed with our observations in the NPRM that the Deregulation Act should not be considered responsible for either seasonal employment changes or, in most cases, employment cuts caused by fuel or general economic situations. They suggested that these interpretations be explicitly incorporated in the rule. The IUFA argued that the rule should include objective criteria, such as a presumption that the Deregulation Act was the major cause of a carrier's bankruptcy or major contraction if the carrier had previously undergone "a 5 year period of sustained growth and/or profitability." The Teamsters suggested that "the major cause" be interpreted to mean "a cause which is important and substantial, but not necessarily more important than any other causal factor" (emphasis added). The AFA argued for a similar interpretation.

The final rule includes § 314.6 as proposed, restating the critical portions of the statutory definition of qualifying dislocation without interpreting them. Our interpretation will evolve as we gain experience with actual cases involving specific carriers and employees. We adhere to the observations in the NPRM, however, and note also that there is no basis for such a radical departure from the plain meaning of the statute as the Teamsters and AFA have urged. If Congress had intended such a result, the definition in section 43(h)(2) of the statute would have referred to deregulation as "a

major cause" rather than "the major cause" of the major contraction. In any event, interested persons will have further opportunities to present views on these issues in individual cases.

Reporting Requirements

ALPA and the AFA supported the proposed requirement that carriers' monthly reports of employment levels include the number of employees on strike and the number of positions vacant as a result of terminations for cause. These commenters stated that this information plays a very important role in the Board's computation of employment cuts. They objected to the proposed alternative approach—to require the information only by special report, and only in those close cases where it might make a difference in the finding about a major contraction—on the ground that it would provide inadequate and inaccurate data and would delay relief to affected employees.

The ATA, on the other hand, objected to the first approach. It argued that it would be expensive and time-consuming for carriers to compile information every month on terminations for cause, with the burden wholly disproportionate to the Board's needs for such information. It stated that most vacancies are filled through internal promotions, which trigger a chain of vacancies and promotions, and that it would be hard to trace through to the ultimate hiring of a new employee. ATA supported the proposed alternative approach, and suggested that employment cuts between seven and eight percent be considered the close cases. Only in those cases would it have the Board require special reports from a carrier about vacancies for cause.

We have decided to adopt the alternative approach to reporting of the number of positions vacant as a result of terminations for cause. In a close case where this number could actually make a difference in the computation of a 7½ percent employment reduction, it is essential for the Board to know the number in order to comply with the Congressional mandate. But we agree with the ATA that in the clear majority of cases, including those where the regularly reported figures show an employment reduction of less than 7 or more than 8 percent, the number of vacancies for cause will be irrelevant and requiring carriers to determine and report it would only be wasteful. We disagree with the contention of ALPA and the AFA that the alternative approach would provide inadequate and inaccurate information. And the extra step that this approach adds to the

process of identifying major contractions and qualifying dislocations would delay relief to affected employees only briefly.

ATA also suggested that, whichever reporting approach the Board chooses, employees who, although not on strike, are furloughed because of a strike should be excluded from the calculation of employment reductions in the same way as those employees who are actually on strike. This interpretation better reflects the statute, which refers to "employees who are deprived of employment because of a strike," and we have incorporated it into the rule.

PSA pointed out that its employees are not covered by the employee protection program because it did not hold a certificate from the Board on October 24, 1978, and stated that it should therefore not be subject to additional reporting requirements. PSA suggested that the Board relieve it of any extra burden either (1) by requiring additional information only in cases where a proceeding to identify a qualifying dislocation has begun, or (2) by requiring the additional information in regular monthly reports, but only for those carriers subject to the program, so that PSA's regular monthly reports would include unadjusted employment data as in the past. With regard to vacancies for cause we have selected PSA's first suggestion, as explained above. With regard to strikes, however, we have selected the second approach. When strikes occur, a carrier's employment levels can be affected substantially and a presumption that the number of employees deprived of employment is small would be unworkable. We are therefore requiring this information to be reported monthly. In a slight departure from the NPRM, the number of full-time employees deprived of employment because of a strike will be reported separately in a footnote on schedule P-1(a) instead of being included in the total number of full-time employees in the body of the schedule. This way carriers like PSA that are not covered by the employee protection program will merely omit the footnote, and the information in the body of the schedule will remain consistent for all carriers.

On another reporting matter, ATA objected to proposed § 314.4, which states that "The Board may require any carrier to submit any information that the Board considers necessary to carry out its functions under this part." ATA argued that there is no justification for such "unrestrained authority" and that § 314.4 should be confined narrowly. We are not adopting this suggestion. The

section does not create any new information-gathering authority, but merely reflects authority that the Board already has under section 407 of the Federal Aviation Act and section 43 of the Deregulation Act. Whether a particular reporting directive is in fact within the scope of that authority will depend on the circumstances of the case.

The Teamsters commented that carriers should be required to report employment levels for each month in 1979 and 1980, to enable the Board to identify major contractions occurring before adoption of the final rule. We already have most of this information. Except for adjustments to include strikers and strike-caused layoffs, the large certificated carriers have been reporting it for the entire period, and all other certificated carriers have been reporting it since October 1, 1980 (ER-1188; 45 FR 48867; July 22, 1980). There is no need to require those other carriers, as a class, to file retroactive reports for the months before October 1980. If there is reason to believe that such information from a particular carrier may indicate a major contraction, we can obtain that information by a special report.

How To Count Employees for Determining Major Contractions

The notice of proposed rulemaking stated that, upon a merger of air carriers, we would determine the existence of a major contraction by comparing the merged carrier's employment levels with the total number of workers employed by each of the predecessor companies. The Teamsters suggested that merged carriers should file data on each individual carrier for 12 months after the effective date of the merger, and that the Board should find a major contraction if either the single- or merged-carrier data show a 7½ percent contraction. We are not adopting this suggestion. Although the individual carriers may retain some separate identities until the merger is consummated, they begin to lose those identities immediately after the merger begins, if not sooner. The separate employment levels would therefore not be meaningful.

The Teamsters also stated that the Board, in determining whether a major contraction has occurred, should count only U.S.-based employees, employees paid abroad in U.S. currency, and those represented by American unions. The statutory definition of "major contraction," however, refers simply to full-time employees of an air carrier, and provides no basis for making the

distinction that the Teamsters have suggested. We are therefore not adopting the suggestion.

On accounting for employees terminated for cause, the Department of Labor commented that—

[F]or the sake of simplicity and consistency, only *additional* vacancies for cause in the "new" month should be added to the employment figure. The previous month's level (regardless of the reason for any vacancies) should reflect the actual employment level. (Italics added.)

This suggestion appears to assume that the computations involve only a single pair of adjacent months. But the monitoring of employment levels is a continuing process, and each month's figure for each carrier is used both to look back at earlier months to see whether the month in question marks the end of a major contraction, and to look forward to see whether it begins a major contraction. In these circumstances we consider it simpler and more consistent to consider each month's employment level as including all vacancies for cause instead of merely additional ones.

The joint labor commenters recommended that all terminations for cause be counted, rather than merely the number of vacancies caused by such terminations. They argued that otherwise carriers would be able, by abolishing the positions of employees who had been fired for cause, to prevent the Board from finding a major contraction when one should be found. We are not adopting this suggestion because it presents the same problem of consistency between months as the Labor Department's. In any event, these commenters appear to have misunderstood the implications of an undercount of vacancies for cause. When a given month's employment level is compared with the preceding 12, an undercount would tend to favor the finding of a major contraction rather than preventing it. Moreover, we see no incentive for carriers to try to prevent the Board from finding a major contraction. In any case, we have adequate authority to require carriers to provide additional information about their counting methods if there is reason to believe that employment figures are distorted.

The California State Employment Security Agency raised several questions about counting employees. The responses are as follows: Positions that are open as a result of voluntary quits or unpaid leaves of absence are considered to be part of employment reductions, because the statute does not provide for special treatment of such

cases. To treat such positions otherwise would unnecessarily complicate the counting and reporting of employment levels. But a major contraction finding is only the first step toward payment of benefits. Positions that are open as a result of voluntary quits or unpaid leaves of absence will be weeded out either in the Board's qualifying dislocation determination or in the Department of Labor's eligibility determinations for individual employees. Next, no definition of "strike" appears necessary, since we expect no interpretative problems in the overwhelming majority of cases. We will rely in the first instance on a carrier's own determination of whether its employees are on strike, but in disputed cases we would give weight to the determinations of a State employment security agency.

Finally, ALPA noted the statement in the proposal that we would not consider changes in employment that were merely seasonal to be related to the Deregulation Act. ALPA commented that seasonal workers are full-time employees, and criticized "the Board's action to exclude them in the computations for determining the existence of a major contraction" as an attempt to amend the statutory 7½ percent figure that is "legally improper and a not too subtle attempt to deny ADA benefits to eligible employees." ALPA has misread the proposal. We did not suggest that seasonal full-time employees would not be considered in identifying major contractions. The statement in the proposal addressed the question of *causation*, which is at issue only in determining whether an already identified major contraction was a qualifying dislocation. On that point, as noted above, we conclude that layoffs are not related to the Deregulation Act if they are caused merely by the change of seasons.

Applications: Filing and Contents

In response to suggestions from the Department of Labor, the rule has been redrafted (1) to require in applications for an advance determination of a major contraction the same information as in applications for a determination of a qualifying dislocation; (2) to clarify that applications are to be filed with the Civil Aeronautics Board; and (3) to specify that applications show the number of years an employee was employed by the air carrier as of October 24, 1978, instead of the date of filing. The rule does not require employees to provide information about their current employment along with information about previous employment as the Department recommended,

however, because there is no apparent need for such additional information.

The proposed rule would in effect require an application to name an employee who has been deprived of employment or suffered a reduction in compensation and who as of October 24, 1978, had been employed by the carrier for at least 4 years. Other employees are not eligible for benefits on the basis of a qualifying dislocation. The Department of Labor and ALPA object to this requirement, arguing that the Board's statutory role is to determine whether a qualifying dislocation has occurred and that the eligibility of employees is not relevant to the Board's decision. In a related comment, the joint labor commenters stated that a labor union should be able to file an application on behalf of a group of employees without having to file particular information about each one. The final rule has been clarified to explicitly incorporate the latter proposal, but it still requires that each application name and provide the specific information about at least one employee. The purpose of the requirement is to make sure that Board resources are not wasted on qualifying dislocation proceedings where there is no chance that benefits will eventually be paid. We recognize that the determination of whether a particular employee is an "eligible protected employee" within the meaning of the statute is ultimately one for the Department of Labor to make. But when an employee is clearly ineligible, that employee should not be entitled to start a proceeding. And it imposes no significant burden on a union to require it to come up with at least one employee who is not clearly ineligible before the Board triggers its process.

Service; Answers; Publication

The proposed rule would require a person applying for a qualifying dislocation determination to serve a copy of the application on the affected carrier and the Secretary of Labor. In response to a suggestion from the Department of Labor, the final rule provides that the Board will serve the copies to alleviate the burden on applicants. And in response to various suggestions, we have expanded the service list to include the collective bargaining representatives of the affected carrier's employees, State agencies that act as agents of the Department of Labor to administer the program, and the Secretary of Transportation. Several commenters objected to a 7-day answer period as too short and recommended times ranging up to 20 days, and some suggested that

the rule provide for replies to answers. Balancing the need to allow participation by interested persons against the need to get on with the proceeding, we have selected 15 days after service as the deadline for answers, and have decided not to provide a period for replies.

In response to other comments the final rule provides for publication in the Federal Register of all major contraction findings (including advance determinations and terminations of them) and any hearing notices, and summaries of all show-cause orders and final orders. In addition, the Board will serve all these documents on the following persons: the applicant and applicant's representative (if any), the affected carrier, the collective bargaining representatives of the carrier's employees, the Secretary of Labor, and any State agencies that are acting as agents of the Secretary of Labor to administer the Employee Protection Program.

Dismissal of Applications; Hearings

The proposed rule provided in § 314.13(c) that the Board would dismiss an application if the carrier had neither become bankrupt nor undergone a major contraction. Paragraph (d) of that section stated that the Board "may" dismiss an application if it finds that the bankruptcy or major contraction "clearly did not have" as its major cause the change in regulatory structure provided by the Deregulation Act. For applications that are not dismissed, the proposal stated that the Board would use show-cause procedures, and hold an oral evidentiary hearing only when there were material issues of decisional fact that could not adequately be resolved without a hearing.

The ATA stated that "may" should be changed to "will" in § 314.13(c). It argued that if the Board concludes that the change in regulatory structure was not the major cause, immediate dismissal is mandatory because the Board "has made the necessary statutory finding and lacks the authority to continue the qualifying-dislocation proceeding." The AFA, on the other hand, pointed out that the statute does not require that a bankruptcy or major contraction "clearly" have the change in regulatory structure as its major cause. It argued that the word "clearly" should be eliminated from proposed § 314.13(d), apparently believing that such a change would narrow the class of cases that could be dismissed.

The AFA would have the Board hold an oral evidentiary hearing whenever one is requested by an applicant. It stated that applicants will not

necessarily have access to the information on which the Board bases its decision, and are entitled to a hearing to challenge carrier data and develop facts. ALPA's position on dismissals and hearings also called for a more elaborate procedure than proposed. Even if the change in regulatory structure were clearly not the major cause of the bankruptcy or major contraction, the Board would have to issue a show-cause order before dismissing the application. In all other cases ALPA would have the Board presume and tentatively conclude for the purpose of issuing a show-cause order that a qualifying dislocation *had* occurred. ALPA would then require that the Board hold an oral evidentiary hearing whenever it sought to change that tentative conclusion, and whenever any interested person requested such a hearing and supported the request with a showing that the issue of causation "is, or may be, affected by material issues of fact."

We are substituting "will" for "may" in § 314.13(d) about dismissals, although not for the reason that ATA gave in its comment, and otherwise are leaving that paragraph unchanged. An application should of course be dismissed as soon as the Board makes a negative finding about causation. The real issue addressed by § 314.13(d), however, is what constitutes adequate grounds for the Board to make such a finding (and so dismiss an application) without any additional procedural steps. The word "clearly" is therefore the key to this provision, and limits dismissals to those cases where the non-occurrence of a qualifying dislocation is so clear that no purpose would be served by any further process.

We are not adopting the suggestions of AFA and ALPA about oral evidentiary hearings, or ALPA's recommended presumption. As to the latter, there were major contractions and bankruptcies of air carriers before passage of the Deregulation Act. There is no basis for presuming that any such occurrence since then either had, or clearly did not have, the Deregulation Act as its major cause. Nothing in the language of section 43 or its legislative history supports such a presumption. The suggested evidentiary procedures could require hearings in many cases where they are unnecessary. The actual need for a hearing, both legal and practical, will vary from case to case. The proposed criterion—hearing when there are material issues of decisional fact that cannot otherwise be adequately resolved—properly reflects that need and gives the Board the flexibility to handle individual cases

with the procedures most appropriate to each one.

In response to other comments, a § 314.13(e) has been added to the final rule to state that a Board order dismissing an application will announce the reasons for the dismissal. But a provision that Board findings must be based on substantial evidence is unnecessary, because such a standard is already set out in the Federal Aviation Act. Finally, in response to a suggestion from the Department of Labor, the final rule has been clarified to state explicitly that the Board may in its discretion hear oral argument, in contrast or in addition to holding an oral evidentiary hearing, before making a final decision about a qualifying dislocation.

Miscellaneous

A continuing decline in a carrier's employment level may give rise to a series of major contractions in overlapping 12-month periods. If we find that the first of a series of major contractions was not a qualifying dislocation, fairness to affected employees clearly requires that we proceed to examine the next one. Once we have determined that a particular major contraction *was* a qualifying dislocation, however, the question arises whether we must continue the process of examining the causes of each successive major contraction to determine whether the Deregulation Act was the major cause. The notice of proposed rulemaking stated that in this situation—

We would ordinarily make no such further determination within 12 months after the point at which the contraction became a qualifying dislocation. A possible exception would be a qualifying dislocation that was followed by an increase in employment and then a new major contraction, all within the same year.

The Department of Labor objected to this approach, stating that a separate qualifying dislocation determination is necessary for each successive 12-month period whose employment level indicates a major contraction. Otherwise, it stated, employees newly laid off after the original qualifying dislocation determination would have to wait 12 months for the next such determination. The Department appears to have misunderstood the proposal. We intend that each qualifying dislocation determination ordinarily be "good for 12 months," so that if a major contraction occurred in the 12 months after the determination we would announce it to be a qualifying dislocation without embarking on a full investigation to identify its major cause. It would then

be the Department's responsibility to determine whether an individual employee was an eligible protected employee as set forth in section 43(a)(1) of the Deregulation Act.

Proposed § 314.21(c) stated that the Board will "terminate an advance determination of major contraction whenever it finds that the predicted major contraction has not occurred or will not occur." In response to a comment from the Department of Labor, it is the advance determination itself that would be terminated, rather than a proceeding leading up to such an advance determination. The proposal also noted that, on occasion, an advance determination might be terminated after we had already found a qualifying dislocation and the Department of Labor had paid out money to affected employees. The Department objected to the statement in the proposal that—

[O]ur objective in such cases would not be to obtain a refund of payments already received—such a retroactive application would be unfair and impractical in our judgment—but to prevent future unwarranted payouts of Federal funds.

The Department stated that "such an 'objective' is not within the Board's purview." The statement in the proposal was intended merely to emphasize what our objective would *not* be. We agree that decisions about when and how much to pay, or retrieve from, particular employees are for the Department of Labor to make, and do not wish to interfere in those decisions.

The Department of Labor suggested that for the sake of consistency with its proposed rules "carrier" be defined as an air carrier holding a certificate as of October 23, 1978, instead of October 24 as we proposed, and cited a statutory reference to certification "prior to the date of enactment" of the Deregulation Act. That reference appears in the duty-to-hire provision, section 43(d), which is administered solely by the Department of Labor. The proposed definition reflects section 43(h), which refers to certificated status "on the date of enactment." We doubt that Congress intended any difference in the group of carriers covered, and this 1-day discrepancy makes no actual difference. It therefore appears better to have this rule reflect its own statutory basis. The final rule therefore defines "carrier" as proposed.

Major contractions are to be computed from the number of "full-time employees." The meaning of this term is established by implication in Part 241, which defines "part-time employees" as those who work less than the "customary or standard number of

hours." The Teamsters suggested a variation of this definition that would, for ground personnel, set the dividing line between full- and part-time employment at 40 hours per week. We see no basis for selecting this particular figure, but have clarified the rule to reflect the fact that the customary or standard number of hours can vary between occupational specialties.

ALPA and the AFA commented that "bankruptcy" should be defined in terms of the commencement of bankruptcy proceedings under Title II of the U.S. Code instead of an adjudication of bankruptcy. In support of their position they noted that, under Title II, a corporation is considered a "bankrupt" as soon as the proceedings begin. We are not adopting this suggestion. Rather than the technical meaning of the term in Title II, it seems more likely that Congress had in mind the common understanding of "bankruptcy" when it enacted section 43 of the Airline Deregulation Act—as something that does not occur until officially established. Otherwise, benefits under the employee protection program would be triggered even if a carrier were merely seeking a reorganization with little effect on employment.

Proposed § 314.3 stated that the provisions of Subpart A of 14 CFR Part 302 would apply to proceedings under this employee protection rule, except when they are inconsistent. We are not adopting ALPA's suggestion to set out exactly which provisions apply, which do not, and how they are modified. Those general provisions have been incorporated into several other rules (e.g., 14 CFR Part 321, *Unused Authority Procedures*; Part 322, *Automatic Market Entry Procedures*) without any confusion or problems, and the requested elaboration would merely lengthen the new rule unnecessarily.

The amendment of the reporting requirements of Part 241 appears in ER-1285, also published in today's issue.

Accordingly, the Civil Aeronautics Board adds a new Part 314 to Chapter II of Title 14, Code of Federal Regulations, to read:

PART 314—EMPLOYEE PROTECTION PROGRAM

Subpart A—General

Sec.

- 314.1 Applicability.
- 314.2 Definitions.
- 314.3 Conformity with subpart A of part 302.
- 314.4 Information requirements.
- 314.5 Major contractions.
- 314.6 Qualifying dislocation.

Subpart B—Determination of Qualifying Dislocation

- 314.10 Beginning of proceeding.
- 314.11 Applications.
- 314.12 Answers.
- 314.13 Disposition of applications.
- 314.14 Show-cause order.
- 314.15 Oral proceedings.
- 314.16 Final determination.

Subpart C—Major Contractions

- 314.20 Regular monthly computation.
- 314.21 Advance determinations.
- 314.22 Notice of major contraction.

Authority: Secs. 204, 407, Pub. L. 85-726, as amended, 72 Stat. 743, 766, 49 U.S.C. 1324, 1377; Sec. 43, Pub. L. 95-504, 92 Stat. 1750 (49 U.S.C. 1552).

Subpart A—General

§ 314.1 Applicability.

Section 43 of the Airline Deregulation Act of 1978, Pub. L. 95-504, establishes an employee protection program. After a determination by the Board that an air carrier has undergone a qualifying dislocation, the Secretary of Labor gives financial assistance to certain employees of the carrier. This part sets out procedures for the Board to determine whether a qualifying dislocation has occurred.

§ 314.2 Definitions.

As used in this part—
"Bankruptcy" means an adjudication of bankruptcy under Title 11 of the United States Code.

"Carrier" means an air carrier that on October 24, 1978, held a certificate issued under section 401 of the Federal Aviation Act of 1958.

§ 314.3 Conformity with subpart A of part 302.

Except where they are inconsistent with this part, the provisions of Subpart A of Part 302 of this chapter shall apply to proceedings under this part.

§ 314.4 Information requirements.

The Board may require any carrier to submit any information that the Board considers necessary to carry out its functions under this part.

§ 314.5 Major contractions.

A major contraction is a reduction by at least 7½ percent of the total number of full-time employees of an air carrier within a 12-month period, and includes an advance determination of major contraction as set forth in § 314.21. The method by which the Board determines whether a carrier has undergone a major contraction is set forth in Subpart C.

§ 314.6 Qualifying dislocation.

A qualifying dislocation is a bankruptcy or major contraction of a

carrier, the major cause of which is the change in regulatory structure provided by the Airline Deregulation Act of 1978.

Subpart B—Determination of Qualifying Dislocation

§ 314.10 Beginning of proceeding.

A proceeding to determine whether a bankruptcy or major contraction is a qualifying dislocation begins either with an application filed with the Board or an investigation on the Board's initiative. Proceedings that begin with an application are governed by §§ 314.11 through 314.16. Board-initiated proceedings are governed by §§ 314.14 through 314.16.

§ 314.11 Applications.

(a) *Who may file.* An application may be filed by an employee who has been deprived of employment or adversely affected with respect to compensation, or by a representative of one or more such employees.

(b) *Title and contents.* Applications shall be titled "Application for Determination of Qualifying Dislocation," and shall contain, with respect to at least one employee:

- (1) Name and address of the employee;
- (2) Number of years employed by carrier as of October 24, 1978;
- (3) Name and address of the applicant, if different from (1);
- (4) Name of carrier-employer;
- (5) Position held by employee immediately before being deprived of employment or adversely affected with respect to compensation;
- (6) Date on which employee was deprived of employment or adversely affected with respect to compensation; and
- (7) An explanation of the applicant's basis for claiming that a qualifying dislocation has occurred, including all supporting evidence available to the applicant.

(c) *Service.* The Board will serve a copy of each application on the affected carrier, the collective bargaining representatives of that carrier's employees, the Secretary of Labor, the Secretary of Transportation, and any State agencies that are acting as agents of the Secretary of Labor to administer the Employee Protection Program.

§ 314.12 Answers.

Any person may file an answer to an application within 15 days after the application is served.

§ 314.13 Disposition of applications.

(a) After the due date for answers, the Board will dismiss the application or begin an investigation to determine

whether a qualifying dislocation has occurred.

(b) The Board will dismiss an application if it does not name an employee who, on October 24, 1978, had been employed by a carrier for at least 4 years.

(c) The Board will dismiss an application if the carrier has neither become bankrupt nor undergone a major contraction.

(d) The Board will dismiss an application even though the carrier has become bankrupt or undergone a major contraction, if it finds that the bankruptcy or major contraction clearly did not have as its major cause the change in regulatory structure provided by the Airline Deregulation Act.

(e) A Board order dismissing an application will announce the reasons for the dismissal.

§ 314.14 Show-cause order.

When the Board makes a preliminary determination of whether the major cause of the bankruptcy or major contraction was the change in regulatory structure provided by the Airline Deregulation Act of 1978, it will issue an order announcing a tentative decision that a qualifying dislocation has, or has not, occurred. The order will direct all interested persons to show cause why the tentative decision should not be made final, and will allow 30 days for objections to be filed. The Board will publish a summary of the order in the *Federal Register* and serve a copy of the order on each of the following:

- (a) The applicant and the applicant's representative, if any;
- (b) The affected carrier;
- (c) The collective bargaining representatives of the carrier's employees; and
- (d) The Secretary of Labor;
- (e) The Secretary of Transportation; and
- (f) State agencies that are acting as agents of the Secretary of Labor to administer the Employee Protection Program.

§ 314.15 Oral proceedings.

The Board will provide for an oral evidentiary hearing, with notice published in the *Federal Register* and served on the persons listed in § 314.14, if there are material issues of decisional fact that cannot otherwise be adequately resolved. The Board may in its discretion hear oral argument before making a final determination.

§ 314.16 Final determination.

The Board will publish in the *Federal Register* a summary of an order announcing its final determination and,

within 3 business days after the determination, serve a copy of the order on the persons listed in § 314.14.

Subpart C—Major Contractions

§ 314.20 Regular monthly computation.

(a) The Board will monitor the number of full-time employees of each carrier, including employees deprived of employment because of a strike, as reported monthly by carriers in accordance with Part 241 of this chapter.

(b) The Board does not require monthly reporting of the number of positions that are vacant as a result of terminations for cause and, except as set forth in paragraph (c)(3) of this section, will not account for those positions in computing major contractions. In the cases set forth in paragraphs (c)(1) and (c)(2) of this section, the Board presumes that the number of employment positions vacant as a result of terminations for cause is small enough that accounting for them would not change the result.

(c) Each month, with respect to each carrier—

(1) If the carrier's current reported full-time employment level is 92 percent or less of any of the carrier's preceding 12 monthly levels, the Board will find that the carrier has undergone a major contraction.

(2) If the current reported level is 93 percent or more of each of the carrier's preceding 12 monthly levels, the Board will not find that the carrier has undergone a major contraction.

(3) If neither of the conditions described in paragraphs (c)(1) and (c)(2) of this section is present, the Board will ascertain by special report from the carrier, and add to the reported employment levels, the number of positions that were vacant in each of the relevant months as a result of terminations for cause. If the resulting figure for the current month is 92.5 percent or less of the resulting figure for any of the preceding 12 months, the Board will find that the carrier has undergone a major contraction. Otherwise, the Board will not make such a finding.

§ 314.21 Advance determinations.

(a) If circumstances indicate that a major contraction will occur, the Board may make an advance determination of a major contraction without waiting for the regular monthly computation set forth in § 314.20. The Board will consider whether to make an advance determination either on its own initiative or upon receipt of an application from an employee who has

been deprived of employment or adversely affected with respect to compensation, or a representative of one or more such employees.

(b) An application under this section shall be titled "Application for Advance Determination of Major Contraction." It shall contain the information set forth in § 314.11 (b)(1) through (b)(6) and an explanation of the applicant's basis for claiming that a major contraction will occur, including all supporting evidence available to the applicant. A person may consolidate an application under this section with an application under § 314.11 for determination of a qualifying dislocation.

(c) The Board will terminate an advance determination of major contraction whenever it finds that the predicted major contraction has not occurred or will not occur.

