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Tuesday
June 5, 1984

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

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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 week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 904

Termination Order; Grapefruit Grown in a Designated Area in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule terminates Marketing Order 904, which covers grapefruit grown in Southeastern California, and provides for the disposal of assets acquired under this marketing order program. This action is a result of a continuance referendum held during the period April 16–25, 1984, among the eligible producers in the designated production area.

EFFECTIVE DATE: August 31, 1984.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule terminates marketing order No. 904 (7 CFR Part 904), regulating the handling of grapefruit grown in a designated part of California, and provides for disposition of marketing order assets in the possession of or under control of the California Grapefruit Administrative Committee, which locally administers this marketing order program. These actions are in accordance with provisions relating to termination in §§ 904.52 and 904.53 of the order, and section 8c(16) (7 U.S.C. 608c(16)) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), under which this marketing order is effective.

Section 904.52 of the order requires, in part, that referenda be conducted to determine whether continuation of the order is favored by producers in the regulated area. In such referenda, eligible producers representing at least three-fourths of the total number of producers voting, or who have produced for market at least two-thirds of the volume of grapefruit represented in the referendum must vote in favor of continuation, or the Secretary of Agriculture is required to terminate the order. Any termination announced before June 15 of a particular year shall become effective on August 31 of that same year.

Pursuant to a referendum order dated March 29, 1984 (49 FR 12276), a continuance referendum was conducted during the period April 16–25, 1984. All eligible producers were given an opportunity to vote in that referendum. Of those voting, 25 percent by number and 35 percent by volume of production favored continuation of the order. Thus, the requirements for continuation of the order were not met. Therefore, it is found that the order should be terminated.

List of Subjects in 7 CFR Part 904

Grapefruit, Marketing agreements.

Order (a) It is hereby ordered that marketing order No. 904 (7 CFR Part 904) be terminated, effective August 31, 1984.

(b) It is hereby further ordered that:

(1) The members and alternate members of the California Grapefruit Administrative Committee are hereby appointed as trustees for the purpose of liquidating the affairs of this committee, as provided in section 904.53; (2) These trustees shall satisfy any and all California Grapefruit Administrative Committee liabilities, and dispose of all assets in the possession of or under control of the California Grapefruit Administrative Committee by distributing such assets, including funds in the committee's operating reserve, to handlers, in a manner consistent with order provisions: *Provided,* that the trustees may use such funds as are reasonable and necessary to cover liquidation costs; (3) These trustees shall account for all receipts and disbursements and deliver any and all California Grapefruit Administrative Committee records to the Los Angeles Marketing Field Office, F&V, AMS, USDA, 845 S. Figueroa St., Suite 540, Los Angeles, California 90017; and (4) Upon completion of all of the specified duties and responsibilities the members and alternate members of the California Grapefruit Administrative Committee are discharged as trustees and relieved of their powers and duties under this order.

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

Dated: May 30, 1984.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84–15013 Filed 6–4–84; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Reg. 6, Amdt. 31]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action relaxes the minimum grade requirement of Florida Valencia oranges, including other late type oranges to U.S. No. 2 Russet (external) and U.S. No. 1 (internal) for domestic and export shipments. This amendment is effective for the period May 31—September 30, 1984. This action recognizes current and prospective demand for such oranges and is consistent with the remaining crop in the interest of growers and consumers.

EFFECTIVE DATE: May 31, 1984.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William R. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

The regulation with respect to Florida Valencia and other late type oranges, is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended 7 U.S.C. 601–674). This action is based upon information submitted by and recommendation of the Citrus Administrative Committee, and upon other available information.

The minimum grade requirement specified herein reflect the Department's appraisal of the need to relax the grade requirements applicable to Florida Valencia and other late type oranges to U.S. No. 2 Russet (external) and U.S. No. 1 (internal) in recognition of the diminishing available supplies of such fruit. Without this amendment the grade requirement would be U.S. No. 1. The industry has reported continued market demand for the remaining supplies of such fruit. Such revision is designed to augment the total available supply of marketable fruit. It is hereby found that this regulation will tend to effectuate the declared policy of the Act.

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. 533). It is necessary to effectuate the declared purposes of the Act to make this regulatory provision effective as specified. This amendment relieves restrictions on domestic and export shipments of Florida Valencia and other late type oranges.

List of Subjects in 7 CFR 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

PART 905—[AMENDED]

Accordingly, the provisions of § 905.306 are amended by revising the following entries in Table I, paragraph (a), applicable to domestic shipments, and Table II, paragraph (b), applicable to export shipments, to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
* * * * * *			
Oranges:			
Valencia and other late type	5/31/84–9/30/84	U.S. No. 2 Russet (External)	2 5/16
		U.S. No. 1 (Internal)	
	On and after 10/1/84	U.S. No. 1	2 5/16
* * * * * *			

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
* * * * * *			
Oranges:			
Valencia and other late type	5/31/84–9/30/84	U.S. No. 2 Russet (External)	2 5/16
		U.S. No. 1 (Internal)	
	On and after 10/1/84	U.S. No.1	2 5/16
* * * * * *			

* * * * *

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

Dated: May 31, 1984.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84–15008 Filed 6–4–84; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 908

[Valencia Orange Reg. 327, Amdt. 2; Valencia Orange Reg. 329]

Valencia Orange Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Amendment 2 of Regulation 327 further increases the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period May 25–31, 1984. Regulation 329 establishes the quantity of Valencia oranges that may be shipped during the period June 8–14, 1984. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the specified periods due to the marketing situation confronting the Valencia orange industry.

DATES: Amended Regulation 327 (§ 908.627) is effective for the period May 25–31, 1984. Regulation 329 (§ 908.629) becomes effective June 8, 1984.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment and regulation are based upon the recommendation of and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

The amendment and regulation are consistent with the marketing policy for 1983–84. The marketing policy was recommended by the committee following discussion at a public meeting on February 14, 1984, at Ventura, California. The committee met again

publicly on May 29, 1984, and by telephone on May 30, 1984, to consider the current and prospective conditions of supply and demand for California-Arizona Valencia oranges. The committee reports the demand for Valencia oranges is strong. Since there are Valencia oranges available to meet this demand, it is in the interest of producers and consumers to further increase the allotment for the period May 25–31, 1984. However, it is not expected that this level of demand will be maintained for the period June 8–14, 1984. Therefore, a lower allotment is established for that period.

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 Valencia oranges. To effectuate the declared purposes of the Act, it is necessary to make these provisions effective as specified, and handlers have been notified of these actions and their effective dates.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

Section 908.627 Valencia Orange Regulation 327 is revised to read as follows:

§ 908.627 Valencia Orange Regulation 327.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period May 25–31, 1984, are established as follows:

(a) District 1: 423,000 cartons;

(b) District 2: 477,000 cartons;

(c) District 3: Unlimited cartons.

Section 908.629 Valencia Orange Regulation 329 is added to read as follows:

§ 908.629 Valencia Orange Regulation 329.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period June 8–14, 1984, are established as follows:

(a) District 1: 235,000 cartons;

(b) District 2: 265,000 cartons;

(c) District 3: Unlimited cartons.

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

Dated: May 31, 1984.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-14937 Filed 6-4-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Aloha Airlines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Aloha Airlines, Inc. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: May 16, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Aloha Airlines, Inc. on May 16, 1984 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportational lines.

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

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, 8 CFR Part 238 is amended as follows:

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by:

Adding in alphabetical sequence, "Aloha Airlines, Inc."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: May 30, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84-14963 Filed 6-4-84; 8:45 am]

BILLING CODE 4410-10-M

FARM CREDIT ADMINISTRATION

12 CFR Part 618

General Provisions; Technical Assistance and Financially Related Services

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration ("FCA"), by its Federal Farm Credit Board ("Federal Board"), adopts new regulations and amends existing regulations setting out the authorization for technical assistance and financially related services programs and requiring district board policy guidelines and FCA approval for such programs. This regulation allows the Farm Credit System ("System") institutions greater latitude in developing and implementing technical assistance and financially related services programs pursuant to district policies, FCA regulations, and the Farm Credit Act of 1971, as amended (Pub. L. 92–181 as amended by Pub. L. 96–592) ("Act").

EFFECTIVE DATE: Thirty days from this publication date, provided either or both houses of Congress are in session. Notice of the effective date will be published.

FOR FURTHER INFORMATION CONTACT: Charles E. Baker, Financially Related Services Section, (703) 883–4200 or Kenneth L. Peoples, Office of the General Counsel (703) 883–4024, Farm

Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

SUPPLEMENTARY INFORMATION: On November 25, 1983, FCA noticed and published for public comment proposed amendments to 12 CFR Part 618 (48 FR 53126–53127), which combine FCA Regulations § 618.8000, § 618.8010, and § 618.8020 into one regulation, § 618.8000, concerning technical assistance and financially related services. A detailed explanation of the proposed amended regulation 12 CFR 618.8000 may be found in the preamble to the proposed rulemaking in the Federal Register (48 FR 53126). The Federal Board considered each of the comments received and adopted the final regulation at its April 2–4, 1984 meeting.

The new regulation affords System institutions more flexibility to develop and implement assistance and service programs in order to respond to the changing agricultural and financial environment. System institutions must be able to be innovative and develop new products to meet the assistance and service needs of their constituency. Under various provisions of the Act, System institutions are authorized to extend technical assistance and financially related services to System borrowers, applicants, members, and other persons eligible to borrow. The regulation directs district and bank boards of directors desiring to offer new assistance and service programs to establish policies governing the development, implementation, marketing, and offering of technical assistance and financially related services programs within the general regulatory guidelines and submit them to FCA for approval.

The revisions permit the banks to research, develop, and implement new programs with fewer regulatory constraints. In keeping with FCA's intent to reduce its involvement in bank operations and management, the FCA will concentrate its efforts on maintaining a strong supervisory and examination program to evaluate the technical assistance and financially related services implemented by the banks.

Four parties commented on the proposed regulations, representing three Farm Credit districts. Two responses supported the proposed regulation generally and did not offer any suggested changes. The other two commentators did not express objection to the regulation but offered changes that were considered by the Federal Board and are discussed in detail below.

One party suggested that the word "cooperative" be inserted in § 618.8000(a) to assure that cooperatives are included as eligible participants in technical assistance and financially related services programs. The same party also suggested that "by bank management" be substituted in paragraph (b)(5) for the words "by the board" and that the following sentence be added: "Bank management will provide the board with a report on cost effectiveness." This party stated that bank management should develop the cost benefit analyses for consideration by the board of directors. Both of these suggestions were adopted by the Federal Board.

The other party made two comments concerning paragraph (c)(1), which sets forth the required documentation that a district must provide FCA for approval of new services. First, it was suggested that the word "marketing" in the third clause be changed to "selling," to limit the required documentation to the planned distribution of the services and delete the requirement for complete marketing plans. The Federal Board declined to adopt this suggestion as it intends the clause to require complete marketing plans of any proposed service or assistance. This party also suggested that the fourth clause regarding proposed contractual obligations be amended to read "any initial contractual obligations," to clarify that it would not be FCA's intent to approve all program contractual obligations and revisions. The Federal Board believes this addition is unnecessary and therefore did not adopt the proposed change. The Federal Board regards proposed contractual obligations to be an important part of any new assistance and service program and has required such obligations to be submitted as a part of FCA's approval of a new program. The regulation does not state nor suggest that the FCA would require approval of all contractual obligations or revisions after approval has been effected. Such a reading is contrary to the FCA's new policy to give System institutions greater flexibility in providing assistance and services to System borrowers. Following FCA approval of a new program, the FCA will evaluate the bank's performance in implementing the program through its examination and supervisory activities.

List of Subjects in 12 CFR Part 618

Agriculture, Archives and records, Banks, banking, Rural areas.

For reasons set out in the preamble, Part 618 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown:

PART 618—GENERAL PROVISIONS

Subpart A (§ 618.8000) is revised to read as follows:

Subpart A—Technical Assistance and Financially Related Services

Sec.
618.8000 Policy guidelines.

Authority: Sec. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246, 2252).

Subpart A—Technical Assistance and Financially Related Services

§ 618.8000 Policy guidelines.

(a) Banks and associations are authorized to provide such technical assistance and to make available to borrowers, members, applicants, and other persons eligible to borrow, such financially related services appropriate to their on-farm, aquatic, and cooperative operations as may be authorized under policies adopted by district and bank boards.

(b) District and bank boards are authorized to establish policies governing the development, implementation, marketing, and offering of technical assistance and financially related services programs. These policies require the approval of the Farm Credit Administration and shall meet the following general guidelines:

(1) All assistance and services shall be offered to borrowers on an optional basis. Where the bank or association requires assistance or service as a condition to borrow, the bank or association must inform the borrower that he or she may purchase the assistance or service from the bank or association or from any other person or entity offering the same or similar service.

(2) All costs of assistance or services to the user shall be identified and disclosed separately from any interest charge that may be related to the transaction.

(3) The institutions of the System shall cooperate and coordinate the offering of assistance and services programs. Banks and associations within a district shall offer assistance or services through a single program, or, at a minimum, through common programs within a district.

(4) Banks and associations shall maintain such detailed records as are required by the bank to ensure compliance with this regulation and bank policies. Each supervisory bank

shall conduct a review, at least annually, at the bank and association level of each technical assistance and financially related services program offered in the district. The results of the reviews shall be presented to the bank board.

(5) Each bank board shall evaluate the financial feasibility of the bank's financially related services based on annual reports from management. Costs and benefits of closely related programs may be combined in making the financial feasibility evaluation. Bank management shall determine the cost effectiveness of each program through a cost accounting system that records both direct and indirect costs. Indirect benefits may be included but must be determined in a systematic and consistent fashion.

(c) Each technical assistance and financially related services program and the related bank policies must be approved by the Farm Credit Administration. In developing new assistance or services, districts shall provide the following documentation to the Farm Credit Administration:

(1) A complete description of the type of assistance or service(s) to be offered through the program; the persons or entities to be served by the program; the methods to be employed in marketing the program; any contractual obligations to be established between the bank or association, the users, and third parties that may be involved in offering the assistance or service program; and the legal basis for offering the assistance or service program.

(2) Evidence that the bank and associations are providing and supervising a credit program on a high quality and competitive basis and that their respective operations can accommodate diversification through the development, implementation, and operation of a technical assistance or financially related services program.

(3) Evidence that an adequate level of coordination exists among the banks within the district so that the assistance or services programs will be offered by the banks and associations on a coordinated basis.

Donald E. Wilkinson,
Governor.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 19, 24, 113, 125, 141, 142, 143, 144, and 146

[T.D. 84-129]

Customs Regulations Amendments To Revise Customs Form 7501 and To Replace Other Forms

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends various parts of the Customs Regulations to provide for the use of a revised Customs Form 7501 and the elimination of other forms.

In addition to containing all of the data elements necessary for the assessment of duty and collection of import statistics, the revised Customs Form 7501, the "Entry Summary," replaces the following Customs Forms:

1. Customs Forms 7501, 7501A, 7501B, 7501C, the "Consumption Entry;"

2. Customs Forms 7502, 7502A, 7502B, 7502C, the "Warehouse or Rewarehouse Entry;"

3. Customs Form 5101, the "Entry Record;"

4. Customs Form 5119–A, the "Informal Entry" (Only the non-serially numbered 4-part carbon salable form used by the importer would be replaced. The serially numbered Customs Form 5119–A would be retained);

5. Customs Form 7500, the "Appraisement Entry," and

6. Customs Form 7521, the "Entry for Bonded Manufacturing Warehouse, and Permit."

This document includes the revised Customs Form 7501 and instructions as well as the regulations changes.

The purpose of this final rule is to improve the procedure used by Customs for the entry of imported merchandise and the collection of statistics, and to reduce the paperwork burden on the importing community by eliminating forms and assuring that only necessary information will be collected.

EFFECTIVE DATE: January 1, 1985.

FOR FURTHER INFORMATION CONTACT: Herbert H. Geller, Duty Assessment Division (202–566–5307); Dale F. Snell, Jr., Program Planning Staff (202–566–5865); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 95–410 (92 Stat. 888), the "Customs Procedural Reform and Simplification Act of 1978," approved October 3, 1978 (the "Act"), made significant changes in the Customs laws relating to the entry of imported merchandise. A document amending the Customs Regulations to establish new procedures needed to reflect these changes was published as T.D. 79–221 in the **Federal Register** on August 9, 1979 (44 FR 46794).

Section 102 of the Act amended section 484(a), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)), by providing that entry shall be made by filing that documentation necessary to enable Customs to determine whether the merchandise may be released from Customs custody. Section 102 also provided that documentation necessary to classify and appraise merchandise and to verify statistical information shall be filed at the time prescribed by regulation, either when entry is made, or at any time within 10 working days thereafter. Furthermore, section 102 provided for the issuance of regulations to ensure the accuracy and timeliness of statistics under the new entry procedures, particularly statistics with regard to the classification and value of imports.

One of the changes made by T.D. 79–221 involved the revised entry concept. The entry of imported merchandise is a 2-part process consisting of (1) filing the documentation necessary to determine whether merchandise may be released from Customs custody, and (2) filing the documentation which contains information for duty assessment and statistical purposes.

Section 141.0a(a), Customs Regulations (19 CFR 141.0a(a)), defines "entry" to mean that documentation required by § 142.3, Customs Regulations (19 CFR 142.3), to be filed with the appropriate Customs officer to secure the release of imported merchandise from Customs custody, or the act of filing that documentation. Section 141.0a(b), Customs Regulations (19 CFR 141.0a(b)), defines "entry summary" to mean any other documentation necessary to enable Customs to assess duties and collect statistics on imported merchandise, and determine whether other requirements of law or regulation are met.

Entry summary documentation is required to be filed within 10 working days after the "time of entry" as defined in §141.68, Customs Regulations (19 CFR 141.68).

Section 142.3(a)(1), Customs Regulations (19 CFR 142.3(a)(1)), provides that the entry documentation required to secure the release of merchandise shall consist of Customs Form 3461 (also used currently as an application for special permit for immediate delivery), appropriately modified, or Customs Form 7533, appropriately modified, in place of Customs Form 3461 for merchandise imported from a contiguous country (Canada or Mexico).

Section 142.11(a), Customs Regulations (19 CFR 142.11(a)), states that entry summary shall be on (1) Customs Form 7501 for both merchandise formally entered for consumption, and formally entered under a temporary importation bond; (2) Customs Form 3311 for merchandise which may be entered free of duty; and (3) Customs Form 7502 for warehouse entries.

Section 142.3(b), Customs Regulations (19 CFR 142.3(b)), provides that when the entry summary is filed at the time of entry, Customs Form 3461 or 7533 shall not be required, and Customs Form 7501, 7502, or 3311 shall serve as both the entry and entry summary documentation.

For merchandise entitled to be entered under an informal entry, Customs Form 5119–A, or Customs Form 7501, appropriately modified, may be used.

For imported merchandise used in a bonded manufacturing warehouse, Customs Form 7521 shall be used to make entry.

Under the regulations, various Customs forms may be used for the entry of imported merchandise depending upon the circumstances. However, in light of the changes in the entry procedures necessitated by the Act, Customs believes it is beneficial to the importing community and the Government to revise Customs Form 7501 to improve the procedures for entering imported merchandise and at the same time, eliminate other Customs forms. The revised form is a critical element in achieving national uniformity in entry processing.

Furthermore, revising Customs Form 7501 and eliminating other forms is consistent with the objectives of the "Paperwork Reduction Act of 1980" (Pub. L. 96–511, December 11, 1980). In this regard, this project assures that Customs collects only necessary information from the public and eliminates those burdens which are unnecessary and wasteful.

In this regard, on November 1, 1983, Customs published a notice in the **Federal Register** (48 FR 50342), proposing to amend various parts of the Customs Regulations to provide for the use of a revised Customs Form 7501, the "Entry/Entry Summary," and the elimination of the following Customs forms:

1. Customs Forms 7501, 7501A, 7501B, 7501C, the "Consumption Entry;"

2. Customs Forms 7502, 7502A, 7502B, 7502C, the "Warehouse or Rewarehouse Entry;"

3. Customs Form 5101, the "Entry Record;"

4. Customs Form 5119–A, the "Informal Entry" (Only the non-serially numbered 4-part carbon salable form used by the importer would be replaced. The serially numbered Customs Form 5119–A would be retained. All references in the regulations to Customs Form 5119–A would mean the serially numbered form); and

5. Customs Form 7500, the "Appraisement Entry."

The proposal also included a draft of the revised Customs Form 7501 and instructions explaining the use of this form.

Commenters had until January 3, 1984, to submit comments. Based upon the 28 comments received in response to the notice and Customs own initiative, some changes have been made to the proposal. A discussion and analysis of the comments follow.

Discussion of Comments

Format

Comment: Customs Form 7501 should be entitled "Entry Summary", rather than "Entry/Entry Summary".

Response: Customs agrees. Customs Form 7501 will be entitled, "Entry Summary."

Comment: Concerning Customs Form 5101, the following should be considered:

(a) It is not expensive or time-consuming to complete Customs Form 5101, so why eliminate it? Less than 10 percent of Customs Form 7501 need be completed; therefore, there is a paper waste.

(b) Customs Form 5101 should be retained until a new drawback form is available.

(c) When Customs Form 7501 is used for drawback, it need not be signed inasmuch as Customs Form 5101 is not signed when used for drawback.

(d) The instructions for the proposed form do not include an entry type code for drawback. An entry type code of "5" is used presently on Customs Form 5101.

Response: (a) Elimination of Customs Form 5101 is consistent with the policy determination to reduce the number of unnecessary Customs forms whenever possible.

(b) Customs is revising the drawback forms. They may be available before the implementation date of the revised Customs Form 7501. However, in the event the drawback forms are not ready, Customs Form 7501 must be used in the interim.

(c) Customs agrees that when Customs Form 7501 is used for drawback, it need not be signed.

(d) The instructions have been revised to reflect an entry type code of "5" for drawback.

Comment: A unique prefix, such as a "V" designation should be used to indicate visa numbers on Customs Form 7501.

Response: The visa number will have a "V" designation as a prefix.

Comment: More vertical space is needed for boxes 28–35 because the revised form would allow fewer line items per page than the current Customs Form 7501. To obtain more vertical space, consider:

(a) Leaving the boxes for the declaration on the front and retaining the wording on the reverse;

(b) Reducing the space for the ultimate consignee name and address (box 9);

(c) Limiting the location of goods (box 25) to one line; and

(d) Reducing the size of the signature of the declarant, title and date (box 41).

Response: Because the average is 1.8 lines per entry, Customs does not believe there will be a vast increase in number of pages per entry summary. The form will handle 2–3 lines per page. However, the form has been further revised to allow the same vertical space as on the current Customs Form 7501.

(a) Customs disagrees. Every effort was made to eliminate any data on the reverse of the form for clarity and to reduce expenses.

(b), (c), (d) Customs agrees that boxes 9, 25, and 41 are large. However, conformity with the U.N. Layout Key requirements and elimination of unnecessary data elements has resulted in the amount of space provided for these data elements.

Comment: Elimination of the declaration on the reverse of the form will result in little or no reduction in cost of the form.

Response: Customs believes that the cost savings—approximately 5 percent—is more than adequate to justify the change.

Comment: The requirement that additional information be provided on a separate attachment (because of a lack of space on the form) effectively

eliminates any benefits derived from the reduction in forms.

Response: Customs disagrees. The separate attachment will be used only where specific data element instructions so indicate. Instances generally requiring multiple responses (e.g. country of origin, foreign port of lading) will be handled on the form itself.

Comment: Warehouse entries should continue to be a different color.

Response: Customs disagrees. The cost savings achieved in not using a different color will outweigh any administrative savings in processing the form.

Comment: The declaration should not contain language relating to assists and rebates.

Response: Customs notes that section 484(a)(1)(B), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)(1)(B), requires the filing of "such other documentation as is necessary to enable such officer to assess properly the duties on the merchandise, collect accurate statistics with respect to the merchandise, and determine whether any other applicable requirement of law (other than a requirement relating to release from Customs custody) is met." Customs believes that the assist and rebate data provides such information and that, because the importer of record is liable for both submitting the above information and for the payment of duties, he should be required to respond by completing the declaration. Importers should obtain the information necessary to answer these questions in the same manner they obtain the other data for Customs Form 7501. To include the substance of the questions in the declaration on Customs Form 7501 does not increase the reporting burden on the public in contravention of the Paperwork Reduction Act. Customs has determined to require that a declaration be made concerning rebates and assists.

Comment: The revised Customs Form 7501 does not lend itself easily to manual typing (e.g., names and addresses for importer of record and ultimate consignee should be linear).

Response: Customs disagrees. The form is designed for typing manually as well as printing. While the location of data elements was aligned in accordance with the U.N. Layout Key, the size of the elements and tab stops were designed to facilitate preparation.

Comment: Additional room at the top of the form should be allocated for a broker's name and address.

Response: All available space for the broker's name and address has been provided.

Comment: A statistical copy need not be on yellow paper inasmuch as this would add to the cost of printing the form. White paper can be used and the page can be designated "Bureau of Census Copy."

Response: A yellow Customs Form 7501 for statistical purposes is required by the Bureau of Census. Yellow was found to be the best color for identification and microfilm reproduction of the statistics copy. With the importance placed upon accurate trade statistics, this need is more critical than the printing expense to be incurred.

Comment: A single consistent data base covering all petroleum imports must be developed by the Government.

(a) Petroleum statistics could be enhanced if actual sediment and water volumes are deducted for "Out-Turn" volumes reportable.

(b) Petroleum statistics could be further enhanced by requiring four additional elements:

(1) Was the cargo purchased from an affiliate?

(2) Was the cargo purchased F.O.B. port of lifting, C.I.F. port of landing, high seas or other?

(3) What is the country of origin, and crude oil or product type?

(4) What volume was the company invoiced?

Response: Customs cannot revise Customs Form 7501 to accommodate these requested data elements without first soliciting public comments on the proposal. However, it is doubtful that the form could accommodate additional data satisfactorily because of severe space limitations. Additionally, the reporting burden would be a sizable increase for one segment of the importing community.

Data Elements

Comment: Box 1. This box is too small.

Response: The box was designed to handle the new entry numbering system under the Customs Automated Commercial System (ACS), and is adequate.

Comment: Box 2. Entry type codes do not provide for drawback entry.

Response: The omission of a drawback entry code was an oversight. Code "5" has been added for this purpose. Customs anticipates that a new series of entry type codes for ACS may be available before implementation of Customs Form 7501, in which case, the instructions will be so revised.

Comment: Box 3. This box is too large.

Response: Customs intends to date stamp this block and therefore, needs the space.

Comment: Boxes 6 and 7.

(a) Box 6 should be entitled "surety code number" and not "bond number," and

(b) Space should be provided to allow for the recording of a surety's actual bond number.

Response: (a) With implementation of ACS and the revised bond structure, each bond will have its own unique number to facilitate tracking and liability as well as identifying the surety company. In the interim, three digit numeric codes that identify the surety will be collected in this box.

(b) With limited space available, no space can be alloted for a surety company's assigned individual bond number.

Comment: Boxes 9 and 11. The spaces for names and addresses of importers of record and ultimate consignee should be linear.

Response: The form was designed for alignment with the U.N. Layout Key. Location of data elements was somewhat restricted. Also, a horizontal format is contrary to common forms design and completion practices.

Comment: Boxes 10 and 12. The format for IRS numbers does not provide for a suffix thus causing importers to obtain a different number.

Response: In the instructions for those boxes, the second example shown for box 10, lists "IRS number with suffix." The format described is provided.

Comment: Box 15. The box for country of origin holds only one country code. Because most entries cover multiple countries, many entries will require an attachment or additional pages of the form.

Response: The location of a box for country of origin in the header is in conformity with the U.N. Layout Key. Additionally, with an average entry being 1.8 lines, it is reasonable to assume that more entries are covered by one country of origin than multiple countries. For multiple country of origins, as provided in the instructions, the code would be placed in box 28 and be reported per line item, thus not using more space nor requiring any additional attachments.

Comment: Box 25.

(a) The space is too large; and

(b) It should be transposed with box 19, "B/L or AWB No."

Response: (a) and (b) The space and location were so provided to accommodate future reporting requirements for warehouse entries.

Comment: Box 36.

(a) This box is for the declaration of owner or purchaser, or importer of record on behalf of another. There is no provision for a customhouse broker who

merely acts as agent for an owner or purchaser.

Response: The declaration has been amended to correct this oversight.

General Discussion

Comment: Customs should:

(a) Continue to use the current Customs Form 7501 and merely modify it to replace the warehouse, rewarehouse, appraisement, and informal entries;

(b) Replace Customs Form 5101, and manually or automatically place the data appearing thereon on the current forms;

(c) Revise Customs Form 3461 concurrently with Customs Form 7501; and

(d) Revise Customs Form 7501 by stamping it "Entry" and using it as an entry document if Customs Form 3461 is to be eliminated.

Response: (a) The revised Customs Form 7501 is a modification of the current Customs Form 7501 which incorporates the forms cited. Alignment of this form with the U.N. Layout Key requires more changes than a slight modification of the present form. Additionally, with the implementation of ACS and Automated Broker Interface (ABI), further changes were required.

(b) Customs Form 5101 is incorporated into the new form. To do otherwise would still require a revision to the current Customs Form 7501 or require free form information (not in a specified block), on the form.

(c) Customs intends to revise Customs Form 3461 in the future; however, that form is more dependent upon the progress of project ACCEPT than ACS and ABI.

(d) Customs does not plan to eliminate Customs Form 3461 and use Customs Form 7501 in its place.

Comment: There is no need to follow the U.N. Layout Key because Customs Form 7501 is not prepared in conjunction with other documents; it is a national, not an international, form.

Response: Adoption of Customs Form 7501 to the U.N. Layout Key is beneficial for several reasons. Uniform sequence of data presentation provides a convenient link with computer processing, transmission, and output of information. Simplified standardized document preparation and processing provides savings of time, money, and effort. Standardized preparation of data, and multiple use of data, can result in document consolidation and elimination.

Customs continues to support the Administration's goals of furthering trade relations with our trading partners and reducing paperwork burdens. Adoption of this form will emphasize Customs commitment to international treaties and conventions concerned with documentation simplification and standardization, such as the International Convention on the Simplification and Harmonization of Customs Procedures (the Kyoto Convention), to which the U.S. Senate on June 21, 1983, gave its advice and consent to U.S accession. The U.S. instrument of accession to the Kyoto Convention was deposited with the Customs Cooperation Council on October 28, 1983, and became effective on January 28, 1984.

Comment: Uniformity may be achieved through ABI and the Harmonized System and not by the creation of a new entry form.

Response: Customs agrees in part. Perhaps creation of a new or revised form would not, in and of itself, create uniformity, but it does contribute to uniformity and provide the environment for change by being designed to accommodate ACS, ABI, and the Harmonized Code.

Comment: The form currently uses 5 different sets of codes and the new form will utilize 11 different codes which will cause a significant added cost.

Response: Customs disagrees. The use of a standard set of codes will facilitate entry preparation because the codes will require less typing than alpha designations. Further, by using codes, standards will be established which will lead to greater uniformity and also a greater degree of accuracy. When gathering and publishing trade statistics, use of codes will facilitate the collection, reporting, and publishing of that data.

Comment: The revised Customs Form 7501 must be changed again once ABI becomes effective. The expense to convert a system to produce a form which is short-lived is impractical. The burden hour estimate of reduction does not take into account revising the revised Customs Form 7501 again to accommodate ABI.

Response: Customs Form 7501 was revised to accommodate ABI and, therefore, no substantial change due to ABI will be necessary. Therefore, there will be no expense to convert the system for producing a new form. There is no need to consider burden hours for revising the Customs Form 7501 to accommodate ABI beause no revision is planned.

Comment: The revised form cannot accommodate future environments, (e.g., the Tariff Schedules of the United States Annotated (TSUSA) numbers under the Harmonized System has 12 characters instead of the current 8.)

Response: The form was designed to accommodate future environments. Changes due to ACS and ABI and the Harmonized System have already been adopted.

Comment: Cost to reprogram will not be offset by a savings due to forms reduction and will not have a payback within a 3-year period.

Response: Customs experience and information relative to reprogramming costs lead Customs to question the validity of such cost estimates. Doubts are based on the following: (1) A Customs data processing consultant estimates that the cost of reprogramming computers using contract programmers would generally cost $2,000. For an old and complex system for which there is no documentation and knowledgeable programmer, the cost is estimated to be $5,000; and (2) An experienced Customs operator was able to program the output of an OCR version of the Customs Form 7501 in three hours.

Comment: The current form is simple enough and a revised form offers no advantage.

Response: Customs disagrees. The revised form permits the elimination of numerous other forms. A single form will aid in uniformity of entry processing. The revised form accommodates ACS, ABI, and the Harmonized Code as well as providing an overall reduction in data elements required to be reported. Further, it is aligned to the U.N. Layout Key which is a positive step for the United States to take in international trade.

Comment: Why not permit the users of the form to design it?

Response: The regulatory process of soliciting comments on the proposed rule has provided those who use the form, both preparers and readers, to assist in its design. The responsibility for the form must, of course, rest with Customs because it must consider its own needs, those of other agencies who require the information on the form, and also all the users, large and small, brokers or importers, automated and not automated. Further, Customs had to design the form to accommodate Customs automation, (i.e., ACS and ABI) as well as the Harmonized Code and thus was in a better position to design the form.

Comment: The lead time should be longer than six months to allow the current stock of forms to be used.

Response: Customs disagrees. A delayed period of six months after publication of the final rule should be sufficient time.

Comment: Changes to CIF/FOB data.

(a) With the inception of transaction value, there is no longer a need to report PEXT and EPEX values; and

(b) There is a need to report relationship information.

Response: (a) The reporting requirement for PEXT and EPEX values have been eliminated; and

(b) Relationship information will now be reported in column 33 and will be identified with a "Y" (related) or an "N" (not related).

Comment: Specific Comments Requested on Containerized Cargo:

(a) Customs should provide containerized cargo information;

(b) The letter "C" should be used in box 20 "Mode of Transportation" to indicate containerized cargo;

(c) Box 20 should be subdivided (e.g., show code 10 for non-containerized marine transport and code 11 for containerized marine transport);

(d) Customs should provide additional subdivision for LASH, drybulk, and tanker shipments;

(e) Customs should use code 40 for air shipments in containers and 41 for non-containerized air shipments; and

(f) Instructions for providing containerized information should appear on the form itself.

Response: In the November 1, 1983, notice, specific comments were requested on the use of the letter "C" along with the code number in box 20 to designate those shipments which were containerized. While those who provided comments did approve of providing containerized cargo information, some commenters offered additional suggestions. The code numbers originally were single numeric digits. A zero was placed after each to allow for expansion within a given category. For example, code 10, sea shipments, could possibly have 10 subdivisions for future use depending upon the need for such information. Customs believes that the request for detailed containerization data meets the requirement for such need. However, there must be consistency in the use of the codes or uniformity in reporting will be lost. Therefore, Customs has determined to account for all means in which containers are used. The following will be the new codes for modes of transportation:

10—Vessel, noncontainer
11—Vessel, container
20—Rail, noncontainer
21—Rail, container
30—Road, noncontainer
31—Road, container
40—Air, noncontainer
41—Air, container.

All instructions for use of the form are self-contained. Customs, therefore, disagrees that instructions for the use of this box should appear on the form itself.

Other Changes

For imported merchandise used in a bonded manufacturing warehouse, Customs Form 7521, the "Entry For Bonded Manufacturing Warehouse, and Permit" shall be used to make entry. Customs has determined to eliminate this form and use Customs Form 7501 in its place. Therefore, § 19.14(a), and §§ 141.61(e)(1)(i)(A), (e)(1)(ii)(B), (e)(1)(ii)(C)(1), (f)(1)(iv) and (f)(2)(i), (19 CFR 19.14(a), 141.61(e)(1)(i)(A), (e)(1)(ii)(B), (e)(1)(ii)(C)(1), (f)(1)(iv), (f)(2)(i)), are being amended accordingly.

Action

This document amends various parts of the Customs Regulations to provide for the use of a revised Customs Form 7501, the "Entry Summary," and the elimination of the following Customs Forms:

1. Customs Forms 7501, 7501A, 7501B, 7501C, the "Consumption Entry;"
2. Customs Forms 7502, 7502A, 7502B, 7502C, the "Warehouse or Rewarehouse Entry;"
3. Customs Form 5101, the "Entry Record;"
4. Customs Form 5119–A, the "Informal Entry" (Only the non-serially numbered 4-part carbon salable form used by the importer would be replaced. The serially numbered Customs Form 5119–A would be retained. All references in the regulations to Customs Form 5119–A would mean the serially numbered form);
5. Customs Form 7500, the "Appraisement Entry;" and
6. Customs Form 7521, the "Entry For Bonded Manufacturing Warehouse, and Permit."

This document also includes the revised Customs Form 7501 (Attachment A) and instructions explaining the use of this form (Attachment B).

Changes to the regulations necessitated by enactment of Pub. L. 97–446 (January 12, 1983), relating to importers of record and consignees, will be the subject of a separate document. However, the declaration appearing on the front of Customs Form 7501 has been revised to conform to the new provisions of this statute.

Specifications of Customs Form 7501

The Government-printed revised Customs Form 7501, the "Entry Summary," consists of a carbon interleaved set of 5 pages, each page 8½" x 11". As a minimum, Customs requires the following pages to be filed for each entry:

Page 1. Original—white color for Customs.

Page 2. Cashier Copy—white color for Customs.

Page 3. Statistical Copy—yellow color for Bureau of Census.

The 4th and 5th pages may be used as a permit copy, receipt copy, or to fulfull a requirement of another agency such as in an antidumping duty or countervailing duty case.

The Government also will print a revised Customs Form 7501A, "Entry Summary Continuation Sheet" consisting of a carbon interleaved set of 5 pages, each 8 ½" x 11". If all line items cannot be contained on Customs Form 7501, the importer may use either (1) another Customs Form 7501 set and leave the header information blank, or (2) the continuation sheet Customs Form 7501A set.

The entry number must appear on each additional sheet.

When Customs Form 7501 is used as an informal entry, only the following encircled boxes and columns must be completed: 1, 2, 5, 11, 12, 13, 15, 17, 18, 19, 23, 27, 28, 29, 30A, 31A, 32, 33A, 34A, 34C, 35, 36, 37, 38, 39, 40, and 41.

Discussion of Customs Form 7501

The revised Customs Form 7501 and instructions appended hereto are part of a continuing Customs effort to improve the procedures for entering imported merchandise and collecting statistics. The form reduces the paperwork burden on the importing community and Customs by eliminating specified Customs forms and ensuring that only necessary data will be collected from the public.

Customs recognizes and appreciates the concern of members of the public and other agencies desiring Customs to collect additional data elements. However, Customs cannot adopt all of the suggestions and still be consistent with its objective of streamlining commercial procedures and the Administration's goal of reducing public reporting burdens and paperwork. This is especially so in this era of austerity when Customs is faced with an ever-increasing workload and declining resources. In fact, Customs has determined to eliminate some items on Customs Form 7501 that are useful, but not essential, to the performance of its mission.

The revised Customs Form 7501 has been redesigned to emphasize economy and the instructions have been simplifed and clarified. There will be an overall reduction in costs to brokers and importers because of the elimination of specified forms, and the reduction in the

number of data element boxes and columns.

Production and printing costs will be reduced because there is a minimum number of copies required for each interleaved set of the form; all printing appears on one side; there is a minimum number of tab stops; and there are no spot carbons.

Data collection has been streamlined consistent with automation and the form is compatible with computer printers. Wherever possible, codes have been used in place of words.

The form addresses current requirements and future needs such as ACS, ABI, the Harmonized System, and the proposed new bond system.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b), Title 5, United States Code (as added by section 3 of the Regulatory Flexibility Act (Pub. L. 96–354), it is hereby certified that the rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Three areas of public comments were relevant in reaching these conclusions:

(a) Computer reprogramming costs—Commenters claim that substantial new costs would be generated to reprogram computers. Computer reprogramming costs will indeed involve new costs of from $2,000 (in the simplest case) to $5,000 (in the most complex case). However, virtually all automated parties processing Customs Form 7501 are *large* brokerage/inporting companies. Applicability of the terms of the Regulatory Flexibility Act require that significant effects be considered for *small* firms.

(b) Forms elimination—Commenters contend that forms elimination will not occur to a significant degree. Customs believes that eliminating an estimated 4.8 million forms is indeed a substantial paperwork burden reduction with significant dollar savings accruing to broker/importers of any size.

(c) Data needs of ACS and ABI programs—Commenters state that a further, later revision would be required to bring the Customs Form 7501 into conformance with expected ACS/ABI data needs. Those data needs were anticipated and built in as an integal and explicit part of this Customs Form 7501 revision. No substantial revision of the form will be necessary to include the data needs of ACS/ABI.

Paperwork Reduction Act

Pursuant to section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) this document is subject to review by the Office of Management and Budget (OMB). This document has been assigned No. 1515–0065.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 10

Customs duties and inspection, Wildlife.

19 CFR Parts 19 and 144

Customs duties and inspection, Warehouse.

19 CFR Part 24

Customs duties and inspection, Accounting.

19 CFR Part 113

Customs duties and inspection, Surety bonds.

19 CFR Part 125

Customs duties and inspection, Freight forwarders.

19 CFR Parts 141, 142, and 143

Customs duties and inspection, Imports.

19 CFR Part 146

Customs duties and inspection, Foreign-trade zones.

Amendments to the Regulations

Parts 10, 19, 24, 113, 125, 141, 142, 143, 144, and 146, Customs Regulations (19 CFR Parts 10, 19, 24, 113, 125, 141, 142, 143, 144, and 146) are amended as set forth below.

Approved: May 14, 1984.

William von Raab,
Commissioner of Customs.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Section 10.91(a) is revised to read as follows:

§ 10.91 Importation under item 306.00; entry or withdrawal under bond.

(a) The entry summary for wool or hair of the camel [82] imported for use in the manufacture of any of the articles enumerated in item 306.00, Tariff Schedules of the United States (TSUS),[83] shall be made on Customs Form 7501 and filed with the entry documentation listed in § 142.3(b) of this chapter before the merchandise shall be released. If the merchandise is to be entered for warehouse, the entry summary also shall be made on Customs Form 7501 and filed with the entry documentation listed in § 142.3(b) of this chapter. In either case, Customs Form 7501 shall serve as both the entry and the entry summary.

* * * * *

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95–410 (Oct. 3, 1978); Pub. L. 96–511 (Dec. 11, 1980))

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

§ 19.11 [Amended]

1. Section 19.11(b) is amended by removing "7502" and inserting, in its place, "7501".

§ 19.14 [Amended]

2. The first sentence of § 19.14(a) is amended by removing "7521" and inserting, in its place, "7501".

3. Section 19.14(a) is further amended by removing the third sentence.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95–410 (October 3, 1978); Pub. L. 96–511 (December 11, 1980))

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The fourth sentence of § 24.5(d) is revised to read as follows:

§ 24.5 Filing identification number.

* * * * *

(d) *Optical additional identification.* * * * Transactions may be associated with a specific branch office or vessel by reporting the appropriate identification number, including the two-digit suffix code, on Customs Form 7501 or the request for services.

* * * * *

2. The first sentence of § 24.5(e) is amended by removing "5101" and inserting, in its place, "7501".

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95–410 (October 3, 1978); Pub. L. 96–511 (December 11, 1980))

PART 113—CUSTOMS BONDS

Section 113.41 is revised to read as follows:

§ 113.41 Entry made prior to production of documents.

When entry is made prior to the production of a required document, the importer shall indicate in the "Missing Documents" box (box 16) on Customs Form 7501 the missing document, whether the importer gives bond on Customs Form 7551 or 7553, or other appropriate form, or stipulates to produce such document.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

1. Section 125.31(b) is revised to read as follows:

§ 125.31 Documents used.

* * * * *

(b) Customs Form 7501, Entry Summary, annotated "Permit".

* * * * *

2. Section 125.32 is revised to read as follows:

§ 125.32 Merchandise delivered to a bonded store or bonded warehouse.

When merchandise is carted or lightered to and received in a bonded store or bonded warehouse, the proprietor or his representative shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of the permit, Customs Form 7501, and countersign the document acknowledging receipt of the merchandise as listed thereon.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 141—ENTRY OF MERCHANDISE

1. Paragraphs (a)(2), (d), (e)(1)(i)(A), (e)(1)(ii)(B) and (e)(1)(ii)(C) of § 141.61 are revised to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

(a) *Preparation.* * * *

(2) An importer may omit from the warehouse withdrawal for consumption, Customs Form 7505 or 7519, the marks and numbers previously provided for packages released or withdrawn.

* * * * *

(d) *Importer number.* The importer number shall be reported on Customs Form 7501 as follows:

(1) *Generally.* Except as provided in paragraph (d)(2) of this section, the importer number of the importer of record and the consignee number of the ultimate consignee shall be reported for each entry summary and for each drawback entry. When the importer of record and the ultimate consignee are the same, the importer number may be entered in both spaces provided on Customs Form 7501 (boxes 10 and 12) or the importer number may be entered in the space provided for the importer (box 12) and the word "SAME" may be entered in the space provided for the ultimate consignee (box 10).

(2) *Exception.* In the case of a consolidated entry summary covering the merchandise of more than one ultimate consignee, the importer number shall be reported on Customs Form 7501 (box 12) and the notation "CONSOLIDATED" shall be made in the space provided for the consignee number (box 10).

(3) *When refunds, bills, or notices of liquidation are to be mailed to agent.* If an importer of record desires to have refunds, bills, or notices of liquidation mailed in care of his agent, the agent's importer number shall be reported on Customs Form 7501 in the box designated "Reference No" (box 22). In this case, the importer of record shall file, or shall have filed previously, a Customs Form 4811 authorizing the mailing of refunds, bills, or notices of liquidation to the agent.

(4) *Broker No.* If a broker is used, the broker's number shall be reported in the appropriate location on Customs Form 7501.

(e) *Statistical information.—(1) Information required on entry summary or withdrawal form.—(i) Where form provides space.—(A) Single invoice.* For each class or kind of merchandise subject to a separate statistical reporting number, the applicable information required by the General Statistical Headnotes, Tariff Schedules of the United States Annotated ("TSUSA"), shall be shown on the entry summary, Customs Form 7501; the transportation entry and manifest of goods, Customs Form 7512, when used to document an incoming vessel shipment proceeding to a third country by means of an entry for transportation and exportation, or immediate exportation; the rewarehouse entry, Customs Form 7519; the withdrawal form, Customs Form 7505 or 7506, in the space provided.

* * * * *

(ii) *Where the form does not provide space.* * * *

(B) The notation "Y" or "N" as appropriate, shall be placed in column 33 of Customs Form 7501, and at the top of columns 3, 4, and 5 of Customs Forms 7505 and 7506, and in the top right hand portion of Customs Form 7519, to identify the transaction as one between a buyer and a seller who are related in any manner, or as one between a buyer and a seller who are not so related.

(C) The charges (aggregate cost of freight, insurance and all other charges), shall be listed on Customs Form 7501 in column 33. The charges shall be listed on Customs Forms 7505 and 7506 in column 4 immediately below the TSUSA reporting numbers. The charges shall be listed on Customs Form 7519 in the rate column.

* * * * *

2. The last sentence of § 141.61 (f)(1)(iv) and (f)(2)(i) is revised to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

* * * * *

(f) *Value of each invoice—*

(1) *Single invoice.* * * *

(iv) * * * The required information shall be shown on a worksheet attached to the form or placed across columns 30 and 31 on Customs Form 7501 and in the same general location on Customs Forms 7505, 7506, and 7519.

* * * * *

(2) *Multiple invoices.* (i) * * * The required information shall be shown on a worksheet attached to the form or placed across columns 30 and 31 on Customs Form 7501 and in the same general location as Customs Forms 7505, 7506, and 7519.

§ 141.68 [Amended]

3. The first sentence of § 141.68(h) is amended by removing "7500" and inserting, in its place, "7501".

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 142—ENTRY PROCESS

§ 142.3 [Amended]

1. Section 142.3(b)(2) is amended by removing "7502,".

2. Section 142.11(a) is revised to read as follows:

§ 142.11 Entry summary form.

(a) *Customs Form 7501.* The entry summary shall be on Customs Form 7501

unless a different form is prescribed elsewhere in this chapter. Customs Form 7501 shall be used for merchandise formally entered for consumption, formally entered for warehouse, or rewarehouse in accordance with § 144.11 of this chapter, and formally entered under a temporary importation bond under § 10.31 of this chapter. The entry summary for merchandise which may be entered free of duty in accordance with § 10.1 (g) or (h) of this chapter may be on Customs Form 3311 instead of on Customs Form 7501. For merchandise entitled to be entered under an informal entry, see § 143.23 of this chapter.

* * * * *

3. The last sentence of § 142.16 (a) and (b) is revised to read as follows:

§ 142.16 Entry summary documentation.

(a) *Entry summary not filed at time of entry.* * * * The entry summary documentation also shall include any other documents required for a particular shipment unless a bond for missing documents is on file, as provided in § 141.66 of this chapter.

* * * * *

(b) *Entry summary filed at time of entry.* * * * The importer also shall file any additional invoice required for a particular shipment.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95–410 (October 3, 1978); Pub. L. 96–511 (December 11, 1980))

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

1. Section 143.12 is revised to read as follows:

§ 143.12 Form of entry.

Application for an entry by appraisement shall be made in triplicate on the entry summary, Customs Form 7501.

2. The heading and text of § 143.24 is revised to read as follows:

§ 143.24 Preparation of Customs Form 7501 and Customs Form 5119–A.

Customs Form 7501 may be prepared by importers or their agents or by Customs officers when it can be presented to a Customs cashier for payment of duties and taxes and for numbering of the entry before the merchandise is examined by a Customs officer. Where there is no Customs cashier, Customs Form 5119–A must be used, and it shall be prepared by a Customs officer unless the form can be prepared under his control by the importer or agent for immediate use in clearing merchandise under the informal entry procedure. The conditions for the preparation of Customs Form 7501 by importers or their agents, as described in the first sentence of this section, do not apply to the acceptance of these entries for shipments not exceeding $250 in value released under a special permit for immediate delivery in accordance with Part 142 of this chapter.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95–410 (October 3, 1978); Pub. L. 96–511 (December 11, 1980))

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

1. Section 144.11 (a), (b), and (c) are revised to read as follows:

§ 144.11 Form of entry.

(a) *Entry.* The documentation required by § 142.3 of this chapter shall be filed at the time of entry. If the entry summary, Customs Form 7501, is filed at the time of entry for merchandise to be entered for warehouse, it shall serve as both the entry and the entry summary, and Customs Form 3461 or 7533 shall not be required. If the entry summary is not filed at the time of entry, it shall be filed within the time limit prescribed by § 142.12 of this chapter. If merchandise is released before the filing of the entry summary, the importer shall have a bond on file, as prescribed by § 142.4 of this chapter.

(b) *Customs Form 7501.* The entry summary for merchandise entered for warehouse shall be executed in triplicate on Customs Form 7501, appropriately modified, and shall include all of the statistical information required by § 141.61(e) of this chapter. The district director may require an extra copy or copies of Customs Form 7501, annotated "PERMIT" for use in connection with delivery of the merchandise to the bonded warehouse.

(c) *Designation of warehouse.* The importer shall designate on the entry summary, Customs Form 7501, the bonded warehouse in which he desires his merchandise deposited.

* * * * *

§ 144.12 [Amended]

2. Section 144.12 is amended by removing "7502" and inserting, in its place, "7501".

3. The introductory paragraph of § 144.14 is amended by removing "7502" and inserting, in its place, "7501".

4. The first sentence of § 144.36(b) is amended by removing "7502" and inserting, in its place, "7501".

5. Sections 144.41 (b) and (d) are revised to read as follows:

§ 144.41 Entry for rewarehouse.

* * * * *

(b) *Form of entry.* An entry for rewarehouse shall be made in duplicate on Customs Form 7501 and shall contain all of the statistical information as provided in § 141.61(e) of this chapter. The district director may require an extra copy or copies of Customs Form 7501, annotated "PERMIT," for use in connection with the delivery of the merchandise to the warehouse. No declaration is required on the entry.

* * * * *

(d) *Bond.* A bond on Customs Form 7555 or other appropriate form shall be filed before a permit is issued on Customs Form 7501 for sending the merchandise to the bonded warehouse. However, no entry bond shall be required if the merchandise is entered by the consignee named in the original warehouse entry bond filed at the original port of entry, or if it is entered by a transferee who has established his right to withdraw the merchandise and has filed a bond in accordance with subpart C of this part.

* * * * *

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95–410 (October 3, 1978); Pub. L. 96–511 (December 11, 1980))

PART 146—FOREIGN-TRADE ZONES

The introductory text of § 146.21(c) is amended by removing "7502" and inserting, in its place, "7501".

(R.S. 251, as amended (19 U.S.C. 66), section 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95–410 (October 3, 1978); Pub. L. 96–511 (December 11, 1980))

Editorial Note:—Attachments A and B will not be published in the Code of Federal Regulations.

BILLING CODE 4820-02-M

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

ENTRY SUMMARY

Attachment A

(1) Entry No	(2) Entry Type Code	3 Entry Summary Date
4 Entry Date	(5) Port Code	
6 Bond No	7 Bond Type Code	8 Broker/Importer File No

9 Ultimate Consignee Name and Address	10 Consignee No	(11) Importer of Record Name and Address	(12) Importer No
		(13) Exporting Country	14 Export Date
		(15) Country of Origin	16 Missing Documents
State		(17) I T No	(18) I T Date
(19) B L or AWB No	20 Mode of Transportation	21 Manufacturer I D	22 Reference No
(23) Importing Carrier	24 Foreign Port of Lading	25 Location of Goods/G O No	
26 U S Port of Unlading	(27) Import Date		

(28) Line No	(29) Description of Merchandise: (30) (A) T S U S A No / B ADA CVD Case No	(31) (A) Gross Weight / B Manifest Qty	(32) Net Quantity in T S U S A Units	33 (A) Entered Value / B CHGS / C Relationship	34 (A) T S U S A Rate / B ADA/CVD Rate / (C) I R C Rate / D Visa No	(35) Duty and I R Tax: Dollars	Cents

(36) Declaration of Importer of Record (Owner or Purchaser) or Authorized Agent

I declare that I am the
☐ importer of record and that the actual owner purchaser, or consignee for customs purposes is as shown above OR ☐ owner, or purchaser or agent thereof

I further declare that the merchandise
☐ was obtained pursuant to a purchase or agreement to purchase and that the prices set forth in the invoice are true OR ☐ was not obtained pursuant to a purchase or agreement to purchase and the statements of the actual value or price are true to the best of my knowledge and belief

I also declare that the statements in the documents herein fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions, and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed. I will immediately furnish to the appropriate customs officer any information showing a different state of facts.

Notice required by Paperwork Reduction Act of 1980. This information is needed to ensure that importers exporters are complying with U.S. customs laws, to allow us to compute and collect the right amount of money, to enforce other agency requirements, and to collect accurate statistical information on imports. Your response is mandatory.

▼ U.S. CUSTOMS USE ▼		TOTALS	
A Liq Code	B Ascertained Duty	(37) Duty	
	C Ascertained Tax	(38) Tax	
	D Ascertained Other	(39) Other	
	E Ascertained Total	(40) Total	

(41) Signature of Declarant, Title, and Date

Customs Form 7501 (030984)

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

ENTRY SUMMARY CONTINUATION SHEET

(1) Entry No

(28) Line No	(29) Description of Merchandise: 30 (A) T.S.U.S.A. No / B ADA/CVD Case No	31 (A) Gross Weight / B Manifest Qty	(32) Net Quantity in T.S.U.S.A. Units	33 (A) Entered Value / B CHGS / C Relationship	34. (A) T.S.U.S.A. Rate / B ADA/CVD Rate / (C) I.R.C. Rate / D Visa No	(35) Duty and I.R. Tax: Dollars	Cents

Customs Form 7501A (030984)

BILLING CODE 4820-02-C

1. Entry No.

Record the 12 digit numeric code. Always begin with the three digit code assigned to importers and brokers, followed by the last two digits of the fiscal year and the six digit entry number, and finally, the one digit check digit. Importer and broker codes, entry numbers, and check digits are preassigned to importers and brokers by Customs or may be obtained individually from a Customhouse entry unit. The acceptable format is as follows:

```
NNN NNNNNNNN N
 1      2    3
```

1. Importer/broker code number
2. Fiscal year and entry number
3. Check digit

Note.—A new series of eleven character entry numbers that will incorporate a three digit importer/broker filer code is planned. Until this series is adopted and due to space limitations in this block, the existing three digit importer/broker code numbers shall be recorded outside and immediately to the left of block #1.

Example:

NNN | 1. Entry No. NNNNNNNN N

2. Entry Type Code

Record the appropriate entry type code by selecting the one digit code for the type of entry summary being filed:

Entry type	Entry type code
Dutiable Consumption	1
Vessel Repair	2
Appraisement (see special instructions)	3
Warehouse, or	4
Rewarehouse	4
Drawback	5
Bonded A/C Fuel	6
Free Consumption	7
Informal (see special instructions)	0

For all merchandise constructively transferred into the U.S. Customs territory from a U.S. Foreign Trade Zone (or subzone), the initials FTZ should follow the entry type code number.

Note.—A new two digit entry type code is planned which will uniquely identify all entry types including informals, quota, TIB etc.

The new procedures for Entry and Entry Type Code discussed above were the subject of a separate Federal Register Notice (Vol. 49, No. 9, Friday, January 13, 1984).

3. Entry Summary date

This block is for Customs use only to record the date the entry/entry summary is filed (6 digit numeric code showing month, day, and year—MMDDYY).

4. Entry date

Record the 6 digit numeric code; month, day, and year—MMDDYY. Normally, the date the goods are released except for immediate delivery, quota goods, or where importer/broker requests another date prior to release (see 19 CFR 141.68).

5. Port Code

Record the four digit numeric code of the port where the entry summary is filed. Port codes are to be found in Annex A of the TSUSA. The port code should be shown as follows:

NNNN (no spaces or hyphens)

Note.—These instructions will be published in pamphlet form and the schedule D port codes (currently listed as Annex A of the TSUSA) will be reproduced in their entirety as an appendix to the instructions).

6. Bond No.

Record the 3 digit numeric code that identifies the surety company on the bond. The code number is obtained from the ADP report entitled "Surety Master File" which is updated periodically. For U.S. Government importations and other entry types not requiring surety, the code 999 should appear in this block. (**Note:** This block is intentionally labeled "Bond No." rather than Surety Code No. Ultimately, bond numbers which will be unique to each surety will be recorded here).

7. Bond Type Code

Record the 1 digit numeric code as follows:

0 U.S. Government or Appraisement Entry Bond
1 Single Entry Bond
2 Consumption Term Bond
3 Temporary Importation Term Bond
4 Vessel Term Bond
5 General Term Bond

8. Broker/Importer File No.

This block is reserved for a broker's or importer's internal file number.

9. Ultimate Consignee Name and Address

Record the name and address, including zip code, of the individual or firm for whose account the merchandise is imported (if same as importer of record, record "SAME"), and enter the U.S. Postal Service's standard two-letter state or territory abbreviation in the space provided to identify the ultimate consignee state.

If entry summary represents a consolidated shipment, leave blank.

10. Consignee No.

Record the IRS, Customs assigned, or Social Security number (not required if the same as importer of record).

For consolidated shipments, enter the word "CONSOLIDATED" in capitals in this block.

Only the following formats shall be used:

IRS number	NN-NNNNNNN
IRS number with suffix	NN-NNNNNNNXX
Customs assigned number	NNNN-NNNNN
Social Security number	NNN-NN-NNNN

11. Importer of Record Name and Address

Record the name and address, including zip code. The importer of record is the individual or firm liable for payment of all duties and meeting all statutory and regulatory requirements incurred as a result of importation.

12. Importer No.

Record the IRS, Customs assigned, or Social Security number of the importer of record. For format, see instructions under "Consignee No."

13. Exporting Country

Record the exporting country utilizing ISO Alpha-2 country codes specified in the International Standard ISO 3166. (Note: Upon final acceptance of these instructions, they will be published in pamphlet form and the ISO Alpha-2 country codes (International standard ISO 3166) will be reproduced in their entirety as an appendix to the instructions).

The country of exportation shall be the country of origin except when the merchandise while located in a third country is the subject of a new purchase. In which event, the third country shall be regarded as the exporting country.

For merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

14. Export Date

For merchandise exported by vessel record the month, day, and year on which the carrier departed the last port in the exporting country (format: MMDDYY).

For merchandise exported by air, record the month, day, and year in which the aircraft departed the last airport in the exporting country (format: MMDDYY).

For overland shipments from Canada or Mexico and shipments where the port of lading is located outside the exporting country (e.g., goods are exported from Switzerland but laden and shipped from Hamburg, West Germany), record the month, day, and year in which the goods crossed the border of the exporting country (Switzerland in this example) (format: MMDDYY).

For mail shipments, record the date of export as noted on the Customs Form 3509, Notice to Addressee (format: MMDDYY).

For goods entering the U.S. Customs Territory from a U.S. Foreign Trade Zone, leave blank.

15. Country of Origin

Record the country of origin utilizing the ISO country codes specified in International Standard ISO 3166. (Note.—These instructions will be published in pamphlet form and the ISO Alpha-2 country codes (International standard ISO 3166) will be reproduced in their entirety as an appendix to the instructions).

The country of origin is the country of manufacture, production, or growth of any article of foreign origin. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the "country of origin."

When the merchandise is invoiced in or exported from a country other than that in which it originated, the actual country of origin shall be specified rather than the country of invoice or exportation.

When a single entry summary covers merchandise from more than one country of origin, record the word MULTI in this block and in column 28 directly below the line number, indicate a separate ISO code for the country of origin corresponding to each line item.

16. Missing Documents

Record the appropriate document code number(s) to indicate any documents not available at the time of filing the entry summary.

The following codes shall be used:

01. Commercial invoice
02. Form A
03. CF 3311
04. Assembly Declaration (C.R. 10.24(a)(1))
05. Declaration of Foreign Shipper (C.R. 10.1., 10.9(e), 10.84)
06. Importer Declaration (C.R. 10.9(f), 10.24(a)(2), 10.84)
07. Repair Affidivit (C.R. 10.8)
08. CF 4455
09. CF 3321 (C.R. 10.43, 10.44, 10.52, 10.75)
10. CF 5523 (C.R. 141.89)
11. CF 3291 (C.R. 12.41)
12. Original Manufacturer's Purchase Order (C.R.10.84(c))
13. Artist's Declaration (C.R. 10.48(b)(1))
14. Lease Statement (C.R. 10.108(b))
15. Re-melting Certificate (C.R. 54.6(a))
16. Corrected Commercial Invoice (C.R. 141.89, et al)
17. Other Agency Forms (C.R. Part 12)
18. Duty free entry certificate (C.R. 10.101, 832.00 TSUSA)

19 to 98. Reserved

99. If more than two documents are missing, record the code number for the first document, and insert code "99" for the second and any additional documents.

17. I.T. Number

Record the In Transit Entry number (CF 7512).

18. I.T. Date

Record the date of the In Transit Entry (CF 7512) (format: MMDDYY).

19. B/L or AWB No.

Record the number assigned on the manifest by the international ocean or air carrier delivering the goods to the United States.

For imports by rail or truck or any other means other than sea or air, leave blank.

20. Mode of Transportation

Record the method of transportation by which the imported merchandise entered the first U.S. port from the last foreign country utilizing the following 2 digit numeric codes:

10—Vessel, non-container (including all cargo at first U.S. port of unlading aboard a vessel regardless of later disposition. Lightered, land bridge, and LASH all included.)
11—Vessel, container
20—Rail, non-container
21—Rail container
30—Road, non-container (including all cargo via highway. Foot and animal borne are considered road).
31—Road, container
40—Air, non-container
41—Air, container
50—Mail
60—Not used at this time
70—Fixed transport installation (includes pipeline, powerhouse, etc.)
80—Not used at this time
90—Unknown

For merchandise entering the U.S. territory from a U.S. Foreign Trade Zone, leave blank.

21. Manufacturer I.D.

This block is provided to accommodate a future reporting requirement.

(Note.—For future reference, manufacturers will be identified by their telex number or if not available, their telephone number. Country codes used in conjunction with telex and telephone numbers (manufacturer's number) will then uniquely identify each foreign firm.)

22. Reference No.

Record the IRS, Customs assigned, or Social Security number of the individual or firm to whom refunds, bills or notices of extension or suspension of liquidation are to be sent.

For correct format of number, see instructions under "Consignee No."

23. Importing Carrier

For merchandise arriving in the U.S. by vessel, record the name of the vessel which transported the merchandise from the foreign port of lading to the first U.S. port of unlading (Note: Vessel identifier codes that are currently acceptable to the Bureau of the Census may be recorded in lieu of vessel name).

For merchandise arriving in the U.S. by air, record the IATA code corresponding to the name of the airline which transported the merchandise from the last airport of lading to the first U.S. airport of unlading.

For merchandise arriving in the U.S. by means of transportation other than by vessel or air, leave blank.

Do not record the name of a domestic carrier transporting merchandise after initial unlading in the U.S.

For merchandise arriving in the U.S. Customs territory from a U.S. Foreign Trade Zone, insert "FTZ" followed by the "FTZ" number.

24. Foreign Port of Lading

For merchandise arriving in the U.S. by vessel, record the 5 digit numeric code listed in the Department of Commerce Schedule K for the foreign port at which the merchandise was actually laden on the vessel that carried the merchandise to the U.S.

For merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

For merchandise transshipped abroad (except Canada and Mexico) in the course of shipment to the U.S. whether or not covered by a through bill of lading, do not record the code number for the foreign port of original lading or any port of lading other than the last foreign port of lading at which the merchandise was laden on the carrier

which transported it to the first U.S. port of unlading.

When a single entry summary covers merchandise laden at more than one foreign port, place the word MULTI in this block, and record the foreign port of lading separately in the "Line No." column directly below the line number for each line item (or group of line items) for the merchandise laden at each foreign port (Where there are multiple ports of lading and also multiple countries of origin, see instructions under block 15. If both code numbers will be required for one line item, place the country of origin code directly below the line number, and place the port of lading code directly under the country of origin code).

25. Location of Goods/G.O. No.

Where the entry summary serves as entry/entry summary, record the pier or site where the goods are available for examination.

In the case of merchandise placed in general order record the number assigned by Customs.

In the case of goods placed in a bonded warehouse, record the name of the bonded warehouse where the goods will be delivered (or record the Customs assigned number for the bonded warehouse in this block when available).

26. U.S. Port of Unlading

For merchandise imported by vessel or air, record the four digit numeric Schedule D code which identifies the U.S. port at which the merchandise was unladen from the importing vessel or aircraft. (**Note.**—These instructions will be published in pamphlet form and the Schedule D port codes (currently listed as Annex A in the TSUSA) will be reproduced in their entirety as an appendix to the instructions).

When the port of entry differs from the port of unlading, record the code number for the port of unlading and not the code number for the port where the entry is filed (for example, if entry is filed at the Port of Los Angeles for merchandise unladen at Long Beach, California, record code 2709 (Long Beach) as the port of unlading). The same principle applies when goods are unladen at a smaller port within a consolidated port of entry (for example, entry filed at the port of Houston for merchandise unladen at Galveston record code 5310 (Galveston) as port of unlading).