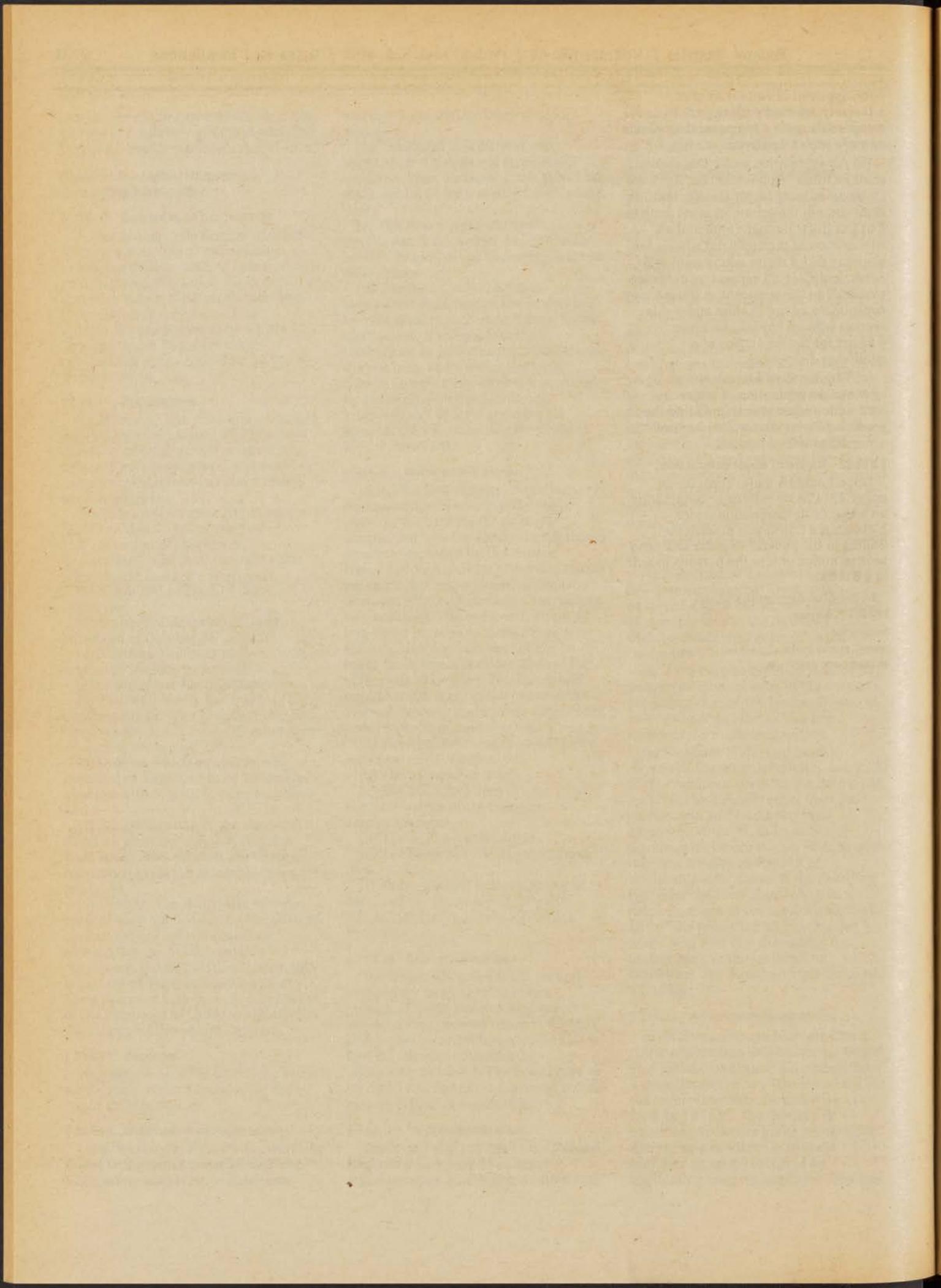
§ 314.22 Notice of major contraction.

Upon finding a major contraction under § 314.20, or making or terminating an advance determination under § 314.21, the Board will publish the finding in the *Federal Register* and send written notice of it to the persons listed in § 314.14.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-5975 Filed 3-4-82; 8:45 am]

BILLING CODE 6320-01-M



federal register

Friday
March 5, 1982

Part VI

Department of Justice

Bureau of Prisons

**Modification to List of Bureau of Prisons
Institutions; and Control, Custody, Care,
Treatment and Instruction of Inmates**

DEPARTMENT OF JUSTICE

Bureau of Prisons

Modification to List of Bureau of Prisons Institutions

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice.

SUMMARY: Attorney General Order No. 646-76 (41 FR 14805), as amended, classifies and lists the various Bureau of Prisons institutions. Attorney General Order No. 960-81, Reorganization Regulations, published in the Federal Register October 27, 1981 (at 46 FR 52339 et seq.) delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(r), the authority to establish and designate Bureau of Prison institutions. This notice is intended to consolidate into one new document Attorney General Order No. 646-76 and the subsequent amendments to that Order. The only modifications to the previous notice are made by redesignating the Federal Prison Camp, Seagoville, Texas as the Federal Correctional Institution, Seagoville, Texas, by redesignating the Federal Correctional Institution, Miami, Florida, as the Metropolitan Correctional Center, Miami, Florida, and by designating a new Metropolitan Correctional Center at Tucson, Arizona (scheduled to begin operation in March 1982).

EFFECTIVE DATE: Federal Correctional Institution, Seagoville, Texas—December 7, 1981; Other Institutions—February 18, 1982.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, 320 First Street NW., Washington, D.C. 20534 (202-724-3062).

SUPPLEMENTARY INFORMATION: This notice is not a rule within the meaning of the Administrative Procedure Act, 5 U.S.C. 551(4), the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Sec. 1(a).

By virtue of the authority vested in the Attorney General in 18 U.S.C. 4001, 4003, 4042, 4081, and 4082 and delegated to the Director, Bureau of Prisons by 28 CFR 0.96, it is hereby ordered as follows:

The following institutions are established and designated as places of confinement for the detention of persons held under authority of any Act of Congress, and for persons charged with or convicted of offenses against the United States or otherwise placed in the custody of the Attorney General of the United States.

A. The Bureau of Prisons institutions at the following locations are designated as U.S. Penitentiaries:

- (1) Atlanta, Georgia
- (2) Leavenworth, Kansas
- (3) Lewisburg, Pennsylvania
- (4) Lompoc, California
- (5) Marion, Illinois
- (6) Terre Haute, Indiana

B. The Bureau of Prisons institutions at the following locations are designated as Federal Correctional Institutions:

- (1) Alderson, West Virginia
- (2) Ashland, Kentucky
- (3) Bastrop, Texas
- (4) Butner, North Carolina
- (5) Danbury, Connecticut
- (6) El Reno, Oklahoma
- (7) Englewood, Colorado
- (8) Fort Worth, Texas
- (9) La Tuna, Texas
- (10) Lexington, Kentucky
- (11) Memphis, Tennessee
- (12) Milan, Michigan

- (13) Morgantown, West Virginia
- (14) Otisville, New York
- (15) Oxford, Wisconsin
- (16) Petersburg, Virginia
- (17) Pleasanton, California
- (18) Ray Brook, New York
- (19) Sandstone, Minnesota
- (20) Seagoville, Texas
- (21) Talladega, Alabama
- (22) Tallahassee, Florida
- (23) Terminal Island, California
- (24) Texarkana, Texas

C. The Bureau of Prisons institutions at the following locations are designated as Federal Prison Camps:

- (1) Allenwood, Pennsylvania
- (2) Big Spring, Texas
- (3) Boron, California
- (4) Eglin Air Force Base, Florida
- (5) Maxwell Air Force Base, Montgomery, Alabama
- (6) Safford, Arizona

D. The Bureau of Prisons institutions at the following locations are designated as Metropolitan Correctional Centers:

- (1) Chicago, Illinois
- (2) Miami, Florida
- (3) New York, New York
- (4) San Diego, California
- (5) Tucson, Arizona

E. The Bureau of Prisons institution at Florence, Arizona is designated as a Federal Detention Centers

F. The Bureau of Prisons institution at Springfield, Missouri is designated as the U.S. Medical Center for Federal Prisoners.

Dated: March 2, 1982.

Norman A. Carlson,
Director, Bureau of Prisons.

[FR Doc. 82-6012 Filed 3-4-82; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 570 and 571

Control, Custody, Care, Treatment and Instruction of Inmates; Final Rules

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains Bureau of Prisons final and amended rules relating to the control, custody, care, treatment, and instruction of inmates. Included is the final rule on Petitions for Commutation of Sentence and amendments to the final rule on Work-Study Release. The rule on Petitions for Commutation of Sentence provides the inmate with information on obtaining the appropriate forms for filing a petition for commutation of sentence and on the role of the Bureau of Prisons in the commutation of sentence process. The rule on Work-Study Release is amended to include the Bureau's existing rule (Part 570, Subpart D) on Reimbursement by Inmates Confined in Federal Facilities Participating in Community Employment Programs.

EFFECTIVE DATE: April 5, 1982.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final and amended rules on (1) Petitions for Commutation of Sentence and (2) Work-Study Release. The rule on Petitions for Commutation of Sentence was published in the *Federal Register* as a proposed rule December 4, 1981 (at 46 FR 59510). The final rule on Work-Study Release was published in the *Federal Register* November 13, 1980 (at 45 FR 75135 et seq.). This rule is expanded to include the Bureau's final rule on Reimbursement by Inmates Confined in Federal Facilities Participating in Community Employment Programs (Part 570, Subpart D), published in the *Federal Register* as a final rule June 30, 1980 (at 46 FR 44234). Upon its inclusion in the amended rule on Work-Study Release, existing Subpart D will be deleted from Part 570.

Interested persons were invited to submit comments on the proposed rule on Petitions for Commutation of Sentence and public comments were received from several individuals. Members of the public may submit

further comments concerning these rules by writing the previously cited address. These comments will be considered but will receive no further response in the *Federal Register*.

The Bureau of Prisons has determined that these rules are not major rules for the purpose of E.O. 12291. The Bureau of Prisons has determined that E.O. 12291 does not apply to these rules since the rules involve agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354) do not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

Part 570—Subpart B—Work-Study Release

1. *Section 570.10*—The last sentence of final § 570.10 becomes new final § 570.10(a). The first sentence of final § 570.50 becomes new final § 570.10(b). The second sentence of § 570.50 is removed as its applicability to federal institutions (defined to include federal community treatment centers) is reflected in existing § 570.11.

2. *Section 570.11*—In § 570.11, the word "federal" is inserted before the word "institution" to clearly identify to whom this program applies. The phrase "other than a community treatment center" is removed, as this rule does not apply to inmates housed in contract facilities (for example, community treatment centers).

3. *Section 570.17*—The reference to 18 U.S.C. 4082 in § 570.17(b) is amended to read 18 U.S.C. 4082(c)(2). Final § 570.51 is redesignated new final § 570.17(b)(1) and (b)(2). Final § 570.17(b)(1) places in writing the expectation that the inmate participating in a community work program sign an earnings agreement which provides for maintenance payments at the specified rate. Revised § 570.17(c) removes reference to subsistence costs, as these are now encompassed in a new § 570.17(d) (formerly § 570.52). Section 570.52(a)(1)-(2) is redesignated § 570.17(d)(1)-(2). Section 570.52(a)(3) is removed as the Bureau does not presently operate federal community treatment centers. Section 570.52(a)(4) and (a)(5) are redesignated § 570.17(d)(3) and (d)(4). Section 570.52(b) is reworded and becomes § 570.17(d)(5). The intent of § 570.17(d)(5) is unchanged. The final rule requires documentation of a waiver of the fixed charge. Existing § 570.17(d) becomes new final § 570.17(e).

4. Sections 570.19 and 570.23—These sections have received some minor rewriting. Their intent is unchanged.

Part 571—Subpart E—Petitions for Commutation of Sentence

1. *Section 571.40*—Commenters suggested that guidelines be promulgated for commutation of sentence. Title 28, Code of Federal Regulations, Part 1 discusses the commutation process. 28 CFR 1.4 specifically addresses eligibility for filing a petition for commutation of sentence. It is not within the scope of the Bureau of Prisons to promulgate guidelines more specific than those provided within 28 CFR 1.4. In response to public comment, there is no prohibition against second offenders being considered for commutation, nor against persons who commit crimes of violence. In respect to a comment that laws should be promulgated that "would help every class of prisoner reach an area where he could expect a shorter sentence", promulgation of such laws are outside the authority of the Bureau of Prisons. There are existing provisions, however, whereby an inmate can effect a change in status, as evidenced by the parole process.

A commenter suggested that § 571.40(b) contain a clause prohibiting the Warden or any of his subordinates from submitting any information other than that required on standard forms supplied by the Department of Justice. The Bureau forwards information considered relevant to the petition for commutation. This does not include staff views on the inmate's petition. In fact, a recommendation is not made by the Bureau of Prisons unless specifically requested by the United States Pardon Attorney. When a recommendation from the Bureau of Prisons is requested, it is submitted by the Director, Bureau of Prisons based on review of available information.

2. *Sections 571.41-571.41(c)* is expanded to more fully explain the procedure when a petition for commutation of sentence is granted by the President of the United States. The new language specifies that the original of the signed and sealed warrant of clemency evidencing the President's action is forwarded to the Warden of the detaining institution. The Warden is to deliver the original warrant to the inmate and obtain a signed receipt for return to the U.S. Pardon Attorney.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 52(a) and

delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(q), 28 CFR Chapter V is amended as set forth below:

In Subchapter D, Part 570, Subpart D is removed, with its contents reflected in an amended Subpart B.

In Subchapter D, Part 571, Subpart E is added.

Dated: March 2, 1982.

Norman A. Carlson,
Director, Bureau of Prisons.

PART 570—COMMUNITY PROGRAMS

§§ 552.30—552.34 (Subpart D) [Removed]

A. In Subchapter D, Part 570, Subpart D is removed, with its contents now reflected in an amended Subpart B, as follows:

The authority citation for Part 570, Subpart B reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart B—Work/Study Release

1. By revising § 570.10 to read as follows:

§ 570.10 Purpose and scope.

The Bureau of Prisons uses Work and Study Release programs to allow selected inmates, in preparation for release from confinement, to attend school or to work in the local community during the day, returning to the institution at night.

(a) An inmate may not work as a strikebreaker or under working conditions at less than acceptable minimum standards, or in any other situation which, in the Warden's judgment and discretion, could evoke adverse public response towards the inmate, the Bureau of Prisons, or the government.

(b) Under 18 U.S.C. 4082(c)(2), the Attorney General may require a participant in a community work program to pay appropriate and reasonable costs incidental to the inmate's confinement.

2. By revising § 570.11 to read as follows:

§ 570.11 Definitions.

The term "Work and Study Release" means an inmate's authorized absence from a federal institution for the purpose of employment or to participate in an academic or vocational education activity.

3. By revising § 570.17 to read as follows:

§ 570.17 Transportation and subsistence.

(a) all transportation arrangements require approval of the Warden. An

inmate shall use and pay for commercial transportation to and from the program placement. Other arrangements for transportation to and from the program placement require prior approval of the Warden.

(b) Under 18 U.S.C. 4082(c)(2), " * * * A prisoner authorized to work at paid employment in the community under this subsection may be required to pay, and the Attorney General is authorized to collect, such costs incident to the prisoner's confinement as the Attorney General deems appropriate and reasonable. Collections shall be deposited in the Treasury of the United States as miscellaneous receipts."

(1) A fully employed participant in a community work program shall pay a fixed charge of \$2.00 per calendar day in reimbursement for services and supplies ordinarily made available to inmates of federal institutions. The reimbursement contributes to the cost of services and supplies, such as lodging, meals taken at the residential facility, clothing, bedding, laundry, allowances and medical care, but excludes transportation to and from the inmates's place of work. The Warden shall require the inmate to sign an earnings agreement which incorporates maintenance payments at the specified rate.

(2) No charge is made during the inmate's first thirty calendar days of community employment.

(c) The Warden may waive transportation costs under paragraph (a) of this section when the Warden determines that the costs would unduly burden the inmate financially. Waivers of transportation requirements shall be documented.

(d) The Warden may waive the fixed charge under paragraph (b) of this section for an inmate after the first thirty days when the inmate:

(1) Is unemployed;
(2) Has less than full-time employment (40 hour work week);
(3) Has a verified serious need of financial assistance to the inmate's immediate family;

(4) Has a verified serious need of his own: For example, savings required for establishment of residence; specialized employment requirements (training, education, automobile, etc.); or

(5) For any other compelling reason recommended by the Warden and approved by the Regional Director or designee. Waivers of fixed charge requirements shall be documented.

(e) An inmate may not reimburse the Government for expenses of Work or Study Release except as provided in paragraphs (a) and (b) of this section.

4. By revising § 570.19 to read as follows:

§ 570.19 Expenses.

(a) The inmate, the inmate's family, or other sources approved by the Warden shall bear all expenses incidental to a Work or Study Release program, such as the cost of meals in the community, laundry fees for clothing, cost of special equipment, etc.

(b) an inmate who has sufficient personal financial resources shall bear the cost of the inmate's Study Release program. The Bureau of Prisons may participate in payment for educational courses which lead directly to the development or increase of a viable occupational skill in accordance with the provisions of the Bureau of Prisons rule on Postsecondary Education Programs for Inmates.

5. By revising § 570.23 to read as follows:

§ 570.23 Termination.

The Warden in his/her discretion may terminate an inmate's participation in a Work or Study Release program for any of the following causes:

(a) Completion of the program by the inmate;

(b) The inmate's misconduct or willful negligence;

(c) Cancellation of a placement for reasons beyond the inmate's control, e.g., budget cutbacks, job layoffs, etc.; or

(d) Other sound correctional reasons, documented in the record.

PART 571—RELEASE FROM CUSTODY

B. In Subchapter D, add Subpart E to Part 571 to read as follows:

Subpart E—Petitions for Commutation of Sentence

Sec.

571.40 Purpose and scope.

571.41 Procedures.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5006-5024, 5039; 28 U.S.C. 509, 510; U.S. Const., Art. II, Sec. 2; 28 CFR 0.95-0.99, 1.1-1.9.

Subpart E—Petitions for Commutation of Sentence

§ 571.40 Purpose and scope.

An inmate may file a petition for commutation of sentence in accordance with the provisions of 28 CFR, Part 1.

(a) An inmate may request from the inmate's case manager the appropriate forms (and instructions) for filing a petition for commutation of sentence.

(b) When specifically requested by the U.S. Pardon Attorney, the Director, Bureau of Prisons will forward a recommendation on the inmate's petition for commutation of sentence.

§ 571.41 Procedures.

(a) Staff shall suggest that an inmate who wishes to submit a petition for commutation of sentence do so through the Warden to the U.S. Pardon Attorney. This procedure allows institution staff to forward with the application the necessary supplemental information (for example, sentencing information, presentence report, progress report, pertinent medical records if the petition involves the inmate's health, etc.). Except as provided in paragraph (b) of this section, no Bureau of Prisons recommendation is to be forwarded with the package of material submitted to the U.S. Pardon Attorney.

(b) When specifically requested by the U.S. Pardon Attorney, the Director,

Bureau of Prisons shall submit a recommendation on the petition. Prior to making a recommendation, the Director may request comments from the Warden at the institution where the inmate is confined. Upon review of those comments, the Director will forward a recommendation on the petition to the U.S. Pardon Attorney.

(c) When a petition for commutation of sentence is granted by the President of the United States, the U.S. Pardon Attorney will forward the original of the signed and sealed warrant of clemency evidencing the President's action to the Warden at the detaining institution, with a copy to the Director, Bureau of Prisons. The Warden shall deliver the original warrant to the affected inmate,

and obtain a signed receipt for return to the U.S. Pardon Attorney. The Warden shall take such action as is indicated in the warrant of clemency.

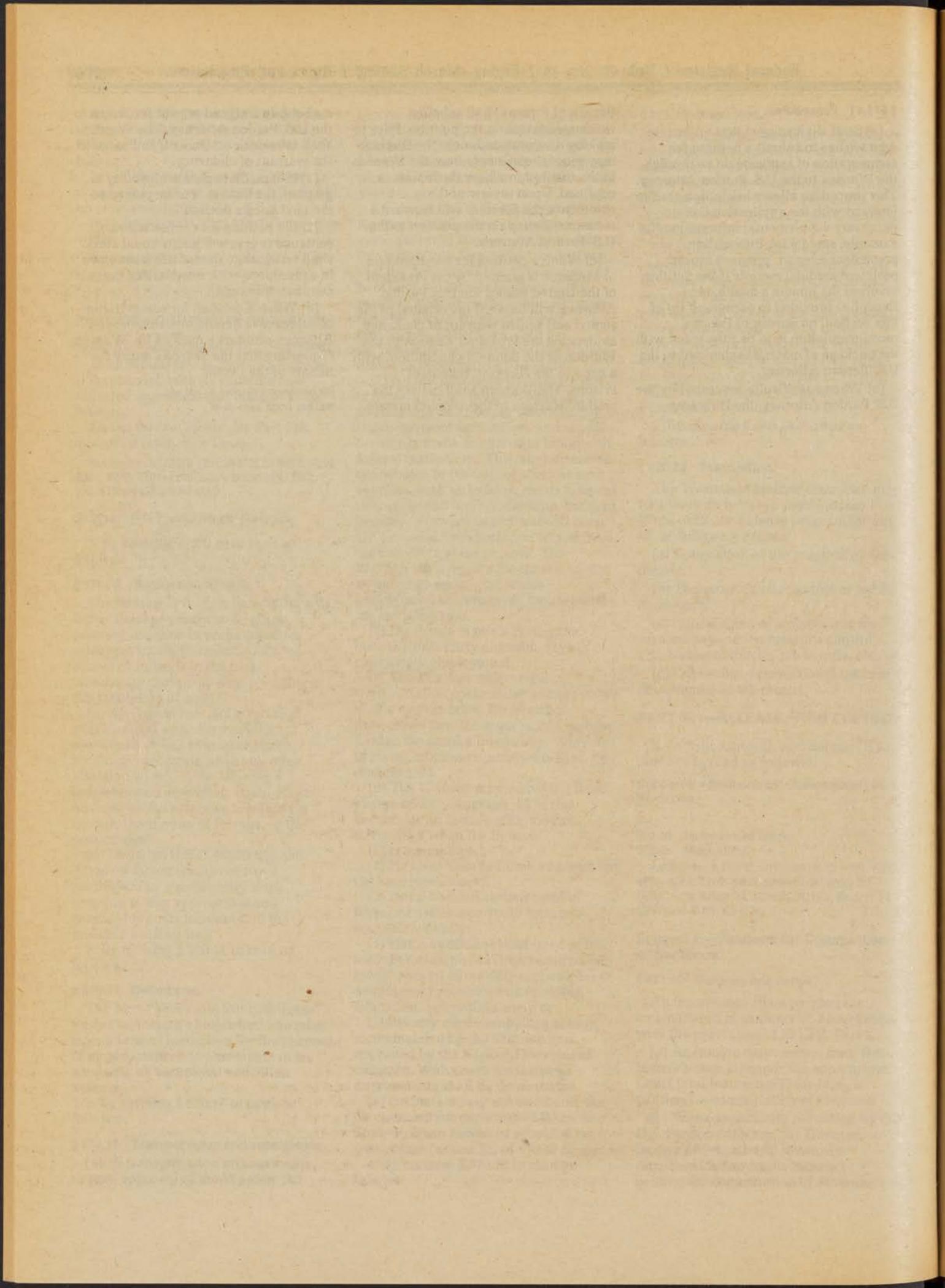
(1) If immediate parole eligibility is granted, the inmate is to be placed on the next parole docket.

(2) If a petition for commutation of sentence is granted, institutional staff shall recalculate the inmate's sentence in accordance with the terms of the commutation order.

(d) When a petition for commutation of sentence is denied, the U.S. Pardon Attorney ordinarily notifies the Warden, requesting that the Warden notify the inmate of the denial.

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Friday
March 5, 1982

Part VII

**Department of
Energy**

Bonneville Power Administration

**Proposed Billing Credits Policy;
Opportunities for Public Review and
Comment**

DEPARTMENT OF ENERGY**Bonneville Power Administration****Proposed Billing Credits Policy; Opportunities for Public Review and Comment**

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of proposed billing credits policy and opportunities for public review and comment.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) provides that the Bonneville Power Administration (BPA) Administrator must grant billing credits to BPA's customers for electric power resources which reduce the Administrator's obligation to acquire resources to meet BPA customers' electric power requirements. This proposed policy interprets the Regional Act and prescribes procedures to be followed by customers seeking billing credits for conservation or other resources that reduce the need for BPA to acquire electric power resources to meet its obligations to its customers. This proposal further sets out a procedure by which the Administrator will evaluate billing credit applications and determine the appropriate amount for any credits granted.

DATES: Because of the interest expressed in the proposed billing credits policy, BPA will hold three types of public meetings: a technical meeting for BPA customers and others interested in a detailed explanation of the proposal, public information forums, and public comment forums.

BPA will hold a technical meeting for BPA customers who will be directly affected by the proposed policy. The meeting will be open to anyone who is interested in a technical presentation that will examine the proposed policy in substantial detail. The technical meeting will be held from 9 a.m.-4 p.m., on March 22, 1982, in the Auditorium of the BPA headquarters building, 1002 NE Holladay Street in Portland, Oregon.

BPA will hold informational forums in six regional locations to explain the proposed policy and answer questions. These forums will be designed to provide information which will assist the public in commenting on the proposed policy.

Explanatory material will be available prior to and at the information forums to provide general background on the policy. BPA will present the issues which received the most attention in development of the proposal in a

summary document. It will include BPA's position on a particular issue and identify the positions supported by groups who participated in preliminary work sessions. The representatives of these groups have been invited to attend the information forums to answer any questions pertaining to their positions.

Registration for the information forums will begin at 7 p.m. and the forums will start at 7:30 p.m. Dates and locations for the information forums are: (1) March 23, in Room 223 of the Federal Building, 1220 SW Third Avenue, Portland, Oregon; (2) March 24, in the Fidalgo Room of the Seattle Center, First Avenue North and Republican Streets in Seattle, Washington; (3) March 25, in Room 227 of the Federal Building, 211 East 7th Avenue in Eugene, Oregon; (4) March 30, in the Federal Building Auditorium, 825 Jadwin Avenue in Richland, Washington; (5) March 31, in the East Conference Room of the Hall of Mirrors, 700 West State Street, in Boise, Idaho; and (6) April 1, in Room 201 of the Missoula County Courthouse Annex, 200 West Pine Street in Missoula, Montana. The information forums will be recorded and transcribed and will become part of the Official Record on billing credits.

Following the information forums, BPA will hold public comment forums in four regional locations to receive oral comment on the proposed policy. BPA staff will present introductory remarks and answer clarifying questions at the comment forums.

Registration for the comment forums will begin at 7 p.m. and the forums will start at 7:30 p.m. Dates and locations for the comment forums are: (1) April 19, in Room 223 of the Federal Building, 1220 S.W. Third Avenue, Portland, Oregon; (2) April 19 in the East Conference Room of the Hall of Mirrors, 700 West State Street in Boise, Idaho; (3) April 20 in the Blakely Room of the Seattle Center, First Avenue North and Republican Streets in Seattle, Washington; and (4) April 20 in Room 201 in the Missoula County Courthouse Annex, 200 West Pine Street in Missoula, Montana. All comments received at public comment forums will be recorded and transcribed and will become part of the Official Record.

Written comments are also encouraged and will become part of the Official Record. They must be received on or before April 23, 1982.

ADDRESSES: Written comments should be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement

Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-230-4261. Oregon callers outside of Portland may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048.

Douglas Hansen, Special Assistant to the Power Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, 503-230-5708.

George Gwinnut, Area Manager, Suite 288, 1500 NE Irving Street, Portland, Oregon 97208, 503-230-4551.

Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503-345-0311.

Ronald Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 503-456-2518.

Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Gordon Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406-755-6202.

Thomas Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206-442-4130.

Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Robert Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTARY INFORMATION:**I. Introduction**

Section 6(h) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) (Pub. L. 96-501, 94 Stat. 2697 *et seq.*) directs the Administrator of the Bonneville Power Administration (BPA), to grant billing credits to customers upon request for (1) conservation activities independently undertaken or continued by a customer or a political subdivision served by such customer after the effective date of the Regional Act (i.e., December 5, 1980), or (2) resources constructed, completed, or acquired by a customer, an entity acting on behalf of such customer, or a political subdivision served by such customer after the effective date of the Regional Act, that reduce the obligation of the Administrator to acquire resources under the Regional Act. Retail rate structures which are voluntarily implemented by BPA customers and which induce conservation or installation of consumer-owned renewable resources also qualify for billing credits upon the same showing as

that required for other conservation or renewable resource activities.

Congress created BPA in 1937 to act as marketing agent for power from Bonneville Dam. By subsequent legislation and executive orders, BPA was authorized to market the power from 29 additional Federal dams in the region. BPA also markets the output from the 800,000-kilowatt Hanford generating plant of the Washington Public Power Supply System and the 30 percent of the Trojan nuclear plant output owned by the Eugene Water & Electric Board. To accomplish its power marketing mission, BPA designed and built the Nation's largest network of long-distance, high-voltage transmission lines. BPA does not build dams or power plants. These are built and operated by the U.S. Army Corps of Engineers (Corps) and the Bureau of Reclamation (BR). Most Corps and BR projects are multipurpose; that is, they are designed to provide flood control, navigation, irrigation, municipal and industrial water supply, pollution control, recreation, fish and wildlife or other public benefits besides generating power.

Under the Regional Act, enacted December 5, 1980, BPA is becoming the "power broker" for the Northwest. The Regional Act is intended to help the region achieve an adequate power supply, hold utility rates lower than they would otherwise be, and place maximum reliance on conservation and renewable sources of energy in responding to the growing demand for energy. The Regional Act directs BPA to serve its existing industrial customers at specified demand and to serve on request the net power requirements of all utilities in the region, while also authorizing direct service to Federal agencies in the region. As a result, BPA's obligation to serve its customers under the Regional Act is likely to be greater than BPA's existing obligation to serve its existing customers.

Current BPA resources may be inadequate to serve the contractual obligation to its existing and potential new customers. Therefore, BPA may need to acquire new resources.

BPA is not authorized to own or construct electric generating facilities. However, the Regional Act directs BPA to acquire the right to the output or capability of resources to serve increased customer requirements. Such resources have been defined to include conservation measures, direct application renewable resource measures, such as solar collectors, that displace the use of electric power; and electric generating facilities. The Regional Act directs BPA to apply the

following priorities in acquiring resources:

- (1) Cost effective conservation;
- (2) Cost effective renewable resources;
- (3) Cost effective generating resources utilizing waste heat or generating resources of high fuel conversion efficiency; and
- (4) All other types of cost effective resources, such as conventional fuel-fired generating plants.

To the extent that BPA's authority to acquire resources is limited to the need to serve its contractual obligations to supply electric power established under the Regional Act, and to assist in meeting the responsibility of BPA and other Federal agencies to operate hydroelectric facilities on the Columbia River and its tributaries to adequately protect, mitigate, and enhance fish and wildlife, there may or may not be a need to acquire additional resources. Congress, which anticipated a need for BPA resource acquisitions on the basis of earlier projections, established the billing credit mechanism to permit local initiative in implementing conservation and developing generating resources as an alternative to BPA's acquisition of resources.

The Regional Act directs BPA to grant billing credits to a customer upon request for actions which reduce its power requirements and thereby reduce BPA's obligation to acquire resources. A billing credit is a payment from BPA to the customer which may be in the form of either an offset to the customer's power bill or a cash payment if the amount of the credit exceeds the amount of the power bill. The billing credit may become negative under certain circumstances.

For conservation measures or retail rate structures which induce conservation, customers are to be credited for the costs BPA saves by not having to acquire other resources. For resources other than conservation or retail rate structures which induce the installation of consumer-owned renewable resources, customers are to be credited for the lesser of either the net costs of the resource or the costs BPA saves by not having to acquire other resources.

The size and effect of a billing credit is limited in two ways. First, the rates to other customers as a result of granting a billing credit for a conservation measure should be *the same* as would otherwise have been the case had BPA been obligated to acquire other resources in lieu of granting the billing credit. Second, the rates to other customers as a result of granting a billing credit for a resource other than conservation shall

be *no greater* than otherwise would have been the case had BPA been obligated to acquire resources in lieu of granting the billing credit.

After BPA has determined that a conservation activity or other resource qualifies for a billing credit, BPA will conditionally approve the billing credit application, negotiate a billing credit contract with the customer, comply with the notice provisions of Section 6(c) of the Regional Act in all cases and with the procedural provisions of section 6(c) in the case of billing credits for major resources, and then grant the billing credit. The procedural requirements of section 6(c) permit the Pacific Northwest Electric Power and Conservation Planning Council (Regional Council) to review BPA's determination whether granting a billing credit for a major resource is consistent with the Council's plan, or in the absence of a plan, is consistent with the requirements of section 4(e) of the Regional Act. Eligibility for payment of the credit begins when the resource or conservation activity actually begins to reduce the customer's load on BPA and that reduces BPA's obligation to acquire resources.

BPA began the process of developing the proposed billing credit policy on March 25, 1981, by publishing a notice of intent (46 FR 18583) to develop policy guidelines and a methodology to compute billing credits, implementing section 6(h) of the Regional Act. BPA mailed this request for comments to approximately 2000 people in the region, including BPA customers, state and local government representatives, and other interested individuals and groups. Included in the mailing was a reply card for persons to request information as the methodology developed. About 400 cards were received by BPA. Twenty-three persons submitted written comments by the close of the comment period, June 30, 1981. A BPA task force reviewed these remarks and other information and identified more than 20 key issues which became the structural framework for the development of the initial proposal.

On August 28, 1981, BPA mailed an invitation to those who had submitted comments and other interested persons to attend an informal meeting on September 10. This public meeting was intended to give a general overview of BPA's perception of the issues involved in implementing billing credits and to explain the proposed procedure and schedule for developing the methodology.

At this meeting, BPA staff and the public discussed their understanding of

some of the issues. However, because of the complexity of many of the issues, the participants asked for more time to evaluate and discuss them. BPA agreed to hold a series of five "rap sessions" from September 22 to October 20 to discuss the Administrator's policy alternatives for each of the key issues. BPA task teams analyzed the various issues and prepared papers on policy alternatives with arguments *pro* and *con* for each alternative. These issue papers were mailed to participants prior to the rap session in which they were discussed. BPA also agreed to distribute all written comments submitted on billing credits to the participants and agreed upon a procedure for incorporating these comments as the methodology developed.

On September 15, 1981, BPA mailed a letter to the participants describing the series of five rap sessions and the schedule outlining when each issue would be discussed. The objective of the meetings was to enable the public to respond to the policy alternatives which had been identified and to present their ideas to the BPA staff concerning (1) the definition of the issues which required resolution, (2) alternatives available to the BPA Administrator, and (3) the reasons why the Administrator should consider either adopting or rejecting each alternative.

Following the discussion of an issue, BPA task force representatives reworked the policy alternatives to reflect public input. These were mailed to participants for a second review prior to presentation to the BPA Policy Committee, which is comprised of the Administrator, Deputy Administrator, Assistant Administrators and General Counsel. At the Policy Committee meetings, the Administrator made preliminary decisions on each issue, which were then used as the basis for developing an initial draft of the proposed billing credits policies and procedures.

The number of rap session participants grew from a group of 40 to include more than 200 individuals in addition to the original 400 persons who sent in reply cards. A preliminary draft of the proposal was mailed to the rap session participants on January 11, 1982, and an informal meeting was held January 20 and 21, 1982, to discuss the draft. This meeting was useful for

identifying and correcting problems with the draft in terms of its completeness, clarity, and consistency. The comments received from the informal meeting have been considered and incorporated in this proposed policy.

BPA is interested in receiving public comment on its proposed policy. Because of the complexity of the issues and in response to the interest expressed in the proposed policy, BPA will hold three types of public meetings: A technical level meeting for BPA customers and others interested in a detailed explanation of the proposal, six public information forums to explain the proposal and answer questions, and four public comment forums where oral comments will be received. Dates, times and locations for each of the meetings are listed in the previous section, "DATES." All meetings will be transcribed.

Written comments will be accepted at the public forums or may be submitted to Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212. All comments must be received on or before April 23, 1982.

Following the close of the comment period, BPA will evaluate the comments and, where appropriate, incorporate them into its final billing credits policy. The final policy is expected to be announced in late spring 1982.

II. Compliance With National Environmental Policy Act (NEPA)

BPA is preparing an environmental assessment (EA) evaluating its proposed billing credits policy. The EA will discuss the potential environmental impacts associated with the proposed billing credit policy and the alternative issues raised during the policy development process. Once the EA is completed, it will be distributed to all interested parties for a 30-day public review and comment period. Comments on the EA should be sent directly to John B. Pynch, Environmental Coordinator, Bonneville Power Administration—PBE, P.O. Box 3621, Portland, Oregon 97208; phone 503-230-4261.

In recognition of BPA's NEPA responsibilities, the need to analyze potential environmental impacts was identified as an activity to be performed concurrently with the definition of the major policy issues. By early September,

an interdisciplinary environmental task force was established, which began a series of weekly meetings to review the issues as the options were identified. Members of the task force became routinely involved in the public rap sessions and were also members of a number of the task teams which developed the issue options. The task force made a preliminary environmental analysis of each issue available to the Policy Committee as the Administrator made his preliminary decisions. Environmental representatives were available to answer questions and to clarify the preliminary analysis.

III. Major Provisions

A. Policies and Purposes—Section 1

Implementation of the billing credits program is intended to support a number of broad BPA and Regional Act goals. Billing credits for conservation activities are intended to provide customers a level of compensation that will provide an incentive to implement conservation. The program is also intended to encourage long-range planning of resource development. Billing credits for resources other than conservation are intended to cover the costs of such resources up to the limit of BPA's alternative cost, and thereby eliminate the disincentive for developing such resources inherent in BPA's average cost wholesale power rates.

Program implementation should result in consistent application of prudent resource planning principles among the billing credits program, BPA's resource acquisition program, and other regional resource planning to support the Regional Act's resource priority scheme and other non-energy considerations such as the protection of fish and wildlife. Finally, BPA intends to implement billing credits in a way that will encourage customers to plan and operate the resources of the Pacific Northwest as much as possible as if they were owned and operated by a single utility in order to achieve a reliable, efficient power supply at the least cost to the consumer.

B. Definitions—Section 2

Many of the definitions in the proposed policy are taken directly from the Regional Act. Other definitions are based on the Regional Act but have

been expanded to clarify BPA's interpretation of them. BPA has defined other terms that BPA will use throughout this proposed policy. Rather than redefine terms each time they arise, BPA has chosen to define them in the "Definitions" section to insure consistent interpretation. BPA intends to the terms "shall" to mean "must" and "may" to indicate discretion. BPA intends the terms "may not" to mean "lack of discretion" or "without authority." BPA solicits comments on the policies inherent in these proposed definitions.

1. The term "acquire" means the purchase of the right to the output or capability of a resource. BPA may not construct or own a generating facility. BPA customers are not limited by this latter constraint.

In this proposed policy, BPA has distinguished between the terms "capability" and "output." In its simplest form, purchase of the capability of a resource means the purchase and ownership of all or a portion of the planned capacity of the resource, requires payment of the resource costs associated with the capability acquired, and transfers financial risk to the power purchaser in the event the generating facility is not completed and operated.

In its simplest form, purchase of the output of a project means the purchase of a fixed amount of electric power from a project at an agreed-upon rate per unit of electric power with no transfer of risk or responsibility to the purchaser for project costs.

2. BPA has used the term "alternative cost" to describe the cost BPA would have paid had it been required to acquire resources to serve the load which is being served by a billing credit resource. BPA has chosen this term instead of the term "avoided cost" for two reasons. First, the term "alternative cost" is used in the legislative history of the Regional Act. Second, BPA wanted to avoid confusion between the rate impact test and the term "avoided cost" which has a specific connotation within the context of the Public Utilities Regulatory Policy Act (PURPA), section 210. BPA has not yet determined how the Regional Act and PURPA mesh.

It may be necessary to calculate alternative costs applicable to a given billing credit resource as many as three times. During the initial planning phases of the billing credit program, when refined data are unavailable, BPA may calculate an "interim alternative cost" based on projections of future loads to

be served by BPA and future resources that may be available to meet those loads. At the time BPA conditionally approves a billing credit resource, an "initial alternative cost" will be calculated which will establish the estimated value of the alternative cost at the time the resource is planned to actually change the customer's net requirements for electric power or reserves from BPA. Finally, BPA will calculate the "firm alternative cost" at the time BPA begins to pay the billing credit, and may be equivalent to the interim alternative cost during the early years of the program. The procedure which BPA will use to calculate the alternative cost is discussed further in section E below.

3. The term "billing credit resource" means a conservation activity, a resource other than conservation, or a retail rate structure which is eligible for a billing credit. A billing credit resource is a value to the Administrator only to the extent the customer assumes the obligation of the Administrator to serve a portion of the customer's firm load. (This concept is discussed further in section D below.)

A customer may request a billing credit for all or part of the output or capability of a billing credit resource. Under this proposed policy, any customer wishing to receive a billing credit for an additional increment of output from a resource for which a billing credit has already been granted must submit a new billing credit application to BPA.

4. BPA has used the term "conditional approval" to establish the point at which a customer will be notified that the proposed activity is eligible for a billing credit. However, actual granting and payment of a billing credit will not occur until (1) a contract has been signed establishing a value for the billing credit, and (2) the billing credit resource has begun to produce the expected energy or capacity (or in the case of conservation activities, the expected energy or capacity savings).

5. BPA has not altered the Regional Act definition of "conservation." In order to qualify as a conservation activity, a resource must pass a two-part test. First, the resource must reduce electric power consumption. Second, the reduction in consumption must occur as a result of an increase in the efficiency of energy use, production, or distribution. BPA believes there are two fundamental ways in which to look at efficiency. One is to look at a resource

in terms of its ability to produce usable energy per unit of potential energy consumed. An example of a conservation activity that meets this test would be to replace incandescent light bulbs with fluorescent bulbs. Fluorescent bulbs produce more light per unit of electricity than incandescent bulbs produce. The second way to view efficiency is to focus on the task to be done and find ways to perform the task with less energy. An example of a conservation activity that meets this test would be to irrigate an orchard at night to reduce evaporation losses. The reduction in evaporation loss reduces the amount of pumped water needed to irrigate the orchard. Thus, energy is saved because the task, to irrigate the orchard, is being accomplished with less energy.

Curtailments and changes in life style may save energy, but they do not do so as a result of an increase in the efficiency of energy use, distribution, or production. Thus curtailments or life style changes are not examples of conservation as defined by the Regional Act.

It has been suggested to BPA that switches from electric power to fossil fuels could qualify for a billing credit as a conservation activity. BPA believes that this interpretation of conservation may conflict with the definition of renewable resource which defines a switch from electric power to a renewable fuel as a direct application of renewable resource and not as a conservation activity. BPA has decided not to resolve this issue in the billing credits policy. Rather, BPA will address the fuel switching issue in a separate proceeding.

6. The Regional Act establishes "cost-effectiveness" as one of the primary criteria for BPA selection of billing credit resources and resource acquisitions. Although the Regional Act specifies a number of elements which should be considered in assessing cost-effectiveness, BPA has initiated a separate policy making process for the purpose of identifying other appropriate factors and calculation mechanisms.

7. BPA has not refined the definition of "customer" as defined in the Regional Act. However, for the purposes of this policy, BPA proposes that only a customer that signs a new power sales contract with the Administrator under the Regional Act is eligible to request a billing credit. (This concept is explained further in Section C below.)

8. The term "firm resource exhibit" refers to the list of resources which must be attached to utility customers' power sales contracts for which the customer assumes the obligation to operate to serve its own firm load.

9. The Regional Act authorizes BPA to grant billing credits for "independently undertaken conservation activities." BPA proposes that "independently undertaken" refers to activities carried out independently of activities funded and offered by BPA or included in the plan of the Regional Council. The Regional Act directs BPA to exercise its authority to implement all cost-effective conservation as the first priority for meeting BPA's obligations to serve the net requirements of its customers, and BPA is clearly expected to take a position of leadership in implementing and financing conservation programs throughout the region. Only activities over and above BPA conservation activities or beyond the requirements of the Regional Council plan will therefore be considered to be "independently undertaken." An activity which falls below the standard necessary to qualify for a BPA program will not be considered to be independently undertaken.

A conservation program undertaken by a customer or a political subdivision served by a customer, which duplicates all or part of a BPA funded program will not qualify for a billing credit. A conservation program initiated by a customer or a political subdivision prior to adoption of that program by BPA will qualify for a billing credit until a substantially similar program is adopted by BPA. At that time, no further billing credits would be granted for additional conservation measures installed under such program, but all billing credits granted for previously installed measures would continue over the remainder of the useful lives of those measures. BPA will base its decisions on what programs to adopt upon its judgment as to what will be most cost effective for the region as a whole.

Conservation programs implemented by customers or political subdivisions which include activities that produce incremental energy savings over and

beyond those produced by BPA funded programs may qualify for billing credits with respect to those additional activities which are not included in BPA funded programs.

A legal mandate to implement a conservation program will not, by itself, disqualify an applicant from receiving a billing credit provided the mandated program is undertaken independently of BPA as described above. A billing credit will not be granted, however, if program implementation is required to comply with the Regional Council plan (e.g., it will be assumed that BPA will implement programs consistent with the requirements of the plan).

10. The definition of a "major resource," which is taken from the Regional Act, applies to any resource that, (1) has a planned capability greater than 50 average megawatts, and (2) if acquired by BPA, is acquired for a period of more than 5 years. Major resources are required to undergo an analysis for inconsistency with the Regional Council plan, or, in the absence of a plan, with the requirements of sections 4(e)(1) and 4(e)(2) of the Regional Act.

11. BPA believes it is authorized to pay billing credits for resources other than conservation only up to the level of the "net cost actually incurred" by the developer of a resource. BPA has attempted in this definition to identify the elements to be included under "net costs."

The proposed cost elements cover not only construction and operation costs but also reasonable financing costs and compensation for risk. If BPA were to acquire a resource directly, it may assume any risk that the project might not operate as planned. It therefore appears appropriate to compensate other resource developers for risks entailed in developing a billing credit resource.

Net costs may not include any portion of costs which have been financed by funds obtained from governmental grants. BPA does not believe that grant monies are a cost actually incurred by a customer in developing a billing credit resource.

BPA recognizes that there will be a great number of uncertainties in the development of net cost data. There is

some concern that a resource developer may be unwilling or unable to provide net cost data to a customer, and BPA should therefore be willing to pay the customer for the net incurred by the customer in acquiring the resource without requiring the customer to provide cost or other data about the resource. However, it is the policy of the U.S. Comptroller General that all Federal disbursing officers retain the ability to verify the accuracy and legality of all disbursements. Therefore, BPA must have access to resource specific data. BPA requests suggestions on any other factors that should be considered in determining net costs for billing credit resources.

12. BPA proposes that the definition of "political subdivision served by a customer" refers to governmental units within and including State governments. Consequently, for the purpose of determining eligibility for billing credits, political subdivisions will be considered to include states, cities, towns, counties, multi- and special purpose districts (i.e., water, sewer, school, etc.) and Indian Tribes.

BPA has tentatively included States in the definition, because State governments have significant opportunity to implement conservation program, and several states have specifically requested to be included. However, the decision to include States may pose practical problems in establishing the causal relationship between the passage of legislation authorizing conservation activities and the actual conservation of energy. State activities to improve the energy efficiency of State-owned buildings may be eligible for billing credits, but legislation requiring other entities to take conservation actions are likely to impose a financial burden on the other entities rather than on the State government. Consequently, BPA requests comments on the appropriateness of including States as political subdivisions.

13. The phrase "reduce the Administrator's obligation to acquire resources under the Regional Act" is defined to reflect the different explanations of the same concept contained in sections 6(h)(1)(A) and 6(h)(1)(B) of the Regional Act. Section

6(h)(1)(A) refers to "the Administrator's obligation that otherwise would have existed to acquire" while section 6(h)(1)(B) refers to "the Administrator's obligation to acquire." Both phrases explain the concept that a billing credit resource substitutes for a resource BPA would have been obligated to acquire but for the billing credit resource. The different phrases reflect the structure of the net requirements power sales contracts which BPA is required to offer under section 5(b) of the Regional Act. Under these contracts BPA is required to meet a customer's actual firm power load to the extent such load exceeds the capability of any resources the customer is required or chooses to use to serve such firm load. If a customer implemented a conservation activity or developed a consumer-owned renewable resource, the firm power load met by such resources would not appear on BPA's meters and BPA's obligation to serve such firm power load would not materialize. Therefore, section 6(h)(1)(A) refer to the Administrator's obligation that otherwise would have existed to acquire resources to serve the firm power load that otherwise would have existed but for the billing credit resource.

14. The term "resource," as taken from the Regional Act, is defined as both the actual or planned output of generating facilities and any actual or planned load reduction resulting from direct application of a renewable energy resource or from a conservation measure. An indirect effect of this all-inclusive definition is to broaden the opportunity for implementing energy conservation activities under the billing credit program. In particular, conservation programs delivered by an energy management firm could be considered to be a resource implemented by an "entity acting on behalf of a customer" in accordance with sections 5 and 6(a) of this proposed policy. BPA is interested in hearing if this potential interpretation would pose any particular problems or whether it would be a desirable way to promote conservation.

15. The term "resource priority scheme" is based on section 4(e)(1) of the Regional Act, which requires that priority be given to resources that the Regional Council determines to be cost effective. For any set of cost effective resources, BPA must give priority: first, to conservation; second, to renewable resources; third, to generating resources using waste heat or generating resources of high fuel conversion efficiency; and fourth, to all other resources. BPA will apply the resource priority scheme in

granting billing credits among competing billing credit resources and when comparing a billing-credit resource with an alternative acquisition.

16. BPA proposes to establish a special billing credit category of "small resources" which would be any resource with a planned capability of (1) 5 average megawatts or less, and (2) a peak capability of 15 megawatts or less. The category is designed to reduce the customer reporting requirements for such resources. BPA believes such reporting requirements create an administrative burden which is necessary for larger resources but which could needlessly prevent the development of small resources. In particular, sponsors of small resource projects would not be obligated to make available a calculated amount of electric power and BPA would grant a billing credit based on the actual output of the small resource up to the planned capability of the resource. In addition, BPA may, by publishing a finding in the *Federal Register*, deem the net cost of small resources to be equal to or greater than the Administrator's alternative cost, thereby setting the base value of the credit at the BPA alternative cost.

BPA requests comments on the desirability of establishing a "small resources" category. In particular, BPA is interested in information that will help assess the benefits and risks of this proposal. BPA is also interested in guidance on the appropriate size limit for a "small" resource category. BPA is especially concerned with the views of resource developers and how this special category would influence their approach to the development of small resources.

17. The definition of "voluntarily implemented retail rate structure" reflects BPA's recognition that all utilities are subject to some form of rate approval authority and cannot act independently of such authority. Consequently, a retail rate structure will be considered to be voluntarily implemented upon approval by the duly constituted rate approval authority with jurisdiction over the rates of that utility (i.e., a public utility commission (PUC), a city council, a Public Utility District (PUD) Board, etc.) upon a showing by the utility that: (1) it had initiated an action which led to the rates being approved, (2) the rate structure goes beyond merely reflecting the cost effects of BPA's wholesale rate structure, and (3) the rate structure induces conservation of electric power or the installation of consumer-owned renewable resources in excess of what would be expected to result from

implementation of any model conservation standards set forth in the Regional Council's plan.

Implementation of rates pursuant to a legal mandate from any governmental authority other than that of the duly constituted rate approval authority will be considered not to have been voluntarily implemented. For example, a PUC order issued pursuant to the mandates of a Federal or State law would not be considered voluntarily implemented. To qualify for a billing credit, the customer must demonstrate that the rates voluntarily implemented have induced conservation or the installation of consumer-owned renewable resources which reduce BPA's obligation to acquire resources. BPA solicits comments on what standards of evidence BPA should establish for assessing the energy output of voluntarily implemented retail rate structures.

C. Eligibility and Qualifying Actions—Sections 3 Through 8

The Regional Act authorizes BPA to grant billing credits for the following actions:

1. Conservation measures independently undertaken or continued after the effective date of the Regional Act by customers or political subdivisions served by customers which reduce BPA's obligation to acquire resources.
2. Resources constructed, completed or acquired after the effective date of the Regional Act by a customer, an entity acting on behalf of such customer, or a political subdivision served by the customer which reduce BPA's obligation to acquire resources.
3. Retail rate structures voluntarily implemented by customers which induce conservation or installation of consumer-owned renewable resources which reduce BPA's obligation to acquire resources.

The power sales contracts establish the underlying obligation for BPA's acquisition of resources to meet customers' firm loads. Because billing credits are a substitute for the acquisition of resources by BPA, BPA does not believe it is authorized to grant billing credits without the underlying obligation established by a power sales contract under the Regional Act. BPA does not believe that pre-Regional Act power sales contracts or residential exchange contracts create an obligation to acquire long-term resources to meet a customer's firm load.

Under this proposed criterion, a customer with only a residential exchange contract would not qualify for

billing credits due to the fact that equal amounts of power are exchanged. Therefore, there can be no change in the Administrator's net obligation to acquire other resources as a result of the exchange. With regard to pre-Regional Act contracts, although they may provide for the purchase of net requirements, they are subject to the previously issued notice of insufficiency, which provides for power allocations as the remedy for a BPA insufficiency of resources. Furthermore, such contracts do not provide for the purchase of power "pursuant to" the Regional Act and are not linked to participation on the other Regional Act objectives. BPA seeks comments on this proposed approach and on whether alternative policies would achieve the same objective.

BPA will only accept an application from a customer although the billing-credit resource could be owned or controlled by another entity. Because a customer may sponsor a billing credit resource on behalf of another entity such as a local government, a potentially complex situation might arise regarding allocation of the billing credit benefit. BPA proposes not to intervene in the relationship between customer and developer by establishing any specific requirements for the pass-through of benefits. How a BPA customer chooses to use or pass on a billing credit to its consumers or to other constituencies, including political subdivisions, will be left to the customers, their governing or regulatory bodies, and the other entities. However, BPA suggests that it is desirable that such benefits be passed on to the entity initiating these activities to achieve maximum conservation and to encourage non-utility sponsors to develop resources.

Billing credits will be granted (as provided by section 6(h)(1)(B) of the Regional Act) for "resources constructed, completed, or acquired after the effective date of this Act" (December 5, 1980) or conservation activities or retail rate structures effectuated after the date of the Act. The date a conservation program was initiated is immaterial. The key point is when the measure which produces the actual energy savings (i.e., a water heater wrap, ceiling insulation, solar hot water heater, etc.) was installed. BPA had no obligation to acquire resources, implement conservation, grant billing credits, etc., prior to enactment of the Regional Act. Measures installed by a utility prior to the date of enactment of the Regional Act were presumably actions taken by the utility to serve its

own existing obligations. Consequently, if a conservation measure was installed December 4, 1980, or prior, there is no eligibility for a billing credit. If it was installed December 5, 1980, or after, it may qualify.

BPA proposes that conservation programs initiated before the enactment of the Regional Act and continued after that date be entitled to billing credits to the extent that new conservation activities are implemented under the program after December 5, 1980. In other words, BPA has interpreted the phrase "conservation activities continued" after December 5, 1980, to refer to new activities carried out under pre-existing programs. Only activities effectuated after December 4, 1980, are eligible for billing credits because BPA had no obligation to acquire resources pursuant to the Regional Act before that date.

BPA believes the Regional Act requires an addition condition before BPA can make a retroactive payment for conservation activities. A customer must sign a power sales contract as offered by BPA on August 28, 1981, before a conservation activity reduces the obligation that the Administrator would otherwise have had to acquire resources. Without execution of a new power sales contract, BPA does not have an obligation under the Regional Act to acquire resources to meet a customer's load. A billing credit may start at the date of signing which is the date the conservation activity first reduces the obligation to acquire for activities implemented after December 5, 1980, but prior to the customer's signing a new power sales contract. The billing credit would cover the remaining useful life of the measure from the date of signing the new power sales contract.

BPA will make retroactive payments for conservation activities which reduce the Administrator's obligation to acquire resources prior to initial payment of the billing credit. The value of a retroactive payment would be calculated in accordance with the procedures used to calculate any other billing credit. The calculation will consider BPA's need to acquire resources as measured by the alternative cost and the applicable rate. In addition, applications for retroactive billing credits must meet any other applicable tests for eligibility, such as the "independently undertaken" standard for conservation activities.

BPA proposes a parallel treatment for retroactive payments for all other resources. Since BPA had no obligation to meet a customer's load prior to signing of the power sales contract, BPA believes it would be fiscally irresponsible to commit to the payment

of billing credits for that preliminary period. BPA solicits comments on its policies for retroactive payments.

In accordance with section 6(h)(1)(B) of the Regional Act, BPA proposes to grant billing credits only for resources which are determined not to be inconsistent with the Regional Council's plan, or, in the absence of a plan, not inconsistent with the provisions of sections 4(e)(1) and 4(e)(2) of the Regional Act. Section 4(e)(1) contains the requirements regarding cost-effectiveness and the resource priority scheme. Section 4(e)(2) requires BPA and the Regional Council to give due consideration to (1) environmental quality; (2) compatibility with the existing regional power system; and (3) the protection, mitigation and enhancement of fish and wildlife.

Conservation activities will not be subject to the not-inconsistency test, because the Regional Act imposes no such requirement on the assumption that these activities will always be consistent with the regional plan. In addition, any cost-effectiveness test for conservation is presumably assessed through the rate impact test, i.e., if the other ratepayers are not harmed by granting a billing credit for conservation activities, then those activities are cost-effective. BPA further proposes to interpret the section 6(c) reference to procedural requirements for major resources, including conservation, to be controlled by the section 6(h) billing credit requirement which does not establish a consistency standard for conservation activities.