For merchandise arriving in the U.S. by means of transportation other than vessel or air, leave blank.

For merchandise arriving in the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

27. Import Date

For merchandise arriving in the U.S. by vessel, record the month, day, and year (MMDDYY) on which the importing vessel transporting the merchandise from the foreign country arrived within the limits of the U.S. port with the intent to unlade.

For merchandise arriving in the U.S. other than by vessel, record the month, day, and year (MMDDYY) in which the merchandise arrived within the limits of the U.S.

For merchandise arriving in the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

28. Line No.

Record the appropriate line item number, in sequence, beginning with the number 001.

A "line item" refers to a commodity from one country, covered by a line which includes a net quantity, entered value, TSUSA number, CHGS, and rate of duty and tax. However some line items may actually include more than one TSUSA number and value. For example, many items found in schedule 8 require a dual TSUSA number. Articles assembled abroad with American components require the TSUSA number 807.00 along with the appropriate schedule 1 through 7 TSUSA number. Also, for certain steel products, there are additional duties for chromium, molybdenum, tungsten, and vanadium content which require that the individual TSUSA item numbers for these extra duties be reported in addition to the base TSUSA item number for the iron or steel product containing these alloys. In those cases where two or more TSUSA item numbers are required to be shown for a commodity, these dual reporting numbers shall be treated as one line number.

29. Description of Merchandise

A description of the articles in sufficient detail to permit the classification thereof under the proper statistical reporting number in the TSUSA.

30. A. TSUSA Number

Record the appropriate duty/statistical reporting number under which the article is classified in the Tariff Schedules of the U.S. Annotated.

If more than one TSUSA number is required, follow the reporting instructions in the statistical headnotes in the appropirate TSUSA schedule, part, or subpart.

B. Antidumping/Countervailing Duty Case Number (ADA/CVD)

Record, directly below the TSUSA number, the appropriate ADA/CVD case number(s) as assigned by the Department of Commerce, International Trade Administration.

31. A. Gross Weight

Record the gross shipping weight in pounds for articles imported in vessels or aircraft (do not report gross weight for merchandise arriving in the U.S. by other modes of transportation). The gross weight must be reported on the same line with the entered value. Supply separate gross weight information for each TSUSA item number. If the gross weight is not available for each number, approximate shipping weight for each item shall be estimated and reported. The total of these estimated weights should equal the actual gross shipping weight.

In the case of containerized cargo carried in lift vans, cargo vans, or similar substantial outer containers, the weight of such container should not be included in the gross weight of the merchandise covered by each line item.

B. Manifest Qty.

This space is provided to accommodate a future reporting requirement. The instruction will be to enter the manifest quantity and unit.

32. Net Quantity in TSUSA Units

When a unit of quantity is specified in the TSUSA for the item number, report the net quantity in the specified unit, and show the unit after the net quantity figure.

Give quantities in whole units unless fractions of units are required for other Customs purposes. When expressing fractions, decimals only shall be used.

If no unit of quantity is specified in the TSUSA for the item number, net quantity is not required to be reported and an "X" shall be recorded in the net quantity column.

If two units of quantity are shown for the item number in the TSUSA, report the net quantity in both units, with the unit indicated in each case. Insert the quantity in terms of the unit marked in the TSUSA with a superior "v" on the line with the entered value or the line immediately below. Put the quantity in terms of any other unit below the first quantity and enclose it in parantheses. Example: Shipment consists of 50 dozen all white T-shirts, weighing 2 pounds per dozen and valued at $10 per dozen.

Block 30	Block 32	Block 33
379.4010	50 doz (100 lbs)	500

33. A. Entered Value

Record the U.S. dollar value in accordance with the definition in Section 402, Tariff Act of 1930, as amended, for all merchandise.

This value shall be shown for each TSUSA item number on the same line with the item number.

Report the value in whole dollars rounded off to the nearest dollar. Dollar signs and commas shall be omitted.

B. CHGS

In accordance with TSUSA general statistical headnote 1(a)(xvi), record the aggregate cost (not including U.S. import duty, if any) in U.S. dollars of freight, insurance and all other costs, charges and expenses incurred in bringing the merchandise from alongside the carrier at the foreign port of lading in the exporting country and placing it alongside the carrier at the first U.S. port of entry.

This value shall be shown for each TSUSA item number beneath the entered value and identified with the letter "C" (e.g. C550).

Record the value in whole dollars rounded off to the nearest dollar. Dollar signs and commas shall be omitted.

C. Relationship

Record whether the transaction was between related parties (as defined in Section 402 (g)(1) of the Tariff Act of 1930, as amended) by placing a "Y" in the column for related and an "N" for non-related.

In the case of overland shipments (i.e., merchandise transported to the U.S. by means other than vessel or air) originating in Canada or Mexico, expenses incurred in transporting merchandise beyond the Canada-U.S. or Mexico-U.S. borders, by means other than vessel or air (i.e. overland by automobile, truck, train, pipeline, parcel post or mail) are not required to be reported. Consequently, an "X" shall be shown for CHGS.

34. TSUSA, ADA/CVD, I.R.C. Rate, and/or Visa Number

A. TSUSA rate—Record the rate(s) of duty for the classified item as designated in the TSUSA: free, ad valorem, specific, or compound.

B. ADA/CVD rate—Record the antidumping and/or countervailing duty rate(s) as designated by the Department of Commerce, International Trade Administration directly opposite the respective antidumping/countervailing duty case number(s) shown in column 30.

C. I.R.C. rate—Record the tax rate(s) for the classified item as designated in the TSUSA.

D. Visa Number—Record the letter "V" followed by the visa number for each line of merchandise as it appears on the invoice. Visa numbers may currently be up to 9 alpha/numeric characters. Standardization is planned.

In the event there is any other charge or exaction (e.g. fees) not enumerated above, record the rate in this column and identify each charge or exaction immediately to the left of such rate.

35. Duty and I.R. Tax

Record the estimated TSUSA duty, antidumping and countervailing duty, I.R. tax, and other charges calculated by applying the rate times the dutiable quantity or value. The amount shown in this column must be directly opposite the appropriate TSUSA, antidumping, countervailing duty, I.R. tax rate and other charges.

Dollar signs and commas shall be omitted.

36. Declaration

Self-explanatory.

37. Duty

Record the total estimated duty paid (excluding antidumping or countervailing duty).

When the entry summary consists of more than one page, record on the first page, the total estimated duty paid.

38. Tax

Record the total estimated tax paid.

When the entry summary consists of more than one page, record on the first page, the total estimated tax paid.

39. Other

Record the total estimated antidumping or countervailing duties or other charges or exactions paid.

When the entry summary consists of more than one page, record on the first page, the total amount of antidumping or countervailing duties or other charges or exactions paid.

40. Total

Record the sum of blocks 37, 38, and 39.

41. Signature of Declarant, Title and Date

Record the name and signature of the declarant, the job title of the owner, purchaser or agent who signs the declaration, and the month, day and year when the declaration is signed.

When the entry summary consists of more than one page, the signature of the declarant, title, and date must be recorded on the first page.

Facsimile signatures are acceptable when prior approval has been obtained from the district, area, or port director.

Appraisement Entry

When the CF 7501 is used as an appraisement entry, the same declaration which now appears on the CF 7500, requesting appraisement under Section 498(a) of the Tariff Act of 1930, as amended, should be added to the body of the CF 7501 or stapled on top of it in the left margin as follows:

I hereby request appraisement under Section 498(a)( ), Tariff Act of 1930, as amended. I declare, to the best of my knowledge and belief, that this entry and the documents presented therewith set forth all the information in my possession, or in the possession of the owner of the merchandise described herein, as to the cost of such merchandise; that I am unable to obtain any further information as to the value of the said merchandise or to determine its value for the purpose of making formal entry thereof; that the information contained in this entry and in the accompanying documents is true and correct; and that the person(s) named above is the owner of the same merchandise.

Signature _____
Title _____

_____

To the District Director: The merchandise described above has been examined and the contents and values are noted above.

Examiner _____
Date _____
Customs Officer _____
Date _____

Informal Entry

Informal entries previously made on the unnumbered CF 5119–A will be made on the CF 7501. The following blocks are to be completed for informal entries: 1, 2, 5, 11, 12, 13, 15, 17, 18, 19, 23, 27, 28, 29, 30A, 31A, 32, 33A, 34A, 34C, 35, 36, 37, 38, 39, 40 and 41.

Block 25, Location of Goods, will be filled in only if merchandise has been placed in a general order warehouse.

Accelerated Drawback

When filing a drawback claim, on the appropriate drawback form, requesting accelerated drawback payment, include with the drawback entry submission, two copies of CF 7501.

Only the following data need be shown as appropriate (block numbers appear in parentheses):

Entry No. (1); Entry Type Code (2); Entry Date (4); Bond No. (6); Bond Type Code (7); Consignee No. (10); Importer No. (12); Duty (37); IR Tax (38); Total (40); Reference No. (22).

All information above pertains to the Drawback entry being filed.

Permit Copy

When the entry summary serves as entry/entry summary, an additional copy of the CF 7501 will be provided. The additional copy will be prominently marked in red ink, "PERMIT" by means of a stamp. The stamp will be in block letters and at least three inches by one inch. The CF 7501 will be stamped in the center of the body of the form.

All appropriate CF 7501 information should be provided.

Multiple Data Elements

Except where specific instructions provide, where a data block will involve more than one data element, write in the word "MULTI" and identify and list the data elements on a separate attachment to the CF 7501.

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BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004G]

Occupational Exposure to Lead; Effective Date of Compliance Plan Requirements for Certain Industries

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule.

SUMMARY: Pursuant to court order, OSHA's administrative stay of 29 CFR 1910.1025(e)(3)(ii) (B) and (E) of the lead standard for the primary and secondary smelting and battery manufacturing industries is vacated as of June 1, 1984. These provisions require employers to develop detailed written compliance plans to achieve the lead standard's permissible exposure limit through engineering and work practice controls. As proposed, OSHA hereby requires that employers in the primary and secondary smelting and battery manufacturing industries develop compliance plans containing all information in their possession by July 1, 1984 and that they come into full compliance with paragraphs (e)(3)(ii) (B) and (E) by August 1, 1984. While these dates should be feasible for most affected employers, various statutory and enforcement vehicles will be available to address individual compliance problems.

EFFECTIVE DATES: The administrative stay of § 1910.1025(e)(3)(ii) (B) and (E) is vacated as of June 1, 1984. Primary smelters, secondary smelters and battery manufacturers are required to complete compliance plans under § 1910.1025(e)(3)(ii) (B) and (E) by July 1, 1984, using information in their possession. They are further required to come into full compliance with paragraphs (e)(3)(ii) (B) and (E) by August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3641, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-8148.

SUPPLEMENTARY INFORMATION: The lead standard (29 CFR 1910.1025) requires that employers reduce employee exposures to lead to the permissible exposure limit (PEL) of 50 $\mu g/m^3$, or to the lowest level feasible, through the use of engineering and work practice controls. The standard also requires that employers establish and implement a written compliance program to reduce employee exposures in accordance with the implementation schedule found in paragraph (e)(1) of the standard. Pursuant to paragraph (e)(3)(ii), written compliance plans must include the following elements:

(A) A description of each operation in which lead is emitted, e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under paragraphs (g), (h) and (i) of this regulation;

(G) An administrative control schedule required by paragraph (e)(6), if applicable;

(H) Other relevant information.

On June 18, 1982, pursuant to industry petitions, OSHA proposed to stay the requirements of (e)(3)(ii) (B) and (E) for employers in the primary and secondary smelting and battery industries (47 FR 26960). Simultaneous with that proposal, OSHA issued an interim stay deferring the effective date of the requirements of paragraphs (e)(3)(ii) (B) and (E) for these industries. The interim stay subsequently was renewed to allow completion of the rulemaking on the stay (47 FR 26557, June 18, 1982; 47 FR 40410, September 14, 1982). On December 3, 1982, OSHA issued a final stay suspending the obligations of employers in the lead smelting and battery industries to comply with the requirements of paragraphs (e)(3)(ii) (B) and (E), pending completion of the reconsideration of the lead standard which was then underway (47 FR 54433). However, no stay was issued with respect to the obligation to prepare compliance plans containing elements (e)(3)(ii) (A), (C), (D), (F), (G) and (H) because it was felt that these elements would not involve excessive, unnecessary expenditures and would assist both OSHA and employers in realistically assessing methods for eventual compliance with the standard.

After proposing to stay the compliance plan provisions, the Agency was sued by the United Steelworkers of America (USWA), which challenged on procedural and substantive grounds the authority of the Assistant Secretary to issue the interim and final stays. That suit, filed in the U.S. Court of Appeals for the District of Columbia Circuit (Nos. 83-1022 and 83-1126) resulted in a court order dated April 17, 1984, vacating the Agency's stay of the requirements of paragraphs (e)(3)(ii) (B) and (E) as of June 1, 1984.

OSHA believed that it was necessary to allow the employers a period of time after that date to come into full compliance with these requirements. On April 24, 1984 (49 FR 17545), OSHA therefore proposed that by July 1, 1984, employers in the primary and secondary smelting and battery manufacturing industries complete compliance plans under § 1910.1025(e)(3)(ii) (B) and (E) that include all information in the possession of the employer as of July 1, 1984. Under paragraph (e)(3)(iii), these compliance plans would have to be available to OSHA and affected employees and their representatives. By August 1, 1984, these compliance plans would have to be updated to include all the information required by paragraphs (e)(3)(ii) (B) and (E).

OSHA invited comment and supporting information concerning the amount of time required for full compliance, including a discussion of the status of the development of employers' compliance plans, and the impact of such related matters as participation in the cooperative

assessment program and other proceedings.

The Court's order of April 17, 1984, did not preclude continuation of this rulemaking, but required that OSHA complete rulemaking proceedings by May 31, 1984. Interested parties were given until May 21, 1984 to submit data, views and arguments regarding the proposal.

In response to the April 24, 1984 proposed rule, OSHA received eight comments. Regarding the effective dates for compliance plans, commenters raised two important points. First, some affected groups indicated that logistical problems would be encountered in attempting to comply with the August 1, 1984 deadline. For example, the Secondary Lead Smelters Association (SLSA) stated that:

> Since most secondary lead smelters do not retain engineers in-house, they will have to hire consultants to assist in the preparation of the compliance plans. The preparation of these plans will thus be very time-consuming as employers will have to: (1) Hire consultants; (2) have the consultants conduct extensive monitoring and design and possibly implement pilot installations; (3) draft a plan; and (4) prepare a detailed schedule for implementation of the plan. Clearly, the undertaking of such a complex task cannot be completed within two months (i.e. by August 1) as suggested in the proposed rule. (Ex. 544–4, p. 2)

In addition, the Lead Industries Association (LIA) and the RSR Corporation, a secondary lead smelter which incorporated LIA's comments by reference, stated that even those companies that could afford to retain engineering consultants to perform evaluations would be unable to complete the process by August 1. Furthermore, they cited other logistical problems such as obtaining competitive bids for engineering controls, getting production and delivery estimates, placing orders, and preparing implementation schedules which would go beyond an August 1 deadline (Ex. 544–6, 7). Consequently, several respondents including Amax Lead (Ex. 544–3), SLSA (Ex. 544–4), LIA (Ex. 544–6), and RSR Corp. (Ex. 544–7) were in favor of a December 1, 1984 deadline.

On the other hand, the United Auto Workers International Union (UAW), whose comments were restricted to the battery manufacturing industry, believed that the proposed deadlines for preparation of compliance plans were generous (Ex. 544–5). They requested that OSHA require all documents related to engineering controls which have been completed already be made available immediately to workers, their designated representatives and OSHA. The UAW argued that battery manufacturers' representatives were aware as of November 1983 that the Agency had made a firm decision not to reopen the issue of feasibility of the PEL and that battery manufacturers have had time since then to have prepared the plans. They further contended that manufacturers who intended to comply with the 100 $\mu g/m^3$ interim control level would have had to begin to create the same types of documents required under the stayed compliance provisions. In addition, the UAW felt that since most battery plant workers were employed by large producers or large capacity plants, companies had the technical resources to produce compliance plans promptly.

While the USWA did not object to the proposed dates, they concurred with the UAW that the proposed effective dates of July 1, 1984 for information in the employer's possession, and August 1, 1984 for all other information meeting the compliance plan requirements were "exceedingly generous to the affected industries" (Ex. 544–8). They stated that:

> The June 18, 1982 initial stay was issued only 11 days before the original deadline for written compliance plans. In contrast, OSHA intends to give employers 61 days from the date the stay is vacated (June 1), or 98 days from the date of the **Federal Register** notice informing employers that the stay would be vacated (April 24). (Ibid, pp. 1–2)

They added:

> In fact, the affected industries should have known even earlier that the stay would eventually be lifted. The June 18, 1982 **Federal Register** notice clearly states that OSHA's original decision to issue a stay was premised on the Agency's then-pending reconsideration of the standard: "In view of OSHA's reconsideration of the lead standard, which may affect the provisions of the standard with respect to the use of engineering controls, the agency agrees that to require the commitment of substantial resources to establish a comprehensive compliance program under the existing standard would not be appropriate and should be deferred pending the outcome of the reconsideration." (47 *FR* 26561) But in June, 1983, the Deputy Assistant Secretary of Labor for Occupational Safety and Health announced that OSHA had decided not to revise the standard with respect to the PEL or the means of compliance (*BNA OS&H Reporter*, Vol. 13, p. 91, June 23, 1983, attached). Thus any justification for failure to complete a compliance plan was removed almost a year ago.
>
> In short, OSHA's proposed effective dates of July 1 and August 1, 1984, give affected employers more than ample time to complete the work which should have been completed in the 11 days between the first stay and the original effective date. (Id., p. 2)

In reviewing the affected industries' comments, OSHA found no new evidence as to why the proposed deadlines cannot be met. Following judicial review, the engineering control requirements of the lead standard became effective on June 29, 1981. Primary and secondary smelters and battery manufacturers were required to have produced written compliance plans by June 29, 1982, one year after the standard became effective. The administrative stay issued on June 19, 1982, eleven days before the plans were due, further postponed their production for an additional two years.

In addition, OSHA believes that to comply with the other provisions of the standard, particularly the unstayed portions of the compliance plan provisions, affected industries should already have prepared fairly detailed written compliance plans. For example, under paragraph (e)(3)(ii)(A), employers are required to include in their plans a description of each operation in which lead is emitted, such as the machinery used, the material processed, the controls in place, the crew size and the maintenance procedures. Under paragraph (e)(3)(ii)(C), employers are required to include in their plans a report of the technology considered in meeting the PEL. Under paragraph (e)(3)(ii)(D), employers are required to include in their plans air monitoring data which document sources of lead emissions. Under paragraph (e)(3)(ii)(F), employers are required to include in their plans a work practice program which contains items required under the protective work clothing and equipment provisions, the housekeeping provisions and the hygiene facilities provisions of the lead standard. Next, paragraph (e)(3)(ii)(G) requires written documentation of an administrative control schedule if administrative controls are used as a means of reducing employees' time-weighted average exposure to lead. Finally, paragraph (e)(3)(ii)(H) requires employers to include any other relevant information in their written compliance plans. These requirements were not stayed and presumably have been complied with.

In view of the existence of this framework, development of a compliance plan which fully complies with paragraphs (B) and (E), as interpreted by the field directive that will be issued, should be feasible for affected employers by August 1, 1984. OSHA believes that further extensions of the deadlines for production of written compliance plans would be contrary to the spirit of the Court of Appeals' order. Therefore, OSHA believes that primary and secondary smelters and battery manufacturers have had sufficient time to have

prepared at least the framework for written compliance plans and that the deadlines for preparation of complete plans are adequate.

In addition to logistical problems in attempting to meet the proposed effective dates, several commenters felt that the implementation of the compliance plan requirements should be integrated with the cooperative assessment programs (CAPs) already in progress. For instance, the Battery Council International (BCI) stated that the August 1 deadline for full compliance with paragraphs (e)(3)(ii) (B) and (E) was unreasonable and infeasible and they urged that full compliance with subparagraphs (B) and (E) not be required until after completion of the CAP. BCI believed that OSHA intended the CAP to reach its conclusion prior to employers being obligated to complete compliance plans pursuant to subparagraphs (B) and (E). They further stated that:

* * * the first stage of the program—the preparation of a manual of recommended control strategies on which a firm may subsequently draw in preparing plant-by-plant compliance plans—will not be completed until after August 1, 1984. Certainly, until the cooperative assessment program has reached some conclusions, employers cannot be expected to have identified feasible control techniques, much less be in a position to prepare a detailed schedule for implementation of those techniques, including having ordered equipment, undertaken construction and the like. Moreover, as OSHA has argued to the Court of Appeals, the purpose of the cooperative assessment program is to provide employers with the information necessary to comply with subparagraphs (B) and (E) to "help assure employers that the detailed compliance plans they are required to develop will be congruent with prevailing notions of feasibility." (Ex. 554–2, pp. 6–7)

BCI concluded its comments regarding integration of the compliance dates with the CAP by adding:

OSHA should confirm that employers which have expressed an intention to participate in the cooperative assessment program, or are members of BCI which is participating, are not required to include all of the information called for by paragraphs (B) and (E) until after Phase II of the cooperative assessment program has been completed. Thereafter, firms participating in Phase I of the cooperative assessment project should have six months to complete compliance plans. Where the employer participating in Phase II has within that time not been able to complete a tripartite or other variance application through no fault of his own, OSHA, the employers and employee representatives, where appropriate, should reach agreement, as part of Phase II of the cooperative assessment program, with regard to the date by which compliance plans must be completed. (Id., pp. 8–9).

Other commenters concurred with the BCI. For example the SLSA pointed out that:

* * * the proposed rule appears to undermine the CAP since the program was created by OSHA to determine what controls are feasible and thus should be contained in the written compliance plans. If the proposed rule is promulgated without modification, it may serve as a disincentive to companies participating in the CAP since the employers would be required to immediately prepare compliance plans irrespective of the fact that the information necessary for the plans will not be available for several months. (Ex. 544–4, p. 3)

Consequently, the SLSA requested that OSHA modify the proposal to extend the deadline for written compliance plans in secondary smelters to December 1, 1984 for two reasons. First, the delayed implementation date would provide affected employers with sufficient time to develop the plans. Second, the delayed implementation date would permit employers participating in the CAP to utilize the manual to develop their written compliance plans.

In addition, both the LIA and the RSR Corp. requested that OSHA modify the proposal to integrate implementation of the compliance plan requirement with ongoing CAPs and variance proceedings. They pointed out that "OSHA's proposal to implement the engineering compliance plans requirement by August 1 makes no provisions for accommodating these processers and hence would have the very disruptive effect that the [A]gency has said should be avoided." (Ex. 544–6, pp. 12–13). They further recommended that the Agency not issue citations for failure to meet the effective date against employers who have initiated a study of long-term engineering control options or who have filed a variance application seeking resolution of feasibility issues and designed to lead to the issuance of an order equivalent to the production of a compliance plan.

On the other hand, both the UAW and the USWA argued that CAPs not be used as a basis for further delay in the effective dates of the compliance plan provisions of the standard. For example, the UAW argued that:

The CAP in battery making has not yet addressed the relationship of the compliance manual to the development of individual plant compliance plans. There is no completion date projected for the manual. Therefore, it is difficult to see how this program could be reasonably relied on by any employer as an essential component of the development of control measures in a particular plant or operation. (Ex. 544–5, p. 11)

In addition, the USWA, which has been involved in several cooperative assessments related to lead, urged that these efforts not be used to further delay the compliance plan provisions of the standard. They stated that:

The tripartite agreements between the USWA, ASARCO, and OSHA specify that those agreements are the compliance plans for the respective plant. The USWA is currently working with AMAX and OSHA to craft a similar plan for that company's lead smelter, although the final agreement will probably take the form of a temporary variance. In any event, we expect to have the agreement in place well before the August 1 deadline. The USWA is also involved directly in the cooperative assessment program for secondary smelting, and indirectly in a similar program for battery manufacture. These programs were never intended to replace or delay the compliance plan provisions of the standard. Indeed, it will be necessary for employers to prepare their own compliance plans in advance, in order to make effective use of the manuals being prepared by the cooperative assessment groups. The USWA agreed to participate in the cooperative assessment programs because we believed they would benefit our members working in the lead industries. We would be forced to reconsider our participation if OSHA were to use the programs as an excuse to delay further the compliance plan provisions of the standard. (Ex. 554–8, pp. 2–3)

They added:

At the same time, we recognize that effective compliance plans must be updated from time to time as new control techniques become available. Therefore, proper enforcement of the compliance plan provisions should provide sufficient flexibility to accommodate engineering studies which are in progress and moving forward as quickly as possible, of control options which the employer agrees to implement if they are found to be feasible and effective. This can best be done through the publication of an appropriate field directive before the August 1 deadline. The USWA plans to submit its suggestions for such a directive in the near future. (Id., p. 3).

The cooperative assessment program was designed to control worker exposure to lead. These agreements reflect lengthy discussions between OSHA, industry, and employees (through their representatives, if any) to accommodate feasibility limitations in creating a system of technical controls and work practices that will demonstrate to both OSHA and employees that an affected industry is complying with the lead standard. Such agreements are not meant to replace the 50 ug/m^3 PEL which was promulgated in 1978 and has been upheld in numerous court challenges. OSHA recognizes, however, that some plants will have difficulty in achieving the PEL with

engineering controls and has taken action to alleviate these problems. Further, OSHA has recognized feasibility limitations by granting temporary variances, as in the case of MRP provisions.

OSHA believes that the compliance plan deadlines provided herein will neither undermine nor interfere with the ongoing CAPs. However, OSHA feels that the parties, including the USWA, have raised the necessity for sufficient flexibility to accommodate engineering studies currently in progress. To the extent that the August 1, 1984 effective date may not be sufficiently flexible in this regard, OSHA believes that the best way to accommodate employers currently involved in engineering studies is to issue a field directive in order to provide guidance regarding the Agency's policy for enforcing paragraph (e)(3) as of August 1, 1984.

While OSHA recognizes that some engineering studies of longer-range control options may not be completed by August 1, some of this work may have been completed when the compliance plan stay took effect in 1982. Therefore, in the event that an employer has by August 1, 1984, initiated a study of long-term engineering control options, either on its own or through active participation in a cooperative assessment with OSHA and employee representatives (where applicable), a citation for failure to meet the August 1 date will not be issued with respect to that control option, provided that the employer's compliance plan meets the guidelines described in the field directive. A draft of the field directive has been reviewed by interested parties. Their comments have been considered in developing in the final directive, which will be issued in the very near future.

Regulatory Impact and Regulatory Flexibility Assessments

OSHA hereby finds that this proposal is not "major" within the meaning of E.O. 12291 and that it does not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Authority and Signature

This document was prepared under the direction of Patrick R. Tyson, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, D.C. 20210. It is issued pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), 5 U.S.C. 553, Secretary's Order No. 9–83 (48 FR 35736), and 29 CFR Part 1911.

List of Subjects in 29 CFR Part 1910

Occupational safety and health, Lead.

Signed at Washington, D.C. this 31st day of May, 1984.

Patrick R. Tyson,

Deputy Assistant Secretary of Labor.

[FR Doc. 84–14975 Filed 5–31–84; 2:16 pm]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Approval of Permanent Program Amendment From the State of Ohio Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a program amendment submitted by Ohio as an amendment to the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of changes to the Ohio regulations concerning inspection frequency for inactive operations and compliance reviews.

The Ohio Division of Reclamation (the Division) submitted the proposed program amendment on December 28, 1983. OSM published a notice in the **Federal Register** on January 26, 1984, announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (49 FR 3709). The public comment period ended on February 27, 1984. A review of Ohio's proposed amendment by OSM identified a concern relating to the definition of an inactive operation. OSM notified the Division about its concern and on April 25, 1983, the Division responded by submitting modifications to its proposed amendment. OSM reopened the comment period from May 4 to May 21, 1984, in order to provide the public an opportunity to reconsider the adequacy of the proposed amendment.

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Director has determined that the amendment, as modified on April 25, 1984, meets the requirements of SMCRA and the Federal regulations, and is approving it. The Federal rules codifying decisions concerning the Ohio program are being amended to implement this action.

EFFECTIVE DATE: June 5, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 15, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.**

II. Submission of Revisions

By letter dated December 28, 1983, Ohio submitted revisions to Ohio rule 1501:13–14–01 *Inspections.* Specifically, the amendment included the following revisions to rule 1501:13–14–01:

(1) Paragraph (A) is revised to include definitions for "inactive coal mining and reclamation operation," "active coal mining and reclamation operation," and "compliance review technician;"

(2) Paragraph (C) is revised to require such partial inspections of inactive sites as are necessary to ensure effective enforcement;

(3) Paragraph (D) is revised to require an average of at least one complete inspection per calendar quarter of each active and inactive operation;

(4) Paragraph (J) which provided that the operator may accompany the chief during any inspection is proposed to be deleted; and

(5) Paragraph (K) concerning compliance reviews would be designated as paragraph (J) and revised to conform to the Federal rule at 30 CFR 840.16.

In addition, Ohio made several non-substantive editorial changes to rule 1501:13–14–01.

On January 28, 1984, OSM published a notice in the **Federal Register** announcing receipt of the amendment and inviting public comment on whether the proposed amendment was no less

effective than the Federal regulations (49 FR 3209). The public comment period ended Febraury 27, 1984. The opportunity to request a public hearing was provided, but none was requested.

During this period OSM identified a concern with the Ohio definition of "inactive coal mining and reclamation operation." The definition distinguishes between operations conducted under a "D" permit (permanent program permits) and operations conducted under other than a "D" permit (interim program permits). The definition, for interim program operations, did not require that vegetation be established in accordance with the approved reclamation plan in order to qualify for a phase II bond release. The Federal rule at 30 CFR 840.11(f) states that a site cannot be considered inactive until a phase II bond release is approved under 30 CFR 800.40(c)(2). OSM notified Ohio about this concern by letter dated March 26, 1984, and Ohio responded by submitting an additional modification to rule 1501:13–14–01 on April 25, 1984.

On May 4, 1984, OSM published a notice in the **Federal Register** reopening and extending the public comment period on Ohio's proposed amendment as modified on April 25, 1984. (49 FR 19031). That comment period ended on May 21, 1984.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment submitted by Ohio on December 28, 1983, meets the requirements of SMCRA and 30 CFR Chapter VII, as discussed below.

The Ohio rule at 1501:13–14–01 establishes the inspection requirements for coal mining and reclamation operations.

Paragraph (A) was revised to include definitions for "inactive coal mining and reclamation operation," "active coal mining and reclamation operation," and "compliance review technician."

During review of the amendment, OSM identified a concern with the Ohio definition of "inactive coal mining and reclamation operation." The definition distinguishes between operations conducted under a "D" permit (permanent program permits) and operations conducted under other than a "D" permit (interim program permits). The definition, for interim program operations, did not require that vegetation be established in accordance with the approved reclamation plan in order to qualify for a phase II bond release. The Federal rule at 30 CFR 840.11(f) states that a site cannot be considered inactive until a phase II bond release is approved under 30 CFR 800.40(c)(2).

OSM notified Ohio about this concern by letter dated March 26, 1984, and Ohio responded by submitting an additional modification to rule 1501:13–14–01 on April 25, 1984. The modification submitted on April 25, 1984, adds a requirement that for operations conducted under permits other than "D" permits, vegetation must have been established in accordance with the reclamation plan in order to be defined as an inactive operation. The Director finds that the definition as revised is no less effective than the Federal definition at 30 CFR 840.11(f). The Director also finds that the definitions of "active coal mining and reclamation operation" and "compliance review technician" are no less effective than the Federal rules at 30 CFR 840.11 and 840.16.

Paragraph (C) was revised to require such partial inspections of each inactive coal mining and reclamation operation as are necessary to ensure effective enforcement. The Director finds this change to be no less effective than 30 CFR 840.11(a), which specifies that a State regulatory authority shall conduct such partial inspections of each inactive surface coal mining and reclamation operation as are necessary to ensure effective enforcement of its approved program.

Paragraph (D) was revised to require an average of at least one complete inspection per calendar quarter of each active and inactive operation. The Director finds this revision to be no less effective than 30 CFR 840.11(b), which specifies the requirements for complete inspections.

Paragraph (J), which provided that the operator may accompany the chief during any inspection, was deleted as being redundant. The Director finds that this revision is not inconsistent with the Federal rules. Paragraph (K) was redesignated paragraph (J) and revised to conform to the Federal rule at 30 CFR 840.16 concerning compliance reviews. Paragraph (J) provides that a permittee may request an on-site compliance conference with a compliance review technician to review proposed conditions or practices in order to be advised of whether the proposed condition or practice would violate any condition of the permit or the Ohio program. The paragraph further provides that neither the holding of a compliance conference nor any opinion given by the technician shall (a) affect any rights or obligations of the chief, the permittee or any person with respect to any inspection, notice of violation, cessation order, or other order or decision of the chief, or (b) affect the validity of any notice of violation, cessation order, or other order or decision of the chief, with respect to any condition or practice. The Director finds the revisions are no less effective than 30 CFR 840.16.

IV. Public Comments

No public comments were received.

Acknowledgments pertaining to the Ohio amendment were received from the following Federal agencies:

Department of Labor—Mine Safety and Health Administration

Department of Agriculture—Farmers Home Administration and Soil Conservation Service

Department of the Army—Office of the Chief of Engineers

The disclosure of Federal agency comments is made pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Director's Decision

The Director, based on the above findings, is approving the December 28, 1983 amendment to the Ohio program. The Director is amending Part 935 of 30 CFR Chapter VII to reflect approval of the above State program modification.