Billing credits may be granted in certain circumstances for other resources which can not be determined to be cost effective if other factors make the resource desirable. Local authorities might wish to develop a billing credit resource that is more costly than the BPA alternative cost, because the resource confers some other local benefits in addition to power generation. If the resource were demonstrated to be not inconsistent with the other section 4(e)(1) and 4(e)(2) requirements, BPA may grant a billing credit for such resource up to the level of the BPA alternative cost. Other ratepayers are not harmed by the decision to grant a billing credit for a non-cost effective program, because BPA only pays up to the alternative cost, and the locality pays the remaining costs.

BPA proposes that a billing credit resource be not inconsistent with the requirements of section 4(e)(1) to the extent that the resource is cost effective to BPA and that other BPA customers are held harmless with regard to any

rate impact. In applying the not-inconsistent test to any social or environmental impacts associated with a billing credit resource, BPA proposes to examine where such impacts might fall. Environmental costs directly attributable to a billing credit resource may be considered to be not inconsistent with cost-effectiveness if such costs primarily occur within the service area of the customer seeking the billing credit. However, if such costs are borne by the ratepayers of other customers, then BPA will consider these impacts in evaluating whether the resource is inconsistent with cost-effectiveness.

BPA solicits comments on this interpretation of the application of the cost-effectiveness test, particularly with regard to any potential environmental impacts.

According to the Regional Act, entitlement to billing credits arises only if BPA's obligation to acquire resources is actually reduced. For purposes of this policy, the obligation of BPA to acquire resources will be determined in accordance with the terms of the power sales contracts offered pursuant to the Regional Act. Billing credit resources must be represented in the region's and in BPA's firm resource planning in a timely manner such that BPA can reasonably determine that such activity or resource will reduce or serve a firm load that would otherwise have been a firm load of BPA. This means that the billing credit activity or resource can only be determined to have offset the BPA obligation to provide the claimed amount of power to be saved or generated for the time periods claimed. Planned potential activities or resources which the utility is not obliged to produce cannot reduce the BPA obligation, and therefore cannot support billing credit eligibility. This topic is discussed further in section D below.

The Regional Act requires that any portion of a major resource not under construction on December 5, 1980, in excess of the customer's reasonable load growth, be offered to other Pacific Northwest utilities for ownership, participation or other sponsorship in order to qualify for a billing credit. This provision is intended to insure that all utilities are allowed to participate in the development of regional resources which are used by BPA to meet the region's requirements for electric power. BPA has not added any clarification to this requirement but is interested in receiving comments on its implementation.

D. General Conditions Governing Granting and Administering Billing Credits—Section 9

Inclusion in BPA Budget. Although BPA may conditionally approve a billing credit at any time it receives a complete application, actual award of the credit may not occur until the costs of the billing credit (including retroactive payments, if any) have been included in a BPA budget as approved by Congress. BPA plans to include the costs of approved billing credits in the budget for the first fiscal year in which the credit is to be paid, but normally no sooner than the next regular budget submission.

Actual Change in Net Requirements. BPA proposes that the customer must demonstrate the amount by which the billing credit resource actually changes the customer's net requirements for supply of electric power or reserves from BPA. In making such demonstration the customer must also show how BPA's obligation to acquire resources under the Regional Act is reduced.

BPA recognizes the customer may change its net requirements for supply of electric power or reserves from BPA without reducing BPA's obligation to acquire resources under the Regional Act. BPA does not believe it has the authority to grant billing credits unless both conditions are met. Granting a billing credit confers a benefit on BPA's other customers by reducing BPA's obligation to acquire resources and relieving BPA of the costs of such acquisition. Unless the change in a customer's net requirement for supply of electric power or reserves actually reduces BPA's obligation to acquire resources, no benefits are conferred on BPA's other customers.

Since BPA's obligation to supply electric power or reserves to a customer is established by its power sales contract, BPA suggests that the power sales contract be used as the basis for determining the actual change of the customer's net requirements. BPA recognizes that firm power and industrial firm power have different characteristics which must be considered in demonstrating actual changes in a customer's net requirements for supply of electric power or reserves from BPA. BPA also recognizes that different methods of purchasing firm power may affect such demonstrations.

An example of different characteristics which need to be considered in demonstrating an actual change in net requirements is reflected by the differences between firm power and industrial firm power. Since BPA

relies on its right to interrupt a portion of an industrial firm power load for reserves, the reduction in contract demand of such load does not produce an equal reduction of BPA's obligation to acquire resources. The amount of contract demand reduction must be adjusted to recognize the following factors in determining the actual change in a customer's net requirements for supply of electric power or reserves: (1) The extent to which BPA's available reserves are reduced, and (2) the extent to which BPA's need to use generating resources for reserves is increased.

BPA has identified two circumstances when actual change in a customer's net requirements for electric power or reserves does not reduce BPA's obligation to acquire resources. The first circumstance occurs when BPA can reasonably determine that it would have adequate resources without the billing credit resource. In making such determination BPA will use the data and standards included in the load resource document referred to in the utility power sales contracts described in sections 3(a) (1), (2), and (3) of this proposed policy.

BPA believes that this circumstance would prevent BPA from granting a billing credit or a generating resource. Since the Regional Act directs BPA not to reduce its efforts to achieve conservation or acquire direct application renewable resources installed by residential or small commercial consumers, BPA believes that it may grant billing credits for these resources even though it would have adequate resources without the billing credit resource. BPA solicits comments on its obligation to grant billing credits for conservation and direct application renewable resources when it has adequate resources to meet its obligations.

The other circumstance where a change in a customer's net requirement for supply of electric power or reserves from BPA does not necessarily reduce BPA's obligation to acquire resources is where the billing credit resource does not have the same operating characteristics as the resources BPA otherwise would have acquired. BPA intends to develop a resource acquisition strategy to assist the customer in demonstrating how BPA's obligation to acquire resources is reduced. BPA has several alternatives if the billing credit resource does not have the same operating characteristics as the resources described in BPA's resource acquisition program.

One alternative that BPA is considering if the resource does not

have the same operating characteristics would be to find the resource inconsistent with the considerations of section 4(e)(2) of the Regional Act which requires a resource be compatible with the existing regional power system. Another alternative BPA is considering would be a description of load resource balance which specified the months or hours of the year BPA needs to acquire resources. Under the first alternative this entire resource could be denied a billing credit. Under the second alternative the amount of capacity or energy on which the billing credit is based would be limited to the months and hours of the year BPA needs to acquire resources. BPA solicits comments on how it should treat billing credit resources whose operating characteristics are different than the resources BPA otherwise would have acquired.

Customer's Commitment to Billing Credit Resource Performance. BPA believes that a reduction of BPA's obligation to acquire resources only occurs when a customer makes a commitment to meet what would be BPA's obligation under its power sales contract. BPA recognizes that the power sales contract already requires this commitment for other purposes for the addition of some customer resources under the power sales contract. BPA believes this commitment must be extended to all billing credit resources (except for small resources) under the billing credit contract to the extent the power sales contract does not already require a commitment to resource performance.

Compliance With NEPA and Other Environmental Laws. Individual billing credit applications will be reviewed when they are received. These reviews will follow standard NEPA procedures under the Council of Environmental Quality regulations, Department of Energy NEPA guidelines, and the BPA Environmental Manual.

Duration of a Billing Credit. BPA believes the customer must offer a billing credit resource for the useful life or any remaining portion of the useful life of a resource. BPA believes the purpose of the acquisition authority granted BPA under the Regional Act was to acquire resources on a long-term basis to meet its contractual obligations. Congress expected resource costs to increase over time and provided BPA with long-term acquisition authority to provide a sound planning basis for the region's utilities and to provide service to the region's ratepayers at the lowest possible cost. Therefore, BPA believes that it should only grant a billing credit

where the customer intends to reduce BPA's obligation to acquire resources on a long-term basis.

BPA's requirement that a customer offer a resource for its useful life establishes a minimum period in which the resource will reduce BPA's obligation to acquire resources. Due to BPA's allowing termination of a billing credit, this period will vary according to the conditions and notice requirements for removal of a firm resource from the firm resource exhibit under the utility power sales contracts.

The useful life of a billing-credit resource will also be used to adjust the firm alternative cost of such resource. Resources which BPA uses to meet its obligations must be replaced at the end of their useful life. During the useful life of a resource, capital and other fixed costs incurred in the construction or implementation of a resource remain constant for that period of time. To the extent that resource costs are increasing, a resource will be relatively inexpensive at the end of its useful life compared to the cost of a resource acquired to replace it. BPA expects resource costs to increase for the foreseeable future and intends to reflect this principle in calculating the alternative cost. BPA finds that long-term resources have a greater value due to this principle.

A direct service industry is not required to agree to a permanent reduction of contract demand to obtain a billing credit. It may again receive service from BPA for the portion of contract demand served by the billing-credit resource at the end of the useful life of the billing-credit resource.

BPA solicits comments on how to determine the useful life of a resource and the desirability of adjusting the firm alternative cost of a resource to reflect its useful life.

Termination of a Billing Credit. BPA has provided a mechanism for a customer to terminate a billing credit if it desires. However, BPA will require the customer to pay a termination charge to compensate BPA's other customers for not receiving the full benefit of the billing credit resource over its useful life.

Termination charges will take into account two different principles. If the customer terminate a billing credit prior to the end of the useful life of the resource, BPA will have based the firm alternative cost of the billing credit resource on a useful life which was longer than the period it was available to BPA. The termination charge should reflect any overpayment made due to a firm alternative cost greater than the actual value of the resource. BPA has

also determined that customers with billing credits for generating resources must pay a negative credit if the BPA wholesale power rate the customer otherwise would have paid without the billing credit resource exceeds the net cost of the billing credit resource. The termination charge should reflect any negative credit the customer would have paid for the billing credit resource during its useful life.

BPA solicits comments on whether a customer should be allowed to terminate a billing credit resource, the need for a termination charge, and the principles which BPA has identified for calculating a termination charge.

Guaranteed Minimum Alternative Cost. BPA proposes to provide a guaranteed minimum alternative cost for certain billing credit resources. BPA believes such guarantee will enhance the viability of the billing credit policy by placing a floor on the risk to a customer applying for billing credits. BPA believes this guarantee should only be provided for billing credit resources when BPA otherwise would have had to make an acquisition under its resource acquisition strategy at that time.

BPA solicits comments on the desirability of providing a guaranteed minimum alternative cost and the limitation on such concept BPA has proposed to protect the regional planning process.

The Administrator's Right to Reschedule Billing Credit Resources. BPA has included an additional condition BPA believes is necessary if it guarantees a minimum alternative cost for a billing credit resource. BPA believes that it must have the right to delay the construction or implementation schedule of such billing credit resource to reflect delays in the need for the billing-credit resource which may occur. Slipping the construction schedule of a new resource allows the region to obtain reliable electric service at the least overall cost. The customer will be protected by BPA's agreeing to pay the customer any additional cost incurred due to the delay. BPA may then determine if the benefits to the region from rescheduling the billing credit resource exceed any cost caused by such rescheduling.

The Administrator's Right to Displace Operation of a Generating Resource. BPA believes it is necessary to retain the right to displace the operation of a billing credit resource for economic reasons. When streamflows are better than expected on the Federal hydroelectric system, BPA can shut down the operation of its resources with higher operating costs. Displacement of

higher cost resources when less expensive sources of power are available is a common utility operating practice. Therefore, BPA proposes to retain the right to displace power provided from a billing credit generating resource in order to reduce the overall power costs to its other ratepayers.

BPA proposes to allow the customer to continue to operate the billing credit resource and sell the output when two conditions are met. The customer may not use the billing credit resource to displace other purchases from BPA and thereby reduce BPA revenues. The customer must also receive enough additional revenue from the sale of such additional output to cover the costs of operating the resource. Such condition is required to prevent an increase in the net costs of the billing credit resource due to the displacement of its output. BPA solicits comments on its application of displacement practices to billing credit resources.

E. Methodology for Determining Amounts of Billing Credits—Section 10

The Regional Act makes conservation the first priority for meeting regional load growth, and prescribes a regionwide effort to implement all cost effective conservation. The Regional Act further provides that with respect to billing credits for conservation activities, the rate impact on BPA's other customers of granting the credit shall be equal to the rate impact such customers would have experienced had the Administrator been obligated to acquire resources in an amount equal to that actually saved by the activity for which the credit is granted. BPA interprets this to mean that billing credits for conservation must be based on the cost of the alternative resources that otherwise would be required by BPA but could be deferred as a result of the load reduction achieved through conservation.

As the Regional Act contemplates a regionwide commitment to meeting load growth insofar as possible through conservation, the Administrator believes that the regional incremental cost for meeting the load growth of BPA's customers is a reasonable measurement of the alternative cost. However, because regional utilities previously tended to overlook conservation and other nongenerating resources as a means of meeting load growth, BPA finds that there exists within the region a reservoir of low cost conservation activities and other nongenerating resources which are not representative of the true incremental cost of meeting load growth. Consequently, for determining the amounts of billing

credits, BPA will omit from the BPA determination of alternative cost those regional conservation activities and other nongenerating resources which cost less than the regional average for incremental generation. Once the low cost conservation activities and other nongenerating resources have been utilized, this exception will not be necessary, and the regional incremental cost for meeting load growth will be based on whatever conservation activities, generating resources, or combinations thereof are actually used to meet the load growth of BPA's customers. In addition, BPA proposes that during periods when BPA can reasonably determine that it would have adequate resources to meet its obligations without the billing credit resource, the alternative cost should be calculated in a different manner. During these periods, BPA shall determine the alternative cost in the same manner as BPA's determination of cost-effectiveness for the acquisition of conservation or renewable resources installed by residential or small commercial consumers.

The Regional Act stipulates that in the case of billing credits for generating resources, customers be credited for the net cost of the resource. The Regional Act further provides, however, that the power rates charged other BPA customers may not be adversely impacted as a result of granting such a billing credit compared to what rates otherwise would have been if BPA had been obligated to acquire other resources under the Regional Act. BPA interprets this provision as requiring that the BPA alternative cost be the upper limit on the amount of a billing credit for a generating resource.

The proposed policy provides, therefore, that BPA make a determination of the BPA alternative cost for each operating year based upon the weighted average cost of those generating resources actually utilized within the Pacific Northwest to meet load growth among BPA's customers. Conservation activities and other nongenerating resources costing equal to or greater than the weighted average of the generating resources utilized in making the calculation will be included in determining the amount of load growth and in determining the weighted average cost of the resources.

The total cost of conservation programs will be utilized, including portions paid for directly or indirectly by BPA, customers and ultimate consumers.

BPA shall also prepare a forecast of the BPA alternative cost for each of at

least the following 10 years based upon BPA's estimates of BPA's customers' load growth and the costs of those regional resources including conservation activities expected to be utilized to meet such load growth in each year. The forecast of BPA alternative costs shall be updated annually as of the start of each operating year.

BPA recognizes that the impact on BPA's other customers' rates of meeting loads with conservation or other nongenerating resources differs from that impact of meeting loads with generating resources. This has been referred to as the "lost revenue" effect. BPA is considering accounting for this effect by developing a customer conservation charge to recover some portion of the costs of BPA conservation programs. To the degree that the customer conservation charge does not account for this effect, BPA may adjust the alternative cost so that the rate impact on BPA's other customers of granting a billing credit is the same as it would have been had BPA acquired alternative resources in lieu of granting the billing credit.

BPA proposes to determine the fixed and variable cost components of each year's alternative cost, to classify each year's alternative cost into a capacity and energy component, and to time differentiate such capacity and energy components consistent with the manner in which BPA's current wholesale power rates may be time differentiated.

BPA proposes to make a preliminary determination of each year's alternative cost and the forecasted future years' alternative cost, and to solicit public and customer comment thereon. Following review of comments received, BPA will publish each year's determination of alternative cost and the updated forecast of future years' alternative cost.

The alternative cost will be utilized in calculating billing credits as follows:

For conservation activities, the BPA wholesale power rate at which the customer otherwise would have purchased power from BPA had it not implemented the conservation activity, will be subtracted from the alternative cost. The fact that the alternative cost is classified to capacity and energy and time differentiated on the same basis as the rate facilitates this step. The amounts remaining following the subtraction are then multiplied by the quantities of capacity and energy by which the conservation activity actually changes the customer's net requirement for supply of electric power or reserves from BPA. The product is the billing

credit. The calculation will be made monthly.

BPA will adjust the variable cost component of the alternative cost as of the start of each operating year to reflect changes in the variable costs of the resources used as the basis for the determination of alternative costs. This adjustment can be either up or down depending upon how the variable costs may change over time. The BPA wholesale power rates also may be expected to change over time. Consequently, if the power rates increase more than the variable cost component of the alternative cost, a billing credit for conservation could be reduced to zero at some time in the future.

There are two rationales to explain why it is appropriate to subtract the customer's wholesale power rate from the alternative cost on calculating the amount of the billing credit. The first rationale, is that the customer, by reducing its purchase of power through the conservation activity, realizes a reduction in its cost for power purchases from BPA. That saving, together with the billing credit, provides the customer a total amount of compensation equal to the BPA alternative cost. To the extent the cost of the conservation activity to the customer is less than the BPA alternative cost, the customer gains on the transaction, and this provides a financial incentive for conservation activities.

The second rationale is that the rate impact that BPA's other customers would have experienced had BPA acquired an alternative generating resource is dependent upon the customers' wholesale power rate. This is true because rates must increase to the degree that the existing rate fails to recover the cost of an acquisition. In the case of a generating resource, BPA will partially offset the cost of acquiring the resource by selling the electric power generated by the resource. Hence, the amount by which existing rates must be raised is equal to the difference between the unit purchase price and the rate at which the electric power would have been sold.

BPA has chosen to calculate a billing credit on the basis of this model. In the case of billing credits, BPA is using the alternative cost as a proxy for the purchase price of a generating resource BPA would otherwise have acquired in lieu of granting a billing credit. This approach is consistent with the legislative history of the Regional Act.

The calculation of a billing credit for a generating resource is made in a similar manner, except that the basis for the credit is the net cost of the billing credit

resource whenever the net cost is less than the alternative cost. If the net cost is more than the alternative cost, the alternative cost is the basis.

A billing credit for a generating resource, therefore, is calculated as follows: The BPA wholesale power rate at which the customer otherwise would have purchased had it not developed the billing credit resource is subtracted from the lesser of the alternative cost or the net cost. The remainder is then multiplied by the quantities of capacity and energy produced by the billing credit resource which actually contribute to reducing BPA's obligation to acquire resources under the Regional Act. A billing credit resource which produces energy, but no dependable capacity, for example, would be credited only for the energy.

The variable cost component of the net cost of the billing credit resource will be adjusted as of the start of each operating year based on information reported to BPA by the customer.

A billing credit for a generating resource also may decrease over time to the extent the BPA power rates increase more than the variable cost component of the net cost or the alternative cost, whichever is controlling. A generating resource billing credit, however, will become a negative amount if the power rate ever exceeds the lesser of the net cost or the alternative cost as adjusted for changes in the variable cost component. A negative billing credit will be added to rather than subtracted from the customer's power bill.

The rationale for a generating resource billing credit becoming negative is the provision of the Regional Act that requires that the rates to other customers must never be adversely impacted as a result of granting a billing credit for a generating resource as compared to what such other rates would have been had BPA acquired other resources rather than granting the billing credit. If BPA were to acquire the capability of a generating resource which is less costly than the BPA rate level, such resource would result in the BPA rate level being lower than it would in the absence of that resource. Similarly, in the early years of a newly acquired resource that costs more than the existing rate, the impact on rates of the acquisition is to cause rates to increase. However, in the later years of an acquired resource, it will tend to hold rates down if the rate level then exceeds the cost of the resource. The negative billing credit is necessary to produce the same result if at some time in the future the adjusted net cost of a billing credit resource or the adjusted alternative

cost, whichever is utilized, is lower in cost than the future BPA rate level.

Customers, however, will have the right to terminate a billing credit. To prevent the exercise of such right from violating the statutory provision regarding no adverse impact on other rates, it is BPA's intent that billing credit contracts for generating resources contain provisions for a termination charge to compensate the power system for the loss of a low cost resource through customer termination of a billing credit so that the rates to other customers will never be adversely impacted compared to what they otherwise would have been had BPA acquired other resources in lieu of granting the billing credit.

While the same principle applied to conservation, BPA has chosen not to include a negative billing credit for conservation as a way of providing an additional incentive to conservation. BPA recognizes that this approach cannot be shown to comply strictly with the rate impact test, but BPA believes that the special status accorded to conservation in the Regional Act justifies deviating from the theoretically correct rate impact.

Several utilities have advocated that in the case of customers which participate in the exchange of power with BPA authorized by section 5(c) of the Regional Act for service to residential loads, the BPA wholesale power rate used in the calculation of a billing credit be adjusted to reflect the "effective" cost of power purchased from BPA. It has been suggested that the effective cost to such utilities is less than the BPA rate at which the purchases are made because the exchange of power enables exchanging utilities to sell that block of power to BPA at their average system costs and to purchase an equivalent block of power from BPA at the BPA rate for the general requirements of preference customers. The exchange benefits the exchange participants as long as their average system costs are greater than the BPA rate for preference customers. The net cost to BPA of the exchange must be passed on to other BPA customers.

BPA's position is that Congress did not intend the rate impact test to include the effect of the residential exchange contracts. Further, even if BPA accepted the position that the rate impact test should consider the residential exchange contracts, the arguments presented thus far in support of such concept have not adequately considered the ramifications of how residential exchange resource costs and billing

credit costs may be allocated in formulating BPA's power rates. Consequently, BPA has not incorporated this concept in its proposed billing credits policy.

However, BPA also recognizes that the concept may have merit, and invites further comment on this point.

F. Resource Acquisition Strategy—Section 11

The Regional Act obligates BPA to acquire sufficient resources to meet the power requirements of its customers. The Act requires that such acquisitions be cost effective, i.e., each acquisition as it is made should be the least costly reliable and available alternative. To best assure meeting these requirements, BPA will develop a long range (up to 20 years) resource acquisition strategy that will set forth the conservation programs BPA proposes to implement and other resources BPA proposes to acquire.

BPA will make its resource acquisition strategy available to customers for their use in identifying how billing credit resources may reduce BPA's obligation to acquire resources.

As BPA approves a billing credit, BPA will determine when the billing credit resources will be integrated into the resource acquisition strategy.

G. Application Procedure—Section 12

This section is built around three general principles. First, BPA needs access to resource specific information in order to process a billing credit application. The problem BPA faces in applying this principle is to identify a set of general standards that will tell a customer what information will be required for each billing credit application. The problem is one of balancing the customer's need to know what to include in an application against BPA's need to maintain flexibility in a set of standards that must accommodate a broad range of resource types under varied circumstances.

Second, BPA believes the burden of providing information necessary to process an application and the burden of proving that the information provided is sufficient to establish an entitlement to a billing credit more appropriately rests with the customer than with BPA. The reasons for this belief are several: (1) customers are more likely than not to have direct access to necessary information; (2) BPA lacks the staff needed to generate missing information; (3) it seems fair to require a customer claiming an entitlement to establish the validity of that claim; and (4) were BPA to assume these burdens, customers seeking billing credits would in effect be imposing a transaction cost on the

region's other rate payers that, in BPA's opinion, more properly should be allocated to the customer seeking a billing credit.

Third, it is to BPA's and its customers' mutual advantage to process billing credit applications at an early stage of development so as to provide increased certainty to the resource developer and to facilitate BPA's meeting its obligations on a planned basis.

However, BPA proposes not to require that customers seek billing credits at any particular stage of development. The reasons for this choice are: (1) customers may seek billing credits for resources already constructed; (2) BPA recognized that some resources such as the so-called "90-day wonders," may be developed with very short lead times; and (3) BPA believes that the dual constraints of having to include the cost of a billing credit in BPA's budget before paying the credit and having to reduce BPA's obligation to acquire resources on a planning basis are sufficient to encourage customers to apply for billing credits at an early stage of resource development.

BPA plans to assist any customer who requests guidance on how to prepare a billing credit application. BPA's ability to offer specific recommendations on acceptable evidence will, of necessity, be limited during the first year of the program but should expand as its experience grows.

BPA proposes to require that applicants fully describe (1) the methodology they have applied in determining the amount of actual load reduction for which they are requesting a billing credit; (2) how the methodology was applied, including all data collected and used; and (3) the results of the application of the methodology, i.e., the amount of load reduction claimed. Applicants will be free to select or establish any methodology they believe will be appropriate to substantiate their entitlement to a billing credit. BPA plans to evaluate the appropriateness and effectiveness of the methodology as well as the completeness and accuracy of the data and calculations. BPA would prefer that customers submit fairly specific data on the times that the resource will operate. Hourly data is most desirable, but BPA recognizes that such detail may not be possible within the limit of current analytical techniques. Customers submitting billing credit applications for retail rate structures will need to make the same demonstration as either applications for conservation activities or renewable resources regarding the impact on load. There must be demonstrable energy savings for retail rate structures claimed

to induce energy conservation, or demonstrable load reductions for rate structures inducing installation of renewable resources. In quantifying the impact of retail rate structures, applicants must be careful not to claim the benefits of other external activities, such as BPA conservation programs.

H. The Administrator's Decisionmaking Process—Section 13

This section responds to suggestions that BPA describe its decisionmaking process vis-a-vis billing credits. Section 6(h) of the Regional Act contains procedures that apply to each decision to grant a billing credit. Section 6(c) of the Regional Act contains additional procedures applicable only to a billing credit for a major resource. BPA has not yet developed a policy for implementing section 6(c) procedures. However, BPA intends to do so in the near future. In developing the decisionmaking process for billing credits, BPA attempted to integrate the requirements of section 6(h) and 6(c) together in a consistent manner.

A number of rap session participants expressed the desire that BPA indicate how negotiating the billing credit contract will fit into the decisionmaking process. Essentially, BPA views its decisionmaking process as consisting of four stages: (1) tentative approval of eligibility based on cost, engineering, environmental analyses, and other Regional Act criteria; (2) negotiation of a proposed billing credit contract; (3) notification to the public and other interested persons; and (4) completion of procedural requirements of the Regional Act.

BPA recognizes that many issues remain to be solved through the contracting process. BPA has not yet determined whether to develop a generic billing credit contract that would incorporate terms common to all billing credits or to develop billing credit contracts on a case-by-case basis.

BPA plans to conduct a preliminary review of each application to determine whether enough evidence has been provided to enable BPA to make a decision regarding the proposed billing credit resource. Applications containing insufficient data will be returned to the applicant with a brief explanation of what more is needed. A customer may resubmit the application with the supplemental information at any time.

Prior to conditionally approving a billing credit, BPA will comply with its obligations pursuant to all appropriate environmental laws, including NEPA, will assess the resource's impact on fish and wildlife, and will decide how to

integrate the resource into the BPA resource acquisition strategy. Following these actions, BPA will within a reasonable time, conditionally approve the application that meets all the relevant criteria.

Conditional approval of a billing credit resource will in essence be a finding that the information in the application demonstrates that the resource has met the BPA requirements and supports eligibility for a billing credit. The conditional approval will be the basis for contract negotiations, when the specific provisions governing the value of the billing credit, the operating schedule, payment procedures, and oversight provisions will be developed.

One of the billing credit contract issues centers on BPA's authority to oversee the construction, operation, costs, and other facets of resource development and operation listed in section 6(i) of the Regional Act. Section 6(i) expressly requires BPA to exercise such oversight in the case of a billing credit for a major resource. BPA believes that section 6(i) of the Regional Act removed BPA's discretion not to oversee the construction and operation of a major billing credit resource. However, BPA believes that section 6(i) does not preclude BPA from overseeing the construction and operation of a nonmajor billing credit resource. BPA's authority to oversee the construction and operation of such resources is found in section 2(f) of the Bonneville Project Act of 1937. That section was specifically incorporated into section 9(a) of the Regional Act. Section 2(f) provides the Administrator with the authority to enter into contracts on such terms and conditions as the Administrator believes are necessary or appropriate to carry out BPA's mission.

BPA believes that one of its objectives is to act in a prudent, businesslike manner. BPA believes that overseeing construction and operation of each billing credit resource is prudent, businesslike conduct. Hence, BPA intends to retain the right to oversee the construction and operation of all billing credit resources. Exactly how BPA will oversee a particular billing credit resource must necessarily be determined on a case-by-case basis. BPA solicits comments on these administrative procedures.

I. Administering Approved Billing Credit Contracts—Section 14

1. *Payment.* This section covers several miscellaneous administrative aspects of billing credits. In order to provide flexibility among BPA and its customers with regard to payment, BPA proposes to pay billing credits with an offset to the customer's bill. Payment by cash may be necessary to avoid possible conflicts with BPA's net billing agreements with some of its customers. The conflict may arise because a billing credit could impair the net billing capacity of some customers—a result prohibited by the net billing agreements.