VI. Procedural Requirements

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Statement Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

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

List of Subjects in 30 CFR Part 935

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

Dated: May 31, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

PART 935—OHIO

30 CFR 935.15 is amended by adding a new paragraph (j) as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(j) The following amendment submitted to OSM on December 28, 1983, as modified on April 25, 1984, is approved effective upon promulgation of the revised rule by the State, provided the rule adopted is identical to the rule as submitted to and reviewed by OSM: Ohio Administrative Code Section 1501:13–14–01.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

[FR Doc. 84–15006 Filed 6–4–84; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 84–44]

Marine Event; Lake Havasu Water Ski Show

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule will establish Special Local Regulations for the first four dates in the series of water ski shows at the London Bridge Channel, Lake Havasu City, Arizona. This event was held last year as the "London Bridge Days Water Ski Show", and regulations were published in the **Federal Register** on 29 September 1983. The sponsor plans to continue this event ("Lake Havasu Water Ski Show") as a continuing series during the year. These regulations are needed to provide for the safety of life and property on navigable waters during the periods set forth.

EFFECTIVE DATE: These regulations become effective on 2 June 1984 and terminate on 14 July 1984.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Commander (bb), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2331.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 10 days from the date of publication. The application to hold this event was not received until 5 May 1984, and there was not sufficient time to publish proposed rules in advance for the first four shows or to provide for a delayed effective date. A notice of proposed rule making will be published for the last four shows of this series on 4 June 1984.

Nevertheless, interested persons wishing to comment may do so by submitting written comments to the office listed under **"FOR FURTHER INFORMATION CONTACT"** in this preamble. Commenters should include their names and addresses, identify this notice CGD11 84–44, and give reasons for their comments. Based on comments received, the regulation may be changed.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Chief, Boating Affairs Branch, Eleventh Coast Guard District, Project Officer, and LT Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Proposed Regulation

Lake Havasu Water Ski Club "Lake Havasu Water Ski Shows" will be conducted on the London Bridge Channel beginning on 2 June 1984. This event will have 35 tournament ski boats that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, by adding the following section:

§ 100.35–11–84–44 Lake Havasu Water Ski Show, Lake Havasu, Arizona.

(a) Regulated Area: That portion of the London Bridge Channel, Lake Havasu City, Arizona commencing approximately 200 yards north of the London Bridge, thence southerly along the channel to approximately 200 yards south of the London Bridge. Event participants will be transiting under the center span of the bridge.

(b) Effective Date: The regulated area will be closed intermittently to all vessel traffic from 6:00 PM to 7:30 PM on 2, 16, 30 June and 14 July 1984.

(c) Special Local Regulations:

(1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) When hailed by U.S. Coast Guard operated and employed small craft; law enforcement agencies and/or the sponsor's vessels patrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Regatta Patrol.

(3) These regulations are temporary in nature and shall cease to be in effect at the end of each period set forth.

(46 U.S.C. 454; 49 U.S.C. 108; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); 33 CFR 100.35)

Dated: May 29, 1984.

F. P. Schubert,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 14844 Filed 6–4–84; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[COTP Jacksonville, Florida, Regulation 84–24]

Safety Zone Regulation; Atlantic Ocean, Jacksonville Beach, Florida

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone at Jacksonville Beach, FL as part of the Beaches Area Centennial Celebration.

The zone, which will be kept clear of all boats, is needed to protect boats and spectators from harm, and to prevent interference with an air show by the Blue Angels. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This Regulation becomes effective daily, from 1:00 p.m., to 4:00 p.m., July 26 thru July 29, 1984 unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lieutenant R. W. CROMLEY c/o Commanding Officer, USCG Marine Safety Office, 2831 Talleyrand Avenue, Jacksonville, Florida 32206, Tel: 904–791–2648.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to avert possible damage to the vessels, structures, water, and shore area involved.

Drafting Information

The drafter of this regulation is Lieutenant R. W. CROMLEY, Port Operations Officer for Captain of the Port, and Lieutenant Commander K. E. GRAY, Project Attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The incident requiring this regulation will begin at 1:00 p.m., July 26, 1984. It is a military airshow put on by the U.S. Navy Blue Angles precision flying team for the city of Jacksonville Beach, Florida. The planes will conduct an aerial show between 1:30 p.m. and 4:00 p.m., July 26 thru 29, 1984. During this time the Federal Aviation Administration has requested that the area be kept clear of all boat traffic.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigational (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 Title 33, Code of Federal Regulations, is amended by adding a new § 165.T7–84–24 to read as follows:

§ 165.T7 84–24 Safety Zone: Atlantic Ocean, and waterways Jacksonville Beach, Florida.

(a) *Location.* The following area is a safety zone: Jacksonville Beach, Florida extending 2,500 feet north and south and 1600 feet east and west of 30.17' 16.5" N and 81.23' 00" W.

(b) Regulations: (1) In accordance with the general regulation in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port. Section 165.33 also contains other general requirements.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: May 21, 1984.

W. E. Remley,

Commander, U.S. Coast Guard, Alternate, Captain of the Port, Jacksonville, Florida.

[FR Doc. 84–14848 Filed 6–4–84; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 775

National Environmental Policy Act (NEPA); Amendment of Categorical Exclusions

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends the Postal Service's NEPA regulations by expanding two of the categorical exclusions [1] to conform them to actual conditions. The categorical exclusions being amended deal specifically with certain limited-size new construction and limited expansion or improvement of an existing facility. In each of the above exclusionary areas, the Postal Service found that there was no significant environmental impact even in actions much more extensive than those excluded.

EFFECTIVE DATE: July 5, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Royal Rasmussen, (202) 245–4354.

SUPPLEMENTARY INFORMATION: On March 12, 1984, the Postal Service published for comment in the **Federal Register** (49 FR 9236), as corrected (49 FR 9914), proposed changes to 39 CFR 775(b)(1) and (2) that would expand two categorical exclusions of the Postal Service's NEPA regulations, as explained in the Summary above. The only comment received was from a regional planning commission, which requested that it be provided with an environmental document even where the proposed action falls within a defined categorical exclusion, and that it be given an opportunity to participate in the Postal Service determination of the appropriate environmental document to be prepared. The commenter also suggested that the Postal Service's procedures include guidelines to assist postal personnel in determining when a project may require environmental analysis even though it is in a category normally excluded from further analysis.

The Postal Service's response to the commenter pointed out that it has always submitted some form of environmental document to the commenter with each individual site or building plan and that it expects to continue this practice. Also, while the Postal Service intends to continue consulting with the commenter in all phases of its projects, it declined the commenter's offer of assistance in the determination process. Finally, the Postal Service noted that its guidelines are intentionally broad and generalized, so that there will be authority to act in those situations that might not otherwise be covered if the Service issued guidelines restricting itself to a list of situations which might require an environmental assessment or impact statement.

For the above reasons, the Postal Service is adopting, without change, the following revisions of Title 39, Code of Federal Regulations:

List of Subjects in 39 CFR Part 775

Environmental impact statements, Postal Service.

PART 775—ENVIRONMENTAL PROCEDURES

In § 775.4, paragraphs (b)(1) and (2) are revised to read as follows:

§ 775.4 Typical Classes of Action.

* * * * *

(b) * * *

(1) New construction, including lease-construction, of 30,000, or less, net square feet.

(2) Expansion or improvement of an existing building where the gross square footage after expansion does not exceed 5,000 square feet and the site size is not increased substantially, or for larger expansion projects, where the gross square footage is not increased by more than 40 percent and the site size is not increased substantially.

(39 U.S.C. 401; 42 U.S.C. 4331 *et seq.*; 40 CFR 1500.4(p))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84–14925 Filed 6–4–84; 8:45 am]

BILLING CODE 7710–12–M

[1] Certain kinds of actions normally do not have a siginficant impact on the environment. Accordingly, they are "categorically excluded" from the class of actions which require an environmental assessment or an environmental impact statement.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AM051VA; A–3–FRL–2598–7]

Approval and Promulgation of Implementation Plans; Approval of a Revision to the Commonwealth of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administration's approval of a revision to the Commonwealth of Virginia's State Implementation Plan (SIP). This revision

consists of an extension of a variance from Rule EX–2, Emission Standards for Visible Emissions and Fugitive Dust/Emissions, and Rule EX–3, Emission Standards for Particulate Emissions from Fuel Burning Equipment, for the U.S Marine Corps Quantico Base Central Heating Plant located in Prince William County, Virginia.

This extension would give the Marine Corps Development and Education Command (MCDEC) at Quantico, Virginia more time to install pollution control devices while converting from fuel oil to coal.

EFFECTIVE DATE: This action is a direct final rule and is effective August 3, 1984 unless notice is received by July 5, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency Region III, Air Programs Branch, Curtis Building, Sixth and Walnut Streets, Philadephia, Pennsylvania 19106. Attn: Patricia S. Gaughan.

Virginia State Air Pollution Control Board, Room 801, Ninth Street Office Building, Richmond, Virginia 23219. Attn: Mr. John M. Daniel, Jr.

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

The Office of the Federal Register, 100 L Street, NW., Room 8401, Washington, D.C. 20408.

All comments should be submitted to Mr. James E. Sydnor, at the EPA Region III address stated above. Please reference the EPA Docket number found in the heading of this notice in any correspondence.

FOR FURTHER INFORMATION CONTACT: Jacqueline Pine at the Region III address stated above or call 215/597–4554.

SUPPLEMENTARY INFORMATION: In 1980, the Marine Corps Development and Education Command (MCDEC) at Quantico, Virginia requested a variance to Part IV, Rules EX–2 and EX–3 of the Regulations for the Contrl and Abatement of Air Pollution for the Quantico Base Central Heating Plant located in Prince William County.

On March 8, 1982, [47 FR 9836], EPA approved this variance for the period of October 6, 1980 through October 15, 1983. This variance permitted burning coal as the primary fuel instead of oil at the central heating plant while a modernization program was being undertaken for the coal conversion of the plant.

On December 1, 1983, the Commonwealth of Virginia requested an extension of the variance for the Quantico Base Central Heating Plant. The extension would give MCDEC more time to install pollution control devices while converting from fuel oil to coal. This period extends the variance one additional year, until October 31, 1984. The Commonwealth requested the extension of the variance be reviewed and processed as a revision to the State Implementation Plan.

The Commonwealth provided proof that a public hearing was held after adequate public notice, and was in accordance with 40 CFR 51.4.

EPA Evaluation

The variance extension contains no major changes to the amended variance passed in March 1982, but simply extends the date by one additional year. No problems relating to air quality are anticipated. The operational procedures of the coal fired boilers remain unchanged from the previous variance request. The total particulate emissions will not exceed 55 pounds per hour, and the same firing rates and operating parameters still hold for all the boilers. Boilers 4 and 5 still remain for emergency use only, and the Director of Virginia's Region VII must be notified if they are brought on line.

Conclusion

EPA is approving this extension today for the U.S. Marine Corps Quantico Base Central Heating Plant without prior proposal, as it is viewed as non-controversial. However, the public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice unless someone wishes to submit adverse or critical comments. If comments are received within 30 days of publication of this notice, this action will be withdrawn and a subsequent notice will be published.

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. Section 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. This action only approves States actions and imposes no new requirements.

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

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–642.

Dated: May 29, 1984.

William D. Ruckelshaus,

Administrator.

Note: Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1982.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart VV—Virginia

Section 52.2420 is amended by revising paragraph (c)(62) as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(62) A variance issued to the U.S. Marine Corps Quantico Base Central Heating Plant located in Prince William County, Virginia, exempting their boilers from Rules EX–2 and EX–3 until October 31, 1984, submitted on November 5, 1980, revised on December 16, 1981 and further revised December 1, 1983 by the Commonwealth of Virginia.

[FR Doc. 84–14926 Filed 6–1–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 717

[OPTS–83001E; TSH–FRL 2600–8]

Confirmation of Effective Date for Recordkeeping and Reporting Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; confirmation of effective date.

SUMMARY: The final regulation on recordkeeping and reporting of allegations that chemical substances and mixtures cause significant adverse reactions to health or the environment, promulgated on August 11, 1983, and

published in the **Federal Register** of August 22, 1983 (48 FR 38187), become effective on November 21, 1983. This document confirms the effective date and adds the Office of Management and Budget (OMB) control number 2070–0017 to the information collection requirements of the rule.

DATE: The regulation became effective on November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Information Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800–424–9065), In Washington, D.C.: (202–544–1404). Outside the USA: (Operator-202–554–1404).

SUPPLEMENTARY INFORMATION: OMB control number 2070–007.

As required by the Paperwork Reduction Act of 1980, 44 U.S.C. 2501 et seq., EPA submitted this regulation on recordkeeping and reporting of significant adverse reactions to health or the environment alleged to have been caused by a chemical substance or mixture to OMB for approval of its information collection requirements. As stated in the final rule, which was published in the **Federal Register** of August 22, 1983 (48 FR 38178), the rule could not become effective until OMB approved those information collection requirements. OMB approved the information collection requirements and assigned control number 2070–007 to them on October 11, 1983. Therefore, the rule became effective November 22, 1983.

(Sec. 8(c), Pub. L. 94–469, 90 Stat. 2029 (15 U.S.C. 2607(c)))

List of Subjects in 40 CFR Part 717

Environmental protection, Hazardous materials, Chemicals, Recordkeeping and reporting requirements, Significant adverse reactions.

Dated: May 25, 1984.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 717—[AMENDED]

Accordingly, OMB control number 2070–0017 is added to the end of 40 CFR 717.12, 717.15, and 717.17, to read as follows:

§ 717.12 Significant adverse reactions that must be recorded.

* * * * *

(Approved by the Office of Management and Budget under control number 2070–0017)

§ 717.15 Recordkeeping requirements.

* * * * *

(Approved by the Office of Management and Budget under control number 2070–0017)

§ 717.17 Inspection and reporting requirements.

* * * * *

(Approved by the Office of Management and Budget under control number 2070–0017)

[FR Doc. 84–14977 Filed 6–4–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

46 CFR Parts 530 and 580

Interpretations and Statements of Policy; Time/Volume and Service Contracts: Miscellaneous Amendments

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is making corrections and changes to existing regulations to update and improve them and to conform them to and implement the Shipping Act of 1984. In the restructuring of all of its rules, the Commission, by separate rulemakings, has considered and is incorporating all sections of existing Part 530 [Interpretations and Statements of Policy] into other Parts, to the extent practical. Thus, existing Part 530 is being deleted. Also, the collection of information requirements of the Commission's Interim Rule on Time/Volume and Service Contracts [Docket 84–21], have been granted interim clearance by the Office of Management and Budget and are therefore, effective on June 18, 1984, to the same extent as the balance of the Time/Volume and Service Contract rule in Docket 84–21.

EFFECTIVE DATE: June 18, 1984.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Shipping Act of 1984, Pub. L. 98–237, 98 Stat. 67 (46 U.S.C. app. secs. 1701 through 1720) was enacted on March 20, 1984 and becomes effective on June 18, 1984, except for sections 17 and 18 thereof, which became effective immediately and, among other things, authorize the Commission to prescribe rules and regulations to carry out that Act. Accordingly, the Federal Maritime Commission must conform all of its rules and regulations, as well as develop new Parts, to implement this new statute.

Interpretations and Statements of Policy

In separate rulemaking dockets, the Commission has considered all sections of existing Part 530 and, to the extent applicable, all such sections are being incorporated in the other relevant parts. On June 18, 1984, existing Part 551 [Truck Detention at the Port of New York] will become new Part 530, thus taking the part number of the old Part on Interpretations and Statements of Policy, which is being removed here.

The following distribution table indicates where the sections of old Part 530 have been considered and incorporated, to the extent possible:

Old section ["Reserved" where not listed]	New part or section subject-docket No.
530.1 to 530.4	[Most Dual Rate or Loyalty Contracts are now prohibited by the Shipping Act of 1984] See Docket 84–23.
530.5	Terminal Agreement Matters—considered in new Part 572, agreements in foreign commerce.
530.6	Dual Rates—Same as §§ 530.1–530.4.
530.7	Conference tariff matter; See existing § 536.3(k) and new Part 580.
530.8	Fed. Adv. Committee Act: now at § 502.165. See 49 FR 16999 of April 23, 1984.
530.10 and 530.13	Self-Policing Exemptions: considered in foreign commerce agreements, new Part 572; and domestic trade, new §§ 568.7 and 568.8.
530.14	Independent action disputes. Considered in foreign commerce agreements, new Part 580 and domestic trade, new § 569.3.
530.15	Bulk cargo in containers. See new § 580.3(b).
530.16	Filing of documents and confidentiality of closed meetings. §§ 502.2(b), 503.78(b), and new 500.735–15 [new § 500.206]. See 49 FR 16997–17000 of April 23, 1984.

Since the sections of existing Part 530 [Interpretations and Statements of Policy] have all been considered and incorporated in other rules, this Part is being removed.

Time Volume and Service Contracts

On May 3, 1984, the Commission's interim rule on Time/Volume and Service Contracts appeared in the **Federal Register**, Vol. 49, pp. 18849–18852, with an effective date of June 18, 1984, except for paragraph (f) of § 536.7, which was indicated to be "under OMB review" under section 3504(h) of the Paperwork Reduction Act [44 U.SC. 350(h)]. Paragraph (f) provides that every common carrier and conference shall designate a resident representative in the United States who shall maintain contract shipment records for a period of five years from the completion of

each contract. Interim clearance for these collection requirements has now been granted by OMB through September 30, 1984, under OMB number 3072–0044, so paragraph (f), like the rest of new§ 536.7, can become effective on June 18, 1984. § 536.7 is being added to old Part 536 [Publishing and Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States] which, by separate rule, is being redesignated Part 580, efective June 18, 1984.

As indicated in the Time/Volume and Service Contract Rule, comments on the information collection aspects of the Time/Volume and Service Contract rule [including paragraph (f)] should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Federal Maritime Commission.

For the foregoing administrative and procedural matters, there is no necessity for receiving comments, from the public and this rule, therefore, is being promulgated as final. Comments may be requested, however, in the other related rulemakings referred to above, especially Docket 84–21.

The Commission has determined that this rule is not a "major rule" as defined in Executive Order 12291 dated February 17, 1981, 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, innovations, or on the ability of United States-based enterprises to compete with Foreign-based enterprises in domestic or export markets.

Since this rule is purely organizational or procedural, the Chairman of the Federal Maritime Commission certifies that this final rule will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

List of Subjects in 46 CFR Part 530 and 580

Administrative practice and procedure, Antitrust, Cargo, Cargo vessels, Classified information, Conduct standards, Contracts, Exports, Freedom of Information Act, Government employees, Imports, Information, Maritime carriers, Rates and fares, Reporting and recordkeeping, Sunshine Act, Water carriers, Water transportation.

PART 530—[Removed]

PART 580—[Amended]

For the reasons set out in the preamble, Part 530 [Interpretations and Statements of Policy] is removed and § 580.91 is amended by adding the following entry in numerical order by section number to the table, to read, as follows:

§ 580.91 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

580.7(f)	3072–0044

* * * * *

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84–14823 Filed 6–4–84; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 31220–245]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of time adjustment for surf clam fishing.

SUMMARY: NOAA reduces allowable surf clam fishing time from 7 days per week to 12 hours per week for vessels harvesting surf clams in the New England Area of the fishery conservation zone. The action is required to prevent significant overharvest of surf clam allocations and avoid prolonged closure of the fishery. The action is intended to reduce the rate of harvest from the fishery.

EFFECTIVE DATE: June 10, 1984.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, Surf Clam Management Coordinator, 617–281–3600, ext. 324.

SUPPLEMENTARY INFORMATION: The regulations implementing Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) were published on January 29, 1982 (47 FR 4268). The regulations contain at 50 CFR 652.21 a procedure for establishing annual quotas for each of the managed fisheries. A quota of 100,000 bushels of surf clams was established for 1984 for the New England Area under that procedure, and was published in final form on December 29, 1983 (48 FR 57303).

The regulations implementing the FMP also require, at § 652.22(b)(2), that the Director, Northeast Region, NMFS (Regional Director), monitor harvests of surf clams in the New England Area, and when 50 percent of the quota has been taken, the Regional Director will, on review of available information and public comment, determine whether the total catch of surf clams during the remainder of the year will exceed the annual quota. If the Regional Director determines that the quota probably will be exceeded, the Secretary may reduce the number of days per week, or establish authorized periods, during which fishing for surf clams is allowed.

The Regional Director has determined that 50 percent of the annual quota will be taken on or about June 10, 1984. At current rates of harvest, the 100,000 bushel annual quota would be exceeded by July. The Regional Director has therefore determined to reduce allowable fishing time for vessels harvesting surf clams in the fishery conservation zone in the New England Area from 7 days per week to 12 hours per week, effective June 10, 1984.

The Mid-Atlantic and New England Fishery Management Councils held public hearings and adopted an amendment to the FMP that would double the current annual quota and impose different fishery control measures.

Vessels which currently hold a letter of authorization for surf clam fishing time must fish during the period they have selected for a 12 hour week. Vessels which plan to harvest surf clams but do not have a letter of authorization should contact Bruce Nicholls, Surf Clam Management Coordinator, at the address shown above, to obtain an authorization.

Other Matters

This action is taken under the authority of 50 CFR Part 652 and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 652

Fisheries.

Dated: May 30, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-14981 Filed 6-4-84; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 661

[Docket No. 40453-4053]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce announces the closure of the recreational salmon fishery in the fishery conservation zone (FCZ) between the Queets River and Klipsan Beach, Washington, at midnight May 28, 1984, because the quota for chinook salmon has been taken. The Director, Northwest Region, NMFS, has determined in consultation with the Washington Department of Fisheries that the recreational fishery quota of 5,900 chinook salmon for the area was reached by midnight May 28. This action is required by the Federal regulations for the fishery.

EFFECTIVE DATE: Closure of the FCZ from the Queets River to Klipsan Beach to recreational salmon fishing for chinook salmon is effective as of 0001 hours Pacific Daylight Time, May 29, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas E. Kruse, Acting Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115; telephone 206-526-6150.

SUPPLEMENTARY INFORMATION: Emergency regulations to manage the ocean commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California were published in the **Federal Register** on May 3, 1984, 49 FR 18853.

The emergency regulations specify at §661.42(a)(2) that when a quota for the commercial or the recreational fishery, or both, for any species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary shall, by publishing a notice in the **Federal Register**, close the commercial or recreational fishery, or both, for all species as of the date the quota will be reached.

The chinook quota for the May-June recreational fishery in the area between 0 and 6 miles seaward from the mouth of the Queets River to Klipsan Beach, Washington, is 5,900 fish, as shown in Table 3 of § 661.42(a)(1) of the emergency regulations. Based on the most recent catch and effort information supplied by the Washington Department of Fisheries (WDF), the recreational fishery in the area reached the 5,900 chinook salmon quota by midnight, May 28, 1984. The Secretary therefore issues this notice closing the recreational fishery from the Queets River to Klipsan Beach, Washington, effective midnight, May 28, 1984. This notice does not apply to treaty Indian fisheries operating in the same area or other fisheries which may be operating in other areas.

The catch projections for this three-day-old fishery are based on the total count of chinook salmon caught each day as each recreational fishing vessel returned to port. If, after the fishery is closed, actual catch data indicate that fewer than 5,900 chinook were taken, the remainder will be added to the 3,500 chinook quota for the July-September recreational all-species fisheries in the area from Cape Shoalwater to Klipsan Beach and from the Columbia River south jetty to Cape Falcon, Oregon. Correspondingly, if the actual catch exceeds the 5,900 chinook quota, the difference will be deducted from the August chinook quota.

The Regional Director consulted with the Director, WDF, and advised the Director, Oregon Department of Fish and Wildlife, and the Executive Director, Pacific Fishery Management Council, regarding this closure. The Director, WDF, closed that part of the recreational fishery which is in State waters adjacent to the FCZ at midnight, May 28, 1984.

As provided under § 661.42(d), all information and data relevant to this notice of closure have been compiled in aggregate form and are available for public review at the above address from 8:00 a.m. to 4:30 p.m. weekdays.

Other Matters

This action is taken under the authority of 50 CFR 661.42 and in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing.

(16 U.S.C. 1801 *et seq.*)

Dated: May 31, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-15027 Filed 5-31-84; 4:34 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 109
Tuesday, June 5, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. IX

[Docket No. AO-84-1]

Sweet Peppers Grown in Florida; Hearing on a Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of hearing on a proposed marketing agreement and order.

SUMMARY: Notice is hereby given on a public hearing to be held to consider a proposed marketing agreement and order to regulate the handling of sweet peppers grown in Florida. The proposal was submitted on behalf of Florida sweet pepper growers and has not received the approval of the Secretary of Agriculture. The proposed order would provide for the establishment of grade, size, quality, pack and container standards for Florida sweet peppers and would authorize production and marketing research and development projects. The program would be locally administered by a committee of ten pepper growers and a public representative and would be financed by assessments levied on sweet pepper handlers.

DATE: The hearing will begin on June 20, 1984, at 9:00 a.m.

ADDRESS: The hearing will be held in the meeting room of the Palm Beach County Extension Office, 2976 State Road 15/441, County Court Complex, Belle Glade, Florida.

FOR FURTHER INFORMATION CONTACT: Anne M. Dec, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 475-3930.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in E.O. 12291 and has been classified as nonmajor in accordance with USDA procedures. The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

This proposal has been widely discussed within the Florida sweet pepper industry. A pre-notice press release was issued on April 12, 1984, inviting public comment through May 10 on the proposed marketing order or alternative proposals. Seven comments were received, all in support of the proposal submitted by the sweet pepper growers.

The hearing is for the purpose of:

(a) Receiving evidence regarding the economic and marketing conditions which relate to the proposed marketing agreement and order or to any appropriate modifications thereof;

(b) Determining whether the handling of sweet peppers grown in the proposed production area is in the current of interstate or foreign commerce or directly burdens, obstructs or affects interstate or foreign commerce;

(c) Determining whether there is a need for a marketing agreement and order for Florida sweet peppers; and

(d) Determining whether the proposal or an appropriate modification of it will tend to effectuate the declared policy of the act.

The Regulatory Flexibility Act (Pub. L. 96-354), effective January 1, 1981, seeks to ensure that, within the statutory authority of a program, regulatory and information requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the hearing on the probable regulatory and informational impact of the proposed marketing agreement and order on small businesses.

List of Subjects in 7 CFR Chapter IX

Marketing agreements and orders, Sweet peppers, Florida.

The marketing agreement and order proposed on behalf of Florida sweet pepper growers is as follows:

PART —SWEET PEPPERS GROWN IN FLORIDA

Definitions

§ .1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ .2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ .3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ .4 Production area and regulated area.

(a) "Production area" means all territory in the State of Florida south of the northern boundaries of Citrus, Sumter, Lake and Volusia Counties.

(b) "Regulated area" mean that portion of the State of Florida which is bound by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ .5 Sweet peppers.

"Sweet peppers" means those varieties of the edible fruit *Capsicum annuum* commonly known as sweet, green, or bell peppers grown or which may be grown in the production area.

§ .6 Variety

"Variety" or varieties" means and includes all classifications of sweet, green or bell peppers according to those definitive characteristics now or hereafter recognized by the U.S. Department of Agriculture.

§ .7 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of sweet peppers owned by another person) who handles sweet peppers or causes sweet peppers to be handled.

§ .8 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport sweet peppers produced in the production area within the regulated area or between the regulated area and any point outside thereof except such term shall not include: (a) The sale or delivery of sweet peppers to a handler who has facilities within the production area for preparing sweet peppers for market and who has

registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary; (b) the delivery of sweet peppers to such a handler solely for the purpose of having such sweet peppers prepared for market; or (c) the transportation of sweet peppers by a handler, so registered with the committee, from the field to his packing facilities within the production area for the purpose of having such sweet peppers prepared for market. In the event a grower sells his sweet peppers to a handler who is not so registered with the committee, such grower shall be the first handler of such sweet peppers.

§ .9 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the production of sweet peppers for market.

§ .10 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of sweet peppers into grades, sizes, maturities or packs or any combination thereof, for market purposes.

§ .11 Grade, size, and maturity.

"Grade," "size," and "maturity" mean, respectively, any of the officially established grade, size, or maturity definitions set forth in the U.S. Standards for Sweet Peppers (§§ 51.3270 to 51.3286 of this title) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ .12 Pack.

"Pack" means a quantity of sweet peppers in any type of container which falls within specific weight, numerical, grade, or size limits, or any combination of these, recommended by the committee and approved by the Secretary.

§ .13 Container.

"Container" means a box, bag, crate, hamper, tub, basket, package, carton, or any other type of unit used in the packaging, transportation, sale, shipment, or handling of sweet peppers.

§ .14 Committee.

"Committee" means the Florida Sweet Pepper Committee, established pursuant to § .22

§ .15 Fiscal period.

"Fiscal period" means the period beginning September 1 and ending the following August 31, or such other period recommended by the committee and approved by the Secretary.

§ .16 District.

"District" means each of the geographic divisions of the production area initially established pursuant to § .24, or as reestablished pursuant to § .25.

§ .17 Export.

"Export" means the shipment of sweet peppers to any destination beyond the boundaries of the continental United States.

Committee

§ .22 Establishment and membership.

(a) There is hereby established a Florida Sweet Pepper Committee, consisting of eleven members, to administer the terms and provisions of this part. Ten members shall be growers, and one shall be a public member. Each member shall have an alternate who shall have the same qualifications as the member.

(b) Each member, other than the public member, shall be an individual who is, prior to selection and during his term of office (1) a resident of the production area, and (2) a grower, or an officer or employee of a grower or a growers' cooperative marketing organization.

(c) Grower membership shall be initially apportioned as follows: four from District 1; four from District 2; and two from District 3.

(d) The public member shall be a resident of the production area and be neither a grower nor a handler and shall have no direct financial interest in the commercial production, financing, buying, packing or marketing of sweet peppers, except as a consumer, nor be a director, officer or employee of any firm so engaged.

§ .23 Term of office.

(a) Except as otherwise provided in paragraph (b) of this section, the term of office of committee members and their respective alternates shall be for two years beginning July 1 and ending June 30 or for such other two-year period as the committee may recommend and the Secretary approve. The terms shall be determined so that approximately one-half of the total committee membership shall terminate each year. Committee members shall not serve for more than three consecutive two-year terms. Members and alternates shall serve in such capacity for the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified.

(b) The term of office of the initial members and alternates shall begin on the effective date of this subpart. Approximately one-half the initial committee members and alternate shall serve for a one year term.

§ .24 Districts.

For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The counties of Charlotte, Glades, Lee, Hendry, Collier, and Monroe.

District No. 2. The counties of Martin, Palm Beach, Broward, and Dade.

District No. 3. All of the remaining counties within the production area not included in Districts 1 and 2.

§ .25 Redistricting and reapportionment.

The committee may recommend, and the Secretary may approve, the reestablishment of districts within the production area, and the reapportionment of membership among the districts. In recommending any such changes, the committee shall give consideration to: (a) Shifts in sweet pepper acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment; and (e) other relevant factors. The committee shall make recommendations for changes in districting or apportionment of membership no later than February 1 and, if approved by the Secretary on or before March 15, such changes shall become effective at the beginning of the succeeding term of office.

§ .26 Nominations.

(a) Initial members. For nominations to the initial committee, a meeting or meetings may be sponsored by the U.S. Department of Agriculture or by any agency or group requested to so do by the Department. The nominations resulting from these meetings for each of the ten initial grower members of the committee and their respective alternates shall be submitted to the Secretary prior to the effective date of this subpart.

(b) Successor members. (1) The committee shall hold or cause to be held not later than May 15 of each year, or

such other date as may be specified by the Secretary, a meeting or meetings of growers in each district for the purpose of designating at least one nominee for each position as member and for each position as alternate member of the committee which is vacant, or which is about to become vacant;

(2) The names of nominees shall be supplied to the Secretary at such time and in such manner and form as he may prescribe;

(3) Only those growers who are present at such nomination meetings, or represented at such meetings by a duly authorized employee, may participate in the nomination and election of nominees for members and their alternates;

(4) No grower shall participate in the election of nominees in more than one district in any one fiscal period;

(c) Each grower is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled;

(d) The public member and alternate member shall be nominated by the grower members of the committee. The committee shall prescribe such additional qualifications, administrative rules and procedures for the selection of such candidates as it deems necessary and as the Secretary approves. The names of the nominees for the initial public member and alternate shall be submitted to the Secretary not later than 90 days after the first regular meeting of the initial Florida Sweet Pepper Committee.

§ .27 Selection

Committee members and alternates shall be selected by the Secretary on the basis of representation provided for in § .22 from nominations made pursuant to § .26.

§ .28 Failure to nominate.

If nominations, including initial nominations, are not made within the time and manner prescribed in § .26, the Secretary may, without regard to nominations, select the members and alternates on the basis of the representation provided for in § .22.

§ .29 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall, prior to serving as such, qualify by filing a written acceptance with the Secretary within the time period specified by the Secretary.

§ .30 Vacancies.

To fill committee vacancies, the Secretary may select members or alternates from nominees on the latest nomination reports or from nominations made in the manner specified in § .26 or from other eligible persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the vacancy may be filled without regard to nomination, but such selection shall be made on the basis of representation provided for in § .22.

§ .31 Alternate member.

An alternate member of the committee shall act in the place and stead of the member for whom an alternate, during such member's absence or when designated to do so by such member. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee, in that order, may designate another alternate from the same district to serve in such member's stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ .32 Procedure.

(a) Seven members of the committee shall constitute a quorum and seven concurring votes, including one from each district, shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing except that if any assembled meeting is held, all votes shall be cast in person.

§ .33 Expenses.

Committee members and alternates shall serve without compensation but may be reimbursed for reasonable expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ .34 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ .35 Duties.

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

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees, to adopt such rules, regulations, and by-laws for the conduct of its business as it deems necessary, and to recommend nominees for the public member and alternate;

(b) To act as intermediary between the Secretary and any grower or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to sweet peppers;

(f) To recommend research and development projects to the Secretary in accordance with this part;

(g) To notify handlers of each meeting of the committee to consider recommendations for regulations and of all regulatory actions taken which might affect growers or handlers and to provide such notification to producers through appropriate news releases or such other means as may be available to the committee;

(h) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members;

(i) To prepare a marketing policy;

(j) To recommend marketing regulations to the Secretary;

(k) To recommend rules and procedures for, and to make determinations in connection with, appropriate safeguards;

(l) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each

committee meeting shall be reported promptly to the Secretary;

(m) Prior to or at the beginning of each fiscal period, to prepare a budget of anticipated expenses for such fiscal period, together with a report thereon;

(n) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee;

(o) To prepare and forward to the Secretary, prior to the last day of each fiscal period, an annual report, and make a copy available to each handler and grower who requests it. This annual report shall contain at least:

(1) A complete review of regulatory operations during the fiscal period;

(2) An appraisal of the effect of such regulatory operations upon the sweet pepper industry; and

(3) Any recommendations for changes in the program.

(p) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period and at such other times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by growers and handlers; and

(q) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper activities and objectives under this part.

Expenses and Assessments

§ .40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of sweet peppers handled by him as the first handler thereof during a fiscal period and the total quantity of sweet peppers handled by all handlers as first handlers thereof during such fiscal period.

§ .41 Budget.

Prior to or at the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ .42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles sweet peppers shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all sweet peppers which were handled by each first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ .43 Accounting.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate member of the committee, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including, but not limited to, books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations under this part are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ .44 Excess funds.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(a) The committee, with the approval of the Secretary, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period be carried over into following periods as a reserve. Such reserve shall not exceed approximately one fiscal period's budgeted expenses and may be used to: (1) cover deficits incurred in any fiscal period when assessment income is less than expenses; (2) defray expenses incurred during any period when any or all of the provisions of this part are suspended or inoperative; (3) defray expenses during any fiscal period prior to the time that assessment income is sufficient to cover such expenses; and (4) cover the necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: Except that to the extent practicable such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) If such excess is not retained in a reserve or used to defray expenses of liquidation as provided for in paragraph (a) of this section, each handler entitled to a proportionate refund of the excess assessments collected shall be credited at the end of a fiscal period with such refund against the operations of the

following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

Research and Development

§ .48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production and marketing research and development projects designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of sweet peppers. Such projects shall be financed from assessments collected pursuant to § .42.

Regulation

§ .50 Marketing policy.

Prior to or at the same time as initial recommendations are made pursuant to § .51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in handling sweet peppers during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to sweet peppers. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any interested party. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of sweet peppers including prices by grade, size, quality, and pack, in the production area and in competing areas;

(b) Supplies of sweet peppers, by grade, size, and quality in the production area, and in other production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting sweet pepper prices; and

(e) Other relevant factors.

§ .51 Recommendations for regulations.

The committee, upon complying with the requirements of §§ .32 and .50, may recommended regulations to the Secretary whenever it finds that such regulations, as are authorized in this subpart, will tend to effectuate the declared policy of the act.

§ .52 Issuance of regulations.

The Secretary shall limit the handling of sweet peppers whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, or packs of any or all varieties of sweet peppers during any period; or

(b) Limit the handling of particular grades, sizes, qualities, maturities, or packs or sweet peppers differently, for different varieties, for different portions of the productions area, for different containers, for different purposes specified in § .54, or any combination of the foregoing, during any period; or

(c) Limit the handling of sweet peppers by establishing, in terms of grades, or sizes, or both: (1) Minimum standards of quality and maturity which shall be effective irrespective of whether the season average price of sweet peppers is in excess of the parity level specified in Section 2(1) of the act; and/or (2) pack specifications for the several commercially recognized grades of equal or better quality than the said minimum standards of sweet peppers which may be handled pursuant to subparagraph (1) of this paragraph; or

(d) Fix the size, weight, capacity, dimensions, construction, markings, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of sweet peppers.

§ .53 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ .42, .52, .54, .60, or any combination thereof.

§ .54 Shipments for special purposes.

Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ .42, .52, 53, or .60 or any combination thereof, in order to facilitate handling of sweet peppers for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For use in relishes or for other processing; or

(d) For other purposes which may be specified by the committee, with the approval of the Secretary.

§ .55 Notification of regulation.

The Secretary shall notify the committee of any regulations issued or of any modification, suspension or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ .56 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent handling of sweet peppers pursuant to § .54 from entering channels of trade for other than the specified purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Safeguards provided by this section may include, but shall not be limited to, requirements that handlers:

(1) Shall file applications with the committee to ship sweet peppers pursuant to § .54; and for purposes of this part, any person who operates an established packinghouse within the production area, with facilities for grading and packing for market, and who customarily buys or otherwise acquires from producers for grading, packing, and marketing, may be listed by the committee as a registered handler. Any other person who desires to be listed as a registered handler may make application for registration on forms furnished by the committee. If the applicant has facilities available to him that are determined by the committee to be adequate for grading and packing for market and he assumes responsibility for inspection of sweet peppers handled by him, and for assessments thereon, he shall be listed by the committee as a registered handler. If it is determined from the available information that the applicant is not entitled to be registered with the committee, he shall be so informed by written notice stating the reason for denial of his application. Any handler whose registration has been canceled shall be so informed by written notice thereof stating the reason therefor. The committee shall also notify producers of each such cancellation of handler registration through committee bulletins or published notice in local newspapers of general distribution, or both;

(2) Shall obtain inspection provided by § .60, or pay the assessment levied pursuant to § .42, or both, in connection with shipments made under § .54;

(3) Shall obtain Certificates of Privilege from the committee to handle sweet peppers pursuant to the provisions of § .54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that sweet peppers handled by him for the purpose stated in § .54 were handled contrary to the provisions of this part.

(c) Shipments may be made to persons whose names are on the Florida Sweet Pepper Committee's list of manufacturers of sweet pepper products. Such list may consist of firms actively engaged in the business of canning, freezing, or other processing.

(1) Persons desiring to have their name placed on the Committee's list shall apply to the committee. Such application shall contain the following:

(i) Name and address of the applicant;

(ii) Location and description of facilities for commercial processing into products;

(iii) Specific products;

(iv) Expected source of sweet peppers for commercial processing into products;

(v) Such other information as the committee may deem necesssary.

(2) Upon receipt of an application for such listing, the Florida Sweet Pepper Committee shall make such investigation as it deems necessary, and if it appears that the applicant may reasonably be expected to use sweet peppers covered by the application in accordance with the requirements of this section, it shall place the applicant's name on the Florida Sweet Pepper Committee's list of manufacturers of sweet pepper products.

(3) For each shipment to a person whose name is not on the committee's list, the handler must provide evidence to the committee prior to shipment that the sweet peppers will be used only for processing into products. Further, he shall submit reports as prescribed by the committee and approved by the Secratary.

(d) The committee may, with the approval of the Secretary, require that any classification of sweet peppers not approved for shipment to fresh market or special purpose outlets be mutilated or otherwise rendered unfit for human consumption in an approved manner.

(e) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(f) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of sweet peppers covered by such applications, the number of such applications denied and certificates granted, the quantity of sweet peppers handled under duly issued certificates, and such other information as may be requested.

Inspection

§ .60 Inspection and certification.

(a) Whenever the handling of sweet peppers is regulated pursuant to § .52 (a) through (c), or at other times when recommended by the committee and approved by the Secretary, no handler shall handle sweet peppers unless such sweet peppers are inspected by an authorized representative of the Federal-State Inspection Service or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § .53 or § .54, or both.

(b) Each lot so inspected and certified shall, upon recommendation of the committee with approval of the Secretary, be identified by appropriate seals, stamps, or tags affixed to each of the containers by the handler under the direction and supervision of the committee or the inspection service, showing that the minimum standards of quality and maturity have been met and, in addition, the particular pack specifications of the lot, if such pack specifications are then in effect. Regrading, resorting, or repacking any lot of sweet peppers shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When sweet peppers are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

Reports

§ .70 Reports.

Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not limited to, the following:

(1) The quantities of sweet peppers received by a handler;

(2) The quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation;

(3) The date of each such disposition and the identification of the carrier transporting such sweet peppers; and

(4) The identification of the inspection certificates and the exemption certificates, if any, pursuant to which the sweet peppers were handled, together with the destination of each exempted disposition, and of all sweet peppers handled pursuant to § .53, or § .54, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which might adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years after the particular fiscal period such records of the sweet peppers received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

Miscellaneous Provisions

§ .80 Compliance.

Except as provided in this subpart, no handler shall handle sweet peppers, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle sweet peppers except in conformity with the provisions of this part.

§ .81 Right of the Secretary.

The members of the committee (including successors and alternates) and any agents or employees appointed or employed by the committee shall be subject to removal or suspension by the Secretary, at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ .82 Effective time.

The provisions of this subpart or any amendment thereto shall become effective at such time as the Secretary

may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ .83 Termination.

(a) The Secretary shall, whenever he finds that any or all provisions of this subpart obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this subpart or such provision thereof.

(b) The Secretary shall terminate the provisions of this subpart at the end of the then current fiscal period whenever he finds that such termination is favored by a majority of the growers who, during a representative period determined by the Secretary, have been engaged in the production for market of sweet peppers within the production area: Except that such majority has during such representative period, produced for market more than 50 percent of the volume of such sweet peppers produced for market.

(c) The Secretary shall conduct a referendum within the period beginning July 1, 1995, and ending September 30, 1995, to ascertain whether continuance of this part is favored by growers as set forth in paragraph (b) of this section. The Secretary shall conduct such a referendum within the same period of every tenth fiscal period thereafter.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ .84 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ .85 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ .86 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart except with respect to acts done under and during the existence of this subpart.

§ .87 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ .88 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ .89 Personal liability.

No member or alternate member of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others in any way whatever to any handler or to any person for errors in judgment, mistakes or other acts, either of commission or omission, as such member, alternate, agent or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ .90 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ .91 Amendments.

Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ .92 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ .93 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ .94 Order with marketing agreement.

Each signatory handler requests the Secretary to issue, pursuant to the Act, an order providing for regulating the handling of sweet peppers in the same manner as is provided for in this agreement.[1]

Copies of this notice of hearing may be obtained from Anne M. Dec, Fruit and Vegetable Division, AMS, Room 2545–S., U.S. Department of Agriculture, Washington, D.C. 20250 (202) 475–3930; or from William C. Knope, Lakeland Marketing Field Office, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, P.O. Box 9, Lakeland, Florida 33802 (813) 683–5983.

Signed at Washington, D.C., on June 1, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84–15093 Filed 6–4–84; 8:45 am]

BILLING CODE 3410–02–M

[1] Applicable only to marketing agreement.

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites comments on suspending a sentence in § 989.67(j) of the California raisin marketing order dealing with the pricing of reserve raisings offered to handlers for free use. The proposed suspension is necessary so that the value of handlers 1983 crop free tonnage inventories can be adjusted downward closer to current world price levels. The industry is faced with a large supply of free raisins valued above the level warranted by current marketing conditions. A downward adjustment in the value of this supply is necessary to help the industry become price competitive and to aid it in marketing those supplies. To accomplish the adjustment, the Raising Administrative Committee proposed to offer handlers one ton of 1983–84 crop reserve at $100 per ton for each ton of free raisins held by them on July 31, 1984. In the absence of the suspension, the raisins would have to be offered at a price well above the $100 level and thus not allow the necessary price adjustment to be accomplished. Moreover, a significant loss in foreign markets is anticipated as well as a potential loss of domestic markets to foreign imports. This action was recommended by the Raisin Administrative Committee which works with the USDA in administering the order.

DATE: Comments must be received by June 15, 1984.

ADDRESSES: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

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

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposal could have an impact on a substantial number of small entities. However, the extent of such impact on an individual entity is unlear and impossible to determine at this time since much depends on the financial positions of individual growers. Moreover, the benefits of becoming more competitive under current market conditions should outweigh any critical adverse impact and result in benefits in the long-term to the small entity in the marketing and pricing of their product.

Frank M. Grasberger has determined that an emergency situation exists which warrants less than a 30-day comment period. Approximately 50 percent of all annual domestic raisin sales occur during September through December. Currently, marketing plans and strategies for the fall of 1984 are being developed by California raisin handlers and the trade. If the Raisin Administrative Committee's recommendation is to be implemented, it must be implemented soon so as to enable the California raisin industry and the trade to plan accordingly. Additionally, the trade requires sufficient lead time to adjust to any price responses resulting from implementation of the Committee's recommendation. In view of the foregoing, a 10-day comment period is provided.

This proposal would suspend the penultimate sentence in § 989.67(j) of the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agriculatural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). That sentence provides that: "However, such raisins shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale and reserve tonnage by the committee, to which shall be added the costs to the equity holders incurred by the committee on account of receiving, inspecting, storing, fumigating, insuring, and holding of said raisins, and including costs of taxes and interest: *Provided,* That, where the outlook for the next corp year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for frees tonnage packed raisins, reserve tonnage maybe sold to handlers at the currenrtly prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee."

Currently, the raising industry is carrying an excessively large supply of 1983 crop raisins and there is a projection of a record production in 1984. The trade is aware of this supply problem and forward purchases from handlers have virtually ceased. Sales are not expected to resume until corrective pricing action is taken by handlers. However, before that can begin, handlers need assurance that their 1983 free raisins (bought at $1,300 per ton) would be protected against the recently established $700 per ton 1984 free tonnage field price, thus reducing their potential loss on 1983 crop free raisin inventory. This assurance and price protection only can occur by suspending the penultimate sentence in § 989.67(j). The proposed suspension of that sentence would allow the Raisin Administrative Committee to sell 1983 crop reserve tonnage to handlers for free use at a lower price than the established field price plus other costs.

In recommending its action, the Committee recognized that producers would be selling reserve raisins at a price only slightly above storage and inspection costs. However, the prospects for alternative disposition of the remaining 1983–84 reserve tonnage appear to be limited. In supporting this proposal, handlers recognize that they are accepting a potential supply in 1984–85 roughly double that of annual free tonnage sales in recent seasons. However, with a "revalued" inventory there is expectation that the supply can be marketed and domestic markets protected from foreign competition. In spite of the current excessive supply of California raisins, raisins currently are being imported into the United States.

Another part ot the industry's 1984 marketing plan includes a proposed modification of the current incoming and outgoing grade standards and a redefinition of reconditioning setaside procedures. These changes are intended to help the industry move toward the higher maturity levels of imported raisins. Those proposals will be published in a later issue of the **Federal Register.**

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, grapes, raisins, and California.

PART 989—[AMENDED]

Therefore, the proposal is as follows:

§ 989.67 (Amended)

The penultimate sentence in § 989.67(j) is hereby suspended

indefinitely. This sentence reads as follows:

* * * * *

(j) "However, such raisins shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale reserve tonnage by the committee, to which shall be added the costs to the equity holders incurred by the committee on account of receiving, inspecting, storing, fumigating, insuring, and holding of said raisins, and including costs of taxes and interest: *Provided,* That, where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnager raisins, as determined by the committee."

(Secs. 1–19, 48 Stat. 31, as amended 7 U.S.C. 671–674)

Dated: June 1, 1984.

John Ford,

Deputy Assistant Secretary Marketing and Inspection Services.

[FR Doc. 84–15152 Filed 6–4–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 3

[Docket No. 84N–0079]

Labeling of Mouthwash, Mouth Freshener, and Gargle Preparations; Withdrawal of Proposed Statement of Policy

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed statement of policy.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing a proposed statement of policy setting forth labeling conditions for over-the-counter (OTC) mouthwash, mouth freshener, and gargle preparations. This action is taken as part of the agency's program to reconsider existing regulations and proposed rules on which final action has not been taken. The agency has reviewed this proposed regulation and determined that, because these products fall under a rulemaking proceeding within the ongoing OTC drug review, this regulation is no longer necessary.

FOR FURTHER INFORMATION CONTACT: Eileen Hodkinson, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics) (HFN–360), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

SUPPLEMENTARY INFORMATION: In 1980, FDA began a program to reconsider existing rules and to withdraw outstanding proposed rules that have become obsolete because of the development of new technology, the passage of time, changes in agency priorities and policies, comments received, availability of regulatory alternatives that achieve the same consumer protection goals, or other reasons.

One such proposal that is outstanding was published in the **Federal Register** of August 4, 1970 (35 FR 12411), to set forth acceptable labeling for OTC mouthwash, mouth freshener, and gargle preparations. This proposal would have added a new section to Part 3, which subsequently was recodified into various parts of Subchapter C of Title 21 of the Code of Federal Regulations (40 FR 13996; March 27, 1975), to provide guidance to manufacturers and distributors in the preparation of labeling for these products.

Since 1972, however, the agency has been evaluating all currently marketed OTC drug products for safety and effectiveness under its OTC Drug Review Program. Through rulemaking procedures, the agency is establishing conditions under which OTC drug products will be considered generally recognized as safe and effective for their intended uses. These conditions, which included labeling, are being published for the various OTC drug categories in final monographs in the **Federal Register**. The advance notice of proposed rulemaking for OTC Oral Health Care Drug Products was published in the **Federal Register** of May 25, 1982 (47 FR 22760). When the final monograph for these products is published, it will cover OTC mouthwash drug products. In view of this OTC drug review rulemaking proceeding, the policy statement proposed in 1970 has been superseded and is no longer necessary.

Therefore, the proposed statement of policy published in the **Federal Register** of August 4, 1970 (35 FR 12411), is hereby withdrawn.

This withdrawal is issued under authority of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050–1053 as amended, 1055 (21 U.S.C. 352, 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10).

Dated: May 29, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84–14929 Filed 6–4–84; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Parts 3 and 131

[Docket No. 84N–0078]

Over-the-Counter Systemic Analgesics; Withdrawal of Proposed Statement of Policy and Changes in Warning Statements

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed statement of policy.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing a proposed statement of policy setting forth labeling conditions for over-the-counter (OTC) systemic analgesics. This action is taken as part of the agency's program to reconsider both existing regulations and proposed rules on which final action has not been taken. The agency has reviewed this proposed policy statement and has determined that, because these products fall under a rulemaking proceeding within the ongoing OTC drug review, this statement of policy is no longer necessary.

FOR FURTHER INFORMATION CONTACT: Eileen Hodkinson, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics) (HFN–360), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

SUPPLEMENTARY INFORMATION: In 1980, FDA began a program to reconsider existing rules and to withdraw outstanding proposed rules that had become obsolete because of the development of new technology, the passage of time, changes in agency priorities and policies, comments received, availability of regulatory alternatives that achieve the same consumer protection goals, or other reasons.

One such proposal that is outstanding was published in the **Federal Register** of April 5, 1967 (32 FR 5560), to set forth acceptable labeling for OTC systemic analgesic. This proposal would have added a new section to Part 3, which subsequently was recodified into various parts of Subchapter C of Title 21 of the Code of Federal Regulations (40

FR 13996; March 27, 1975), to provide guidance to manufacturers and distributors in the preparation of labeling for these drug products.

Since 1972, however, the agency has been evaluating all currently marketed OTC drug products for safety and effectiveness under its OTC Drug Review Program. Through rulemaking procedures, the agency is establishing conditions under which OTC drug products will be considered generally recognized as safe and effective for their intended uses. These conditions, which include labeling, are being published for the various OTC drug categories in final monographs in the **Federal Register.** The advance notice of proposed rulemaking for OTC Internal Analgesic, Antipyretic, and Antirheumatic Drug Products was published in the **Federal Register** of July 8, 1977 (42 FR 35346). When the final monograph for these products is published, it will cover internal analgesic OTC drugs. In view of this OTC drug review rulemaking proceeding, the labeling policy statement concerning OTC systemic analgesics proposed in 1967 has been superseded and is no longer necessary.

Therefore, the proposed statement of policy published in the **Federal Register** of April 5, 1967 (32 FR 5560), is hereby withdrawn. This withdrawal is issued under authority of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050–1053 as amended, 1055 (21 U.S.C. 352, 355, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10).

Dated: May 29, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-14928 Filed 6-4-84; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR-FRL-2601-7]

Approval and Promulgation of Implementation Plans; Ohio, Illinois, Indiana, and Michigan

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking; correction.

SUMMARY: This notice provides additional information which should have been included in the proposed rulemaking on the approval and promulgation of implementation plans for Ohio, Illinois, Indiana, and Michigan. This proposed rulemaking was published in the May 15, 1984, **Federal Register** (49 FR 20521).

FOR FURTHER INFORMATION CONTACT:

Illinois: Randolph O. Cano, (312) 886–6035

Indiana: Robert Miller, (312) 886–6031

Michigan: Toni Lesser, (312) 886–6037

Ohio: Deborah Marcantonio, (312) 886–6088

Correction: In particular, on page 20521 on the May 15, 1984, **Federal Register** in the second column in the DATE section, the following words were omitted: "Comments on this revision and on the proposed USEPA action must be received by". Instead only the date June 14, 1984, was printed.

This paragraph should have read as follows: "**DATE:** Comments on this revision and on the proposed USEPA action must be received by June 14, 1984".

USEPA regrets any inconvenience that this omission has caused. The public comment period on this proposed rule will close June 14, 1984, as earlier intended. If this causes undue hardship, please contact the appropriate Region V staff member listed above and an alternative arrangement will be made.

Dated: May 25, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84-14974 Filed 6-4-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-5-FRL 2600-2]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designation: Wisconsin

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: USEPA proposes to revise the Total Suspended Particulates (TSP) designation for a sub-city area of Waukesha, Wisconsin, from primary/secondary nonattainment to just secondary nonattainment. This proposed revision is based on a redesignation request from the Wisconsin Department of Natural Resources (WDNR) and on supporting technical data submitted by the Department. Under the Clean Air Act (Act) attainment status designations can be changed if sufficient data are available to warrant such changes. The intent of this notice is to discuss the results of USEPA's review of the WDNR's redesignation request and their supporting technical data, and to solicit public comment on the revision and on USEPA's proposed action.

DATE: Comments on this redesignation and on USEPA's proposed action must be received by July 5, 1984.

ADDRESSES: Copies of the redesignation request, the technical support documents, and the supporting air quality data are available at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 S. Dearborn Street, Chicago, Illinois 60604

Wisconsin in Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707

Comments on this proposed rule should be addressed to (Please submit an original and five copies, if possible):

Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Colleen W. Comerford, (312) 886–6034.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Act, the Administrator of USEPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of Wisconsin. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised if sufficient data are available to warrant such changes.

Background

USEPA's criteria for Section 107 redesignations are summarized in two policy memorandums: (1) An April 21, 1983, policy memorandum from Sheldon Meyers, then Director of the Office of Air Quality Planning and Standards, entitled "Section 107 Designation Policy Summary"; and (2) a December 23, 1983, policy memorandum from G. T. Helms, Chief of the Control Programs Operation Branch, entitled "Section 107 Questions and Answers." In general, all available information relative to the attainment status of the area should be reviewed. In addition, a change from a primary nonattainment designation to a secondary nonattainment designation must be supported by:

(1) The most recent eight consecutive quarters of quality-assured, representative ambient air quality data which show no violations of the appropriate NAAQS, plus evidence of an implemented control strategy; and

(2) Any supplemental information, including air quality and emission data, that can be used to determine whether the monitoring data accurately characterize the worst case air quality in the area.

Waukesha—TSP

Th amended Clean Air Act (August 1977) required all States to determine their attainment/nonattainment status with respect to the NAAQS. Based on air monitoring data collected in 1975, 1976, and the first half of 1977, the State of Wisconsin recommended to USEPA that two small portions of the City of Waukesha be designated as primary and secondary nonattainment areas for TSP. In 1978, USEPA did so designate these areas as recommended by the State of Wisconsin.

On March 14, 1983, the WDNR requested that USEPA revise the TSP air quality attainment status designation for a sub-city area of Waukesha. The WDNR also submitted a Technical Support Document on the same date. The WDNR's request was revised on July 29, 1983, and again on January 4, 1984, and additional technical information was submitted on September 13, 1983. These documents, and the results of USEPA's review of these documents, are available for public inspection at the Region V office listed above.

The WDNR requested that USEPA eliminated the designation of primary nonattainment but retain the designation of secondary nonattainment for a small portion of the City of Waukesha. The WDNR also requested a change in the boundaries of this secondary nonattainment area, as specified below:

North—Moreland Boulevard east from Frame Park Drive to White Rock Avenue, south on White Rock Avenue to Eales Avenue, east on Eales Avenue to Cleveland Avenue.
East—Cleveland Avenue from Eales Avenue to Perkins Avenue
South—East Main Street from White Rock Avenue to the Strand, north on the Strand to Perkins Avenue, east on Perkins Avenue from the Strand to Cleveland Avenue.
West—White Rock Avenue from East Main Street to Frame Park Drive, Frame Park Drive from Perkins Avenue to Moreland Boulevard.

Monitoring Data

The WDNR submitted a Technical Support Document with summaries of the TSP ambient air monitoring data collected from five sites in Waukesha, Wisconsin, during 1980–1982. Data from a sixth site was also submitted for 1980. USEPA has reviewed this ambient air data, as well as 1983 data from three of the monitoring sites and 1977–1978 data from a special purpose monitor (SPM). The data show that no violations of the primary TSP NAAQS occurred during 1980 to 1983. However, violations of the secondary TSP NAAQS were recorded at four of the sites during 1980, and at two of the sites during 1981–1983. USEPA has determined that the monitors provide adequate spatial coverage of the area; therefore, the data obtained from these sites is representative of the TSP levels in this area.

The proposed secondary nonattainment area boundaries include: (1) The two monitoring sites, Sites 010 and 012, where secondary 24-hour violations have been recorded during recent years; (2) the special purpose monitor, Site 014, where violations had been recorded during a period of special study (1977–1978); and (3) a major foundary which has been identified by the WDNR as the main cause of the 1982 secondary exceedances at Site 012. The extent of these boundaries is supported by 2 years of data showing no violations at two monitors located on and just outside the proposed boundaries.

Modeling Data

Because USEPA's redesignation policy requires that all available information relative to the attainment status of an area be reviewed, USEPA also considered a dispersion modeling analysis that was performed by the WDNR as part of the original Part D TSP development work for the Southeast Wisconsin Air Quality Control Region (SEWAQCR). The analysis is entitled "Total Suspended Particulate Air Qualtiy Analysis for Nonattainment Areas in the Southeast Wisconsin Intrastate AQCR" and was published in May 1979. Due to several deficiencies in this analysis, its usefulness was limited to identifying expected high concentration areas. The modeling showed that the primary "hot-spot" in the County is the current nonattainment area, located just northeast of downtown Waukesha. It also showed that the major foundry identified earlier has the greatest impact on the nonattainment area.

Conclusion

The improvement in ambient TSP levels can be attributed to three factors. The first is the shutdown of two sources that were located in the original primary nonattainment area, specifically the International Harvester Foundry, which permanently shutdown some of its operations in 1982, and the Gartland Foundry, which shutdown completely and permanently in 1977. The second factor is the paving of some unpaved streets located in the original nonattainment areas. The third factor is source compliance with the federally approved Part D SIP for TSP (48 FR 9860, March 9, 1983).

Verification of source shutdowns was provided by the WDNR in its July 29, 1983, submittal and its May 1979, modeling analysis. Information on street paving was also included in the WDNR's July 29, 1983, submittal. Source compliance information was included in the technical information submitted by the WDNR on September 13, 1983, and was verified through subsequent discussions with the WDNR.

In conclusion, the ambient air monitoring data show no violations of the primary TSP NAAQS from 1980 to 1983 in Waukesha, Wisconsin. Additionally, the WDNR has supplied verification of the factors contributing to reduced TSP emission levels. Therefore, USEPA is proposing to eliminate the designation of primary nonattainment, to retain the designation of secondary nonattainment, and to reduce the size of the secondary nonattainment area for Waukesha, Wisconsin, as specified above. These designations are defined at 40 CFR 81.350.

All interested persons are invited to submit written comments on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether USEPA will approve the redesignation. After review of all comments submitted, the Administrator of USEPA will publish in the **Federal Register** the Agency's final action on the redesignation.

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

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

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

(Section 107(d) of the Act, as amended (42 U.S.C. 7407)

Dated: May 8, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84-14973 Filed 6-4-84; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

[GSAR Notice No. 5-66]

Recovering of Administrative Costs; Termination of Contracts; Bonds and Issuance

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rule making.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Regulation (GSAR) Chapter 5, concerning Government's recovery of damages other than excess costs of reprocurement and liquidated damages in the event of a contractor's termination for default. The intended effect is to implement the FAR by specifying the requirements to be followed when recovering administrative costs incurred by the Government as a result of a default on the part of the contractor. The proposed change also adds a section to Part 528, Bonds and Insurance, to implement Pub. L. 98-269. This public law amended the Miller Act by transferring the responsibility for furnishing certified copies of Miller Act payment bonds from the Comptroller General to the federal agency that awarded the bonded contract.

DATE: Comments are due not later than July 5, 1984.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to Ms. Carol A. Farrell, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, 18th & F Sts., NW., Room 4027, Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Edward Loeb, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, (202) 535-7791.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration certifies that this document will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.)

List of Subjects in 48 CFR Parts 528, 533, 549.

Government procurement.

Dated: May 29, 1984

Richard H. Hopf, III,

Director, GSA Acquisition Policy and Regulations.

[FR Doc. 84-14924 Filed 6-4-84; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 10

Revised List of Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to revise the List of Migratory Birds contained in 50 CFR 10.13. As revised, the List will contain all species covered by the four treaties between the United States and other nations that are implemented by the Migratory Bird Treaty Act. The List of Migratory Birds was last revised on November 16, 1977 (42 FR 59258), with subsequent corrections (March 14, 1978, 43 FR 10565; April 10, 1978, 43 FR 14968). A revision is necessary to bring the List up to date. The Service proposes to revise the scientific names of groups listed in two of the four migratory bird treaties. The Service also proposes to add certain species to and delete others from the current List of Migratory Birds, and to revise the English (common) and/or scientific names of previously listed species as necessary to conform with the most recent *Check-list of North American Birds* (American Ornithologists' Union, 6th ed., 1983). Only those species being added, deleted, or undergoing a name change are listed here. After consideration of comments received on this proposed rule a final rule containing a full, revised List of Migratory Birds will be prepared and published.

DATES: Comments must be submitted on or before August 6, 1984.

ADDRESS: Comments may be mailed to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or delivered weekdays to the Office of Migratory Bird Management, Room 546, Matomic Building, 1717 H Street, NW., Washington, D.C. All materials received may be inspected during normal business hours in Room 546, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-254-3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act (16 U.S.C. 703-712) (hereinafter referred to as MBTA) expressly protects any migratory bird included in the terms of the Convention for the Protection of Migratory Birds, August 16, 1916, United States-Great Britain (on behalf of Canada), 39 Stat. 1702, T.S. No. 628, the Convention for the Protection of Migratory Birds and Game Mammals, February 7, 1936, United States-Mexico, 50 Stat. 1311, T.S. No. 912, the Convention for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1972, United States-Japan, 25 U.S.T. 3329, T.I.A.S. No. 7990 (16 U.S.C. 703), and the Convention Between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment, 92 Stat. 3110, T.I.A.S. 9073 (16 U.S.C. 703, 712).

The Fish and Wildlife Service regulates most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds under the terms of the MBTA. Regulations implementing the MBTA, which are found principally in title 50 Code of Federal Regulations (CFR), Parts 10, 20, and 21, may be applied to any bird covered by one of the four treaties (16 U.S.C. 712).

Because of taxonomic changes over the years, there is need to better define and interpret the species intended to be afforded protection under the various migratory bird treaties. Many of the scientific group and species names appearing in the treaties are no longer in use. Lists of equivalent nomenclature are provided here to document the intended coverage of the wording appearing in the original treaties.

A list of birds protected under the Canadian, Mexican, and Japanese treaties is currently contained in 50 CFR 10.13. The revisions proposed here are necessary to:

(i) Include those birds protected under the Soviet treaty that are not presently listed;

(ii) Bring the list into accord with the English (common) and scientific names

given in the 6th Edition of the American Ornithologists' Union's *Check-list of North American Birds* (1983);

(iii) Add species that are of regular occurrence in the United States that were not included on the last List;

(iv) Delete species formerly thought to occur in the United States but for which records have been disavowed;

(v) Delete species whose occurrence in the United States is deemed accidental, i.e., the U.S. is outside the species' normal range and occurrence is infrequent and irregular.

Changes in categories (iii), (iv), and (v) affect only certain species covered only by terms of the treaties with Canada and/or Mexico.

The first treaty offering protection to migratory birds, with Canada, was signed 68 years ago. That treaty indicated, by scientific names of families or groups or by the English names of species or groups of species, which birds were intended to be protected by the treaty. One subordinal group name, Limicolae, has gone out of usage in the intervening years. The equivalent current scientific names of the groups and species incorporated by scientific and English names in the treaty with Canada are presented here. Family names end in -idae, while subfamily names end in -inae.