2. *Customer's Annual Report.* Because the amount of a billing credit changes over time, there is a need for updating information so that BPA may adjust the billing credit consistent with the rate impact test. BPA believes it is the responsibility of the customer to provide current information. Thus, BPA is proposing that customers prepare and submit an annual report on their billing credit resources so that BPA may adjust the billing credit correctly. BPA does not intend to add unnecessary reporting requirements to customers already subject to reporting obligations to BPA and other agencies. BPA especially does not expect customers to duplicate existing analyses. BPA believes that the data necessary to adjust billing credits can largely be found in reports that its customers customarily prepare. BPA would accept such reports for the purposes of recalculating a billing credit. Where routine reports do not contain the information necessary to recompute a billing credit, BPA would accept short, concise reports containing such information.

3. *Adjustment of the Billing Credit.* BPA intends to adjust a billing credit for a number of factors in order to comply with the rate impact test. BPA does not expect that its adjustment will produce the identical rate impact from billing credits as the rate impact that would have occurred had the billing credit resource not been developed. However, BPA believes that its approach will reasonably approximate the theoretically correct rate impact. BPA proposes to adjust the variable cost component of the alternative cost (or of the net cost if the net cost is less than

the alternative cost in the case of resources other than conservation) because the variable cost component of an alternative acquired resource would have had an impact on other customer's rates.

Because the rate impact test can be expressed as a function of the alternative cost less the customer's wholesale power rate, the impact on other customer's rates of acquiring an alternative resource declines with increasing customer wholesale power rates. Thus, the billing credit should decrease with increasing customer wholesale power rates. In fact the impact on other customer's rates of acquiring an alternative resource can become negative. That is, when the unit cost of a resource is less than the average cost of all resources, the effect of having acquired that resource is to keep rates down. Thus, assuming that the rate of increase in the customer's wholesale power rate exceeds the rate of increase in the variable cost component of the alternative cost (or net cost as the case may be) then the impact on other customer's rates will become negative in the latter years of a sufficiently long-lived resource acquisition. Because the amount of a billing credit depends on the rate impact test, the billing credit must become negative in order for the billing credit to produce the same impact on other customer's rates as BPA's acquiring alternative resources instead of granting the billing credit would have produced.

4. *Administrator's Periodic Review and Audit.* To assist in satisfying the duties of BPA's Disbursing Officer, and to help fulfill BPA's oversight responsibilities, BPA must retain the right to audit and inspect billing credit resources. BPA must also have access to information necessary to verify the accuracy of data supplied to BPA upon which BPA will base payment of a billing credit.

5. *Remedies.* BPA believes that a remedies section is necessary to ensure that billing credits are granted and administered in a manner consistent with this policy. BPA believes the best remedy is to adjust a billing credit so as to correct for deviations that occur as a result of a customer's not meeting the requirements of this policy.

J. Reconsideration of the Administrator's Decisions—Section 15

BPA proposes to provide an informal mechanism by which customers may request the Administrator to reconsider billing credit decisions. BPA had considered proposing a formal internal appeals process. However, BPA believes that a formal appeals process would place the Administrator in a role that more properly belongs in the courts. Yet, BPA believes it desirable to provide for some form of reconsideration in the interests of avoiding unnecessary litigation. BPA requests comments on whether this reconsideration process is desirable and whether BPA should provide broader access to the process.

K. Records and Access to Information—Section 16

This section makes clear that the Administrator's obligations with respect to trade secrets, proprietary information, the Privacy Act, and the Freedom of Information Act may apply to customers seeking billing credits.

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Authority: The Pacific Northwest Electric Power Planning and Conservation Act [Pub. L. 96-501, 94 Stat. 2697 *et seq.* [16 U.S.C. 839 *et seq.*]]; the Federal Columbia River Transmission System Act [Pub. L. 93-454, 88 Stat. 1376 *et seq.* [16 U.S.C. 838 *et seq.*]], as amended by Pub. L. 96-501; and the Bonneville Project Act [Pub. L. 75-239, 50 Stat. 731 *et seq.* [16 U.S.C. 832 *et seq.*]], as amended by Pub. L. 76-429, Pub. L. 79-201, Pub. L. 79-550, and Pub. L. 89-448.

Section 1: Policies and Purposes

(a) Policies.

The Administrator's policy objectives are to use the authority to grant billing credits to assure that:

(1) Customers are compensated as provided in the Regional Act for actions taken which reduce the Administrator's obligation to acquire resources that otherwise would be needed to meet contractual obligations to serve customers' loads, thereby providing an incentive for taking such actions;

(2) billing credit resources are integrated into BPA's resource

acquisition program, thereby minimizing overall costs to be borne by power ratepayers; and

(3) the amounts of billing credits are determined in compliance with the Regional Act and the costs to BPA of granting billing credits are allocated among BPA's various power rate schedules so that:

(i) As a result of granting billing credits to any customer for conservation measures, the rates to other customers will be the same as they otherwise would have been if BPA had been obligated to acquire other resources to serve customers' loads in lieu of granting such billing credits; and

(ii) as a result of granting billing credits to any customer for resources other than conservation, the rates to other customers will be no greater than they otherwise would have been if BPA had been obligated to acquire other resources in lieu of granting such billing credits.

(b) *The Administrator believes that:*

(1) Billing credits should encourage local initiative in developing conservation programs and other resources that will benefit the region;

(2) billing credits will work most effectively if customers pass on the benefits of billing credits to those consumers or other entities who take actions to implement conservation or develop resources to meet power requirements; and

(3) resolving the method and amount of billing credit pass through should be by negotiation between the customers receiving a billing credit and those who have implemented the conservation or developed the resource upon which the billing credit is based.

(c) *Purposes:*

The purposes of this policy are to:

(1) Prescribe customer and resource eligibility criteria;

(2) prescribe a procedure whereby a customer may apply for a billing credit;

(3) provide a procedure by which the Administrator will evaluate applications for billing credits and determine the amount of billing credits to be granted;

(4) provide a procedure to administer billing credits; and

(5) encourage early applications for billing credits so as to facilitate planning and reduce uncertainties.

Section 2: Definitions

(a) "Acquire" means purchase of the right to all or a portion of the output or capability of a resource but, in the case of the Administrator, may not include the purchase of any generating facility.

(b) "Adjusted alternative cost" means a firm alternative cost adjusted for changes, if any, in the variable cost component, classified to capacity and energy, and time-differentiated in a manner compatible with the Administrator's current wholesale power rates.

(c) "Adjusted net costs" mean the net costs of a billing credit resource adjusted for the estimated changes, if any, in the variable cost component, classified to capacity and energy, and time-differentiated in a manner compatible with the Administrator's current wholesale power rates.

(d) "Administrator" means the Administrator of the Bonneville Power Administration.

(e) "Administrator's obligation to acquire" means the Administrator's obligations to acquire firm resources pursuant to section 6(a) of the regional Act.

(f) "Alternative cost" means an estimate of the unit cost to the Administrator of those resources which the Administrator would have been obligated to acquire had the billing credit resource not been developed.

(g) "Billing credit" means (1) a credit against a customer's electric power bill from the Administrator, or (2) a cash payment from the Administrator to a customer in lieu of a credit against the customer's electric power bill, or (3) an addition to a customer's electric power bill from the Administrator if the billing credit is a negative amount.

(h) "Billing credit contract" means a written contract between the Administrator and the customer receiving a billing credit setting forth the terms and conditions by which the Administrator will grant billing credits.

(i) "Billing credit resource" means a resource potentially eligible for billing credits. Such term includes conservation activities, renewable resources, multipurpose projects, and other resources, including retail rate structures that induce conservation or

installation of consumer-owned renewable resources.

(j) "BPA" means the Bonneville Power Administration.

(k) "Budget submittal" means the Administrator's annual or amended budget submittal to the Congress made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. 838(j)).

(l) "Capability" is synonymous with capacity.

(m) "Capacity" means (1) the maximum power that can be produced by a generating resource at specified times under specified conditions, or (2) the maximum rate at which power can be saved by a nongenerating resource at specified times under specified conditions. Capacity is expressed in units of either kilowatts or saved kilowatts.

(n) "Conditional approval" means the Administrator's final approval of a billing credit application conditioned on (1) negotiating a billing credit contract, and (2) completing notice and other procedures.

(o) "Conservation" means any reduction in electric power consumption as a result of increases in the efficiency of energy use, production or distribution.

(p) "Conservation activity" means the construction, installation, or making operative a facility or measure for the purpose of achieving conservation whether or not the activity was undertaken pursuant to a new or continuing conservation program.

(q) "Consumer" means any end user of electric power.

(r) "Contract demand" means that amount of industrial firm power fixed by its power sales contract that a customer may request the Administrator to serve.

(s) "Cost effective," when applied to any measure or resource referred to in the Regional Act, means that such measure or resource must be forecast (1) to be reliable and available within the time it is needed, and (2) to meet or reduce the electric power demand, as determined by the Regional Council or the Administrator, as appropriate, of the consumers of the customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available

alternative measure or resource, or any combination thereof.

For purposes of cost effectiveness, the term "system cost" means an estimate of all direct costs of a measure or resource over its effective life, including, if applicable, the cost of distribution and transmission to the consumer and, among other factors, waste disposal costs, end-of-cycle costs, and fuel costs (including projected increases), and such quantifiable environmental costs and benefits as the Administrator determines, on the basis of a methodology developed by the Regional Council as part of the plan, or in the absence of the plan by the Administrator, are directly attributable to such measure or resource.

In determining the amount of power that a conservation measure or other resource may be expected to save or to produce, the Regional Council or the Administrator, as the case may be, shall take into account projected realization factors and plant factors, including appropriate historical experience with similar measures or resources.

For purposes of cost-effectiveness, "estimated incremental system cost" of any conservation measure or resource shall not be treated as greater than that of any nonconservation measure or resource unless the incremental system cost of such conservation measure or resource is in excess of 110 per centum of the incremental system cost of the nonconservation measure or resource.

(t) "Regional Council" means, unless otherwise specifically provided, the members appointed to the Pacific Northwest Electric Power and Conservation Planning Council established pursuant to section 4 of the Regional Act.

(u) "Customer" means anyone who contracts for the purchase of power from the Administrator pursuant to the Regional Act.

(v) "Customer's wholesale power rate" means that rate which the customer receiving a billing credit would have otherwise paid the Administrator for electric power had the Administrator been obligated to acquire resources in lieu of granting the billing credit.

(w) "Direct service industrial (DSI) customer" means an industrial customer that contracts for the purchase of

industrial firm power from the Administrator for direct consumption.

(x) "Electric power" means electric peaking capacity, or electric energy, or both.

(y) "Energy" means the ability to do work. Energy is equal to power integrated over time. Energy is expressed in units of kilowatthours.

(z) "Entity acting on behalf of such customer" means any entity that develops a billing credit resource for a customer.

(aa) "Firm alternative cost" means the alternative cost determined by the Administrator for a billing credit resource at the time the billing credit resource initially changes the Administrator's obligation to acquire resources. A firm alternative cost is based upon the most current estimate of the cost of the Administrator's alternative resource acquisition deferred or displaced because of the availability of the billing credit resource as of the time such billing credit initially changes the Administrator's obligation to acquire resources.

(bb) "Firm electric power" means electric power which is guaranteed by the supplier to be available during any specified times except when uncontrollable forces produce outages.

(cc) "Firm resource" means that portion of a resource that produces or saves firm electric power.

(dd) "Firm resource exhibit" means the firm resource exhibit provided for by a customer's power sales contract or by the billing credit contract if the customer's power sales contract does not contain a firm resource exhibit.

(ee) "Fixed costs" mean that portion of net costs or of alternative costs that does not significantly vary over time.

(ff) "Grant a billing credit" means (1) to reduce a customer's electric power bill from the Administrator, or (2) to disburse cash by check or other appropriate instrument in lieu of reducing a customer's electric power bill, or (3) to increase a customer's electric power bill from the Administrator if the billing credit is a negative amount.

(gg) "Independently undertaken conservation activity" means any portion of a conservation activity that is not included in (1) a BPA conservation program that the Administrator makes available to the customer seeking the billing credit, (2) a program implemented pursuant to the plan such as implementing model conservation standards, or (3) a BPA conservation program specifically rejected by BPA in developing BPA's conservation programs because of adverse environmental effects.

(hh) "Indian tribe" means any Indian tribe or band which is located in whole or in part in the region and which has a governing body which is recognized by the Secretary of the Interior.

(ii) "Initial alternative cost" means the alternative cost determined by the Administrator for a billing credit resource as estimated as of the time a billing credit for that resource is granted conditional approval.

(jj) "Interim alternative cost" means an alternative cost determined by the Administrator for a billing credit resource on an interim basis prior to development of the Administrator's resource acquisition program. An interim alternative cost will be converted to either an initial alternative cost or a firm alternative cost when the necessary information becomes available.

(kk) "Load" means the amount of electric power demanded by consumers.

(ll) "Major resource" means any resource that (1) has a planned capability greater than 50 average megawatts, and (2) if acquired by the Administrator, is acquired for a period of more than 5 years. Such term does not include any resource acquired pursuant to section 11(b)(6) of the Federal Columbia River Transmission System Act.

(mm) "Model conservation standards" mean those standards promulgated by the Regional Council and included in the plan as provided for by section 4(e) (3) of the Regional Act.

(nn) "Multipurpose project" means any project that is primarily designed to serve a purpose other than power generation which also produces electric power.

(oo) "NEPA" means the National Environmental Policy Act of 1969.

(pp) "Net costs" mean those costs actually incurred to construct, develop, implement, utilize, operate, maintain, retire, or sell a billing credit resource. The term may include reasonable financing costs, compensation for risk, or return on equity, but may not include any portion of cost financed with funds obtained from governmental grants. Acquisition of a billing credit resource or the right to the output or capability of such resource at a price greater than the net cost does not change the net cost of such billing credit resource.

(qq) "Nonmajor resource" means any resource that either (1) has a planned capability less than or equal to 50 average megawatts or (2) is acquired by the Administrator for 5 years or less. Such term does not include any resource acquired pursuant to section 11(b)(6) of the Federal Columbia River Transmission System Act.

(rr) "Operating demand" means that amount of industrial firm power that a customer requests the Administrator to actually serve pursuant to its power sales contract.

(ss) "Operating year" means the year from July 1 to June 30.

(tt) "Pacific Northwest," "region," or "regional" means (1) the area consisting of the States of Oregon, Washington, and Idaho, the portion of the State of Montana west of the Continental Divide, and such portions of the States of Nevada, Utah, and Wyoming as are within the Columbia River drainage basin, and (2) any contiguous areas, not in excess of 75 air miles from the area referred to in paragraph (1) above, which are a part of the service area of a rural electric cooperative customer served by the Administrator on the effective date of the Regional Act which has a distribution system from which it serves both within and without such region.

(uu) "Plan" means the Regional Electric Power and Conservation Plan (including any amendments thereto), adopted pursuant to the Regional Act.

(vv) "Political subdivision served by a customer" means any governmental unit which purchases electric power from a customer including, but not limited to, States, State agencies, cities, counties, municipalities, special-purpose districts, and Indian tribes, but not including Federal agencies.

(ww) "Program" means the Council's fish and wildlife program developed pursuant to section 4(h) of the Regional Act.

(xx) "Reduce the Administrator's obligation to acquire resources under the Regional Act" means that a generating resource except for a consumer-owned renewable resource has reduced the Administrator's obligation to acquire resources pursuant to section 6(a) of the Regional Act or that a conservation activity or consumer-owned renewable resource has reduced the Administrator's obligation that otherwise would have existed to acquire other resources pursuant to section 6(a) of the Regional Act.

(yy) "Regional Act" means the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501.

(zz) "Renewable resource" means a resource which utilizes solar, wind, hydro, geothermal, biomass, or similar sources of energy and which either is used for electric power generation or will reduce the electric power requirements of a consumer, including by direct application.

(aaa) "Reserves" mean the electric power needed to provide service to customers in the event of generation or transmission system outages, adverse streamflows, delays in the completion of new resources, or other factors which may restrict generating capability or increase loads. Reserves normally are provided from additional resources acquired for that purpose, or from contractual rights to interrupt, curtail, or otherwise withdraw portions of the electric power supplied to customers.

(bbb) "Resource" means (1) electric power, including the actual or planned electric power capability of generating facilities, or (2) actual or planned load reduction resulting from direct application of a renewable energy resource by a consumer, or from a conservation measure.

(ccc) "Resource acquisition strategy" means the Administrator's planned approach to the acquisition of resources to meet the Administrator's contractual obligations to serve customers' electric power requirements and to assist in meeting the Administrator's responsibility for the protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish.

(ddd) "Resource priority scheme" means first priority to cost effective conservation, second priority to cost effective renewable resources, third priority to cost effective generating resources utilizing waste heat and to cost effective generating resources of high fuel conversion efficiency, and fourth priority to all other cost effective resources.

(eee) "Small resource" means a resource with a planned capability not greater than either 5 average megawatts or 15 peak megawatts.

(fff) "System cost" is defined within the definition of cost effective.

(ggg) "Time differentiated" means, when applied to a power rate or a unit cost of power, that the rate or unit cost has been adjusted to reflect a different level of value applicable to different time periods, such as winter or summer, weekdays or weekends, etc.

(hhh) "Uniquely suitable for development by the customer" means the conditions affecting the development of a resource which, due to a particular site or other peculiar factors, make development by a particular customer the only practicable alternative.

(iii) "Unit cost" means the cost of a unit of power, such as a kilowatt of capacity or a kilowatt-hour of energy.

(jjj) "Variable cost" means that component of net costs or alternative costs that potentially may vary significantly over time.

(kkk) "Voluntarily implemented retail rate structure" means a retail rate structure or that portion of a retail rate structure that is adopted by a customer for reasons other than (1) to satisfy Federal or State statutory mandates, (2) to satisfy the requirements of the plan, or (3) to reflect rate design concepts included in BPA's wholesale rates.

Section 3: Qualifying Applicant

(a) Any of the following customers may request a billing credit:

(1) An investor-owned utility that has signed a firm requirements contract pursuant to section 5(b) of the Regional Act;

(2) A public body or cooperative entitled to preference and priority under the Bonneville Project Act of 1937 that has signed a firm requirements contract pursuant to section 5(b) of the Regional Act;

(3) A Federal agency that has signed a firm requirements contract pursuant to section 5(b) of the Regional Act;

(4) A direct service industrial customer that has signed an industrial firm power contract pursuant to section 5(d) of the Regional Act.

(b) Customers must submit applications that are completed in accordance with these policies to be considered for billing credits.

Section 4: Qualifying Conservation Activities

(a) A customer seeking a billing credit for a conservation activity must show to the satisfaction of the Administrator:

(1) That the activity is:
(i) A conservation activity;
(ii) independently undertaken or continued;
(iii) effective on or after December 5, 1980;

(iv) by either:
(A) such customer; or
(B) a political subdivision served by such customer; and

(2) that the conservation activity will reduce the Administrator's obligation to acquire resources under the Regional Act.

(b) The Administrator may grant billing credits for a conservation activity implemented between December 5, 1980, and the date the customer signs a power sales contract described in section 3, for the remaining useful life of such conservation activity commencing upon the effective date of such power sales contract.

Section 5: Qualifying Renewable Resources

(a) A customer seeking a billing credit for a renewable resource must demonstrate:

(1) that the resource is:
(i) A renewable resource;
(ii) constructed, completed, or acquired after December 5, 1980;
(iii) by either:
(A) Such customer;
(B) an entity acting on behalf of such customer; or

(C) a political subdivision served by such customer; and

(2) that the resource reduces the Administrator's obligation to acquire resources under the Regional Act.

(b)(1) A customer must demonstrate that the renewable resource is:

(i) Not inconsistent with the plan; or
(ii) in the absence of a plan, not inconsistent with:

(A) Cost effectiveness;
(B) the resource priority scheme; and
(C) the Administrator's obligation to give due consideration to;

(1) Environmental quality;
(2) compatibility with the existing regional power system; and

(3) protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish.

(2) A renewable resource is not inconsistent with cost-effectiveness if the effects of the quantifiable environmental cost directly attributable to the resource are primarily confined to the service area of the customer offering the billing credit resource.

(3) The fact that a customer develops a resource that does not meet or reduce electric power demand of the consumers of the customer offering the billing credit resource at an estimated incremental system cost that is no greater than that of the least cost similarly reliable and available alternative resource that the Administrator would have acquired instead of granting the billing credit, will not of itself, bar a billing credit.

(4) The Administrator may not grant a billing credit in lieu of granting a billing credit for a resource that has a higher priority on the resource priority scheme or in lieu of acquiring a resource that has a higher priority on the resource priority scheme.

(c) In the case of a renewable resource that is a major resource, if either the Regional Council or the Administrator determines that such resource is inconsistent with any of the

criteria and considerations in subparagraph (b) above, then the Administrator may grant a billing credit only in accordance with paragraph (h) of section 13.

(d) The Administrator may grant billing credits to a customer for a renewable resource constructed, completed, or acquired between December 5, 1980, and the date such customer signs a power sales contract described in section 3 for the remaining useful life of such resource commencing upon the effective date of such power sales contract.

Section 6: Qualifying Multipurpose Projects

(a) A customer seeking a billing credit for a multipurpose project must demonstrate:

- (1) That the project is:
 - (i) a multipurpose project
 - (ii) constructed, completed, or acquired after December 5, 1980,
 - (iii) by either:
 - (A) Such customer,
 - (B) an entity acting on behalf of such customer, or
 - (C) a political subdivision served by such customer; and
- (2) that the project reduces the Administrator's obligation to acquire resources under the Regional Act.

(b) (1) A customer must also demonstrate that the multipurpose project is:

- (i) Not inconsistent with the plan; or
- (ii) in the absence of a plan, not inconsistent with:
 - (A) cost effectiveness;
 - (B) the resource priority scheme; and
 - (C) the Administrator's obligation to give due consideration to:

- (1) Environmental quality;
- (2) compatibility with the existing regional power system; and
- (3) protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish.

(2) A multipurpose project is not inconsistent with cost-effectiveness if the effects of the quantifiable environmental costs directly attributable to the resource are primarily confined to the service area of the customer offering the billing-credit resource.

(3) The fact that a customer develops a resource that does not meet or reduce electric power demand of the consumers of the customer offering the billing-credit resource at an estimated incremental system cost that is no greater than that of the least cost

similarly reliable and available alternative resource that the Administrator would have acquired instead of granting the billing credit will not, of itself, bar a billing credit.

(4) The Administrator may not grant a billing credit in lieu of granting a billing credit for a resource that has a higher priority on the resource priority scheme or in lieu of acquiring a resource that has a higher priority on the resource priority scheme.

(c) In the case of a multipurpose project that is a major resource, if either the Regional Council or the Administrator determines that such resource is inconsistent with any of the criteria and considerations in subparagraph (b) above, then the Administrator may grant a billing credit only in accordance with paragraph (h) of section 13.

(d) The Administrator may grant billing credits to a customer for a multipurpose project constructed, completed, or acquired between December 5, 1980, and the date such customer signs a power sales contract described in section 3 for the remaining useful life of such resource commencing upon the effective date of such power sales contract.

(e) In the case of a multipurpose project other than one uniquely suitable for development by the customer seeking the billing credit, and which is also a major resource and which also was not under construction on December 5, 1980, the customer must also demonstrate that resources in excess of the customer's reasonable load growth have been offered to others for ownership, participation, or other sponsorship.

Section 7: Other Qualifying Resources

(a) A customer seeking a billing credit for a resource other than a conservation activity, other than a renewable resource, or other than a multipurpose project must demonstrate:

- (1) That the resource is:
 - (i) a resource constructed, completed, or acquired after December 5, 1980;
 - (ii) by either:
 - (A) Such customer;
 - (B) an entity acting on behalf of such customer; or
 - (C) a political subdivision served by such customer;
- (2) that the resource reduces the Administrator's obligation to acquire resources under the Regional Act.

(b) (1) A customer must demonstrate that the resource is either:

- (i) Not inconsistent with the plan; or
- (ii) in the absence of a plan, is not inconsistent with:

- (A) cost effectiveness;

(B) the resource priority scheme; or
(C) the Administrator's obligation to give due consideration to:

- (1) Environmental quality;
- (2) compatibility with the existing regional power system; and
- (3) protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for sufficient migration, survival, and propagation of anadromous fish.

(2) Another resource is not inconsistent with cost-effectiveness of the effects of the quantifiable environmental costs directly attributable to the resource are primarily confined to the service area of the customer offering the billing credit resource.

(3) The fact that a customer develops a resource that does not meet or reduce electric power demand of the consumers of the customer offering the billing credit resource at an estimated incremental system cost that is no greater than that of the least cost similarly reliable and available alternative resource that the Administrator would have acquired instead of granting the billing credit, will not, of itself, bar a billing credit.

(4) The Administrator may not grant a billing credit in lieu of granting a billing credit for a resource that has a higher priority on the resource priority scheme or in lieu of acquiring a resource that has a higher priority on the resource priority scheme.

(c) In the case of a resource other than a conservation activity, other than a renewable resource, or other than a multipurpose project that is a major resource, if either the Regional Council or the Administrator determines that such resource is inconsistent with any of the criteria and considerations in subparagraph (b) above, then the Administrator may grant a billing credit only in accordance with paragraph (h) of section 13.

(d) The Administrator may grant billing credits to a customer for a resource other than a conservation activity, other than a renewable resource, or other than a multipurpose project, constructed, completed, or acquired between December 5, 1980, and the date such customer signs a power sales contract described in section 3 for the remaining useful life of such resource commencing upon the effective date of such power sales contract.

(e) In the case of a major resource, except one which was under construction on December 5, 1980, the customer must also demonstrate that resources in excess of that customer's

reasonable load growth have been offered to others for ownership, participation, or other sponsorship.

Section 8: Qualifying Retail Rate Structures

(a) A customer seeking a billing credit for a retail rate structure must demonstrate:

- (1) That the rate structure is:
 - (i) a retail rate structure;
 - (ii) voluntarily implemented;
 - (iii) after December 5, 1980;
 - (iv) by such customer; and
- (2) that the retail rate structure induces either:

(A) conservation;

(B) installation of consumer-owned renewable resources.

(b) If the retail rate structure induces conservation, the Administrator shall treat the induced conservation as though it resulted from a conservation activity independently undertaken by the customer, and the customer must demonstrate that such induced conservation meets the requirements applicable to a qualifying conservation activity as set forth in section 4.

(c) If the retail rate structure induces installation of consumer-owned renewable resources, the Administrator shall treat the induced consumer-owned renewable resources as customer-owned renewable resources, and the customer must demonstrate that such renewable resources meet the requirements applicable to a qualifying renewable resource as set forth in section 5.

Section 9: General Conditions Governing Granting and Administering Billing Credits

(a) *Prerequisites for Paying Billing Credits: Budget.* (1) The Administrator may not grant a billing credit until the cost of the billing credit (including retroactive payment, if any) has been included in the Administrator's budget submittal.

(2) The Administrator shall include the costs of each approved billing credit in the budget submittal for the first fiscal year in which the billing credit is to be paid and in each budget submittal for each fiscal year in which a billing credit will be paid thereafter. The Administrator may prepare an amended budget submittal to facilitate prompt payment of an approved billing credit where the approval falls in between normal budget submittal dates, but the Administrator is not obligated to do so.

(b) *Prerequisites for Paying Billing Credits: Actual Change in Net Requirements.* (1) The Administrator may not grant a billing credit for any resource until:

(i) A customer purchasing firm power demonstrates that the billing credit resource actually changes the customer's net requirement for supply of electric power or reserves from the Administrator; or (ii) a customer purchasing industrial firm power demonstrates that the billing credit resource actually changes the customer's net requirement for supply of electric power or reserves from the Administrator, including a demonstration by such customer that it has reduced its operating demand and contract demand specified in its contract for the purchase of industrial firm power from the Administrator.

(2) In demonstrating the actual change in net requirements from the Administrator the customer shall show the amount by which the billing credit resource reduces the Administrator's obligation to acquire resources under the Regional Act.

(c) *Prerequisites for Paying Billing Credits: Customer's Commitment to Billing Credit Resource Performance.* The Administrator may not grant a billing credit until a customer has signed a billing credit contract which, among other things, commits the customer to make the billing credit resource available to achieve the actual change in the customer's net requirement for electric power or reserves from the Administrator during the periods specified in such contract. If the billing credit resource is not available to achieve such change, the customer shall provide equivalent electric power or reserves to achieve such change according to the terms of the billing credit contract.