Birds protected by U.S.-Canada treaty, 1916 with present equivalent scientific terminology:

1. *Migratory Game Birds:*

Anatidae—no change
Gruidae—no change
Rallidae—no change
Limicolae or shorebirds = Charadriidae, Haematopodidae, Recurvirostridae, Scolopacidae
Columbidae—no change

2. *Migratory Insectivorous Birds:*

Bobolinks, meadowlarks, orioles = Emberizide/Icterinae, part
Catbirds = Mimidae, part
Chickadees, titmice = Paridae
Cuckoos = Cuculidae
Flickers, woodpeckers = Picidae, part or all
Flycatchers = Tyrannidae, part or all (interpreted as family group name and not meant to include Old World flycatchers in the family Muscicapidae)
Grosbeaks = Emberizidae/Cardinalinae, part, and Fringillidae/Carduelinae, part
Hummingbirds = Trochilidae
Kinglets = Muscicapidae/Sylviinae, part
Martins, swallows = Hirundinidae
Nighthawks, whip-poor-wills = Caprimulgidae, part or all
Nuthatches = Sittidae
Robins, thrushes = Muscicapidae/Turdinae, part or all
Shrikes = Laniidae
Swifts = Apodidae
Tanagers = Emberizidae/Thraupinae
Vireos = Vireonidae
Warblers = Emberizidae/Parulinae, part or all (like flycatchers, interpreted as group family name meant to include species whose common name does not include warbler; not meant to include Old World warblers)
Waxwings = Bombycillidae
Wrens = Troglodytidae
"All other perching birds which feed entirely or chiefly on insects" = Larks, Alaudidae; Creepers, Certhiidae; Dipper, Cinclidae; Gnatcatchers, Musicapidae/Sylviinae, part; Thrashers, Mimidae, part; Pipits and wagtails, Motacillidae

3. *Other Migratory Non-game Birds:*

Auks, auklets, guillemots, murres, puffins = Alcidae, part or all
Bitterns, herons = Ardeidae, part or all
Fulmars, petrels, shearwaters = Procellariidae and Hydrobatidae
Gannets = Sulidae, part
Grebes = Podicipedidae
Gulls, jaegers, terns = Laridae/Stercorariinae, Larinae, Sterninae
Loons = Gaviidae.

The treaty with Mexico, signed in 1937, listed birds by scientific family names, with the intent that birds in those families which were known to occur in both nations were to be covered by the treaty. Additional families were added by an amendment to the treaty in 1972. For technical reasons, some family names have changed and the composition of some families is now different from the listings used when the treaty or amendment was signed. Family names that have changed are given here followed by their present equivalent scientific name.

Compsothlypidae = Emberizidae/Parulinae, part
Fringillidae = Emberizidae/Emberizinae, Cardinalinae and Fringillidae/Fringillinae, Carduelinae, part
Icteridae = Emberizidae/Icterinae
Laridae = Laridae/Larinae, Sterninae
Micropodidae = Apodidae
Pandionidae = Accipitridae/Pandioninae
Paridae = Paridae, Remizidae, Aegithalidae
Phalaropodidae = Scolopacidae, part
Rynchopidae = Laridae/Rhynchopinae
Stercorariidae = Laridae/Stercorariinae
Sylviidae = Muscicapidae/Sylviinae
Thraupidae = Emberizidae/Thraupinae, part
Turdidae = Muscicapidae/Turdinae

The treaties for the protection of migratory birds signed with Japan in 1972 and the Soviet Union in 1976 listed in appendices individual species of birds to be protected, these being species found in the United States, including its territories and possessions, and either Japan or the Soviet Union. One species was added to the Japanese treaty by amendment. Certain entries incorporated in this proposed rule differ from entries in the lists appended to one or both of those treaties. This presents a nomenclatural problem in listing species that are in the appendices of both the Japanese and Russian treaties, but under slightly different names or where the American Ornithologists' Union has adopted a name that is different from that formerly used for a species. For example, the species listed as "Dusky Thrush, Turdus *pallidus* (=*obscurus*)" is already listed by virtue of the Japanese treaty as "Eye-browed Thrush, *Turdus osbcurus.*" In such cases, these proposed revisions follow the nomenclature used or recognized by the American Ornithologists' Union. This does not change the protection afforded these species nor does it revise the appendices to either the Japanese or Soviet treaty. Entries on the treaties' appendices which have changed are presented here first followed by the present equivalent scientific name which would appear in § 10.13, as revised by this proposal.

Gorsachius goisagi is listed as *Nycticorax goisagi;*
Cygnus bewickii is included in *Cygnus columbianus;*
Anser canagicus and *caerulescens* are listed in the genus *Chen;*
Branta nigricans is included in *Branta bernicla;*
Species in the genera *Mareca* and *Spatula* are listed in the genus *Anas;*
Melanitta deglandi is incorporated into *Melanitta fusca;*
Mergus albellus is listed as *Mergellus albellus;*
Accipiter virgatus is listed as *Accipiter gularis;*
Eudromias morinellus is listed in *Charadrius;*
Tringa incana and *brevipes* are listed as separate species in the genus *Heteroscelus;*
Tringa hypoleucos is listed as *Actitis hypoleucos;*
Numenius minutus and *Numenius*

borealis are listed as separate species;
Crocethia alba is listed as *Calidris alba;*
Calidris minutilla and *subminuta* are listed as separate species;
Lobipes lobatus is listed in the genus *Phalaropus;*
Lunda cirrhata is listed in the genus *Fratercula;*
Petrochelidon pyrrhonota is listed as *Hirundo pyrrhonota;*
Motacilla alba has been divided into *Motacilla alba* and *Motacilla lugens;*
Carduelis flammea and *hornemanni* are listed as separate species.

Forty-one species are proposed to be added to the list of protected birds.

Nine of these result from taxonomic changes; what had been considered a single species is now listed as two or more species. There is no change in protection because of the change of listing. EXAMPLE—what was formerly considered to be the Western Gull, *Larus occidentalis,* is now considered to be two species, the Western Gull and the Yellow-footed Gull, *Larus livens.*

Nine species are added because they are listed in the appendix to the Soviet treaty. Several of these would have been eligible for addition under the Canadian/Mexican treaty provisions.

Twenty-three species are added because of recent distributional records that indicate they are a part of the avifauna of the United States on a regular basis. This category includes one species recently transferred into a protected family (the Becard) and several that should have been listed previously that, for some unknown reason, were not.

Twenty-five species are proposed to be removed from the list of protected birds.

Seven of these result from taxonomic changes; what were formerly considered to be two or more species have been combined into a single species and so listed. There is no change in protected status because of the change of name under which some populations are listed. EXAMPLE—the Mexican Duck, *Anas diazi,* is now included with the Mallard, *A. platyrhynchos.*

Four species are deleted because the record that was the basis for their former listing is no longer considered to be valid. EXAMPLE—Gull, Black-tailed. These four could also be deleted as being of only accidental occurrence (see below).

Three species are removed because they do not belong to groups covered by any treaty; they should not have been listed previously. EXAMPLE—Elepaio.

Eleven species are deleted because their occurrence in the United States is "accidental". They are not a normal part of the avifauna of the United States.

Excluding the changes made for taxonomic purposes, which do not change protection, the proposed rule will result in a net addition of 14 species to the list.

The names of the species that are proposed to be added, deleted, or changed are arranged in the same way as in the 1977 List of Migratory Birds, that is, alphabetically by English (common) name under their appropriate groups (e.g. Albatross: Black-footed, Laysan, etc.). Groups are also arranged alphabetically (e.g. Accentor, Albatross, Anhinga, Ani, etc.). For each species listed in this proposed rule the English (common) name is followed by the proposed change. The reasons for the changes are also given.

After consideration of comments received on this proposed rule, a final rule containing a full, revised List of Migratory Birds will be prepared and published.

Statement of Effects

Because the proposed revision of the List of Migratory Birds merely redescribes the birds already protected by the Federal treaties with Canada, Mexico, Japan and the Soviet Union, the Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Information Collection Requirements

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Environmental Effects

Based on the fact that these regulations merely redescribe the birds already protected by the Federal treaties with Canada, Mexico, Japan and the Soviet Union, the Service has determined that revision of the List of Migratory Birds in 50 CFR 10.13 *is not a major Federal action which would significantly affect the quality of the human environment* within the meaning of section 101(2)(C) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an environmental impact statement on such regulations is not required.

Endangered Species Act Consideration

A number of species appearing on the List of Migratory Birds are also designated as Endangered or Threatened under provisions of the Endangered Species Act (16 U.S.C. 1531–1543). No legal complications arise from the dual listing inasmuch as the two lists are developed by separate authorities and for different purposes.

Primary Authors

The primary authors of this proposed rule are Mark L. Shaffer, Office of Migratory Bird Management; Richard C. Banks, Division of Wildlife Research; and John Thomas, Division of Law Enforcement.

Public Comments Invited

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposal to the location identified in the address section above. Comments must be received on or before August 6, 1984. Following review and consideration of the comments, the consideration of the comments, the Service will issue a final rule which will incorporate these revisions in the List of Migratory Birds.

List of Subjects in 50 CFR Part 10

Exports, Birds, Imports, Law enforcement officers, Wildlife.

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 10, Subpart B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

Dated: March 28, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

PART 10—[AMENDED]

§ 10.13 [Amended]

1. Revise § 10.13 introductory text to read as follows:

The following is a list of migratory birds which have been determined to be included in the terms of the conventions between the United States and Great Britain, Mexico, Japan and the Soviet Union for the protection of migratory birds as implemented by the Migratory Bird Treaty Act, 16 U.S.C. 703–712. The species are listed by common name, followed by the scientific name.

2. Amend § 10.13 (list) by inserting the following name changes, additions and deletions.

Accentor, Mountain, will be Accentor, Siberian
Albatross, White-capped, *Diomedea cauta*, deleted (accidental)
Anhinga, American, will be Anhinga
Becard, Rose-throated, *Pachyramphus aglaiae*, added (U.S.)
Bittern, Chinese Little, will be Bittern, Chinese
Bittern, Malay, *Gorsachius melanolophus*, will be Night-Heron, Malay, *Nycticorax melanolophus*
Bittern, Schrenk's Little, will be Bittern, Schrenk's
Booby, Blue-faced, will be Booby, Masked
Caracara, Audubon's, *Caracara cheriway*, will be Caracara, Crested, *Polyborus plancus*
Cardinal, American, will be Cardinal, Northern
Carib, Green-throated, *Sericotes holosericeus*, will be *Eulampis holosericeus*
Chat, Ground, will be Yellowthroat, Gray-crowned
Chickadee, Gray-headed, will be Tit, Siberian
Creeper, Brown, *Certhia familiaris*, will be *Certhia americana*
Crow, Common, will be Crow, American
Crow, Hawaiian, *Corvus tropicus*, will be *Corvus hawaiiensis*
Cuckoo, Hawk, will be Hawk-Cuckoo, Hodgson's
Cuckoo, Lizard, will be Lizard-Cuckoo, Puerto Rican
Curlew, Australian, will be Curlew, Far Eastern
Curlew, Eurasian, *Numenius arquata*, deleted (accidental)
Curlew, Whimbrel, will be Whimbrel
Dipper will be Dipper, American
Dotterel, *Eudromias morinellus*, will be Dotterel, Eurasian, *Charadrius morinellus*
Dove, Ground, will be Ground-Dove, Common
Dove, Inca, *Scardafella inca*, will be *Columbina inca*
Dove, White-fronted, will be Dove, White-tipped
DUCKS:
Duck, Black, will be Duck, American Black
Duck, Mexican, *Anas diazi*, deleted (merged with *A. platyrhynchos*)
Pintail, Bahama, will be Pintail, White-cheeked
Scoter, White-winged, *Melanitta deglandi*, will be *M. fusca*
Teal, Common, will be Teal, Green-winged
Wigeon, European, will be Wigeon, Eurasian
Eagle, Gray Sea, will be Eagle, White-tailed
Eagle, Steller's Sea, will be Sea-Eagle, Steller's
Egret, Chinese, *Egretta eulophotes*, added (Soviet treaty)
Elepaio, *Chasiempis sandwichensis*, deleted (not in protected group)
Euphonia, Blue-hooded, *Tanagra musica*, will be Euphonia, Antillean, *Euphonia musica*
Fieldfare, *Turdus pilaris*, added (Soviet treaty)
Finch, Black Rosy, *Leucosticte atrata*, Finch, Brown-capped Rosy, *Leucosticte australis*, and Finch, Gray-crowned Rosy, *Leucosticte tephrocotis*, will be combined as Finch, Rosy, *Leucosticte arctoa*
Flamingo, American, will be Flamingo, Greater
Flicker, Common, will be Flicker, Northern
Flycatcher, Beardless, will be Beardless-Tyrannulet, Northern
Flycatcher, Buff-breasted, *Empidonax fulvifrons*, added (U.S.)
Flycatcher, Chinese Gray-spotted, will be Flycatcher, Gray-Spotted
Flycatcher, Coues, will be Pewee, Greater
Flycatcher, Fork-tailed, *Muscivora tyrannus*, will be *Tyrannus savana*
Flycatcher, Kiskadee, will be Kiskadee, Great
Flycatcher, Loggerhead, will be Kingbird, Loggerhead
Flycatcher, Olivaceous, will be Flycatcher, Dusky-capped
Flycatcher, Olive-sided, *Nuttalornis borealis*, will be *Contopus borealis*
Flycatcher, Puerto Rican, *Myiarchus antillarum* added (Puerto Rico)
Flycatcher, Scissor-tailed, *Muscivora forficata*, will be *Tyrannus forficatus*
Flycatcher, Stolid, *Myiarchus stolidus*, deleted (accidental)
Flycatcher, Wied's Crested, will be Flycatcher, Brown-crested
Frigatebird, Greater, will be Frigatebird, Great
Gallinule, Common, will be Moorhen, Common
Gannet will be Gannet, Northern
Godwit, Black-tailed, *Limosa limosa*, added (U.S.)
Goose, Emperor, *Philacte canagica*, will be *Chen canagica*
Goose, Hawaiian, *Branta sandvicensis*, will be *Nesochen sandvicensis*
Goose, White-fronted, will be Goose, Greater White-fronted
Goshawk will be Goshawk, Northern
Grassquit, Melodius, *Tiaris canora*, deleted (no valid records)
Grebe, Least, *Podiceps dominicus*, will be *Tachybaptus dominicus*
Greenfinch, Oriental, *Carduelis sinica*, added (U.S.)
Greenshank will be Greenshank, Common
Grosbreak, Crimson-collared, *Rhodothraupis celano*, added (U.S.)
Grosbeak, Evening, *Hesperiphona vespertina*, will be *Coccothraustes vespertinus*
Grosbeak, Yellow, *Pheucticus chrysopeplus*, added (U.S.)
Ground-Chat will be Yellowthroat, Gray-crowned
Ground-Dove, Ruddy, *Columbina talpacoti*, added (U.S.)
Gull, Black-headed, will be Gull, Common Black-headed
Gull, Black-tailed, *Larus crassirostris*, deleted (no valid record)
Gull, Laughing, *Larus atricilla*, re-inserted in list
Gull, Yellow-footed, *Larus livens*, added (formerly included in *L. occidentalis*)
Hawk, Black, will be Black-Hawk, Common
Hawk, Japanese Sparrow, *Accipiter virgatus*, will be Hawk, Asiatic Sparrow, *Accipiter gularis*
Heron, Black-crowned Night, will be Night-Heron, Black-crowned
Heron, Green, will be Heron, Green-backed
Heron, Japanese Night, *Gorsachius goisagi*, will be Night-Heron, Japanese, *Nycticorax goisagi*
Heron, Little Blue, *Florida caerulea*, will be *Egretta caerulea*
Heron, Louisiana, *Hydranassa tricolor*, will be Heron, Tricolored, *Egretta tricolor*
Heron, Reef, *Demigretta sacra*, will be Heron, Pacific Reef, *Egretta sacra*
Heron, Yellow-crowned Night, *Nyctanassa violaceus*, will be Night-Heron, Yellow-crowned, *Nycticorax violaceus*
Honeycreeper, Bahama, *Coereba bahamensis*, deleted (not in protected group)
Hoopoe, *Upupa epops*, added (Soviet treaty)
House-Martin, Common, *Delichon urbica*, added (Soviet treaty)
Hummingbird, Crested, will be Hummingbird, Antillean Crested
Hummingbird, Heloise's *Atthis heloisa*, deleted (accidental)
Hummingbird, Rieffer's, *Amazilia tzacatl*, deleted (accidental)
Hummingbird, Rivoli's, will be Hummingbird, Magnificent
Hummingbird, Violet-crowned, *Amazilia verticalis*, will be *A. violiceps*
Hummingbird, Violet-eared, will be Violet-ear, Green
Ibis, Wood, will be Stork, Wood
Jacana will be Jacana, Northern
Jacksnipe, European, will be Snipe, Jack
Jay, Brown, *Cyanocorax morio*, added (U.S.)
Jay, Mexican, will be Jay, Gray-breasted
Jay, San Blas, *Cissilopha sanblasiana*, deleted (accidental)

Junco, Gray-headed, *Junco caniceps*, is merged with Junco, Dark-eyed, *Junco hyemalis*
Kestrel, Eurasian, *Falco tinnunculus*, deleted (accidental)
Kingbird, Couch's, *Tyrannus couchii*, added (formerly included in *T. melanocholicus)*
Kite, Everglade, will be Kite, Snail
Kite, Hook-billed, *Chondrohierax uncinatus*, added (U.S.)
Kite, Swallow-tailed, will be Kite, American Swallow-tailed
Kite, White-tailed, *Elanus leucurus*, will be Kite, Black-shouldered, *Elanus caeruleus*
Lapwing will be Lapwing, Northern
Mango, Puerto Rican, will be Mango, Green
Millerbird, *Acrocephalus familiaris*, deleted (not in protected group)
Mockingbird will be Mockingbird, Northern
Murrelet, Craveri's, *Endomychura craveri*, will be *Synthliboramphus craveri*
Murrelet, Xantus', *Endomychura hypoleuca*, will be *Synthliboramphus hypoleucus*
Nighthawk, Antillean, *Chordeiles gundlachii*, added (formerly covered by *C. minor)*
Nightjar, Buff-collared, *Caprimulgus ridgwayi*, added (U.S.)
Noddy, Black, *Anous minutus*, added (formerly covered by *A. tenuirostris)*
Oriole, Black-headed, will be Oriole, Audubon's
Oriole, Lichtenstein's, will be Oriole, Altamira
Oriole, Scarlet-headed, will be Oriole, Streak-backed
Owl, Bare-legged, will be Screech-Owl, Puerto Rican
Owl, Barn, will be Barn-Owl, Common
Owl, Ferruginous, will be Pygmy-Owl, Ferruginous
Owl, Hawk will be Hawk-Owl, Northern
Owl, Pygmy, will be Pygmy-Owl, Northern
Owl, Saw-whet, will be Saw-whet Owl, Northern
Owl, Screech, *Otus asio*, will be Screech-Owl, Eastern, *Otus asio*, and Screech-Owl, Western, *Otus kennicottii* (species divided)
Owl, Whiskered, will be Screech-Owl, Whiskered
Oystercatcher, Black, will be Oystercatcher, American Black
Pauraque will be Pauraque, Common
Pelican, White, will be Pelican, American White
Petrel, Black-bellied, *Fregatta tropica*, deleted (no valid records)
Petrel, Bonin Island, will be Petrel, Bonin
Petrel, Cape, *Daption capense*, deleted (accidental)
Petrel, Juan Fernandez, will be Petrel, White-necked
Petrel, Jouanin, *Bulweria fallax*, deleted (accidental)
Petrel, Scaled, will be Petrel, Mottled
Petrel, South Trinidad, will be Petrel, Herald
Pewee, Eastern Wood, will be Wood-Pewee, Eastern
Pewee, Western Wood, will be Wood-Pewee, Western
Phalarope, Northern, *Lobipes lobatus*, will be Phalarope, Red-necked, *Phalaropus lobatus*
Phalarope, Wilson's, *Steganopus tricolor*, will be *Phalaropus tricolor*
Pigeon, Puerto Rican Plain, will be Pigeon, Plain
Pipit, Indian Tree, will be Tree-Pipit, Olive
Plover, Golden, will be Golden-Plover, Lesser
Plover, Greater Sand, will be Plover, Great Sand
Plover, Ringed, will be Plover, Common Ringed
Plover, Upland, will be Sandpiper, Upland
Poor-will will be Poor-will, Common
Puffin, Common, will be Puffin, Atlantic
Rail, Yellow-billed, will be Crake, Yellow-breasted
Raven, White-necked, will be Raven, Chihuahuan
Roadrunner will be Roadrunner, Greater
Robin, Clay-colored, *Turdus grayi*, added (U.S.)
Rosefinch, Common, *Carpodacus erythrinus*, added (Soviet treaty)
Sandpiper, Marsh, *Tringa stagnatalis*, added (Soviet treaty)
Sandpiper, Red-backed, will be Dunlin
Sandpiper, Rufous-necked, will be Stint, Rufous-necked
Sandpiper, Spoon-billed, will be Sandpiper, Spoonbill
Sandpiper, Terek, *Xenus cinereus*, added (Soviet treaty)
Sapsucker, Red-breasted, *Sphyrapicus ruber*, added (formerly included in *S. varius)*
Shearwater, Black-vented, *Puffinus opisthomelas*, added (formerly included in *P. puffinus*)
Shearwater, Christmas Island, will be Shearwater, Christmas
Shearwater, Cory's *Puffinus diomedea*, will be *Calonectris diomedea*
Shearwater, New Zealand, will be Shearwater, Buller's
Shearwater, Townsend's *Puffinus auricularis*, added (formerly included in *P. puffinus*)
Skimmer, Black, *Rhynchops nigra*, will be *Rhynchops niger*
Skua, Northern, will be Skua, Great
Skua, Southern, will be Skua, South Polar
Skylark will be Skylark, Eurasian
Snipe, Common, *Capella gallinago*, will be *Gallinago gallinago*
Snipe, Pintail, *Capella stenura*, will be *Gallinago stenura*
Snipe, Swinhoe's, *Capella megala*, will be *Gallinago megala*
Sparrow, Tree, will be Sparrow, American Tree
Stint, Little, *Calidris minuta*, added (U.S.)
Storm-Petrel, Harcourt's, will be Storm-Petrel, Band-rumped
Storm-Petrel, Tristram's, will be Storm-Petrel, Sooty
Storm-Petrel, Wedge-rumped, *Oceanodroma tethys*, added (U.S.)
Storm-Petrel, White-faced, *Pelagodroma marina*, added (U.S.)
Swallow, Bahama, *Callichelidon cyaneoviridis*, will be *Tachycineta cyaneoviridis*
Swallow, Cave, *Petrochelidon fulva*, will be *Hirundo fulva*
Swallow, Cliff, *Petrochelidon pyrrhonota*, will be *Hirundo pyrrhonota*
Swallow, Rough-Winged, *Stelgidopteryx ruficollis*, will be Rough-winged Swallow, Northern, *S. serripennis*
Swallow, Tree, *Iridoprocne bicolor*, will be *Tachycineta bicolor*
Swan, Whistling, will be Swan, Tundra
Swift, Antillean Palm, *Tachornis phoenicobia*, added (U.S.)
Swift, Needle-tailed, will be Needletail, White-throated
Swift, White-collared, *Streptoprocne zonaris*, added (U.S.)
Swift, White-rumped, will be Swift, Fork-tailed
Tattler, Polynesian, will be Tattler, Gray-tailed
Tern, Black Noddy, will be Noddy, Black
Tern, Blue-gray Noddy, will be Noddy, Blue-gray
Tern, Cayenne, *Sterna eurygnatha*, deleted (included in *S. sandvicensis*)
Tern, Gull-billed, *Gelochelidon nilotica*, will be *Sterna nilotica*
Tern, Least, *Sterna albifrons*, will be *Sterna antillarum*
Tern, Noddy, will be Noddy, Brown
Tern, Trudeau's, *Sterna trudeaui*, deleted (no valid records)
Tern, White-winged Black, will be Tern, White-winged
Thrush, Aztec, *Ridgwayia pinicola*, added (U.S.)
Thrush, Blue Rock, *Monticola solitarius*, added (Soviet treaty)
Thrush, Dusky, *Turdus naumanni*, added (U.S.)
Thrush, Red-legged, *Mimocichla plumbea*, will be *Turdus plumbeus*
Trogon, Eared, *Euptilotus neoxenus*, added (U.S.)
Trogon, Elegant, *Trogon elegans*, added (U.S.)

Vireo, Yellow-green, *Vireo flavoviridis*, deleted (included in *V. olivaceus*)
Vulture, King, *Sarcoramphus papa*, deleted (accidental)
Wagtail, Black-backed, *Motacilla lugens*, added (formerly included in *M. alba*)
Warbler, Fan-tailed, *Euthlypis lachrymosa*, deleted (accidental)
Warbler, Golden-crowned, *Basileuterus culicivorus*, added (U.S.)
Warbler, Middendorff's Grasshopper, will be Grasshopper-Warbler, Middendorff's
Warbler, Rufous-capped, *Basileuterus rufifrons*, added (U.S.)
Warbler, Willow, *Phylloscopus trochilus*, added (Soviet treaty)
Wheatear will be Wheatear, Northern
Whip-poor-will, Puerto Rican, will be Hightjar, Puerto Rican
Woodcock, European, will be Woodcock, Eurasian
Woodpecker, Arizona, *Picoides arizonae*, will be Woodpecker, Strickland's, *Picoides stricklandi*
Woodpecker, Black-backed Three-toed, will be Woodpecker, Black-backed
Woodpecker, Northern Three-toed, will be Woodpecker, Three-toed
Wren, Brown-throated, *Troglodytes bruneicollis*, deleted (included in *T. aedon*)
Wren, Long-billed Marsh, will be Wren, Marsh
Wren, Short-billed Marsh, will be Wren, Sedge

[FR Doc. 84-14969 Filed 6-4-84; 8:45 am]
BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 49, No. 109
Tuesday, June 5, 1984

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

Forest Service

Fire Management in Wilderness

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed change in policy.

SUMMARY: The Forest Service is considering revising its wilderness fire management policy to permit prescribed fires ignited by trained professionals to be used in wilderness areas. The purpose is to reduce the risk from wildfire and its consequences and to permit lightning-caused fires to more nearly play their natural ecological role within wilderness. Public comments are invited on the proposed revision.

DATE: Comments must be received on or before August 6, 1984.

ADDRESS: Comments may be mailed to R. Max Peterson, Chief (2320), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Ed Bloedel, Recreation Management Staff, (202) 447-2311.

SUPPLEMENTARY INFORMATION: The Forest Service manages 25.5 million acres in 165 units of the National Wilderness Preservation System. Wilderness is managed as a natural area where the forces of nature predominate.

The 1964 Wilderness Act, Section 4(d)(1) states "* * * such measures may be taken as may be necessary in the control of fire, * * * subject to such conditions as the Secretary deems desirable." Control of wildfires in some wilderness ecosystems is facilitated by pre-burning accumulations of fuel under prescribed conditions. This action significantly reduces the intensity of subsequent wildfires.

Current Forest Service wilderness management policy allows a Regional Forester to approve plans to allow lightning-caused fires to burn under certain prescribed conditions, but prohibits igniting prescribed fires.

The results of research conducted during the past twenty years show that fire plays a major role in the functions of many different ecosystems. For example an earlier policy of promptly suppressing all fires has resulted in some wilderness ecosystems developing unnatural accumulations of fuel.

During the early 1970's, the Forest Service successfully tested Wilderness Fire Management Area Plans that allowed lightning caused fires to more nearly play their natural ecological role. Fire Managment Area Plans were also developed and tested for areas outside of wilderness using planned and unplanned ignitions. Based on these experiences, the agency revised its fire management policy in 1978 to provide for the establishment of fire management areas in which naturally-caused fires could be allowed to burn under closely monitored conditions.

The revised policy now being proposed would continue to allow lightning-caused fires to burn under prescription. It would also permit prescribed fires ignited by trained professionals. Under the proposed policy, fires ignited by professionals would be used to reduce the risk of wildfire and its consequences and to make conditions suitable for lightning-caused fires to more nearly play their natural ecological role within wilderness.

Prescribed fires ignited by professionals in wilderness would occur on a very limited basis. The use of prescribed fires would require authorization by the appropriate Regional Forester. Fires would be ignited only after a team of experts in various fields of resource management determined that planned ignitions met wilderness fire policy objectives and these objectives could not be met with lightning caused fires, within wilderness, or the use of prescribed fire or other fuel treatment measures outside the wilderness. The decision process for each wilderness requires involvement of interested publics.

The text of the proposed policy as it would appear in the Forest Service Manual follows:

Chapter: 2320—Wilderness and Primitive Areas

2320.3e—Wilderness Fire Policy. The Forest Plan shall document the need for prescribed fire in each wilderness. The Forest Plan or Wilderness Implementation Plan shall contain specific objectives, standards, and guidelines for the control and use of fire within each wilderness (FSM 5100, 5150, and 5190). Prior to completion of the Forest Planning process interim Wilderness Management Plans or Fire Management Area Plans shall provide decision documentation and appropriate guidelines. All standards, guidelines, and directions shall be consistent with the following policy statements:

1. Supress all wildfires within wilderness in accordance with FSM 5130.

2. Lightning caused fires may be allowed to burn under prescribed conditions (FSM 2324 and 5150).

3. Forest Service ignited prescribed fires may be used within a wilderness providing at least one of the wilderness fire policy objectives in FSM 2324.21 and all of the following criteria are met:

a. Lightning fires cannot be allowed to burn freely without unacceptable risk.

b. Wilderness Fire Policy objectives cannot be achieved by using prescribed fire or other fuel treatment measures outside wilderness.

c. An interdisciplinary team has evaluated and recommended the proposed use.

d. The interested public is appropriately involved in the decision.

2324.04—Responsibility.

2324.04b—Regional Forester. The Regional Forester shall approve the use of prescribed fire within each wilderness and the standards and guidelines for its application (FSM 2320.3e).

2324.2—Fire.

2324.21—Objectives. Base decisions to use prescribed fire in wilderness on the following wilderness fire policy objectives:

1. Permit lightning caused fires to more nearly play their natural ecological role within wilderness.

2. Reduce the risk from wildfire, or its consequences, to life and property within wilderness or to resources, life or property outside wilderness.

3. Maintain fire dependent communities if the Act establishing the

wilderness specifically directs their maintenance.

Although prescribed fire may indirectly benefit wildlife, improve forage production or enhance other resource values, the decision to use prescribed fire must be predicated on the above stated wilderness fire objectives.

2324.22—Fire Management Activities. Conduct all fire management activities in a manner compatible with wilderness management objectives. Given preference to methods and equipment that least alter the wilderness landscape, disturb the land surface, or disturb visitor solitude. Locate fire camps, helispots, and other temporary facilities or improvements outside the wilderness boundary whenever feasible. Rehabilitate disturbed areas within wilderness to as natural a state as possible.

Public comments received on this proposed policy will be considered in development of the final policy which will be published in the **Federal Register.**

R. Max Peterson,

Chief.

May 26, 1984.

[FR Doc. 84-14948 Filed 6-4-84; 8:45 am]

BILLING CODE 3410-11-M

Animal and Plant Health Inspection Service

DEPARTMENT OF JUSTICE

Attorney General

[Docket No. 84-043]

Tick Inspectors' Use of Firearms

Correction

In the document beginning on page 22674 in the issue of Thursday, May 31, 1984, make the following correction on page 22675 in the third column: Insert the file line after the signatures to read as follows:

[FR Doc. 84-14524 Filed 5-30-84; 8:45 am]

BILLING CODE 1505-01-M

CIVIL AERONAUTICS BOARD

[Docket No. 42088]

Elliott Travel Service, Inc. d/b/a/ Travelers Choice and Jarid M. Schubiner Violations of Part 3080

Enforcement Proceeding; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on July 6, 1984, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., May 30, 1984.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 84-15054 Filed 6-4-84; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of Hub Air Service

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Air Carrier Fitness Determination—Order 84-5-80 Order to Show Cause.

SUMMARY: The Board is proposing to find that Hub Air Service is fit, willing and able to provide air service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 13, 1984, together with a summary of testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division I, Room 918, Civil Aeronautics Board, Washington, D.C., 20428, and with all persons listed in Appendix D of the order.

FOR FURTHER INFORMATION CONTACT: Arthur Barnes, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., 20428, (202) 673-5343.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-5-80 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C., 20428. Persons outside the metropolitan area may send a postcard request for Order 84-5-80 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 23, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-15055 Filed 6-4-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 42139]

Pride Air Fitness Investigation; Hearing

By notice of May 17, 1984, a prehearing conference in the above entitled proceeding was scheduled to be held on June 4, 1984, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

The Bureau of Domestic Aviation has advised that it has examined all the materials filed by the applicant in this proceeding, and is satisfied that it complies with the requirements of Part 204 of the Board's Economic Regulations with the exception of some additional information which it is requesting orally from Pride Air. The Bureau has further advised that it wishes to have a hearing in this proceeding, but in view of the applicant's desire for expedition in the case, would be amenable to the holding of a hearing on the day now scheduled for the prehearing conference.

The procedural measure advanced by the Bureau is in keeping with the Board's urging in Order 84-5-37 that measures be taken to expedite this proceeding, and is concurred in by Pride Air.

Accordingly, notice is hereby given that a hearing in this proceeding will be held immediately following the conclusion of the prehearing conference on June 4, 1984, at the same place.

Dated at Washington, D.C., May 25, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-15056 Filed 6-4-84; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations Week Ended May 25, 1984

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order. A tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
5-21-84	42220	Wilbur's Inc., c/c Richard Wilbur, 1740 East 5th Avenue, Anchorage, Alaska 99501. Application of Wilbur's, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to engage in interstate air transportation of persons, property and mail between the terminal point Anchorage, Alaska and the terminal point Sparrevohn, Alaska. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 18, 1984.
5-21-84	42064	Flirite, Inc., c/o Marilyn Buker, P.O. Box 297, Kodiak, Alaska 99615. Corrected Application of Flirite, Inc. for a certificate of public convenience and necessity to engage in interstate air transportation. Answers may be filed by June 18, 1984.
5-23-84	42096	Air Haiti, Inc., c/o Harry A. Bowen, Bowen and Atkin, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006. Amended Application of Air Haiti, Inc. for a foreign air carrier permit.
5-24-84	41125	Connie Kalitta Services, Inc., c/o Marvin S. Cohen, Stroock & Stroock & Lavan, Suite 600, 1150 Seventeenth St., NW., Washington, D.C. 20036. Amendment No. 1 to the Application of Connie Kalitta Services, Inc. for a certificate of public convenience and necessity, pursuant to Section 401(d)(3) of the Act, for foreign charter air transportations.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-15057 Filed 6-4-84; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Georgia Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee to the Commission will convene at 8:30 a.m. and will end at 5:30 p.m., on June 29, 1984, at the Holiday Inn Downtown, Piedmont Hall, Piedmont and International Boulevard, Atlanta, Georgia 30303. The factfinding meeting will be held relative to the subject of women and minorities in the media.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 31, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-1505 Filed 6-4-84; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on June 25, 1984, at the Book Cadillac Hotel, Normandy Room, 1114 Washington Boulevard, Detroit, Michigan 48226. The purpose of the meeting is to develop plans for future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washinton, D.C.,

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-15059 Filed 6-4-84; 8:45 am]

BILLING CODE 6335-01-M

New England Regional Office; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New England Advisory Committees to the Commission (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont) will convene at 3:00 p.m. on June 24, 1984 and end at 2:00 p.m. on June 26, 1984, at the Brandeis University, Usdan Student Center, Waltham, Massachusetts 02254. The purpose of the conference is to discuss Commission programs and plan Committee programs.