(d) *Compliance with NEPA and Other Environmental Laws.* (1) The Administrator may not give conditional or any other final approval on a billing credit application until the Administrator satisfies the requirements of NEPA and other applicable environmental laws. The customer must provide such environmental information as will permit the Administrator to comply with NEPA and other applicable environmental laws.

(2) The Administrator shall not grant a billing credit until the customer demonstrates that it has complied with Federal, State, or local environmental laws applicable to the resource.

(3) The Administrator shall make every effort to develop State and Federal environmental analyses in a coordinated manner.

(e) *Duration of a Billing Credit.* (1) A customer shall offer a resource for a billing credit for the useful life of the billing credit resource.

(2) Regardless of any customer offer, the Administrator and the customer may negotiate the duration of a billing credit for any billing credit resource.

(3) A customer which has reduced its contract demand for industrial firm power shall have its contract demand restored at the end of the useful life of the billing credit resource.

(f) *Termination of a Billing Credit.* (1) A customer may terminate a billing credit contract on the same conditions with the same notice requirements as for removal of a firm resource from a firm resource exhibit in a utility power sales contract described in sections 3(a)(1), 3(a)(2) or 3(a)(3) of this policy. A customer which has reduced its contract demand for industrial firm power shall have its contract demand restored upon termination of the billing credit contract.

(2) The Administrator may terminate a billing credit contract (i) under the conditions specified in section 14 of this policy or (ii) as mutually agreed upon in the billing credit contract.

(3) The customer shall pay the Administrator a termination charge as specified in the billing credit contract if the customer terminates a billing credit resource prior to the end of its useful life. The Administrator shall pay the customer a termination charge as specified in the billing credit contract if the Administrator terminates a billing credit contract for reasons other than the conditions specified in section 14 of this policy.

(g) *Guaranteed Minimum Alternative Cost.* If the Administrator would have to make a commitment to acquire a resource under the resource acquisition strategy at the time a billing credit is conditionally approved so that such resource would be available at the time the billing credit resource begins to reduce the Administrator's obligation to acquire resources under the Regional Act, the Administrator shall, at the customer's request, estimate the firm alternative cost for such year and guarantee in the billing credit contract that the alternative cost for such billing credit resource shall not be less than such estimated initial alternative cost.

(h) *The Administrator's Right to Reschedule Billing Credit Resources.* (1) If the Administrator includes a guaranteed minimum alternative cost in the billing credit contract, the Administrator may delay the date the billing credit resource begins to reduce the Administrator's obligation to acquire resources under the Regional Act.

(2) To the extent the customer incurs additional costs in the construction or implementation of the billing credit resource due to such delay, the

Administrator shall add such costs to the firm alternative cost for such billing credit resource.

(i) *The Administrator's Right to Displace Operation of a Generating Resource.* (1) The Administrator may displace the operation of a generating resource for which a customer is receiving a billing credit when such displacement reduces the cost of meeting the Administrator's obligations.

(2) A customer may continue to operate a generating resource which the Administrator has displaced if:

(i) Such operation does not reduce the amount of electric energy the customer otherwise would have purchased from the Administrator; and

(ii) Such operation does not increase the net costs of the resource.

(j) *Special Arrangements for Small Resources.* (1) The Administrator may exempt a small resource from the requirements of section 9(c) of this rule.

(2) The Administrator may, by publishing a finding in the Federal Register, deem the net costs of a small resource to be equal to the Administrator's alternative cost at the time the small resource begins to reduce the Administrator's obligation to acquire resources under the Regional Act.

Section 10: Methodology for Determining Amounts of Billing Credits

(a) Determination of Alternative Cost.

(1) The Administrator shall make a determination of the BPA alternative cost for each operating year based upon the weighted average cost of (i) those generating resources utilized within the Pacific Northwest to meet load growth among the Administrator's customers and (ii) conservation activities and other nongenerating resources utilized to meet load growth among the Administrator's customers which are equal to or greater in cost than the weighted average of the generating resources included in the calculation. The total cost of all resources including conservation activities will be utilized, including portions paid for by BPA, customers, and ultimate consumers.

(2) The Administrator may adjust the alternative cost, if necessary, to account for the differences in rate impact on the Administrator's other customers of meeting load with conservation or other nongenerating resources rather than with generating resources, taking into account customer conservation charges designed to recover portions of the costs of BPA conservation programs as well as other factors that affect other customer's rates.

(3) The Administrator shall also prepare a forecast of the BPA alternative cost for each of at least the

following 10 years based upon the Administrator's estimates of the load growth of the Administrator's customers and the costs of those resources including conservation activities expected to be utilized to meet such load growth. The forecast of BPA alternative costs shall be updated annually as of the start of each operating year.

(4) The Administrator shall determine the fixed and variable cost components of each year's alternative cost, shall classify each year's alternative cost into a capacity and energy component, and shall time differentiate such capacity and energy components compatible with the manner in which BPA's current wholesale power rates may be time differentiated.

(5) The Administrator shall make a preliminary determination of each year's alternative cost and the forecasted future years' alternative cost and solicit public and customer comment thereon. Following review of comments received, the Administrator shall publish each year's determination of alternative cost and the updated forecast of future years' alternative cost.

(b) *Calculating the Billing Credit for Conservation Activities.* (1)(i) The Administrator shall determine the initial alternative cost for a billing credit resource.

(ii) The Administrator shall establish a formula that the Administrator shall use to adjust the variable cost portion of such initial alternative cost over time.

(2) The Administrator shall determine the billing credit by subtracting the customer's wholesale power rate from the customer's adjusted alternative cost, and multiplying the result by the amount by which the conservation activity actually changes the customer's net requirement for supply of electric power or reserves from the Administrator.

(3) As of the beginning of each operating year, the Administrator shall adjust the billing credit to reflect the adjusted alternative cost.

(4) The Administrator may reduce a billing credit for a conservation activity to zero if the customer's wholesale power rate ever exceeds the adjusted alternative cost. However, a billing credit for a conservation activity may never become a negative amount.

(c) *Calculating the Billing Credit for Resources Other Than Conservation.*

(1)(i) The Administrator shall determine the net unit costs of the resource for which the customer is seeking a billing credit based on the cost data that the customer must provide in the application or in the customer's annual report.

(ii) The Administrator shall determine the following components of the resource's net costs:

(A) The fixed cost component;

(B) the variable cost component that would be saved were the resource not operated;

(C) the variable cost component that would not be saved were the resource not operated; and

(D) the Administrator shall classify to capacity and energy and time differentiate the net costs of the resource compatible with the manner in which BPA's current wholesale power rates may be time differentiated.

(2) The Administrator shall determine the resource's firm alternative cost.

(3) The Administrator shall determine the billing credit by subtracting the customer's wholesale power rate from the lesser of (i) the adjusted alternative cost or (ii) the adjusted net cost of the resource and multiplying the result by the amount by which the resource actually changes the customer's net requirement for supply of electric power or reserves from the Administrator.

(4) As soon as practicable after the beginning of each operating year, the Administrator shall adjust the billing credit to account for differences between the variable cost component used in the adjusted net cost of the resource and the net costs which actually occurred during the previous operating year. In making such adjustment, the Administrator shall use the lesser of (i) the net cost as adjusted for differences in the variable cost component of the customer's adjusted net cost and the net costs which actually occurred during the previous operating year, or (ii) the adjusted alternative cost.

(5) The billing credit shall become a negative amount to the extent the customer's wholesale power rate ever exceeds the adjusted net cost or the adjusted alternative cost, whichever is used, including the adjustment to reflect differences in the customer's adjusted net cost and the net costs which actually occurred during a previous operating year.

Section 11: Resource Acquisition Strategy

(a) The Administrator periodically shall develop and update a resource acquisition strategy setting forth the cost effective resources the Administrator reasonably expects to acquire to meet the Administrator's obligations under the Regional Act. The strategy shall cover a 20-year period, or as many years as it is feasible to compile the necessary data.

(b) The Administrator may revise the resource acquisition strategy as often as the Administrator deems necessary but not less often than every 5 years.

(c) The Administrator shall integrate billing credit resources into the resource acquisition strategy as of the time a billing credit resource begins to reduce the Administrator's obligation to acquire resources under the Regional Act.

(d) The Administrator shall, to the fullest extent practicable, develop such resource acquisition strategy consistent with the Regional Council's plan.

(e) The Administrator shall make the resource acquisition strategy available to customers for use in demonstrating a billing credit application how a billing credit resource will reduce the Administrator's obligation to acquire resources under the Regional Act.

Section 12: Application Procedure

(a) *General Requirements.* (1) The Administrator will consider granting a billing credit only upon receipt of a written application submitted in accordance with this policy.

(2) A customer may submit an application for a billing credit at any time that it has the necessary data to complete an application.

(3) The Administrator recommends that customers apply for a billing credit after the planning stage but prior to beginning construction or implementation of a billing credit resource. Customers are encouraged to consult with BPA's Area offices early in the planning process to facilitate timely application and review.

(4) The customer shall carry the burden of proving that the appropriate criteria necessary to receive a billing credit have been satisfied.

(5) A customer need not follow any particular application format.

(6)(i) A customer applying for a billing credit must submit such information as will permit the Administrator to determine:

(A) whether to grant a billing credit; and

(B) the appropriate amount of the billing credit if it is to be granted.

(ii) While the information required from a customer varies with the type and size of the billing credit resource as well as other factors, the customer must include at least the following information:

(A) A description of the resource including appropriate engineering, cost, and environmental information;

(B) a statement of the amount of energy and capacity which the resource will produce or save and the time periods in which such production or savings will occur;

(C) a statement of the amount by which the billing credit resource will reduce the Administrator's obligation to acquire resources under the Regional Act;

(D) a schedule of the appropriate dates such as construction dates, date of commercial operation, and the dates between which the customer will reduce the Administrator's obligation to acquire resources under the Regional Act;

(E) a description of any methodologies and assumptions that the customer used in preparing information contained in the application;

(F) supporting documentation of the information contained in the application;

(G) the status of any required licenses or permits including copies of licenses or permits that have been granted;

(H) a description of the environmental impacts, if any, the billing credit resource may have; mitigating measures, if any, to be taken; and the status of whatever environmental reviews, permits, or other actions which may be required with regard to environmental impacts;

(I) a description of the impacts, if any, the billing credit resource may have on fish and wildlife; any consultations concerning fish and wildlife; any consultations concerning fish and wildlife impacts with the Federal and the region's State fish and wildlife agencies, and the region's Indian Tribes, including recommendations from such consultations, if any; the mitigating measures, if any, to be taken; and the opportunities, if any, which may be present for enhancing fish and wildlife; and

(J) such other information as may be either requested by the Administrator or required by this policy.

(7) A customer must submit 10 copies of its application together with a transmittal letter addressed to the Administrator.

(8) A customer wishing to protect trade secrets or other proprietary information must specifically identify such information.

(b) *Specific Requirements: Cost Data.*

(1) For resources other than conservation, the customer must submit such cost data as will enable the Administrator to determine:

(A) The net costs of the resource;

(B) the fixed and variable cost components;

(C) a classification of the net cost to capacity and energy; and

(D) a means of time differentiating the net cost compatible with the manner in which BPA's current power sales rates are time differentiated.

(2) Customers also must submit an explanation of the cost estimating, accounting, or other methodology used in estimating or determining net costs, including the amount included and the rationale for the cost of capital or return on investment.

(3) In the case of multipurpose projects, the applicant shall provide such information as will permit the Administrator to determine the net cost after allocating the total costs of the project among electric power production and other project purposes.

Section 13: The Administrator's Decisionmaking Process

(a) *Review of Application.* (1) The Administrator shall review each billing credit application to determine whether the application contains such information as will enable the Administrator:

(i) To make a decision consistent with the requirements of this policy;

(ii) To comply with NEPA and other applicable environmental laws; and

(iii) To satisfy the Administrator's obligation to protect, mitigate, and enhance fish and wildlife.

(2) The Administrator may return applications which contain information insufficient to process the billing credit application. In such instances, the Administrator shall briefly explain in a letter to the applicant why the application is inadequate, describe any missing information, and provide an opportunity to submit an amended application.

(b) *NEPA and Other Environmental Considerations.* Prior to conditionally approving or otherwise making a final decision on an application, the Administrator shall comply with NEPA and other environmental laws.

(c) *Integration with Resource Acquisition Strategy.* The Administrator shall determine when the Administrator can integrate the billing credit resource into the resource acquisition strategy in order to (1) establish the date on which the billing credit resource will reduce the Administrator's obligation to acquire resources under the Regional Act, (2) determine the amount of such reduction, and (3) estimate the value of the billing credit.

(d) *Decision on Applications.* The Administrator shall, within a reasonable time of completing the analysis of the application and of completing NEPA or other appropriate procedures, either:

(1) Conditionally approve the billing credit; or

(2) Deny the application by letter, briefly stating the reasons for rejecting the application.

(e) Billing Credit Contract

Negotiation. (1) Subsequent to giving conditional approval, the Administrator shall, in a reasonable time, begin negotiating a billing credit contract.

(2) The Administrator shall include in all billing credit contracts such terms as will insure:

(i) That the customer will operate the billing credit resource in a manner compatible with the planning and operation of the region's power system;

(ii) That the billing credit resource will be constructed, scheduled, completed, and operated in a timely fashion;

(iii) That the customer shall provide equivalent electric power or reserves to achieve such reduction if the billing credit resource is not available to reduce the customer's load on BPA within the period specified in the billing credit contract;

(iv) That the costs of the billing credit resource are as low as reasonably possible consistent with:

(A) sound engineering, operating, and safety practices;

(B) the protection, mitigation, and enhancement of fish and wildlife, including related spawning grounds and habitat affected by the development of such resources; and

(C) the requirements of the Regional Act;

(v) That the Administrator exercises effective oversight, inspection, audit, and review of such construction and operation;

(vi) That the Administrator has the authority to approve all costs of, and proposals for, major modifications in construction, scheduling, or operations;

(vii) That the Administrator is provided with such information as is necessary to evaluate such construction and operation; and

(viii) That the resource is constructed and operated in a manner consistent with the customer's power sales contract and other agreements related to the construction and operation of the region's resources.

(f) Procedures for Nonmajor Billing

Credit Resources. (1) Once the Administrator and the applicant have negotiated a proposed billing credit contract, the Administrator shall, prior to signing the billing credit contract, publish notice of the proposed billing credit contract in the **Federal Register** and provide a copy of such notice to the Regional Council, the Governor of each State in which facilities would be constructed or a conservation measure implemented, the Administrator's customers, and any interested person who requests a copy.

(2) The Administrator shall include in such notice the methodology the

Administrator proposes to use in determining the amount of the proposed billing credit.

(3)(i) Anyone wishing to comment on the proposed billing credit contract must do so in writing within 30 days of the date of the notice.

(ii) The Administrator's staff shall evaluate any comments that are submitted and make a recommendation to the Administrator.

(iii) The Administrator shall include any such comments as part of the administrative record.

(4) After the 30-day comment period, the Administrator may:

(i) Sign the billing credit contract or;

(ii) renegotiate the proposed billing credit contract as the Administrator deems appropriate; or

(iii) deny the billing credit application.

(5) The Administrator may republish notice of the proposed billing credit contract if the Administrator and the customer renegotiate the proposed billing credit contract and the renegotiated billing credit contract differs from the initial proposed billing credit contract enough to warrant republication.

(6) Before the Administrator grants a billing credit, the Administrator shall:

(i) Publish notice of the decision in the **Federal Register**; and

(ii) note the billing credit and include the cost of the billing credit in the Administrator's budget submittal.

(7) The Administrator may not grant a billing credit until 90 days after the date on which the billing credit was noted in the budget submittal or after the date on which such decision has been published in the **Federal Register**, whichever is later.

(g) Procedures for Major Billing

Credit Resources. (1) Once the Administrator and the applicant have negotiated a proposed billing credit contract, the Administrator shall, prior to signing the billing credit contract, publish notice of the proposed billing credit contract in the **Federal Register** and provide a copy of such notice to the Regional Council, the Governor of each State in which the resource would be constructed or implemented, the Administrator's customers, and any interested person who requests a copy.

(2) The Administrator shall include in such notice the methodology the Administrator proposes to use in determining the amount of the proposed billing credit.

(3) Within 60 days of publication of notice of the proposed billing credit contract in the **Federal Register**, the Administrator shall conduct one or more public hearings presided over by a hearing officer, at which testimony and

evidence shall be received, with opportunity for rebuttal and cross-examination as the hearing officer deems appropriate.

(4) The Administrator shall develop an adequate administrative record which shall include the transcripts of the public hearings, together with exhibits, and such other materials and information submitted to or developed by the Administrator.

(5)(i) The Administrator shall make public and provide to the Regional Council a written decision containing:

(A) A finding that granting the billing credit is not inconsistent with the plan, or if no plan is in effect, not inconsistent with:

(1) Cost-effectiveness;

(2) the resource priority scheme; and

(3) the Administrator's obligations to give due consideration to environmental quality, compatibility with the region's power system, and the protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish; and

(B) a finding that the billing credit resource will reduce the Administrator's obligation to acquire resources under the Regional Act.

(ii) (A) A billing credit resource is not inconsistent with cost-effectiveness if the effects of the quantifiable environmental costs and benefits directly attributable to the resource are primarily confined to the service area of the customer offering the billing credit resource.

(B) The fact that a customer develops a resource that does not meet or reduce electric power demand of the consumers of the customer offering the billing credit resource at an estimated incremental system cost that is not greater than that of the least cost similarly reliable and available resource the Administrator would have acquired instead of granting the billing credit will not, of itself, bar a billing credit.

(C) The Administrator may not grant a billing credit for a resource in lieu of granting a billing credit for a resource that has a higher priority on the resource priority scheme or in lieu of acquiring a resource that has a higher priority on the resource priority scheme.

(6) Prior to taking any further action, the Administrator shall wait the lesser of 60 days from the date the written decision is received by the Regional Council or the date the Council determines whether the billing credit is consistent or inconsistent with the plan,

or if no plan is in effect, consistent or inconsistent with:

- (i) Cost-effectiveness;
- (ii) the resource priority scheme; and
- (iii) the Administrator's obligation to give due consideration to environmental quality, compatibility with the region's power system, and the protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish.

(7) Before the Administrator grants a billing credit, the Administrator shall:

- (i) Submit to the appropriate congressional committees:
 - (A) The administrative record of the decision,
 - (B) the consistency determination by the Regional Council, if any, and
 - (C) a statement of NEPA compliance procedures followed or to be followed;
- (ii) publish notice of the decision in the *Federal Register*; and
- (iii) note the billing credit and include the cost of the billing credit in the Administrator's budget submittal.

(8) The Administrator may not grant a billing credit until 90 days after the date the proposal was noted in the annual budget or 90 days after the date the decision was published in the *Federal Register*, whichever is later.

(h) *Procedures for Inconsistent Major Billing Credit Resources.* The Administrator may not grant a billing credit for a major resource determined by the Administrator or by the Regional Council to be inconsistent with the plan, or if no plan is in effect, inconsistent with cost-effectiveness, the resource priority scheme, or the Administrator's obligations to give due consideration to environmental quality, compatibility with the region's power system, and the protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish, unless:

(1) The Administrator finds that, notwithstanding such inconsistency, such billing credit resource is needed to meet the Administrator's obligation to acquire resources under the Regional Act; and

(2) the expenditure of funds for such billing credit has been specifically authorized by Act of Congress.

Section 14: Administering Approved Billing Credit Contracts

(a) *Payment.* (1) When the billing credit is positive, that is, when the lesser of the adjusted alternative cost or

adjusted net costs is greater than the customer's wholesale power rate, the Administrator shall pay billing credits monthly either through offsets to the customer's power bill or by check or other appropriate instrument.

(2) In the case of resources other than conservation, the Administrator shall increase the customer's bill when the billing credit as adjusted is negative, that is, when the lesser of the adjusted alternative cost or adjusted net cost, as the case may be, is less than the customer's wholesale power rate, or the billing credit has been adjusted to reflect differences in the customer's adjusted net costs and the net costs which actually occurred during a previous operating year.

(b) *Customer's Annual Report.* (1) Within 60 days after the start of each operating year, each customer that has received a billing credit during the past operating year shall submit to the Administrator an annual report for each of the customer's billing credit resources.

(2) The customer shall include in the report such information as will enable the Administrator to evaluate the continued effectiveness of the billing credit resource and adjust the customer's billing credit.

(3) A customer receiving a billing credit must monitor the performance of its resource and periodically provide to the Administrator information as will permit the Administrator to evaluate the reduction in the Administrator's obligations that the customer's resource is achieving. The customer must include a statement of:

- (i) The performance of the billing credit resource over the past operating year;
- (ii) for resources other than conservation, the variable-cost component and the fixed-cost component of net costs actually incurred by the resource developer during the period in which the customer has received a billing credit;
- (iii) for resources other than conservation, any anticipated changes in the net costs reasonably expected to be incurred by the resource developer during the next 3 operating years; and
- (iv) any other information that the Administrator may request from time to time.

(c) *Adjustment of the Billing Credit.* (1) As soon as practicable after receipt of the customer's annual report, the Administrator shall adjust the billing credit to reflect any differences in the variable cost component used in the adjusted net costs of the billing credit resource and the net cost of the billing

credit resource which actually occurred during the previous operating year.

(2) Whenever an adjustment of the variable cost component of the firm alternative cost for a specified operating year is determined by the Administrator, the Administrator shall adjust those billing credits controlled by such adjusted alternative cost.

(3) The Administrator shall adjust the billing credit to reflect any changes in the customer's wholesale power rate, including any surcharges that the Administrator may impose on the customer pursuant to section 4(f) of the Regional Act, whenever such rates change.

(4) The Administrator may adjust the billing credit as appropriate to reflect any:

- (i) Changes in the electric power actually produced or saved by a billing-credit resource, or
- (ii) deviations from the amount of billing credits that should have been paid whatsoever the reason.

(5) Whenever the Administrator changes the amount of a billing credit, the Administrator shall notify the customer by letter briefly stating the reasons for such changes.

(d) *Administrator's Periodic Review and Audit.* (1) The Administrator may audit, inspect, or otherwise review any aspect of the construction or operation of any resource for which the Administrator grants or intends to grant a billing credit as the Administrator deems appropriate to carry out the Administrator's responsibilities under the Regional Act consistent with sound business practices.

(2) Customers receiving billing credits shall make available to the Administrator such information as the Administrator may request in conducting such audit, inspection, or other review.

(3) The Administrator may conduct, upon reasonable notice, such onsite inspections of a billing credit resource as the Administrator may deem necessary to verify the accuracy of any information provided by such customers or to otherwise perform the Administrator's obligations.

(e) *Remedies.* (1) The Administrator may cease granting a billing credit or adjust a billing credit whenever the Administrator determines that a customer has failed to meet the requirements of this policy or the customer's billing credit contract.

(2) Prior to taking such action, the Administrator shall:

- (i) Give 30 days' notice to the customer in writing stating the nature of the breach; and

(ii) state the course of conduct the customer must pursue to cure the breach.

Section 15: Reconsideration of the Administrator's Decisions

(a) *Customer's Right To Request Reconsideration.* Any customer who believes that it has been adversely affected by a decision of the Administrator related to billing credits may request in writing that the Administrator reconsider the decision within 30 days of receipt of notice of such decision.

(b) *The Administrator's Response.* The Administrator shall respond in writing within a reasonable time briefly

stating the decision and the reasons therefor.

Section 16: Records and Access to Information

(a) Customers supplying information to the Administrator that is proprietary and intended by the customer to be disclosed in confidence to the Administrator must specifically identify such information.

(b) Customers must maintain such records as will permit the Administrator to exercise prudent oversight including audit, inspection, or other review of any aspects of the construction and operation of a resource as the Administrator determines may be appropriate.

(c) Customers must comply with the requirements of the Privacy Act, Pub. L. 93-579, 88 Stat. 1896.

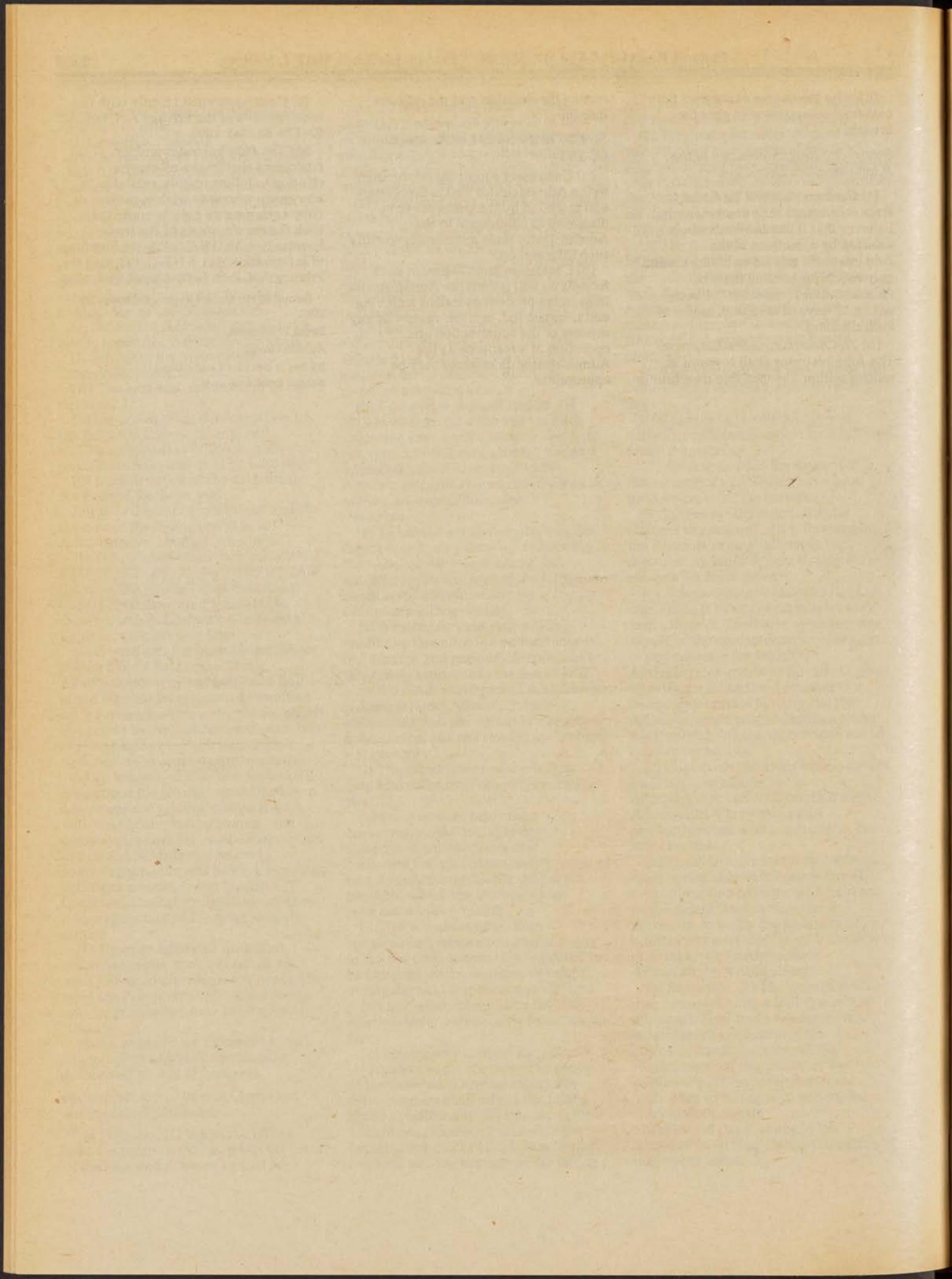
(d) The Administrator and its customers shall make all records relating to billing credits available to any entity who may wish to inspect or copy such records only in accordance with the requirements of the trade Secrets Act, 18 U.S.C. 1905, the Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act, Pub. L. 93-579, 88 Stat. 1896.

Issued in Portland, Oregon, February 26, 1982.

Peter T. Johnson,
Administrator.

[FR Doc. 82-6050 Filed 3-4-82; 8:45 am]

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federal register

Friday
March 5, 1982

Part VIII

**Department of
Education**

**Library Career Training Program
(Title II-B HEA)**

DEPARTMENT OF EDUCATION

34 CFR Part 776

Library Career Training Program (Title II-B HEA)

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education is issuing final regulations for the Library Career Training Program. These final regulations restructure the current regulations, reduce program requirements, and implement statutory changes made by the Education Amendments of 1980.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the *Federal Register*. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

ADDRESSES: Further inquiries may be made to Frank A. Stevens, U.S. Department of Education, 400 Maryland Avenue SW., Room 3622, ROB-3, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Frank A. Stevens, Telephone (202) 245-9530.