Persons desiring addition information, or planning a presentation to the Committees, should contact the New England Regional Office at (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 31, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-15060 Filed 6-4-84; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 9:30 p.m., on June 27, 1984, at the Quality Inn, U.S. Highway No. 1, North Brunswick, New Jersey 08902. The purpose of the meeting is to discuss programming for the year and the juvenile justice project.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Eastern Regional Office at (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 31, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-15061 Filed 6-4-84; 8:45 am]

BILLING CODE 6335-01-M

New York Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:30 p.m. and will end at 6:30 p.m., on June 26, 1984, at the Summit Hotel, Embassy C. Room, 51st Street and Lexington Avenue, New York, New York 10022. Chairman Pendleton will be the guest speaker and he will be discussing Commission policies and programming.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Eastern Regional Office at (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 31, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-15062 Filed 6-4-84; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda And Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:30 p.m., on June 23, 1984, at the Holiday Inn Riverview, 141 Summit Street, Toledo, Ohio 43604. The purposes of the meeting are to discuss the Subcommittee's report on Education Project, review Prison Project recommendations, develop followup to Prison Project, and discuss employment statistics gathered by Urban League.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 31, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-15063 Filed 6-4-84; 8:45 am]

BILLING CODE 6335-01-M

Texas Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Texas Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on June 27, 1984, at the Executive Inn, Conference Room 3, 3232 West Mockingbird Lane, Dallas, Texas 75235. The purpose of the meeting is to plan for future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Southwestern Regional Office at (512) 229-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 31, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-15064 Filed 6-4-84; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Form Under Review by the Office of Management and Budget (OMB)

DOD has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis
Title: Steam-Electric Plant Operation and Design Report
Form No.: Agency—EIA-767; OMB—2010-0002
Type of Request: Reinstatement of a previously on going approved collection for which approval has expired
Burden: 779 respondents; 717 reporting hours
Needs and Uses: This collection will be sponsored by four agencies including Commerce (BEA). The BEA-sponsored portion will be used to estimate national and regional pollution abatement control expenditures by electric utilities.
Affected Public: Businesses or other for-profit institutions
Frequency: Annually
Respondent's obligation: Mandatory
OMB Desk Officer: Timothy Sprehe, 395-4814.

Agency: Bureau of Economic Analysis
Title: Annual Survey of U.S. Direct Investment Abroad
Form No.: Agency—BE-11; OMB—NA
Type of Request: New collection
Burden: 2,100 respondents; 90,300 reporting hours
Needs and Uses: This survey will secure data on current operations of U.S. parent companies and their foreign affiliates, including balance sheets, income statements, trade and employment, with emphasis on services. This data is required for the preparation and analysis of U.S. international investment, for use in representing the U.S. in international fora and in bilaterial negotiations with foreign countries, and to otherwise assist in the development and conduct of U.S. international trade and investment policy
Affected Public: Businesses or other for-profit institutions
Frequency: Annually
Respondent's obligation: Mandatory
OMB Desk Officer: Timothy Sprehe, 395-4814.

Agency: International Trade Administration
Title: Small Business Export Development Assistance Program
Form Nos.: Agency—SF 269, 270, and 272; OMB—0625-0011
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 11 respondents; 79 reporting hours
Needs and Uses: Forms 269, 270, and 272 describe the cash transactions and projected cash requirements for 11 organizations which receive grants under the Small Business Export Development Assistance Program. Grantees are required to complete these forms to continue to receive federal benefits
Affected Public: State or local governments, businesses or other for-profit institutions; non-profit institutions, small businesses or organizations
Frequency: Monthly, quarterly
Respondent's obligation: Required to obtain or retain a benefit
OMB Desk Officer: Ken Allen, 395-3785.

Agency: International Trade Administration
Title: Application for Foreign Excess Property (FEP) Import Determination
Form No.: Agency—ITA-320P; OMB—0625-0026

Type of Request: Extension of the expiration date of a currently approved collection
Burden: 50 respondents; 125 reporting/recordkeeping hours
Needs and Uses: The Federal Property and Administrative Services Act of 1949 prohibits the importation of foreign excess property unless the Secretary of Commerce determines that its import would relieve domestic shortages or otherwise benefit the economy. This collection provides the information necessary for the Secretary to make this statutory determination.
Affected Public: Businesses or other for-profit institutions, small businesses or organizations
Frequency: On occasion
Respondent's obligation: Required to obtain or retain a benefit
OMB Desk Officer: Ken Allen, 395–3785.

Agency: National Bureau of Standards
Title: NBS Survey of Measurement Needs in the Chemical and Related Process Industries
Form No.: Agency—NBS–1213; OMB—NA
Type of Request: New collection
Burden: 100 respondents; 50 reporting hours
Needs and Uses: The information will be used by NBS in identifying the major measurement problems of the chemical process industries. Survey results will be made public and will be used by NBS to guide its measurement research programs and to develop necessary calibration capabilities over the next five years
Affected Public: Businesses or other for-profit institutions
Frequency: One time only
Respondent's obligation: Voluntary
OMB Desk Officer: Ken Allen, 395–3785.

Agency: Minority Business Development Agency (MBDA)
Title: Application for Eligibility Under Executive Orders 11625 abd 12432
Form No.: Agency—N/A; OMB—N/A
Type of Request: New collection
Burden: 25 respondents; 2,500 reporting hours
Needs and Uses: Groups not currently designated by E.O. 11625 who believe they are entitled to formal designation as socially or economically disadvantaged may apply for a determination of eligibility. MBDA will make such determination based on evidence provided by the requesting group
Affected Public: Individuals or households; for-profit institutions
Frequency: On occasion
Respondent's obligation: Voluntary
OMB Desk Officer: Timothy Sprehe, 395–4814.

Agency: Office of Productivity, Technology and Innovation
Title: Nominations for National Technology Medal (NTM)
Form No.: Agency—N/A; OMB—NA
Type of Request: Existing collection in use without an OMB Control Number
Burden: 120 respondents; 180 reporting hours
Needs and Uses: The nominations will be used by the National Technology Medal Nomination Committee to make recommendations to the Secretary of Commerce as to who should receive this Presidential award. After considering the Committee's recommendations, the Secretary then sends his recommendations to the President
Affected Public: Individuals or households; businesses or other for-profit institutions; non-profit institutions; small businesses or organizations
Frequency: Annually
Respondent's obligation: Voluntary
OMB Desk Officer: Timothy Sprehe, 395–4814.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearing Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: May 30, 1984.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 84–14985 Filed 6–4–84; 8:45 am]
BILLING CODE 3510–CW–M

International Trade Administration

[Case No. 81–109]

King Trading Corp.; Order

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce ("Department"), having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979, as amended, [50 U.S.C. 2401, *et seq.* (Supp. V 1981) (the "Act")] and Part 388 of the Export Administration Regulations [currently codified at 15 CFR Part 368 *et seq.* (1983) (the "Regulations")] against King Trading Corporation (King), a New York corporation, based on allegations set forth in the proposed Charging Letter, dated December 5, 1983, incorporated herein by this reference, that during the period from June 16, 1980 through July 31, 1981, or thereabouts, King committed twenty-nine violations of Part 369 of the Regulations, promulgated to implement the Act, in that King, a United States person, as defined in the Regulations, with respect to its activities in the interstate or foreign commerce of the United States, with intent to comply with, further, or support an unsanctioned foreign boycott, furnished twenty-seven items of information about its business relationships with or in a boycotted country, with business concerns organized under the laws of a boycotted country, and with persons known or believed to be restricted from having any business relationships with or in a boycotting country, activities prohibited by § 369.2(d) of the Regulations and not excepted; and failed to report to the Department receipt of two requests to engage in a restrictive trade practice or boycott in violation of § 369.6 of the Regulations; and

The Department and King having entered into a Consent Agreement whereby King, has agreed to settle this matter by paying a civil penalty in the amount of $69,500 to the Department and by accepting a six month denial of its export privileges to Syria and Iraq and by undertaking certain corrective measures to ensure compliance with the antiboycott provisions of the Act and Part 369 of the Regulations; and

The Deputy Assistant Secretary for Export Enforcement having approved the terms of the Consent Agreement;

It is therefore ordered that,

First, a civil penalty in the amount of $69,500 is assessed against King; and

Second, payment of the $69,500 by King shall be suspended for a period of one year from the date of entry of this Order, with payment to be waived at the end of that period provided that King is in full compliance with the antiboycott provisions of the Act, Part 369 of the Regulations and this Order during that time; and

Third, King shall undertake, to the extent it has not already done so, the following corrective measures to ensure its future compliance with the antiboycott provisions of the Regulations:

a. Establish a final review procedure for all incoming and outgoing documents and communications to or from customers in boycotting countries. Such review shall be conducted by one person who has been instructed about the requirements of the Act and

Regulations and who will receive all internal communications regarding compliance procedures.

b. Promptly issue written instructions directing strict compliance with Part 369 of the Regulations to all of its employees involved in export transactions and verify proper distribution by identification of appropriate recipients and acknowledgement of receipt by the designated recipients.

c. Submit to the Director, Office of Antiboycott Compliance ("Director"), within six months of the date of entry of this Order, a report specifying in detail the steps it has taken to implement the corrective steps specified in subparagraphs 3 (a) and (b) above, including evidence of proper distribution by identification of appropriate recipients and acknowledgement of receipt by the designated recipients.

d. Periodically inspect documents to ensure that proper procedures have been implemented and are being followed. Such inspections should take place at least once a calendar quarter for six months following the date of this Order. At six months after the date of entry of this Order, King shall submit in writing to the Director, specific information on: (1) When and where the inspections took place, (2) who conducted them, (3) the names and titles of the personnel whose activities were examined and (4) the findings.

Fourth, King shall submit the reports required by thie Order in duplicate; and

Fifth, because such reports and acompanying documents will be made available for public inspection and copying, one copy shall be submitted intact and another copy, marked "Public Inspection Copy," may be edited by King, to delete information which it believes would be properly exempt from public disclosure under 5 U.S.C. 552; and

Sixth, for a period of six months from the date of this Order, King is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any export of U.S.-origin commodities or technical data from the United States or abroad to Syria and Iraq. Participation prohibited in any such export, either in the United States or abroad, shall include, but not be limited to, participation, directly or indirectly, in any manner or capacity: (a) As a party or representative of a party to any export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data; and

Seventh, such denial of export privileges shall extend only to commodities and technology subject to export licensing under the Act and the Regulations; and

Eight, such denial of export privileges shall extend not only to King, but also to its agents, employees and successors;

Ninth, no person, firm, corporation, partnerhip or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data subject to the Act and the Regulations, participate, directly or indirectly in any manner or capacity in any export by King subject to this Order. Such participation shall include, but not be limited to, (a) applying for, obtaining, transferring, or using any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export subject to this Order; or (b) carrying on negotiations and with respect to such export, ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing or participating in any export subject to this Order; and

Tenth, the denial of export privileges against King shall be effective on the date of entry of this Order and extend thereafter for a period of six months.

This Order is effective immediately.

Entered this 21st day of May, 1984.

Theodore W. Wu,

Deputy Assistant Secretary for Export Enforcement.

Instructions for Payment of Civil Penalty

1. The civil penalty should be made payable to: U.S. Department of Commerce.

2. The check should be mailed to: U.S. Department of Commerce, Office of Antiboycott Compliance, Room 3886, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, ATTN: Dexter M. Price, Director of Enforcement.

[FR Doc. 84-74915 Filed 6-1-84; 8:45 am]

BILLING CODE 3510-DT-M

[A-469-008]

Postponement of Final Antidumping Duty Determination and Postponement of Hearing; Carbon Steel Wire Rod from Spain

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from respondents in this investigation, that the final determination be postponed until not later than 135 days after the date of publication of the preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2))A)); and, that we have determined to postpone our hearing until August 13, 1984, and our final determination as to whether sales of carbon steel wire rod (wire rod) from Spain have occured at less than fair value, until not later than September 20, 1984.

EFFECTIVE DATE: June 5, 1984.

FOR FURTHER INFORMATION CONTACT: Raymond Busen, Office of Invesitgations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-1278.

SUPPLEMENTARY INFORMATION: On December 30, 1983, we published a notice in the **Federal Register** (48 FR 57580) that we were initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether wire rod from Spain was being, or was likely to be, sold at less than fair value. On January 9, 1984, the International Trade Commission determined that there is a reasonable indication that imports of such wire rod are materially injuring a U.S. industry. On May 8, 1984, we published a preliminary determination of sales at less than fair value with respect to this merchandise (49 FR 19547). The notice stated that if the investigation proceeded normally, we would make our final determination by July 16, 1984. Pursuant to section 735(a)(2) of the Act, respondents requested an extension of the final determination date. The respondents are qualified to make such a request because they account for a significant proportion of the exports of the merchandise. If an exporter properly requests an extension after an affirmative preliminary determination,

we are required, absent compelling reasons to the contrary, to grant the request. We will issue a final determination in this case not later than September 20, 1984.

The hearing, originally scheduled for June 4, 1984, has been postponed. If a hearing is requested by a party to the investigation, the new hearing date will be August 13, 1984, at 10 a.m. in room 6802, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Interested parties who wish to participate must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of publication of this notice. Oral presentations will be limited to issues raised in the briefs.

Requests should contain: (1) The party's name, address, and telephone number, (2) the number of participants, (3) the reason for attending, and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by August 6, 1984. All written views should be filed in accordance with 19 CFR 353.46, at the above address and at least 10 copies, not later than the date established at the hearing for the submission of post-hearing briefs. If no hearing is held, all written views should be submitted not later than August 10, 1984.

This notice is published pursuant to section 735(d) of the Act.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-14983 Filed 6-4-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council will meet June 11–14, 1984, in Kill Devil Hills, NC, to discuss swordfish, striped bass, certain law enforcement activities, the FY 1985 budget, and other fishery management business. The meeting is open to the public. A detailed agenda will be made available to the public around June 1, 1984. For further information, contact David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803)-571-4366.

Dated: May 30, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 84-14980 Filed 6-4-84; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes in Officials of the Government of the Republic of Singapore Authorized To Issue Export Visas and Exempt Certifications

May 31, 1984.

On February 16, 1982 a letter dated February 10, 1982 from the Chairman of CITA to the Commissioner of Customs was published in the **Federal Register** (47 FR 6683) which established export visa and exempt certification requirements for textile and apparel products subject to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore. One of the requirements is that the visas and exempt certifications must be signed by an authorized official of the Government of the Republic of Singapore. The Government of the Republic of Singapore has notified the Government of the United States that the following officials are currently so authorized:

Soo Eng Pok	Chia Keng Chun
Irene Lee Kim Eng	Lam Meng Choo
Abeedah bte Ali	Ngan Ai Lan
Alice Tan Ah Ler	Tay Guek Khiam
Zainah bte Zainal	Wong Swee Kim
Maidin Shah	Norhuda Wahid
Hya Lai Noi	Tan Kim Hoo
Irene Mok Moh Wan	

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-14984 Filed 6-4-84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DIA Advisory Committee has been scheduled as follows:

Wednesday & Thursday, 15–16 August 1984, The Pentagon, Washington, D.C. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

Dated: May 31, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-14982 Filed 6-4-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (b) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been changed as follows: The 23 May 1984 meeting was cancelled. The 13 June 1984 meeting has been rescheduled to: Monday, 18 June 1984, Plaza West, Rosslyn, VA.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Arms Control Verification.

Dated: May 31, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-14961 Filed 6-4-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Tuesday, 17 July and Tuesday, 7 August 1984, INCA Program Office, McLean, VA. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on

Intelligence Communications Architecture.

Dated: May 31, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-14960 Filed 6-4-84; 8:45 am]

BILLING CODE 3810-01-M

Armed Forces Epidemiological Board; Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board.

Date of Meeting: 22 June 1984.

Time: 0800-1600 hours.

Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, DC

Proposed Agenda

1984-1985 influenza update, Mayo Clinic—Army and Navy Preventive Medicine swine influenza project, leptospirosis EPICON program follow-up, current overview on viral hepatitis, USAF Ranch Hand summary report, overview of United States Coast Guard medicine and occupational monitoring program, DOD Medical Examination Review Board, respective military preventive medicine officer reports, respective Board subcommittee(s) report and business meeting.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 2D455, Pentagon, Washington, DC 20310, (202) 695-9115.

Dated: May 18, 1984.

Robert F. Nikolewski,

Colonel, USAF, BSC, Executive Secretary.

[FR Doc. 84-15017 Filed 6-4-84; 8:45 am]

BILLING CODE 3710-08-M

Armed Forces Epidemiological Board; Partially Closed Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board Subcommittees on Disease Control, Environmental Quality and Health Maintenance.

Date of Meeting: 21 June 1984.

Time: 1000-1600 hours.

Place: United States Army Medical Research Institute of Infectious Diseases, Building 1425, Room 120, Fort Detrick, Frederick, Maryland.

Proposed Agenda

Review of existing worldwide epidemiologic reporting systems with emphasis on select international geographic locations, epidemiological considerations regarding participation of women in the Armed Forces, hepatitis B programs in US Army disciplinary barracks, meningococcal typing program in the US Navy, selection of panel members to the Navy Asbestos Medical Surveillance Program and subcommittee(s) follow-up reports.

2. This meeting will be open to the public from 1000 to 1600 hours but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 2D455, Pentagon, Washington, DC 20310, (202) 695-9115.

3. In accordance with the provisions set forth in Section 552b(c)(b), U.S. Code, Title 5, Section (1) of Appendix H, the meeting will be closed to the public from 0800-1000 hours for presentation of a select classified medical intelligence briefing for Board members, military and DOD representatives.

Dated: May 18, 1984.

Robert F. Nikolewski,

Colonel, USAF, BSC Executive Secretary.

[FR Doc. 84-15018 Filed 6-4-84; 8:45 am]

BILLING CODE 3710-08-M

Department of the Army

Army Advisory Panel on ROTC Affairs; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following panel meeting:

Name of Panel: Army Advisory Panel on ROTC Affairs.

Date of Meeting: 10-12 July 1984.

Place: Fort Knox, Kentucky.

Time:

0900-1600, 10 July 1984.
0800-1700, 11 July 1984.
0800-1200, 12 July 1984.

Proposed Agenda

The meeting will consist of briefings, discussion periods and visits to training sites of the ROTC Basic Camp and the Armor Officers Basic Course. The meeting is open to the public. Any interested person may appear before or file a statement with the Panel at the time and in the manner permitted by the Panel. First day of the meeting will consist of administrative matters to include introduction and swearing in of new members, briefing on the standards of conduct required of members and the election of a new Panel Chairman. One briefing is scheduled for 10 July at 10:30 a.m., on Army Academic Discipline Requirements, i.e., how many engineer, scientist, business or liberal arts commissionees must the Army have to meet its needs. Afternoon of 10 July will be devoted to a visit to the ROTC Basic Camp to observe training of ROTC cadets. Major business of the Panel will take place on 11 July. There will be a briefing followed by discussion on Viability Standards. The criteria used to determine the degree of success or failure of the various ROTC detachments have never been established or universally applied. It is hoped from this discussion that ideas will be forthcoming as to how the Army can better present its production requirements to institutions and how to make resource adjustments when warranted. A report will be made to the Panel on the distribution or branching of 1983 commissionees among the U.S. Army branches. Additionally, the Panel will be updated on a recent ROTC study of the ROTC Market. Panel recommendations on these and other ROTC issues will be formulated during the General Session on the afternoon of 11 July. During the same meeting, plans will be made of the Autumn meeting of the Panel. Morning of 12 July will be devoted to a visit to the Armor Officers Basic Course.

John P. Prillaman,

Major General, GS, Deputy Chief of Staff for ROTC.

[FR Doc. 84-15019 Filed 6-4-84; 8:45 am]

BILLING CODE 3710-08-M

Military Traffic Management Command, Military Personal Property Claims Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Claims Symposium. This meeting will be held on 21 June 1984 at the Headquarters, Military Traffic Management Command, 5611 Columbia Pike, Falls Church, Virginia, and will convene at 0900 hours and adjourn at approximately 1500 hours.

Proposed Agenda

The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on

procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of mutual interest ralating to claims actions concerning the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: Mt–PPM, at telephone number 756–1600, between 0700–1530 hours. Topics to be discussed should be received on or before 12 June 1984.

Dated: May 14, 1984.

Nathan R. Berkley,

Colonel, GS, Director of Personal Property.

[FR Doc. 84–15016 Filed 6–4–84; 8:45 am]

BILLING CODE 3710–08–M

Board of Visitors, United States Military Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: 19–21 July 1984.

Place of Meeting: West Point, New York (Exact Location TBD).

Time of Meeting: 8:30 a.m.

Proposed Agenda: Discussion of the following items: Means to achieve increased Congressional participation, Role of the BOV, DAIG Special Inspection of USMA in August 1983, Curriculum Issues, Admissions, Retention, Cadet Basic Training (Discipline and Honor Instruction), Athletic Recruiting and Army Football, Impact Aid Update.

All proceedings are open. For further information contact Colonel D. P. Tillar, Jr., United States Military Academy, West Point, New York 10996.

For the Board of Visitors.

D. P. Tillar Jr.,

Col, GS Executive Secretary, USMA Board of Visitors.

[FR Doc. 84–15015 Filed 6–4–84; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Water Resources Support Center; Notice of Intent

AGENCY: U.S. Army Corps of Engineers Water Resources Support Center, Waterborne Commerce Statistics Center

ACTION: Notice of Intent to create a public domain data base of waterborne commodity movement data and solicitation of comments.

SUMMARY: This notice announces the U.S. Army Corps of Engineers Water Resources Support Center, Waterborne Commerce Statistics Center, proposal to create a public domain data base or waterborne commodity movement data. The Corps receives detailed waterborne commodity movement information as required by the 1922 Rivers and Harbors Act from shippers, receivers, and vessel operators but is prohibited from releasing the data to the public unless the data are aggregated such that the individual company moves cannot be identified. The Corps will continue to protect the confidentiality of data provided by individual companies and will simultaneously provide the general public with useful origin-destination commodity flow data which heretofore have been unavailable. Several data bases will be produced by areas of origin and destination. The confidentiality of individual companies will be protected by applying the *Rule of Three* for each commodity movement between area of origin and area of destination which satisfies certain conditions. It will be required that:

—Three or more vessel operating companies carry the commodity from an area of origin to an area of destination.

—There exist three or more facilities loading the commodity within the area of origin.

—There exist three or more facilities unloading the commodity within the area of destination.

Individual commodities that do not satisfy the specified conditions would be placed into some "other" commodity group or categorized with similar commodities to form a more general commodity to satisfy the conditions. Comments are essential because the Corps wants to ensure that such data base will not compromise any company's competitive position in the marketplace.

DATE: Comments must be received by 14 June 1984.

ADDRESS: Comments may be addressed to Chief, Waterborne Commerce Statistics Center, P.O. Box 61280, New Orleans, LA 70161.

Dated: May 8, 1984.

George R. Kleb,

Colonel, CE Commander/Director.

[FR Doc. 84–15014 Filed 6–4–84; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee Special Warfare Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Special Warfare Task Force will meet June 25–26, 1984, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of the meeting is to examine special warfare forces missions and roles. The entire agenda for the meeting will consist of discussions of key issues related to special warfare and related intelligence. These matters consitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Thomas E. Arnold, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (703) 756–1205.

Dated: May 31, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–14934 Filed 6–4–84; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on OT&E Requirements and Facilities will meet on June 21 and 22, 1984, at the Office of Naval Research, Room 915, Arlington, Virginia. The first session of the meeting will commence at 8:30 a.m. and terminate at 4:30 p.m. on June 21, 1984. The second session will commence at 8:30 a.m. and terminate at 1:00 p.m. June 22, 1984. The third session will commence at 1:00 p.m. and terminate at 2:30 p.m. on June 22, 1984. All sessions of

the meeting will be held in room 915, Office of Naval Research. The second session from 8:30 a.m. to 1:00 p.m. on June 22, 1984 will be closed to the public. The remaining two sessions will be open to the public.

The purpose of the meeting is to determine the adequacy of the Navy's ability to test new systems and equipment. The open sessions will generally cover presentations on Navy OT&E, the Navy Major Range and Test Facility Base (MRTFB); T&E Facilities at the Naval Air Test Center; Tactical Aviation Software Test and Evaluation Facility, and Army OT&E. The remaining session of the meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The Secretary of the Navy has therefore determined in writing that the public interest requires that the second session of the meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696–4870.

Dated: May 31, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–14933 Filed 6–4–84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on Future Training Space will meet on June 20, 1984, at Information Spectrum, Inc., 1745 South Jefferson Daivis Highway, Suite 400, Arlington, Virginia 22202. Sessions of the meeting will commence at 9:00 a.m. and terminate at 11:45 a.m. on June 20, 1984. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to receive a classified briefing, review material and presentations previously received by the Panel and to conduct a working session to draft the final report. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696–4870.

Dated: May 31, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–14935 Filed 6–1–84; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

National Petroleum Council, Distribution Task Group of the Committee on the Strategic Petroleum Reserve; Meeting

Notice is hereby given that the Distribution Task Group of the Committee on the Strategic Petroleum Reserve will meet in June 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on the Strategic Petroleum Reserve will address various aspects of the Strategic Petroleum Reserve and the long-term availability and movement patterns of tankers worldwide. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Distribution Task Group will hold its second meeting on Wednesday, June 13, 1984, starting at 9:00 a.m., in Room 3580, Exxon Company, U.S.A., 800 Bell Street, Houston, Texas.

The tentative agenda for the Distribution Task Group meeting follows:

1. Opening remarks by the Chairman and Government Co-Chairman.
2. Review progress of Distribution Task Group assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Distribution Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Distribution Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Gerald J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 29, 1984.

William A. Vaughan,

Assistant Secretary Fossil Energy.

[FR Doc. 84–15041 Filed 6–4–84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

A. V. Wright & Associates, Inc., Petroex Energy Corporation and A. V. Wright 940X00222; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to A. V. Wright & Associates, Inc., Petroex Energy Corporation and A. V. Wright of Newport Beach, California. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 205.202, 210.62(c) and 212.138. The total violations alleged during January 1978 through July 1980 is $3,111,381.29.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: John W. Sturges, Director, 440 S. Houston, Room 306, Tulsa, Oklahoma 74127.

Within 15 days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Tulsa, Oklahoma on the 18th day of May 1984.

John W. Sturges,

Director, Tulsa Office Economic Regulatory Administration.

[FR Doc. 84-15039 Filed 6-4-84; 8:45 am]

BILLING CODE 6450-01-M

Corum Energy Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives a notice of a Proposed Remedial Order which was issued to Corum Energy Corporation. This Proposed Remedial Order alleges pricing violations in the amount of $12,496,818.56 plus interest in connection with the resale of crude oil at prices in excess of those permitted under 10 CFR Part 212 during the time period April 1980 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mary Johnson, Economic Regulatory Administration, Department of Energy, 1341 West Mockingbird Lane, Suite 200E, Dallas, Texas 75247 or by calling (214) 767-7483. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearing and Appeals, Department of Energy, Forrestall Building, 1000 Independence Avenue SW., Room: 6E-055, Washington, D.C. 20585, in accordance with 10 CFR 1205.193.

Issued in Dallas, Texas on the 18th day of May, 1984.

James O. Neet,

Chief Counsel, Dallas Field Office, Economic Regulatory Administration.

[FR Doc. 84-15040 Filed 6-4-84; 8:45 am]

BILLING CODE 6450-01-M

Edwin Milton Jones, Jr. and Dennis Van Matthew; Proposed Remedial Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Proposed Remedial Order to Edwin Milton Jones, Jr. and Dennis Van Matthew.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Edwin Milton Jones, Jr., c/o Rockland Oil Company, Suite 1950, 7324 Southwest Freeway, Houston, Texas 77074, and Dennis Van Matthew, 2919 Allen Parkway, Houston, Texas 77019. This Proposed Remedial Order alleges that Edwin Milton Jones, Jr. and Dennis Van Matthew are liable for prices charged by Southwest Petrochem, Inc. in violation of §§ 212.86, 210.62(c) and 205.202 during the period January 1, 1977 through February 29, 1980 in the amount of $26,172,970.97.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Houston, Tex., on the 10th day of May 1984.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 84-15038 Filed 6-4-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No.QF84-250-000]

Mitchell Energy Corporation; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 29, 1984.

On April 4, 1984, Mitchell Energy Corporation, (Applicant) of P.O. Box 4000, The Woodlands, Texas 77380, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. On May 21, 1984, supplemental information was filed regarding the facility. No determination has been made that the submittals constitute a complete application.

The bottoming-cycle cogeneration facility is located at the Applicant's Bridgeport CO_2 extraction plant near Bridgeport, Texas. The primary energy source for the CO_2 extraction plant is methane gas. The CO_2 extraction plant extracts pure CO_2 gas from exhaust gases produced by four-cycle engines, two cycle engines, gas turbines, and fired heaters which are located in the Bridgeport crude oil refining plant, Bridgeport natural gas processing plant, and Bridgeport CO_2 extraction plant. The exhaust gases enter a methane fired furnace which deeds a waste heat recovery boiler. The waste heat recovery boiler raises steam, which drives a steam turbine generator and provides thermal energy for use in the CO_2 extraction process. The electric power production capacity of the facility is 3,000 kilowatts.

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, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice 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. 84-14920 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

Appalachian Power Co.; Filing

[Docket No. ER84-453-000]

May 31, 1984.

The filing Company submits the following:

Take notice that on May 21, 1984, Appalachian Power Company (Appalachian) tendered for filing under Part 35.13 of the Commission's regulations the following:

(1) Modification No. 1 dated April 1, 1984 to the Power Supply Agreement dated October 1, 1982 among Appalachian, Ohio Power Company (Ohio Power), Monongahela Power Company (Monongahela) and West Penn Power Company (West Penn); and

(2) Modification No. 1 dated April 1, 1984 to the Power Supply Agreement dated October 1, 1982 among Monongahela, West Penn, Jersey Central Power and Light Company (Jersey Central), Metropolitan Edison Company (Met Ed), and Pennsylvania Electric Company (Penelec).

Appalachian states that in light of experience with transmission limitations

since the above Agreements have been in effect the parties proposed certain modifications and clarifications which would enable the parties to better realize the benefits initially intended by the Agreements by adding flexibility to the scheduling of power and energy.

The parties request an effective date of June 1, 1984, and therefore request waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 14, 1984. Protests will be considered by the Commission in determining the appropriate acton to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14991 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

Arkansas Louisiana Gas Co.; a Division of Arkla, Inc. and Arkansas-Oklahoma Gas Corp.; Application

[Docket No. CP84-404-000]

May 31, 1984.

Take notice that on May 10, 1984, Arkansas Louisiana Gas Company, a Division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, and Arkansas-Oklahoma Gas Corporation (Ark-Ok), 115 North Twelfth Street, Fort Smith, Arkansas 72901, filed in Docket No. CP84-404-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the exchange of natural gas authorized in Docket No. CP77-114, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Arkla and Ark-Ok indicate that they seek to abandon the gas exchange for the same reasons set forth by Mississippi River Transmission Corporation (MRT), the other party in the three-party exchange, in MRT's pending application filed in Docket No. CP84-349-000. MRT indicated in that application that the gas exchange, which provided a means of moving up to 1,000 Mcf per day of Ark-Ok's gas to its eastern Arkansas service area during the winter months in the event Ark-Ok's requirements exceed its contract demand with MRT, would not be necessary since Ark-Ok's requirements exceed its contract demand with MRT, would not be necessary since Ark-Ok would no longer be sales customer of MRT.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the 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 motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion 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. 84-14992 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No.GP84-36-000]

Columbia Gas Transmission Corp. v. Exxon Corp. et al.; Complaint

May 31, 1984.

On May 11, 1984, Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314 (Complainant), filed a complaint under Rule 206 (18 CFR 385.206 (1983)) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission alleging that a violation of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.* (1982), will occur if take-or-pay provisions of certain of its natural gas purchase contracts are permitted to be enforced by the producer/sellers under such contracts. Respondents named in the complaint are Exxon Corporation, Koch Industries, Inc., Mesa Petroleum Company, Mobil Oil Exploration & Producing Southeast, Inc., and Monsanto Oil Company (Respondents).

Complainant states that it purchases natural gas from each Respondent under one or more contracts and that at least a part of the gas so purchased is subject to the maximum lawful prices prescribed by Title I of the NGPA. In addition, Complainant states that some of the purchases are price deregulated by operation of NGPA sections 107 and 121. Complainant further states that its contracts with Respondents contain take-or-pay clauses that generally require Complainant to take, or pay for at the applicable maximum lawful price (or the contract price for deregulated gas) if available but not taken, certain quantities of gas each contract year, normally expressed as a percentage—typically 90 percent—of total deliverability. Under these contracts, Complainant asserts, it has a right to recoup the volumes paid for by taking gas in excess of the take-or-pay quantities over a period of five years. At the time it takes such volumes, Complainant states that it must pay the difference between the then-existing price and the original price.