SUPPLEMENTARY INFORMATION:

Background

The Library Career Training Program provides financial assistance to institutions of higher education and library agencies for fellowships, institutes, and traineeships in the area of library and information science. The program has sought to provide greater training opportunities for minorities, the economically disadvantaged, handicapped individuals, and women, and to satisfy the library and information science needs of underserved groups.

In a notice published in the *Federal Register* on March 27, 1981 (46 FR 19000), the Secretary announced his intention to review and, as appropriate, amend certain regulations, including the regulations that govern the Library Career Training Program, in order to comply with the requirements of Executive Order 12291 and its overall objective to reduce regulatory burden. The Secretary published proposed rules to implement the Library Career Training Program in the *Federal Register* on October 28, 1981 (46 FR 53362) and invited public comment on these proposed rules.

Public Comments on the NPRM

The following public comments were received in response to the NPRM:

Section 776.4 Definitions that apply to this program

Comment. One commenter suggested that to be consistent with other portions of the proposed regulations, the phrase "library or information science" that appears in the definition of fellowship be changed to "library and information science."

Response. A change has been made. The definition of fellowship now refers to a program of "library and information science."

Comment. One commenter stated that traineeships are an unwise investment of tax dollars. Because minority persons are already well represented in the clerical ranks of library staffs, the commenter reasoned that traineeships that prepare persons for clerical work are not an effective agent for change. However, another commenter said the reference to "mid-level library and information science professionals" in the definition of traineeship seemed unnecessarily restrictive. This commenter said that applicants should be given as much flexibility as possible in designing traineeships.

Response. No change has been made. The statute these regulations implement allows for the provision of traineeships. See section 222(a)(2) of the Act. However, these regulations do not intend for traineeships to be at the clerical level, but at a professional level. The regulatory definition of traineeship states, in part, that it "is designed to meet the individual needs of mid-level library and information science professionals." Nor does the Secretary believe the term "mid-level" is overly restrictive. It can be read to refer to the number of years in the profession, professional level or title, or salary. It should be interpreted as general guidance in selecting individuals who show the greatest promise of moving into positions of leadership in the library and information science profession, and who would benefit from an internship experience.

Comment. One commenter inquired whether the term "underrepresented groups" was defined in an "official document."

Response. No change has been made. The term is included in the Library Career Training Regulations for the purposes of this program only. This definition reflects the history of the Library Career Training Program in providing training opportunities to such

groups and also reflects the intent of Congress.

Comment. One commenter wondered why women were included among those "who are members of groups that have been traditionally underrepresented" in the library and information science profession, because at the master's level four out of five students are women.

Response. A change has been made. The definition of underrepresented groups refers to "groups of persons who have been traditionally underrepresented either at the highest level or at other levels of the library and information science profession" (italics added). Women are included in the category of "underrepresented" because traditionally they have not been found at the highest levels of the library and information science profession. However, the definition was not intended to suggest that each group was underrepresented at each professional level. To clarify this, language has been added to the definition to indicate that the identity of underrepresented groups depends, in part, upon the professional level at issue. Therefore, whereas the program objective to "increase opportunities for professional advancement for members of underrepresented groups by providing training beyond the master's degree level" (§ 776.11(b)) may be understood to include women as an underrepresented group, the objective to "increase opportunities for members of underrepresented groups to obtain training in librarianship" (§ 776.11(a)) as applied to training at the master's level or below, may not.

Section 776.11 Program objectives

Comment. One commenter saw a contradiction between the program objectives of "train(ing) library personnel to serve the interest of traditionally underserved groups" and "train(ing) library personnel in the new techniques of information acquisition and transfer." The commenter said that these two objectives should either be related in some fashion or recognized as "mutually independent."

Response. No change has been made. The program objectives in § 776.11 state that "the Secretary encourages applicants to design projects that will accomplish one or more of the following objectives" (emphasis added). Applicants are encouraged to select objectives according to their needs and interests. To this extent the two objectives cited, as well as the others, may be considered mutually independent. However, the Secretary believes it would be quite possible to

combine two or more of these objectives in a single project.

Comment. One commenter referred to the program objective which reads, "Train or retrain library personnel in new techniques of—Planning, evaluation, and dissemination" and suggested that if the intent was to require projects to include planning, evaluation, and dissemination elements, the section should be reworded to make this clear.

Response. No change has been made. The intent of the objective is to encourage applicants to design projects that deal with training personnel in the new techniques of program planning, evaluation, and dissemination in the library and information science field, as well as in new techniques of information acquisition, transfer, and communication technology. Project planning and evaluation requirements applicable to projects supported by the Library Career Training Program are adequately addressed elsewhere in the regulations.

Comment. One commenter, noting the programmatic emphasis in the proposed rules upon training library personnel in new techniques of information acquisition, transfer, and communication technology, expressed concern about the scarcity of black librarians as well as the hope that the Library Career Training Program would continue to support the training of minorities in the library field.

Response. No change has been made. The program objective described in § 776.11(d)(1) of the regulations reflects statutory language added by the Education Amendments of 1980, Pub. L. 96-374, which indicates the intent of Congress to support library training with respect to "new techniques of information transfer and communication technology" (Section 222(a)(3)). The regulatory section in question also continues to encourage increased opportunities for the training and professional advancement of persons in underrepresented groups, which, as defined by § 776.4(b), includes "racial and ethnic minorities." Further, § 776.11 of the regulations encourages applicants to design projects that will accomplish "one or more" of the stated program objectives—therefore, for example, projects might be designed which recruit and train minorities in the new techniques of information acquisition, transfer and communication technology.

Section 776.31 Selection criteria for fellowship applications

Comment. One commenter stated that proposed § 776.31(a)(2)(ii) implied the existence of one set of standards

recognized by the librarianship and information science profession.

Response. No change has been made. The provision is not intended to imply that particular inflexible standards are accepted unanimously by the library and information science profession. Neither is the Secretary attempting to establish standards. The Secretary does believe, however, that persons, themselves experienced members of the profession, who review applications will be able to articulate and apply "standards that are recognized" by the profession.

Comment. One commenter asked if the standard referred to in § 776.31(d)(2)(ii) addressed the problem of the "traditionally underrepresented groups" in the library and information science profession. § 776.31(d)(2)(ii) reads, "the applicant's admissions standards for participants are as high as they are for other students in the library education program."

Response. No change has been made. References in these regulations to traditionally underrepresented groups in the library and information science profession do not include those who might be considered educationally disadvantaged. The definition in these regulations of "underrepresented groups" states that these groups include "racial and ethnic minorities, economically disadvantaged persons, handicapped persons, and women." The history of the Library Career Training Program demonstrates that successful fellowship candidates from underrepresented groups can meet the regular admissions standards of grantees.

Comment. One commenter requested a clarification of § 776.31(e)(2) (iii) and (iv). Those provisions provide that applications for fellowship projects are judged, in part, on the ratio of degrees awarded to enrollment in the applicant's library education program and the ratio of requested fellowships to other fellowships and scholarships in librarianship supported by the applicant.

Response. No change has been made. These ratios are reviewed to determine whether or not the applicant is awarding an appropriate number of degrees compared to its enrollment and is requesting an appropriate number of fellowships compared to what it is providing itself. The Secretary believes this information bears upon the quality of the applicant's program in library and information science.

Section 776.34 Distribution of funds.

Comment. One commenter questioned the legal authority of the Secretary to specify in an application notice how the

funds available for this program "will be divided among fellowship, institute and traineeship grants." The commenter noted that the statute authorizes the use of funds for several types of projects and said that grantees should be given some choice in deciding how the Federal funds are used. Another commenter wanted more grant money available for workshops and institutes.

Response. No change has been made. Section 776.34(a) is believed to be consistent with the intent of Congress. For fiscal year 1982, and for several preceding fiscal years, Congress has made clear during the appropriation process that it intended to support only fellowship projects with Federal funds. This is, of course, consistent with section 222(b) of the Act which mandates that at least 50% of the grants awarded under this program for each fiscal year "be for the purpose of establishing and maintaining fellowship or traineeships." Therefore, the Act requires that the Secretary have the authority to impose certain limitations upon the use of available funds. Accordingly, for fiscal year 1982 and preceding years, the Secretary has announced in the application notice that funds would be available only for fellowship projects. Section 776.34(a) does no more than clarify the authority of the Secretary to ensure that funds appropriated for the Library Career Training Programs are used in the manner intended by Congress.

Comment. One commenter suggested that fellowships should be awarded only for graduate level programs because, the commenter argued, it is a poor investment to train individuals in undergraduate programs which do not qualify them for professional positions or for ready acceptance into graduate programs.

Response. No change has been made. Section 776.34 indicates that the Secretary may reserve funds for fellowship awards at particular academic levels. This provision allows the Secretary the discretion to determine at which academic level fellowship projects would hold the greatest promise. The Secretary announces such decisions in the application notice.

Section 776.41 Fellowship project costs.

Comment. One commenter asked if the \$3500 in grant funds for fellowships awarded at the post-master's and doctoral level that appears in § 776.41(a)(3) is a typographical error and should read \$5200.

Response. A change has been made. The \$3500 figure was an inadvertent

error. The section in question now reads, "for each fellowship awarded at the post-master's and doctoral level—\$5200 for an academic year plus \$800 for a summer session."

§ 776.44 Travel allowances and § 776.45 Allowances for dependents.

Comment. One commenter suggested that allowances for travel and dependents should be assigned a very low priority.

Response. No change has been made. Section 222(a)(2) of the statute specifically authorizes travel and dependency allowances. However, while applicants may request travel and dependency allowances, the Secretary is not required to accept those requests. The regulations in §§ 776.44 and 776.45 indicate that the Secretary will authorize travel and dependency allowances only in certain circumstances—such as "extreme hardship"—and only when the need for them is persuasively documented.

Additional Changes Made to the NPRM

While these final regulations are substantially the same as those of the NPRM, editorial corrections and revisions have been made. They include:

- In § 776.3(a)(1) reference to § 776.13 is deleted because there is no § 776.13 in the regulations.

- In § 776.4(a) local educational agency and State educational agency are deleted since these terms do not appear in the regulations.

- In § 776.4(b), the definition of summer session is deleted because it is deemed unnecessary.

- Section 776.20 is revised to clarify that a grantee may conduct one or more projects.

- Section 776.30(a)(2) has been moved to § 776.34.

Burden Reduction

No response from an institution of higher education regarding burden reduction has been received. To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall objective of reducing regulatory burden, public comment is invited on whether there may be opportunities to reduce any regulatory burdens found in these regulations, especially regard to paperwork and compliance requirements.

Written comments and recommendations may be sent to the address given at the beginning of this preamble. The Secretary will consider and may take action on substantive comments as deemed appropriate.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision. (20 U.S.C. 1021, 1032).

(Catalog of Federal Domestic Assistance No. 84.036, Library Career Training Program)

Dated: March 1, 1982.

T. H. Bell,
Secretary of Education.

The Secretary revises Part 776 of Title 34 of the Code of Federal Regulations to read as follows:

PART 776—LIBRARY CAREER TRAINING PROGRAM

Subpart A—General

Sec.

776.1 The library career training program.

776.2 Eligible parties.

776.3 Regulations that apply to this program.

776.4 Definitions that apply to this program.

Subpart B—Kinds of Projects for Which Grants Are Made

776.10 Types of projects.

776.11 Program objectives.

776.12 Project duration.

Subpart C—How To Apply for a Grant

776.20 Application instructions.

Subpart D—How the Secretary Makes a Grant

776.30 How the Secretary evaluates applications.

776.31 Selection criteria for fellowship applications.

776.32 Selection criteria for institute applications.

776.33 Selection criteria for traineeship applications.

776.34 Distribution of funds.

Subpart E—Conditions That Must Be Met by a Grantee

776.40 Allowable costs.

776.41 Fellowship project costs.

776.42 Institute project costs.

776.43 Traineeship project costs.

776.44 Travel allowances.

776.45 Allowances for dependents.

776.46 Tuition and fees.

776.47 Notification of the State agency.

Subpart F—The Administrative Responsibilities of a Grantee

776.50 Participant eligibility and selection.

776.51 Substitutions.

776.52 Payments to participants.

776.53 Payment adjustments.

776.54 Assistance under other Federal programs.

Authority: Part B of Title II of the Higher Education Act of 1965, as amended by Education Amendments of 1980, Pub. L. 96-374, 94 Stat. 1383 (20 U.S.C. 1021).

Subpart A—General

§ 776.1 The Library Career Training Program.

The Secretary awards grants and contracts for the purpose of—

(a) Training persons in librarianship through fellowships, institutes, or traineeships.

(b) Establishing, developing, and expanding programs of library and information science, including new techniques of information transfer and communication technology.

(Sec. 201 and 222 of the Act, 20 U.S.C. 1021, 1032)

§ 776.2 Eligible parties.

Eligible applicants are—

(a) An institution of higher education.

(b) A library organization or agency.

(Sec. 222 of the Act, 20 U.S.C. 1032)

§ 776.3 Regulations that apply to this program.

(a) The following regulations apply to grants under the Library Career Training Program:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of grants), 34 CFR Part 75 (Direct Grant Programs), and 34 CFR Part 77 (Definitions); and

(2) The regulations in this Part 776. (b) A different set of regulations apply to contracts made under this program. (See EDGAR, 34 CFR 75.4 Education Department contracts).

(20 U.S.C. 3474)

§ 776.4 Definitions that apply to this program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Parts 74 and 77:

Applicant
Application
Award
Contract (includes definition of Subcontract)
Department
EDGAR
Grant
Grantee
Private
Project
Project period
Public
Secretary

(b) *Other definitions.* The following additional definitions apply to this part: "Act" means the Higher Education Act of 1965, as amended.

"Dependent" means any individual as described in paragraphs (1), (2), or (3) below who will receive more than half

of his or her support from a project participant during the course of a project conducted under this program:

(1) Any individual related by blood or marriage to the participant;

(2) Any legally adopted child or a child placed for adoption in the participant's home by a licensed child-placing agency, and

(3) Any other individual living in the participant's household, provided the relationship of the two individuals is not illegal.

"Fellowship" means an award to an individual who has been accepted for admission to an institution of higher education and who is or will be enrolled full-time in a graduate or undergraduate program of library and information science. The purpose of the award is to assist recipients financially as they work toward or complete the requirements for a specific degree in some aspect of librarianship.

"Institute" means a specialized group training project in librarianship that:

(1) Is separate from the regular academic program of the applicant;

(2) Has an innovative curriculum;

(3) May or may not provide academic credit;

(4) Either provides persons with the skills needed to enter the library and information science field or provides library and information science personnel—including library educators—an opportunity to strengthen or increase their competencies; and

(5) May be long term or short term.

"Institution of higher education" means the type of institution defined by section 1201 of the Act.

"Librarianship" means the principles and practices of library and information science, including the acquisition, organization, storage, retrieval, and dissemination of information, and reference and research use of library and other information resources.

"Library organization or agency" means a public or private organization or agency that provides library services or programs.

"Participants" means a person who is enrolled in a training project funded under this part.

"State agency" means the state agency designated under section 1203 of the Act.

"Traineeship" means a training project in librarianship that:

(1) Is separate from the regular academic program of the applicant;

(2) Is designed to meet the individual needs of mid-level library and information science professionals;

(3) Provides individualized instruction, usually through an internship; and

(4) May include academic instruction.

"Underrepresented groups" means groups of persons who have been traditionally underrepresented either at the highest levels or at other levels of the library and information science profession. Depending upon the level, these groups include racial and ethnic minorities, economically disadvantaged persons, handicapped persons, and women.

"Underserved groups" means groups of persons who have been traditionally underserved by the library and information science profession, such as racial and ethnic minorities, economically disadvantaged persons, handicapped persons, and rural populations.

(Secs. 201 and 222 of the Act, 20 U.S.C. 1021, 1032, 3474)

Subpart B—Kinds of Projects for Which Grants Are Made

§ 776.10 Types of projects.

A grantee may conduct one or more fellowship projects, institute projects, and traineeship projects.

(Secs. 201 and 222 of the Act, 20 U.S.C. 1021, 1032)

§ 776.11 Program objectives.

The Secretary encourages applicants to design projects that will accomplish one or more of the following objectives—

(a) Increase opportunities for members of underrepresented groups to obtain training in librarianship.

(b) Increase opportunities for professional advancement for members of underrepresented groups by providing training beyond the master's degree level.

(c) Train or retrain library personnel to serve the interests of traditionally underserved groups.

(d) Train or retrain library personnel in new techniques of—

(1) Information acquisition, transfer, and communication technology; and

(2) Planning, evaluation, and dissemination.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

§ 776.12 Project duration.

(a) A fellowship or long-term institute project must provide at least one academic year but not more than 12 months of training.

(b) A short-term institute project must provide at least one week but usually not more than six weeks of training.

(c) A traineeship project may not exceed 12 months.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

Subpart C—How To Apply for a Grant

§ 776.20 Application instructions.

(a) An applicant may submit applications for fellowship, institute, and traineeship projects.

(b) An applicant may request any number of fellowships at any number of degree levels in a single application.

(c) An applicant shall specify the amount to be paid to participants as stipends. (See §§ 776.41–776.43.)

(d) An applicant shall estimate the amount needed for travel and dependency allowances. (See §§ 776.44–776.45.)

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

Subpart D—How the Secretary Makes a Grant

§ 776.30 How the Secretary evaluates applications.

(a) The Secretary evaluates an application for a fellowship project on the basis of the criteria in § 776.31 and awards up to 100 possible points for these criteria.

(b) The Secretary evaluates an application for an institute project on the basis of the criteria in § 776.32 and awards up to 100 possible points for these criteria.

(c) The Secretary evaluates an application for a traineeship project on the basis of the criteria in § 776.33 and awards up to 100 possible points for these criteria.

(d) The maximum score for each criterion is indicated in parentheses.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

§ 776.31 Selection criteria for fellowship applications.

(a) *Project description.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the applicant's project.

(2) The Secretary looks for information that shows—

(i) The project objectives are clearly stated, realistic, and satisfy a current training need;

(ii) The required courses meet standards that are recognized by the library and information science profession; and

(iii) The extent to which the student field experience component (if included) is well designed.

(b) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment of eligible project participants who are members of groups that have been traditionally underrepresented, such as—members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(c) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Participant selection.* (15 points)

(1) The Secretary reviews each application for information that shows the method of participant selection.

(2) The Secretary looks for information that shows—

(i) The participants will be selected in conformance with program objectives (see § 776.11); and

(ii) The applicant's admissions standards for participants are as high as they are for other students in the library education program.

(e) *Applicant characteristics.* (20 points)

(1) The Secretary reviews each application for information that shows

the applicant's commitment to library and information science education.

(2) The Secretary looks for information that shows—

(i) The applicant's catalog adequately describes the library education program in which participants will be enrolled;

(ii) The amount the applicant spends per student for education in librarianship is comparable to that of other library education programs with a similar student enrollment and curriculum;

(iii) The ratio of degrees awarded to enrollment in the applicant's library education program is comparable to that of other library education programs;

(iv) The ratio of requested fellowships to other fellowships and scholarships in librarianship supported by the applicant is comparable to that of other library education programs; and

(v) The academic level of the project is appropriate to the applicant's capabilities or experience.

(f) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(g) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross reference.—See EDGAR 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(h) *Adequacy of resources.* (3 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(i) *Conformance with program objectives.* (20 points)

The Secretary reviews each application for information that shows the project will achieve one or more of the following program objectives:

(1) Increase opportunities for members of underrepresented groups to obtain training in librarianship;

(2) Increase opportunities for professional advancement for members of underrepresented groups by providing training beyond the master's degree level;

(3) Train or retrain library personnel to serve the interests of traditionally underserved groups; and

(4) Train or retrain library personnel in the new techniques of—

(i) Information acquisition, transfer, and communication technology; or

(ii) Planning, evaluation, and dissemination.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

§ 776.32 *Selection criteria for institute applications.*

(a) *Project description.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the applicant's project.

(2) The Secretary looks for information that shows—

(i) The subject matter of the project is significant, of current interest to the library and information science community, well described, appropriate for an institute, and is not duplicated in the applicant's regular academic curriculum;

(ii) The project duration is appropriate for presenting the subject matter;

(iii) The project content satisfies educational standards of the library and information science profession;

(iv) The blend of theoretical and practical training is suitable to the subject matter and the needs of the participants; and

(v) The training methods are innovative and imaginative.

(b) *Plan of operation.* (12 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally

underrepresented, such as—members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(c) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Participant selection.* (10 points)

(1) The Secretary reviews each application for information that shows the method of participant selection.

(2) The Secretary looks for information that shows—

(i) Participants will be selected according to their experience, current responsibilities, and training needs; and

(ii) The number of participants is appropriate to the training methods and project resources.

(e) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (8 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross reference—See EDGAR, 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(h) *Conformance with program objectives.* (20 points)

The Secretary reviews each application for information that shows the project will achieve one or more of the following program objectives:

(1) Increase opportunities for members of underrepresented groups to obtain training in librarianship;

(2) Increase opportunities for professional advancement for members of underrepresented groups by providing training beyond the master's degree levels;

(3) Train or retrain library personnel to serve the interests of traditionally underserved groups; and

(4) Train or retrain library personnel in the new techniques of—

(i) Information acquisition, transfer, and communication technology; or

(ii) Planning, evaluation, and dissemination.

(i) *Project effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows the effectiveness of the project.

(2) The Secretary looks for information that shows—

(i) The project will increase the number of librarians with specialized skills;

(ii) The project includes plans for how innovative results and materials could be disseminated to other institutions or agencies; and

(iii) The likelihood that project results and materials will be replicated.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

§ 776.33 Selection criteria for traineeship applications.

(a) *Project description.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the applicant's project.

(2) The Secretary looks for information that shows—

(i) The training needs to be met by the project are significant, of current interest to the library and information science community, and well described;

(ii) The extent to which project activities are designed to meet the individual needs of each participant; and

(iii) The extent to which other library agencies or institutions will cooperate with the applicant in providing appropriate and high quality internship opportunities.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(c) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented such as—members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Participant selection.* (15 points)

(1) The Secretary reviews each application for information that shows the method of participant selection.

(2) The Secretary looks for information that shows—

(i) Participants will be selected on the basis of their stated career goals and on their potential for high level advancement and continued professional growth within the field of library and information science; and

(ii) There are more internship opportunities available than the proposed number of participants.

(e) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross reference—See EDGAR 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (3 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(h) *Conformance with program objectives.* (25 points)

The Secretary reviews each application for information that shows the project will achieve one or more of the following program objectives:

(1) Increase opportunities for professional advancement for members of underrepresented groups;

(2) Train or retrain library personnel to serve the interests of traditionally underserved groups; and

(3) Train or retrain library personnel in the new techniques of—

(i) Information acquisition, transfer, and communication technology; or

(ii) Planning, evaluation, and dissemination.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

§ 776.34 Distribution of funds.

In any fiscal year the Secretary may specify in an application notice—

(a) How funds will be divided among fellowship, institute, and traineeship grants.

(b) Whether funds will be reserved for fellowship awards at particular academic levels.

(c) Whether applications for fellowship grants will be evaluated independently according to particular academic levels.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

Subpart E—Conditions That Must Be Met By a Grantee

§ 776.40 Allowable costs.

(a) Allowable costs under this part are those specified in §§ 776.41–776.45.

(b) Fiscal limitations are set forth in § 776.46.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

§ 776.41 Fellowship project costs.

(a) The grantee may use grant funds in the following amounts to cover the cost of providing fellowship training:

(1) For each fellowship awarded at the undergraduate level—\$1500 for an academic year plus \$250 for a summer session;

(2) For each fellowship awarded at the master's level—\$3500 for an academic year plus \$500 for a summer session; and

(3) For each fellowship awarded at the post-master's and doctoral level—\$5200 for an academic year plus \$800 for a summer session.

(b) The grantee shall use grant funds to pay stipends to fellowship participants in the following amounts:

(1) Undergraduate level—\$1500 for an academic year plus \$250 for a summer session.

(2) Master's level—\$3500 for an academic year plus \$500 for a summer session; and

(3) Post-master's and doctoral level—\$5200 for an academic year plus \$800 for a summer session.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

§ 776.42 Institute project costs.

(a) The grantee shall use grant funds to provide institute training in accordance with 34 CFR Part 74, Subpart Q.

(b) The grantee may use grant funds to pay stipends to institute participants. If the grantee pays stipends it shall do so in the following amounts:

(1) Long-term, full-time, post-baccalaureate level—\$3500 for an

academic year plus \$500 for a summer session;

(2) Long-term, full-time, pre-baccalaureate level—\$1500 for an academic year plus \$250 for a summer session;

(3) Short-term, full-time—\$100 per week; and

(4) Part-time—\$20 per day.

(Sec. 222 of the Act, 20 U.S.C. 1032)

§ 776.43 Traineeship project costs.

(a) The grantee shall use grant funds to provide traineeship training in accordance with either § 776.41(a) or § 776.42(a), as the grantee elects in its application.

(b) The grantee may use grant funds to pay stipends to traineeship participants. If the grantee pays stipends it shall do so in accordance with either § 776.41(b) or § 776.42(b), as the grantee elects in its application.

(Sec. 222 of the Act, 20 U.S.C. 1032)

§ 776.44 Travel allowances.

(a) The Secretary may authorize travel allowances for participants—

(1) In cases of extreme hardship; and

(2) If travel is necessary for successful participation in the project.

(b) The mileage rate must be consistent with current Federal travel regulations.

(c) The Secretary may defer authorization of travel allowances until the grantee has documented need.

(Sec. 222 of the Act, 20 U.S.C. 1032)

§ 776.45 Allowances for dependents.

(a) In cases of extreme hardship, the Secretary may authorize allowances for dependents of participants. The maximum amount that may be provided per dependent is \$450 for an academic year, \$100 for a summer session, and \$10 per week for short-term projects.

(b) The Secretary may defer authorization of allowances for dependents until the grantee has documented need.

(Sec. 222 of the Act, 20 U.S.C. 1032)

§ 776.46 Tuition and fees.

A grantee shall not charge tuition or fees to a participant in a training project funded under this part.

(Sec. 222 of the Act, 20 U.S.C. 1032)

§ 776.47 Notification of the State agency.

Each institution of higher education that receives a grant under this part shall annually inform the State agency designated under section 1203 of the Act of its project activities.

(Sec. 202 of the Act, 20 U.S.C. 1022)

Subpart F—The Administrative Responsibilities of a Grantee**§ 776.50 Participant eligibility and selection.**

(a) A grantee selects project participants on the basis of its own published criteria.

(b) Participants must be—

(1) Nationals of the United States, or be in the United States for other than a temporary purpose and intend to become permanent residents of the United States; and

(2) Engaged in, or preparing to engage in, a profession or other occupation involving library or information science.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

§ 776.51 Substitutions.

The grantees may replace a participant provided the new participant can successfully complete the training project at no additional cost to the Government. The grantee shall notify the Department of Education in writing

within 30 days of the withdrawal or substitution of a participant.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474)

§ 776.52 Payments to participants.

(a) The grant award specifies the amount of money for stipends and for dependency and travel allowances the grantee will receive.

(b) The grantee disburses the stipends, and dependency and travel allowances to the appropriate project participants.

(Sec. 22 of the Act, 20 U.S.C. 1032)

§ 776.53 Payment adjustments.

(a) When a participant withdraws from a training project, the stipend and any allowances the participant received must be prorated according to the number of weeks completed in the training period. When a substitution is not made, the unused portion is returned to the Federal Government.

(b) The date of withdrawal is the participant's last day of class attendance or the date the grantee

determines that the participant has ceased to maintain academic proficiency. Attendance in any part of a week is counted as a full week.

(Sec. 222 of the Act, 20 U.S.C. 1032)

§ 776.54 Assistance under other Federal programs.

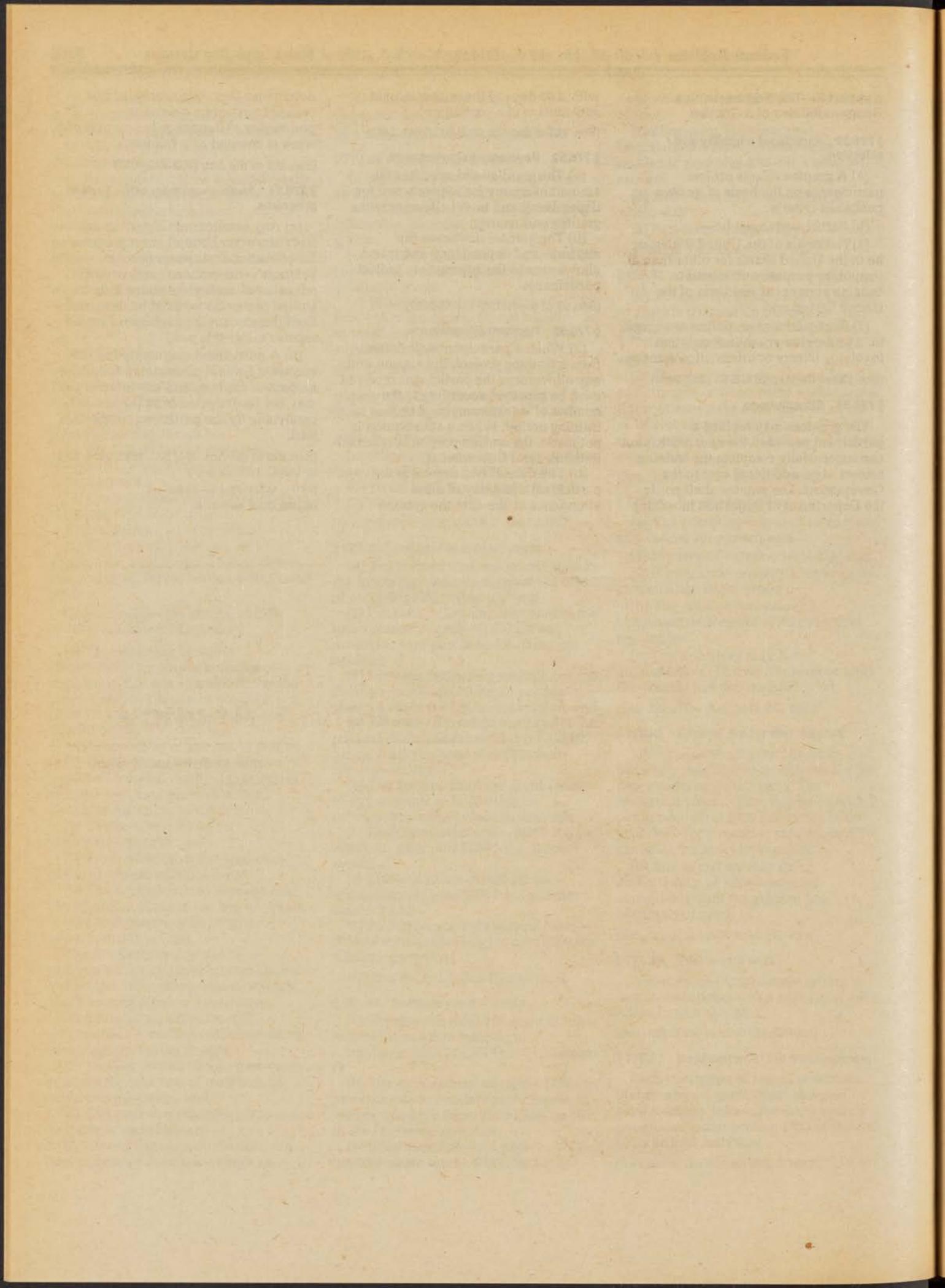
(a) Any amount paid a participant from any other Federal grant program for educational purposes (except veterans', war orphans', and widows' educational assistance under Title 38, United States Code) must be deducted from the amount the participant would receive under this part.

(b) A participant may apply for and receive a Federal educational loan. The amount of the loan and any interest paid may not be deducted from the amount receivable by the participant under this part.

(Sec. 222 of the Act, 20 U.S.C. 1032, 3474, and 38 U.S.C. 1700, *et seq.*)

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federal register

Friday
March 5, 1982

Part IX

Environmental Protection Agency

**National Interim Primary Drinking Water
Regulations; Trihalomethanes**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 142

[WH-FRL-2038-8]

National Interim Primary Drinking Water Regulations; Trihalomethanes

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rule identifies the best technology, treatment techniques or other means that the Administrator of the Environmental Protection Agency (EPA) finds to be generally available, taking costs into consideration, pursuant to Section 1415(a)(1)(A) of the Safe Drinking Water Act (SDWA), for use by community water systems in achieving compliance with the National Interim Primary Drinking Water Regulation that establishes a maximum containment level (MCL) for total trihalomethanes (TTHMs). EPA promulgated the TTHM regulation in November 1979 (44 FR 68624) specifying an MCL and monitoring requirements for all public water systems serving 10,000 or more persons. That rule did not identify pursuant to Section 1415(a)(1)(A) what were the best treatment methods generally available that a system subject to that rule could be required to install and/or use to come into compliance with the TTHM MCL. Today's proposed rule applies to all public water systems that serve more than 10,000 persons and specifies what treatment methods a system may be required to install and/or use to come into compliance with the TTHM MCL. The rule further specifies criteria by which EPA and states with primary enforcement responsibility that issue variances shall issue variances and compliance schedules to systems pursuant to Section 1415(a)(1)(A).

DATE: Written public comments on this proposed rule should be submitted on or before April 19, 1982.

ADDRESS: Submit comments to Joseph A. Cotruvo, Director, Criteria and Standards Division, Office of Drinking Water (WH-550), EPA, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Joseph A. Cotruvo, 202-472-5016.

SUPPLEMENTARY INFORMATION:

I. Authority

This regulation is proposed under the authority of Sections 1415 and 1450 of the SDWA, as amended, 42 U.S.C. 300g-4, 300j-9.

II. Purpose of and Need for This Regulation

EPA promulgated a rule which established an MCL (0.10mg/L) for TTHMs pursuant to Section 1412(a) of the SDWA, 42 U.S.C. 300g-1(a), as an amendment to the National Interim Primary Drinking Water Regulations on November 29, 1979, 44 FR 68624, 68641 (hereinafter "TTHM Rule"). The TTHM Rule is applicable to all community water systems that add a disinfectant to their treatment process and serve 10,000 or more persons.

The American Water Works Association, joined by the City of Englewood, Colorado, and the Capital City Water Company, filed a petition for review in the United States Court of Appeals for the District of Columbia Circuit challenging the TTHM Rule. Additional parties have intervened in the suit, and the petition currently is pending before the Court of Appeals. During the past several months, representatives of parties to the litigation have met in an attempt to resolve the issues in that case. Today's action is intended to clarify certain statements made by EPA in the preamble to the TTHM Rule and propose a rule that may allow settlement of most issues in the pending litigation.

In the preamble to the TTHM Rule, EPA discussed various technologies, treatment techniques or other means (hereinafter usually referred to as "treatment methods") that it believed public water systems might use to achieve compliance with the TTHM MCL. See 44 FR at 68636. EPA identified generally the following three alternatives for reducing TTHM levels in finished drinking water:

(1) Use of a disinfectant (oxidant) that does not generate (or produces less) TTHMs in water;

(2) Treatment to reduce TTHM precursor concentrations prior to chlorination; and

(3) Treatment to remove TTHMs after formation. *Id.* EPA also identified a number of specific treatment methods within these three categories of alternatives that it concluded had demonstrated some capacity to reduce TTHMs in drinking water. EPA stated in the preamble, however, that it was not requiring any system to use any particular treatment method to achieve compliance with the TTHM standard. EPA explained that:

[I]t remains only for the individual water systems to select one or more procedures that are optimal for their particular water characteristics. Which treatment method (or combination of treatment methods) is

ultimately selected by a water supplier to achieve compliance with the MCL must be based upon a case-by-case assessment of the system's entire treatment process, and an evaluation of the precursor content of its raw water source and the TTHM formation potential as well as the need to assure optimal biological quality of drinking water derived from contaminated sources. (*Id.*)

EPA continues to believe that it is the system's decision, subject to applicable state and federal requirements, to select the treatment method that the system finds most appropriate for achieving compliance with the TTHM standard.

EPA's discussion of the available or potentially available treatment methods for reducing levels of TTHMs has raised concerns among the regulated community as to whether public water systems not in compliance with the TTHM MCL would be required to install and/or use all of the available or potentially available treatment methods in order to come into compliance with the TTHM MCL. EPA did not intend in its discussion of the available or potentially available treatment methods to address the issue of which of these methods could be required in connection with variances or variance compliance schedules. EPA's discussion merely acknowledged the various treatment methods available or potentially available to systems for use in reducing TTHMs.

The SDWA provides that if a system determines that installation and/or use of the "best technology, treatment techniques, or other means which the Administrator finds to be generally available," taking costs into consideration, would not enable the system to comply with the MCL, the system may apply for a variance. Section 1415(a)(1)(A), 42 U.S.C. § 300g-4(a)(1)(A). A variance, if granted, would insulate the system not in compliance from enforcement actions for exceeding the MCL. The system, however, would be required in connection with a variance compliance schedule to install and/or use whatever "generally available" treatment methods, as hereinafter identified, that were available and effective for that system in reducing levels of TTHMs to as close to the MCL as feasible. In addition, pursuant to Section 1414(c)(2), 42 U.S.C. 300g-3(c)(2), any system that receives a variance, must give public notice of such variance to the persons served by it. The purpose of today's rule is to identify the best treatment methods generally available for reducing TTHMs and to specify the decisionmaking criteria for determining when a noncompliant system shall be required to install and/

or use such treatment methods. The proposed rule also lists additional treatment methods not found to be generally available for reducing TTHMs but which systems may be required to examine and possibly install as part of a variance compliance schedule.

III. Best Generally Available Treatment Methods for Reducing TTHM

In § 142.60(a) of today's proposed rule, EPA identifies, pursuant to Section 1415(a)(1)(A) of the SDWA, what it finds to be the best treatment methods generally available, taking costs into consideration, for systems in meeting the TTHM MCL. The list of the best treatment methods includes:

1. Use of chloramines as an alternate or supplemental disinfectant or oxidant.
2. Use of chlorine dioxide as an alternate or supplemental disinfectant or oxidant.
3. Improved existing clarification for THM precursor reduction.¹
4. Moving the point of chlorination to reduce TTHM formation, and, where necessary, substituting for the use of chlorine as a preoxidant chloramines, chlorine dioxide, hydrogen peroxide or potassium permanganate.
5. Use of powdered activated carbon for THM precursor or TTHM reduction seasonally or intermittently at dosages not to exceed 10 mg/L on an annual average basis.

Each of these treatment methods is a widely recognized water treatment technology, is relatively low cost, and is within the technical capabilities of the vast majority of public water systems subject to the TTHM Rule. Thus, EPA finds them to be "generally available," taking costs into consideration. EPA has also concluded, based on studies and experience to date, that these treatment methods will generally be the most effective in reducing TTHMs. Support for EPA's determination is contained in the document, "Technologies and Costs for the Removal of Trihalomethanes from Drinking Water," U.S. EPA, Washington, D.C., which is available upon request at the address listed above for submission of comments.

In § 142.60(b) of today's proposed rule, EPA stipulates how it or a state with primary enforcement responsibility (hereinafter referred to as "primacy state") that issues variances shall make the determination as to whether a system shall be required to install and/or use a generally available treatment method. All primacy states that issue

variances are required to exercise their authority to issue variances in a manner no less stringent than the provisions of §§ 142.60 (a) and (b). These provisions are in addition to the current regulations outlining the procedures for granting variances (40 CFR part 142, Subparts C and E). Those regulations and corresponding state regulations shall continue to apply to the issuance of variances from the TTHM MCL to the extent not inconsistent with the rule that EPA is proposing today.

EPA's list identifies the best treatment methods that it finds to be "generally available" to systems required to comply with the TTHM MCL. A system that is unable to achieve compliance with the TTHM MCL must demonstrate to the Administrator pursuant to 40 CFR 142.42(b), or to a primacy state that issues variances pursuant to its corresponding regulations, why any of the above-listed best treatment methods is not "available and effective" for that system. Pursuant to the criteria in § 142.60(b), a treatment method would not be considered to be "available and effective" for an individual system if the treatment method would not be technically appropriate and technically feasible for that system, or would only result in a marginal reduction in TTHMs for that system. By "technically appropriate" the Agency means that the proposed treatment method would be technically compatible with treatment methods then in use by the system and represent sound water utility engineering judgment applied to that system. By use of the term "marginal reduction", the Agency means that a system should not be required to install and use a treatment method where the reduction in TTHMs would be small relative to the existing levels of TTHMs or small relative to the reductions available by use of one or more of the listed generally available treatment methods. The Agency does not intend that systems be required to use treatment methods that will give only small or insignificant reduction reductions in TTHMs. Inasmuch as the costs of installation and use of any of the above-listed treatment methods have been considered by the agency and are anticipated to be relatively low, it is not anticipated that such costs should be a deterrent to requiring a system to install and use any of such treatment methods. The determination respecting the availability and effectiveness of any of the above-listed treatment methods necessarily would be made on a case-by-case basis, considering the operating characteristics and capabilities of the system applying for a variance. If EPA or a primacy state determines that one

of the above-listed best treatment methods is "available and effective" (as defined in § 142.60(b)) for a system and the system has not started or completed installation of the treatment method at the time it applies for a variance, EPA or the primacy state may grant the variance accompanied by a compliance schedule for the expeditious installation of said treatment method.²

IV. Additional Treatment Methods for Reducing TTHMs

In addition to the five generally available best treatment methods, EPA in § 142.60(c) has selected five additional treatment methods not identified as "generally available" pursuant to Section 1415(a)(1)(A). These treatment methods, however, may be available for some systems. If a system receives a variance after complying with the procedures in § 142.60 (a) and (b), the variance-issuing authority must prescribe a schedule, within one year, including increments of progress aimed at bringing the system into compliance with the MCL. See section 1415(a)(1)(A) (i) and (ii). Section 142.60(d) specifies criteria that EPA and primacy states that issue variances shall apply in determining what requirements to include in a compliance schedule accompanying a variance from the TTHM Rule. Such schedules of compliance may include a requirement that the system examine other treatment methods identified below to determine their availability, feasibility, cost and effectiveness. Such an examination may include engineering studies, and for potentially applicable technologies, pilot projects, to determine accurately what reduction in TTHM levels could be achieved by the treatment methods. In prescribing compliance schedules, EPA and primacy states shall consider the potential efficacy of the treatment methods and avoid the requirement for studies of methods that do not have the probability of significantly reducing the levels of TTHMs. The additional treatment methods that EPA believes should be considered as part of a compliance schedule are listed in § 142.60(c) and are:

1. Off-line water storage for THM precursor reduction.
2. Aeration for TTHM reduction, where geographically and environmentally appropriate.³

²An opportunity for public hearing is to be provided by the variance-issuing authority on proposed variances and compliance schedules. Section 1415(a)(1)(A), 42 U.S.C. 300g-4(a)(1)(A). A complete record of these hearings and findings shall be made.

³EPA has qualified the application of aeration for TTHM control in areas where it might not be

¹The term clarification refers to coagulation, sedimentation, filtration, direct filtration, and precipitative softening; however, it is not intended to include requiring replacement of sand in filters with granular activated carbon.

3. Introduction of clarification where not currently practiced.

4. Consideration of alternative sources of raw water.

5. Use of ozone as an alternate or supplemental disinfectant or oxidant.

This list is not intended to be inclusive of all potentially available or effective treatment methods and development of new technology is encouraged. Systems always have the option of proposing studies of other methods. Based on studies by the system and other available information, EPA or a primacy state shall decide whether any of the above-identified treatment methods would achieve a reduction in TTHM levels justifying use of the method. It should be reiterated that installation or use of any of these latter five treatment methods is not required for the granting or continuation of a variance. Section 142.60(d) provides, however, that EPA or a primacy state may decide for a particular system that such treatment methods are technically feasible and economically reasonable, and that the TTHM reductions obtained would be commensurate with the costs incurred with the installation and use of the treatment method. In such a case, EPA or the primacy state shall require, as part of a compliance schedule, installation or use of such methods by the system. This provision is not intended to allow a reopening of the health basis of the standard on a case-by-case basis but rather to allow reasonable judgments on the cost and effectiveness of major changes in sources or treatment.

V. GAC and BAC

The treatment methods described herein do not include two treatment methods that EPA discussed in the TTHM Rule preamble as technologies for potential use in achieving compliance with the TTHM MCL. These technologies are (1) granular activated carbon in either the filter replacement or post filter contractor mode (GAC) and (2) biologically activated carbon or BAC (GAC in combination with an oxidant to encourage removal of biodegradable organics). EPA believes that these technologies (or other technologies) not

geographically or environmentally appropriate. Thus, EPA or primacy states should take into consideration factors such as 1) the efficiency of application in colder climates, 2) whether excessive evaporative water losses would occur in water short areas, 3) whether excessive air concentrations of TTHMs would occur in populated areas in the vicinity of water treatment plants, and 4) whether uncontrollable increases in the corrosivity of the water might occur. The existence of these effects may make aeration geographically or environmentally inappropriate for some systems.

listed as "generally available" pursuant to Section 1415(a)(1)(A) may be studied by some systems for reducing TTHMs. EPA believes further, however, that these methods would consistently achieve substantial reduction of TTHMs only with frequent regeneration at accompanying high costs, or if used without frequent regeneration would not be consistently effective for TTHM control. While EPA encourages systems to study these methods, at this time EPA does not believe that a system should be required to pilot or install these methods in order to obtain a variance or as part of a variance compliance schedule.

VI. Future Goal

In the preamble to the TTHM Rule, EPA stated:

Based upon the performance of developing technologies, it appears that ultimately many public water supplies with currently high TTHM levels may be able to achieve TTHM concentrations as low as 0.010 to 0.025 mg/L and EPA suggests those values as future goals. (44 FR 68629.)

The statement is directed to the possibility that developing technology, treatment techniques or other means may permit public water systems with high THM formation potentials to reduce TTHM levels to below 0.10 mg/L. The statement was intended to encourage public water systems to reduce TTHM levels to the extent feasible. The statement was not meant to suggest a status for the 0.10 mg/L of short duration. However, if some public water systems may be able feasibly to obtain TTHM levels lower than 0.10 mg/L without extraordinary or costly efforts, they are encouraged to do so as long as they do not compromise microbiological quality.

VII. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has determined that today's proposed rule is not a major rule under the terms of the Executive Order. This proposal specifies the treatment methods a system not in compliance with the TTHM MCL would be required to install and/or use to come into compliance with the TTHM Rule. The five best treatment methods "generally available" were selected in part because of their low cost. EPA estimated that total compliance cost with the TTHM Rule was \$19 million. A large portion of this cost was attributed to systems using the high cost treatment methods GAC and BAC. Today's rule provides that EPA will not require any systems to

install GAC or BAC to reduce TTHMs. Today's proposal should lower the cost impact of the TTHM Rule, rather than impose costs.

This proposal was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

VIII. Regulatory Flexibility Act

The Regulatory Flexibility Act requires all Federal agencies to consider the effects of their regulation on "small entities," i.e., small business, small organizations and small governmental jurisdictions. Section 603 of the Act directs agencies to propose for public comment a "regulatory flexibility analysis" for any regulations which will cause a significant impact on a substantial number of small entities.

EPA does not believe that this rule will have significant economic impact on a substantial number of small entities. The TTHM Rule applies to public water systems serving more than 10,000 people and thus some small businesses and governmental jurisdictions are covered by that Rule. In proposing today's rule, however, EPA limited the treatment methods that a system may be required to install and/or use to comply with the TTHM Rule. These treatment methods are each of relative low cost. Therefore, today's proposal should lessen the impact of the TTHM Rule on those small community public water systems affected.

Dated: February 23, 1982.

Anne M. Gorsuch,
Administrator.

PART 142—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

Accordingly, Part 142, Title 40 of the Code of Federal Regulations is hereby amended to include the following new Subpart G:

Subpart G—Identification of Best Technology, Treatment Techniques or Other Means Generally Available

§ 142.60 Variances from the maximum contaminant level for total trihalomethanes.

(a) The Administrator, pursuant to Section 1415(a)(1)(A) of the Act, hereby identifies the following as the best technology, treatment techniques, or other means generally available for achieving compliance with the maximum contaminant level for total trihalomethanes (§ 141.12(c)):

Use of chloramines as an alternate or supplemental disinfectant or oxidant.
Use of chlorine dioxide as an alternate or supplemental disinfectant or oxidant.

Improved existing clarification for THM precursor reduction.

Moving the point of chlorination to reduce TTHM formation, and, where necessary, substituting for the use of chlorine as a preoxidant chloramines, chlorine dioxide, hydrogen peroxide or potassium permanganate.

Use of powdered activated carbon for THM precursor or TTHM reduction seasonally or intermittently at dosages not to exceed 10 mg/L on an annual average basis.

(b) The Administrator in a state that does not have primary enforcement responsibility or a state with primary enforcement responsibility (primary state) that issues variances shall require a community water system to install and/or use any treatment method identified in § 142.60(a) as a condition for granting a variance unless the Administrator or primacy state determines that such treatment method identified in § 142.60(a) is not available and effective for TTHM control for the system. A treatment method shall not be considered to be "available and effective" for an individual system if the treatment method would not be technically appropriate and technically feasible for that system or would only result in a marginal reduction in TTHM for that system. If, upon application by a system for a variance, the Administrator or primacy state that issues variances determines that none of the treatment methods identified in § 142.60(a) is available and effective for the system, that system shall be entitled to a

variance under the provisions of Section 1415(a)(1)(A) of the Act. The Administrator's or primacy state's determination as to the availability and effectiveness of such treatment methods shall be based upon studies by the system and other relevant information. If a system submits information intending to demonstrate that a treatment method is not available and effective for TTHM control for that system, the Administrator or primacy state shall make a finding whether this information supports a decision that such treatment method is not available and effective for that system before requiring installation and/or use of such treatment method.

(c) Pursuant to § 142.43 (c)-(g) or corresponding state regulations, the Administrator or primacy state that issues variances shall issue a schedule of compliance that may require the system being granted the variance to examine the following treatment methods (1) to determine the probability that any of these methods will significantly reduce the level of TTHM for that system, and (2) if such probability exists, to determine whether any of these methods are technically feasible and economically reasonable, and that the TTHM reductions obtained will be commensurate with the costs incurred with the installation and use of such treatment method for that system:

Introduction of off-line water storage for THM precursor reduction.

Aeration for TTHM reduction, where geographically and environmentally appropriate.

Introduction of clarification where not currently practiced.

Consideration of alternative sources of raw water.

Use of ozone as an alternate or supplemental disinfectant or oxidant.

(d) If the Administrator or primacy state that issues variances determines that a treatment method identified in § 142.60(c) is technically feasible, economically reasonable, and will achieve TTHM reductions commensurate with the costs incurred with the installation and/or use of such treatment method for the system, the Administrator or primacy state shall require the system to install and/or use that treatment method in connection with a compliance schedule issued under the provisions of Section 1415(a)(1)(A) of the Act. The Administrator's or primacy state's determination shall be based upon studies by the system and other relevant information. In no event shall the Administrator require a system to install and/or use a treatment method not described in § 142.60 (a) or (c) to obtain or maintain a variance from the TTHM Rule or in connection with any variance compliance schedule.

(Sec. 1415(a)(1)(A) of the Safe Drinking Water Act)

[FR Doc. 82-6038 Filed 3-4-82; 8:45 am]
BILLING CODE 6560-29-M

federal register

Friday
March 5, 1982

Part X

Environmental Protection Agency

**Extension of Date for Complying With
Prohibition of Landfilling of Containerized
Liquid Hazardous Wastes; Public Hearing**

Friday
March 2, 1982

Part X

Environmental
Protection Agency

Extension of Date for Complying With
Prohibition of Landfilling of Certain
Liquid Hazardous Wastes; Public Hearing

Environmental Protection Agency

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 265**

[SW-FRL-2068-8]

**Extension of Date for Complying With
Prohibition on Landfilling of
Containerized Liquid Hazardous
Wastes; Public Hearing****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of public hearing.

SUMMARY: On March 11, 1982, the Environmental Protection Agency (EPA) will hold a public hearing on its February 25, 1982 (47 FR 8304), ninety-day extension of the date for complying with the Agency's regulatory prohibition on the landfilling of containerized liquid hazardous wastes.

DATES: The public hearing will be held on March 11, 1982, starting at 9:00 a.m.

ADDRESSES: The public hearing will be held in Room 3906, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

For general information, contact the RCRA Hotline, 800/424-9346 (382-3000 in Washington, D.C.). For specific information contact John P. Lehman, Acting Director, Land Disposal Division, Office of Solid Waste (WH-565), 401 M Street, Washington, D.C. 20460, 202/755-9185. For copies of the petitions referred to in this notice, contact Deneen Schrader, RCRA Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202/755-9173.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA issued regulations governing the disposal of hazardous waste in landfills which, among other things, prohibited the landfilling of containerized wastes containing "free liquids" (40 CFR § 265.314(b)). This prohibition was not scheduled to

become effective until November 19, 1981.

Shortly after the May 19, 1980 regulations were issued, several parties challenged them in court. See *Shell Oil Company v. EPA*, No. 80-1532 (D.C. Cir.). The petitioners in the *Shell Oil Company* litigation asserted that § 265.314(b) was unduly stringent insofar as it prohibited the landfilling of containerized wastes which contained any amount of free liquids. They argued that it was impractical to expect waste generators and disposers to remove every last drop of liquid from a containerized waste before it could be landfilled. They also contended that containerized wastes containing free liquids could be disposed of safely without such drastic measures and urged the Agency to consider an amendment to its regulations which would allow limited landfilling of containerized wastes containing free liquids.

EPA tentatively decided that the petitioners' claims were meritorious and on February 25, 1982, published a notice in the *Federal Register* proposing two alternative amendments to § 265.314(b) (47 FR 8307). The first would permit the landfilling of containers of waste containing less than 10% free liquids. The second would allow a facility owner or operator to devote a limited percentage of the space available in his landfill to containers that contain any amount of free liquids.

In order to prevent disruption of waste management operations while these alternative proposals were pending, on February 25 EPA also extended the date for complying with the prohibition on landfilling wastes containing free liquids for ninety days (47 FR 8304).

On March 1, 1982, the Hazardous Waste Treatment Council filed a petition for judicial review of the compliance date extension in the United States Court of Appeals for the D.C. Circuit, *Hazardous Waste Treatment Council v. EPA*, No. 82-1207. At the

same time, they filed a petition with EPA for an administrative stay of the extension pending judicial review.

In their administrative petition, the Council argues, among other things, that the Agency did not have adequate input from persons other than the *Shell Oil Company* litigants before making its decision to temporarily extend the compliance date for § 265.314(b), that the extension will have adverse environmental consequences and that the extension will be detrimental to the hazardous waste treatment industry.

The National Solid Wastes Management Association (NSWMA) has also filed a rulemaking petition on the Agency's extension.

EPA believes it should try to obtain additional public comment on these issues before it responds to the Council's and NSWMA's petitions. Accordingly, the Agency will be holding a public hearing on the petitions on March 11, 1982 at the time and place indicated above. The purpose of this hearing will be to give the public an opportunity to comment on these petitions as well as any other issues raised by the extension. In particular, comment is solicited on whether the extension should be terminated or left in place or, as suggested by NSWMA, one of the February 25 proposals should be temporarily put into effect. Written comments will also be accepted at that time. The findings of the hearing panel will be transmitted to the Administrator to assist her in determining whether the extension should remain in effect.

Copies of the Council's and NSWMA's petitions are available from the EPA RCRA Docket Clerk, whose address and telephone number appear above.

Dated: March 3, 1982.

Christopher S. Capper,

Assistant Administrator for Solid Waste and Emergency Disposal.

[FR Doc. 82-6186 Filed 3-4-82; 10:53 am]

BILLING CODE 6560-30-M

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Friday, March 5, 1982

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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
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 4, 1982

Slip Layers

1. The first layer is the base layer, which is the most important layer of the structure. It is the layer that provides the foundation for the entire structure and is responsible for the overall stability and strength of the system.

2. The second layer is the middle layer, which is the layer that provides the most significant contribution to the overall strength and stability of the structure. It is the layer that is most responsible for the overall performance of the system and is the layer that is most likely to be the source of any failure.

3. The third layer is the top layer, which is the layer that provides the most significant contribution to the overall appearance and finish of the structure. It is the layer that is most responsible for the overall aesthetic appeal of the system and is the layer that is most likely to be the source of any cosmetic failure.

Layer	Material	Thickness	Color
1	Concrete	4 inches	Grey
2	Rebar	1/2 inch	Grey
3	Stucco	1/2 inch	White

4. The fourth layer is the finish layer, which is the layer that provides the most significant contribution to the overall appearance and finish of the structure. It is the layer that is most responsible for the overall aesthetic appeal of the system and is the layer that is most likely to be the source of any cosmetic failure.

5. The fifth layer is the final layer, which is the layer that provides the most significant contribution to the overall appearance and finish of the structure. It is the layer that is most responsible for the overall aesthetic appeal of the system and is the layer that is most likely to be the source of any cosmetic failure.

Slip Laws

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