Complainant states that for various reasons it has been forced to reduce its purchases below the take-or-pay levels under these contracts and that its program of reduced takes will continue through 1984. As a result, Complainant further asserts, court proceedings have been brought by each of the Respondents alleging breach of contract and seeking to compel Complainant to abide by its contracts.

Complainant argues that payments for gas which is not recoupable for various reasons result in unlawful payments in excess of the NPGA maximum lawful prices. Complainant further argues that the time value of the pre-payments constitutes a bonus to the sellers that is a windfall in the nature of an interest-free loan over and above the applicable NGPA maximum lawful price.

With respect to the issue of jurisdiction, Complainant states that the

Commission has primary jurisdiction over these matters, and that it should exercise its jurisdiction over this complaint and immediately request any court in which proceedings have been brought by Respondents to stay further proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 29, 1984. 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14993 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP74-314-009, Docket No. CI77-526-002, Docket No. CI83-356-002, Docket No. CI84-49-001, Docket No. CI84-51-001]

El Paso Natural Gas Co.; Offer of Settlement, Applications for Certificates of Public Convenience and Necessity and Requests for Authority To Abandon Service and Facilities

May 30, 1984.

In the matter of El Paso Natural Gas Company, Sun Exploration and Production Company, *et al.*, El Paso Natural Gas Company, Tenneco Oil Company, Conoco Inc.

Take notice that pursuant to Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602, on May 18, 1984, El Paso Natural Gas Company ("El Paso"), Tenneco Oil Company ("Tenneco Oil") and Conoco Inc. ("Conoco") filed an Offer of Settlement in the above-referenced proceedings that would resolve all in dispute between those parties in the above-referenced dockets. The Offer of Settlement involves general lease agreements ("GLA's") covering properties in the San Juan Basin of New Mexico to which El Paso and Tenneco Oil and Conoco are parties. Incorporated in the Settlement Agreement and included in addition to the Offer of Settlement are applications for certificates of public convenience and necessity and requests for authority to abandon service and facilities, to the extent necessary to effectuate the settlement proposal, all as more fully described in the Offer of Settlement, applications and requests on file herein.

The Offer of Settlement submitted by the parties provides for the transfer of all lease rights under the subject GLA's from El Paso to Tenneco Oil and Conoco to be effective on the effective date of the certificates and approvals requested as part of the Offer of Settlement. In order to effectuate the transfer of lease rights that are subject to FERC jurisdiction, El Paso requests any and all requisite approvals to effect that transfer, and terminate operations, as specified in the Offer of Settlement.

The Offer of Settlement includes contracts for sales of gas from the GLA properties by Tenneco Oil to El Paso and Conoco to El Paso that are the subject of the applications for certificates of public convenience and necessity submitted in Docket Nos. CI84-49 and CI84-51, respectively. The contracts provide, in terms more specifically detailed in the submittals incorporated within the Offer of Settlement, for sales of gas to El Paso at the applicable maximum scheduled prices, with a base price for the gas not qualifying for a higher maximum lawful price of $2.00 per MMBtu, subject to escalations, for a two-year period. Thereafter, prices would be determined under Section 106(a) of the NGPA.

The Offer of Settlement also provides for the amendment of all contracts for the sale of gas in the San Juan Basin in New Mexico and Colorado by and between El Paso and Tenneco Oil and El Paso and Conoco in order to allow Tenneco Oil and Conoco to process all gas sold thereunder. Applications for any necessary amendments to existing section 7(c) certificates and rate schedules are filed as a part of the Offer of Settlement.

The Offer of Settlement further provides for the construction of a new cryogenic plant to be built, owned and operated by Tenneco Oil and Conoco. El Paso has applied for authority to cease certain compression and gas processing operations at its Blanco gas processing plant in the San Juan Basin upon the completion of the cryogenic facility and for authority under section 7(c) of the Natural Gas Act to construct and operate any facilities necessary to interconnect with the new cryogenic extraction plant.

Also included within the Offer of Settlement are applications by El Paso for permission, consistent with the terms of gas transportation agreements that are appendices to the Settlement, to transport reserved or released gas for Tenneco Oil and Conoco.

Any party to the above-referenced proceedings desiring to file comments with respect to the Offer of Settlement should, on or before June 18, 1984, file such comments with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the requirements of 18 CFR 385.602(f)(2). Any reply comments are due to be filed on or before July 3, 1984.

Any person desiring to be heard or to make protest with reference to any of the applications herein should, on or before June 18, 1984, file with the Federal Energy Regulatory Commission petitions to intervene or protests in accordance with 18 CFR 385.214 or 385.211. 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 proceedings herein. Persons wishing to become parties to the proceeding involving the referenced applications and requests or to participate as a party in any hearing thereon must file petitions to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14994 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-456-000]

Florida Power & Light Co.; Filing

May 31, 1984.

The filing Company submits the following:

Take notice that on May 23, 1984, Florida Power & Light Company (FPL) tendered for filing a document entitled "Amendment Number One to Contract for Interchange Service Between FPL and City of Gainesville, Florida (Gainesville)."

FPL states that under the Amendment FPL and Gainesville utilize the provisions of the existing Contract for Interchange Service between FPL and Gainesville for the parties to establish additional service schedules. FPL states that Service Schedule X provides the parties with the necessary vehicle to better maximize the overall economy of power production in the State of Florida.

FPL respectively requests that the proposed Amendment be made effective no later than 60 days from the date of filing. FPL requests waiver of the Commission's notice requirements.

According to FPL copies of this filing were served upon the City of Gainesville, Florida.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 14, 1984. 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14995 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-457-000]

Florida Power & Light Co.; Filing

May 31, 1984.

The filing Company submits the following:

Take notice that on May 23, 1984, Florida Power & Light Company (FPL) tendered for filing a document entitled "Amendment Number One to Contract for Interchange Service Between FPL and City of Kissimmee, Florida."

FPL states that under the Amendment FPL and City of Kissimmee, Florida utilize the provisions of the existing Contract for Interchange Service between FPL and City of Kissimmee, Florida for the parties to establish additional service schedules. FPL further states that Service Schedule X provides the parties with the necessary vehicle to better maximize the overall economy of power production in the State of Florida.

FPL respectfully requests that the proposed Amendment be made effective no later than 60 days from the date of filing. FPL requests waiver of the Commission's notice requirements.

According to FPL a copy of this filing was served upon the City of Kissimmee, Florida.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 14, 1984. 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR DOC. 84-14996 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-451-000]

Green Mountain Power Corp.; Filing

May 31, 1984.

The filing Company submits the following:

Take notice that on May 18, 1984, Green Mountain Power Corporation (Green Mountain) tendered for filing as a rate schedule an executed agreement dated as of June 19, 1982, between Green Mountain and Central Maine Power Company (Central Maine). Green Mountain states that the proposed rate schedule provides for the sale of interruptible energy by Green Mountain to Central Maine.

Green Mountain requests an effective date of June 19, 1982, and therefore requests wiver of the Commission's notice requirements.

Copies of this filing were served upon Central Maine and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 13, 1984. 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR DOC. 84-14997 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-410-000]

Gulf South Pipeline Co.; Application

May 31, 1984.

Take notice that on May 14, 1984, Gulf South Pipeline Company (Gulf South), 600 Travis, Houston, Texas 77002, filed in Docket No. CP84-410-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.222 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport, sell or assign natural gas in interstate commerce as if Gulf South were an intrastate pipeline as defined subject to the Commission's jurisdiction under the Natural Gas Act in Subparts C, D and E of Part 284 of the Commission's Regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Gulf South states that it received during the seven-month period ending March 1984 11,580,270 Mcf of natural gas from all sources, all of which was received within Louisiana or at the state boundary, and was exempt from the Commission's jurisdiction under the Natural Gas Act by reason of Section 1(c) thereof.

Gulf South further states that the Commissioner of Conservation of the State of Louisiana has jurisdiction over Gulf South's rates and tariffs.

Gulf South avers that it would comply with the conditions set forth in § 284.222(e) of the Commission's Regulations.

Gulf South has elected to submit a separate application for approval of rates pursuant to Section 284.123(b)(2) for each transaction in which it would engage under its blanket certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 motion 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 motion 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 motion for leave to intevene 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 Gulf South to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14998 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-452-000]

Kansas Power and Light Co.; Filing

May 31, 1984.

The filing Company submits the following:

Take notice that on May 21, 1984, Kansas Power and Light Company (KPL) tendered for filing proposed changes in its FERC Electric Service Tariff No. 123.

KPL states the Schedule H—Participation Power Service provides for the purchase of Participation Power by Midwest Energy, Inc. for the period June 1, 1984 through September 30, 1984.

Copies of this filing were served upon the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 13, 1984. 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14999 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-106-001]

Mid Louisiana Gas Co.; Amendment to Application

May 31, 1984.

Take notice that on May 4, 1984, Mid Louisiana Gas Company (Applicant), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP84-106-001 pursuant to section 7(c) of the Natural Gas Act an amendment to its application filed November 30, 1983, in Docket No. CP84-106-000 so as to request authorization for the transportation of natural gas for Georgia-Pacific Corporation (Georgia-Pacific) on a phased basis, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is asserted that on October 18, 1983, Applicant entered into an interim transportation arrangement with Georgia-Pacific and that on October 27, 1983, Applicant initiated transportation service for a period of 120 days under the agreement and in accordance with § 157.209(e)(1) of the Commission's Regulations. Applicant submits that the agreement provides for the transportation of natural gas purchased by Georgia-Pacific from Exchange Oil & Gas Corporation (Exchange), a producer affiliate of Georgia-Pacific, or from Louisiana Intrastate Gas Corporation (LIG).[1]

Applicant states that its maximum daily delivery obligation under the agreement is 7,500 Mcf and that Applicant would transport additional volumes on a best-efforts basis. It is asserted that the transportation path is from Georgia-Pacific's purchase point from Exchange in the Ridge field, Lafayette Parish, Louisiana, to a paper mill owned and operated by Georgia-Pacific approximately one mile from Applicant's pipeline system at Port Hudson, East Baton Rouge Parish, Louisiana. It is further asserted that gas consumption at the mill is for the following end uses: process 47 percent, boiler fuel 51 percent, and space heating 2 percent and that the transportation volumes would be consumed in the same end-uses and in the same relative percentages.

Applicant states that it has arranged for LIG to transport Georgia-Pacific's gas from the Ridge field to LIG's points of interconnection with Applicant. It is stated that the rate for the LIG transportation is 20.00 cents per million Btu and that the rate to be charged for the transportation through Applicant's system is currently 16.58 cents per Mcf pursuant to Applicant's Rate Schedule T-1.

Applicant explains that it has constructed and put in service the transportation lateral facilities necessary to connect Applicant's existing pipeline system at Port Hudson to the Georgia-Pacific paper mill. These facilities, it is stated, consist of 491 feet of 6-inch pipe connected to 4,915 feet of 10-inch pipe connected to a meter setting.

Applicant proposes in this amendment to perform the transportation service for Georgia-Pacific in the following manner:

A. Until June 22, 1984, Applicant would transport natural gas, not to exceed 1,000 Mcf per day, averaged on a monthly basis for the purpose of meeting short-term surges in plant demand which existing United Gas Pipe Line Company (United) facilities are unable to supply.

B. From June 22, 1984, through December 31, 1984, Applicant would transport 1,000 Mcf of gas per day, averaged on a monthly basis, in addition to the surge volumes described in paragraph A above the total of the two not to exceed 1,500 Mcf of gas per day averaged on a monthly basis.

C. The volumetric limitations on Applicant's performance of the agreement and which are set forth in paragraphs A and B above shall not apply in the event that (1) United is incapable of serving the plant's requirements exceeding said limitations and (2) United notifies Applicant of that fact in writing. In such event, Applicant would be authorized to serve the plant with sufficient volumes and for a sufficient period of time as specified in United's notice to Applicant to meet said shortfall in United's service to the plant.

D. After January 1, 1985, there would be no volume limitation on Applicant's transportation service to the plant except as contained in the agreement and in applicable rules, regulations, and orders of the Commission.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 21, 1984, file with the Federal Energy

[1] Applicant states that while the agreement provides for the transportation of volumes which may be purchased by Georgia-Pacific from LIG, no gas purchase contract yet exists or is now contemplated for such purchases. Therefore, all current transportation volumes are purchased from Exchange, Applicant explains.

Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 appropirate 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 motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15000 Filed 6-4-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-254-001]

Mid Louisiana Gas Co.; Amendment to Application

May 31, 1984.

Take notice that on May 4, 1984, Mid Louisiana Gas Company (Applicant), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP84-254-001 pursuant to section 7(c) of the Natural Gas Act an amendment to its application filed February 23, 1984, in Docket No. CP84-254-000 so as to request authorization for a gradual phasing-in of the operation of facilities constructed to serve Georgia-Pacific Corporation (Georgia-Pacific) at its Port Hudson, Louisiana, plant, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is asserted that on October 18, 1983, Applicant entered into an interim transportation arrangement with Georgia-Pacific and that on October 27, 1983, Applicant initiated transportation service for a period of 120 days under agreement and in accordance with § 157.209(e)(1) of the Commission's Regulations. Applicant submits that the agreement provides for the transportation of natural gas purchased by Georgia-Pacific from Exchange Oil & Gas Corporation, a producer affiliate of Georgia-Pacific, or from Louisiana Intrastate Gas Corporation (LIG)[1]

Applicant states that its maximum daily delivery obligation under the agreement is 7,500 Mcf and that Applicant would transport additional volumes on a best-efforts basis. It is asserted that the transportation path is from Georgia-Pacific's purchase point from Exchange in the Ridge field, Lafayette Parish, Louisiana, to a paper mill owned and operated by Georgia-Pacific approximately one mile from Applicant's pipeline system at Port Hudson, East Baton Rouge Parish, Louisiana. It is further asserted that gas consumption at the mill is for the following end uses: process use 47 percent, boiler fuel 51 percent, and space heating 2 percent and that the transportation volumes would be consumed in the same end-uses and in the relative percentages.

Applicant states that it has arranged for LIG to transport Georgia-Pacific's gas from the Ridge field to LIG's points of interconnection with Applicant. It is stated that the rate for the LIG transportation is 20.00 cents per million Btu and that the rate to be charged for the transportation through Applicant's system is currently 16.58 cents per Mcf pursuant to Applicant's Rate Schedule T-1.

Applicant explains that it has constructed and put in service the transportation lateral facilities necessary to connect Applicant's existing pipeline system at Port Hudson to the Georgia-Pacific paper mill. These facilities, it is stated, consist of 491 feet of 6-inch pipe connected to 4,915 feet of 10-inch pipe connected to a meter setting.

It is stated that on January 23, 1984, United Gas Pipe Line Company (United) filed a motion to intervene and protest in Docket No. CP84-106-000 wherein Applicant filed a request pursuant to Section 157.205 of the Commission's Regulations to transport the subject gas. It is further stated that pursuant to Section 157.205(f) of the Commission's Regulations the presence of United's protest renders continuation of the subjet transportation service beyond the initial 120-day period unauthorized under Applicant's blanket certificate and required cessation of the service on February 23, 1984, the 120th day of service. It is further asserted that the presence of United's protest also requires treatment of the Request For Authorization as an application for prior approval to resume the service under Section 7 of the Natural Gas Act.

Applicant states that upon review of the Commission's "Order Granting and Denying Applicantions For Rehearing of Order Nos. 319 and 234-B" (Order No. 319-A) issued November 3, 1983, Applicant determined that "prospective case by case certificate authority for operation" of the transportation lateral facilities may be required. Accordingly, Applicant states that it made the filing in Docket No. CP84-254-000 in fulfillment of the intent of Order No. 319-A.

It is submitted that on May 4, 1984, Applicant filed in Docket No. CP84-106-001 an amended request for authority to perform the subject transportation arrangement as follows:

A. Until June 22, 1984, Applicant would transport natural gas, not to exceed 1,000 Mcf per day, averaged on a monthly basis for the purpose of meeting short-term surges in plant demand which existing United facilities are unable to supply.

B. From June 22, 1984, through December 31, 1984, Applicant would transport 1,000 Mcf of gas per day, averaged on a monthly basis, in addition to the surge volumes described in paragraph A above the total of the two not to exceed 1,500 Mcf of gas per day averaged on a monthly basis.

C. The volumetric limitations on Applicant's performance of the agreement and which are set forth in paragraphs A and B above shall not apply in the event that: (1) United is incapable of serving the plant requirements exceeding said limitations and; (2) United notifies Applicant of that fact in writing. In such event, Applicant would be authorized to serve the plant with sufficient volumes and for a sufficient period of time as specified in United's notice to Applicant to meet said shortfall in United's service to the plant.

D. After January 1, 1985, there would be no volume limitation on Applicant's transportation service to the plant except as contained in the agreement and in applicable rules, regulations, and orders of the Federal Energy Regulatory Commission.

Applicant requests authority herein to continue operation of the subject facilities inasmuch as would be necessary to implement the authorization now sought in Docket No. CP84-106-001.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR

[1] Applicant states that while the agreement provides for the transportation of volumes which may be purchased by Georgia-Pacific from LIG, no gas purchase contract yet exists or is now contemplated for such purchases. Therefore, all current transportation volumes are purchased from Exchange, Applicant explains.

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 a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-75001 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-325-001]

Natural Gas Pipeline Co. of America; Amendment

May 31, 1984.

Take notice that on May 16, 1984, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, P.O. Box 1208, Lombard, Illinois 60148, filed in Docket No. CP84-325-001 an amendment to its pending application filed by March 29, 1984, in Docket No. CP84-325-000 pursuant to section 7 of the Natural Gas Act. Such amended application seeks authorization to construct and operate certain facilities and provide certain transportation service as an alternative to the proposed United States Route, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate—

(a) Approximately 146 miles of 42-inch pipe line to be located from the terminus of Northern Border Pipeline Company's system near Ventura, Iowa, through Hancock, Cerro Gordo, Franklin, Hardin, Grundy, Marshall, Tama, Poweshiek, Iowa, and Keokuk Counties, Iowa, to Applicant's Amarillo Line. Proposed capacity for this segment is 871,800 Mcf of gas per day.

(b) Approximately 52.5 miles of 36-inch pipeline looping of Applicant's Oklahoma Extension in Beckham, Washita, and Kiowa Counties, Oklahoma; approximately 87.5 miles of 42-inch pipeline looping of Applicant's Oklahoma Extension in Kiowa, Caddo, Grady, Stephens, and Carter Counties, Oklahoma; approximately 22.0 miles of 24-inch pipeline looping of Applicant's Minneola-Mountain View line in Washita and Kiowa Counties, Oklahoma; and 8,000 horse-power additional compression and certain modifications of existing units at Applicant's Compressor Station No. 156 in Kiowa County, Oklahoma.

(c) Approximately 235 miles of 42-inch pipeline to be located in Carter and Love Counties, Oklahoma and Cooke, Grayson, Fannin, Hunt, Delta, Hopkins, Franklin, Titus, Morris, and Cass Counties, Texas; and related compression (totaling 46,000 horsepower) at new compressor stations to be located in Carter County, Oklahoma, and Grayson and Hopkins Counties, Texas, connecting Applicant's Amarillo and Gulf lines. Proposed capacity for this segment is 1,070,540 Mcf of gas per day.

(d) Certain minor facilities consisting of taps and meters to be located on Applicant's Gulf Coast system in Jefferson and San Jacinto Counties, Texas, and Cameron Parish, Louisiana, as well as certain piping modifications (to permit reversal of gas flow) at compressor stations on Applicant's system in Ford County, Kansas, Kiowa, Dewey, and Woodward Counties, Oklahoma, Hutchinson, Gray, Harrison, Angelina, Montgomery, and Liberty Counties, Texas, and Cameron Parish, Louisiana.

Applicant states that the facilities described in (c) above are in lieu of Applicant's specific proposal of March 29, 1984, and would continue to be known as the Texas Crossover, and that all the facilities above are to be known as the MIDCONtinental Transportation System.

Applicant states that the estimated cost of the proposed pipeline and compressor facilities (including $3.6 million in nonjurisdictional facilities) is $529.8 million, which cost would initially be financed with funds on hand, borrowings under Applicant's revolving credit arrangements or short-term financing.

Applicant proposes to transport the following volumes on behalf of the following shippers:

Shipper	Mcf/ 1,000 ft³ per day
Tennessee Gas Pipeline Company, a Division of Tenneco Inc.	351,800
Boundary Gas Inc.	51,400
Transcontinental Gas Pipe Line Corp.	270,500
Texas Eastern Transmission Corp.	148,100
Algonquin Gas Transmission Company	50,000
Total	871,800

In addition, Applicant claims it requires 200,000 Mcf per day of capacity in the Texas Crossover for its own use for the reasons originally stated in the application in Docket No. CP84-325-000.

Such system (and the transportation service performed theregby) is said by Applicant to be competitive with, and alternative to the proposed "United States Route" which has been described in the applications of Ohio Interstate Pipeline Company, Docket No. CP84-318-000, March 26, 1984, ANR Pipeline Company, Docket No. CP84-363-000, April 24, 1984, and Northern Border Pipeline Company, Docket No. CP84-407-000, May 11, 1984. Applicant maintains that its proposal would be less costly and would make better use of existing pipeline systems.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15002 Filed 6-4-84; 8:45 am]

[Docket No. CP84-397-000]

Natural Gas Pipeline Co. of America; Application

May 31, 1984.

Take notice that on May 8, 1984, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP84-397-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of a daily quantity of natural gas up to 15 billion Btu, the demand quantity, for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), from High Island Block A-416 to High Island Block A-270, offshore Texas, at a charge equal to $3.80 times the demand quantity plus a charge of 12.5 cents for each million Btu of overrun gas accepted by Applicant for transportation on behalf of Tennessee, 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 pursuant to an agreement between Applicant and Tennessee dated January 20, 1984, Tennessee would deliver up to 15 billion Btu of natural gas per day to Applicant at an existing subsea tap located in High Island Block A–416, offshore Texas. Applicant proposes to transport and redeliver thermally equivalent volumes of gas, less fuel gas, to Tennessee at an existing interconnection between the facilities of Applicant and of High Island Offshore System located in High Island Block A–270, offshore Texas.

It is explained that the proposed service would continue for a term of five years from the date of the first delivery under the certificate herein requested and year-to-year thereafter unless cancelled by either party upon 180 days advance written notice.

Applicant states that the proposed rates for the subject transportation service are based on applicant's currently effective offshore tramsmission charge, approved by the Commission in Docket No. RP83–68.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 motion 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 motion 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 motion 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. 84–15003 Filed 6–4–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–455–000]

New York State Electric & Gas Corp.; Filing

May 31, 1984.

The filing Company submits the following:

Take notice that on May 22, 1984, New York State Electric & Gas Corporation (NYSEG) tendered for filing Supplement No. 1 to its Agreement with Consolidated Edison Company of New York, Inc. (Con Edison), designated Rate Schedule FERC No. 87. The proposed changes would increase revenues by $12,876 based on the twelve month period ending April 30, 1984.

NYSEG states that this rate filing, Supplement No. 1, is made pursuant to Section 1(d) and Section 1(f) of Article III of the August 23, 1983 Facilities Agreement—Rate Schedule FERC No. 87. The annual charges for routine operation and maintenance and general expenses, as well as revenue and property taxes are revised based on data taken from NYSEG's Annual Report to the Federal Energy Regulatory Commission (FERC Form 1) for the twelve months ended December 31, 1983. In addition, Con Edison's pro rata share of the total annual carrying charges associated with the firm supply system is calculated based on the rate of Con Edison's one hour demand at Mohansic plus estimated NYSEG and Con Edison one hour peak input of Wood Street. Finally, the levelized annual carrying charges included in the calculation have been revised to reflect a 16.20 percent return on equity which was approved by the New York State Public Service Commission's Opinion 84–11 in Case 28550 and effective April 24, 1984.

NYSEG requests an effective date of April 24, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Consolidated Edison Company of New York and on the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 14, 1984. 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–15004 Filed 6–4–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP70–243–002]

Panhandle Eastern Pipe Line Co.; Petition To Amend

May 31, 1984.

Take notice that on May 7, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP70–243–002 a petition to amend the order issued June 19, 1970[1], as amended, in Docket No. CP70–243 pursuant to section 7(c) of the Natural Gas Act so as to establish a new delivery point for the delivery of gas by K N Energy, Inc. (K N), to Panhandle pursuant to a gas exchange agreement between Panhandle and K N dated March 27, 1970, as amended, 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 Panhandle and K N entered into a March 27, 1970, gas exchange agreement, as amended, which provides for Panhandle to deliver volumes of K N's gas supply from Texas to K N at a point near Douglas, Wyoming, and for K N to deliver volumes of Panhandle's gas supply from Wyoming to Panhandle at Panhandle's Aledo plant in Oklahoma. It is explained that a February 7, 1983, amendment to the exchange agreement provides for a second delivery point from K N to Panhandle near Baker, Oklahoma, and that a June 4, 1983, amendment to the exchange agreement provides for a third delivery point from K N to Panhandle at a point of interconnection between the facilities of K N and Panhandle in Grant County, Kansas (hereinafter referred to

[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.

as the Grant County I delivery point). Panhandle states that this exchange agreement is on file with the Commission as Rate Schedule TSTE-1 of Panhandle's FERC Gas Tariff, Original Volume No. 2.

Panhandle proposes herein to add a third delivery point for deliveries from K N at an existing point of interconnection between the facilities of Panhandle and K N in Section 1, Township 27 South, Range 36 West, Grant County, Kansas (hereinafter referred to as the Grant County II deliver point). Panhandle states that K N has been unable to delivery gas at the Grant County I point at a thermal level sufficient to meet Panhandle's requirements pursuant to its FERC Gas Tariff, Original Volume I. It is indicated that Panhandle and K N have agreed to include an additional point of delivery, Grant County II, near the Grant County I delivery point in Kansas to enable K N to combine streams of natural gas when necessary in order to increase the weighted average thermal value of the gas to meet the thermal requirements of Panhandle's FERC Gas Tariff.

Panhandle states that K N owes it approximately 5,019,401 Mcf of gas as of January 31, 1984, and that the Commission had been advised that Panhandle and K N would try to eliminate this imbalance within a year of the Commission's authorization of the Grant County I point (authorized September 6, 1983). It is stated that this objective cannot be met under the present circumstances but that K N estimates that it would be able to eliminate this imbalance within approximately 18 months of the time the Commission grants the authorization requested in this filing.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15005 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[ST84-702-000, et al.]

Tennessee Gas Pipeline Co.; Self-Implementing Transactions

May 31, 1984.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to Section 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to Section 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Kenneth F. Plumb,

Secretary.

Docket No. [1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (cents per MMBtu)
ST84-702	Tennessee Gas Pipeline Co	United States Steel Corp	04-02-84	F(157)		
ST84-703	Mississippi Fuel Co	Transcontinental Gas Pipe Line Corp	04-02-84	C	08-30-84	16.59
ST84-704	Colorado Interstate Gas Co	Northern Natural Gas Co	04-02-84	G		
ST84-705	Tennessee Gas Pipeline Co	Eastern Shore Natural Gas Co	04-04-84	G		
ST84-706	do	Consolidated Edison Co. of New York	04-05-84	B		
ST84-707	Columbia Gulf Transmission Co	Bridgeline Gas Distribution Co	04-05-84	B		
ST84-708	Florida Gas Transmission Co	Lone Star Gas Co	04-06-84	G		
ST84-709	Northern Natural Gas Co	THC Pipeline Co	04-06-84	B		
ST84-710	ANR Pipeline Co	Michigan Consolidated Gas Co	04-09-84	B		
ST84-711	Natural Gas Pipeline Co. of America	Dow Pipeline Co	04-09-84	B		
ST84-712	Tennessee Gas Pipeline Co	Delhi Gas Pipeline Corp	04-09-84	B		
ST84-713	Cranberry Pipeline Corp	Columbia Gas Transmission Corp	04-20-84	C	09-17-84	80.62
ST84-714	Panhandle Eastern Pipe Line Co	Delhi Gas Pipeline Corp	04-10-84	B		
ST84-715	Arkansas Louisiana Gas Co	Agrico Chemical Co	04-09-84	F(157)		
ST84-716	Colorado Interstate Gas Co	Mountain Fuel Supply Co	04-11-84	G		
ST84-717	ANR Pipeline Co	Union Texas Petroleum Corp	04-10-84	F(157)		
ST84-718	do	Briggs (The Celotex Corp.)	04-10-84	F(157)		
ST84-719	do	Reilly Tar & Chemical Corp., *et al*	04-10-84	F(157)		

Docket No. [1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (cents per MMBtu)
ST84-720	do	Chrysler Corp., *et al*	04-10-84	F(157)		
ST84-721	Transcontinental Gas Pipe Line Corp	New Jersey Zinc Co	04-11-84	F(157)		
ST84-722	do	PNG Energy Co	04-11-84	F(157)		
ST84-723	do	United States Steel Corp	04-11-84	G		
ST84-724	El Paso Natural Gas Co	Llano, Inc	04-11-84	B		
ST84-725	Mississippi River Transmission Corp	Acadian Gas Pipeline Corp	04-12-84	B		
ST84-726	Sea Robin Pipeline Co	United Gas Pipe Line Co	04-12-84	G		
ST84-727	Texas Eastern Transmission Corp	United States Steel Corp	04-12-84	F(157)		
ST84-728	Producer's Gas Co	THC Pipeline Co	04-12-84	D		
ST84-729	Delhi Gas Pipeline Corp	Northern Natural Gas Co	04-13-84	C		
ST84-730	do	Natural Gas Pipeline Co. of America	04-13-84	C		
ST84-731	ANR Pipeline Co	Sohio Chemical Co	04-16-84	F(157)		
ST84-732	Natural Gas Pipeline Co. of America	Entex, Inc	04-16-84	B		
ST84-733	Southern Natural Gas Co	Monterey Pipeline Co	04-16-84	B		
ST84-734	MIGC, Inc	Mountain Fuel Supply Co	04-17-84	G		
ST84-735	Oklahoma Natural Gas Co	Natural Gas Pipeline Co. of America	04-18-84	C	09-15-84	24.32
ST84-736	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	04-19-84	C		
ST84-737	do Corp	Tennessee Gas Pipeline Co	04-19-84	C		
ST84-738	National Fuel Gas Supply Corp	Ralston Purina Co	04-19-84	F(157)		
ST84-739	ANR Pipeline Co	Michigan Consolidated Gas Co	04-19-84	B		
ST84-740	do	Acadian Gas Pipeline Corp	04-19-84	B		
ST84-741	Tanscontinental Gas Pipeline Corp	04-20-84	B			
ST84-742	do	Monterey Pipeline Co	04-20-84	B		
ST84-743	do	South Jersey Gas Co	04-20-84	B		
ST84-744	do	Elizabethtown Gas Co	04-20-84	B		
ST84-745	do	Public Service Electric and Gas Co	04-20-84	B		
ST84-746	do	Consolidated Edison Co. of New York	04-20-84	B		
ST84-747	do	Public Service Electric and Gas Co	04-20-84	B		
ST84-748	do	Washington Gas Light Co	04-20-84	B		
ST84-749	do	Carolina Pipeline Co	04-20-84	B		
ST84-750	do	Valero Transmission Co	04-20-84	B		
ST84-751	do	Eastern Shore Natural Gas Co	04-20-84	G		
ST84-752	Panhandle Eastern Pipe Line Co	Union Texas Petroleum Corp	04-23-84	F(157)		
ST84-753	do	Mueller Brass Co	04-23-84	F(157)		
ST84-754	do	Midwest Solvents Co	04-23-84	F(157)		
ST84-755	do	Harbison Walker Refractories	04-23-84	F(157)		
ST84-756	ANR Pipeline Co	Anchor Glass Container Corp	04-24-84	F(157)		
ST84-757	Columbia Gas Transmission Corp	Dart Container Corp of Penn	04-24-84	F(157)		
ST84-758	do	Howmet Aluminum Corp	04-24-84	F(157)		
ST84-759	do	Vulcan Materials Co	04-24-84	F(157)		
ST84-760	do	do	04-24-84	F(157)		
ST84-761	do	The Zanesville Stoneware Co	04-24-84	F(157)		
ST84-762	Trunkline Gas Co	Louisiana Indust. Gas Supply System	04-26-84	B		
ST84-763	do	Houston Pipe Line Co	04-26-84	B		
ST84-764	Northern Natural Gas Co	Wilson Transmission, Inc	04-26-84	B		
ST84-765	do	Pontchartrain Natural Gas System	04-26-84	B		
ST84-766	Houston Pipe Line Co	Amoco Gas Co	04-27-84	C		
ST84-767	Oasis Pipe Line Co	Northern Natural Gas Co	04-27-84	C		
ST84-768	Houston Pipe Line Co	do	04-27-84	C		
ST84-769	Texas Gas Transmission Corp	Arkansas Louisiana Gas Co	04-26-84	G		
ST84-770	Tennessee Gas Pipeline Co	Esperanza Transmission Co	04-26-84	B		
ST84-771	do	Entex, Inc	04-26-84	B		
ST84-772	do	Consolidated Edison Co. of New York	04-26-84	B		
ST84-773	Delhi Gas Pipeline Corp	Mississippi River Transmission Corp	04-26-84	C	09-23-84	54.31
ST84-774	Consumers Power Co	Panhandle Eastern Pipe Line Co	04-27-84	G/F(157)		
ST84-775	Northwest Central Pipeline Corp	Cities Service Helex	04-30-84	F(157)		
ST84-776	Consumers Power Co	Panhandle Eastern Pipe Line Co	04-30-84	G/F(157)		
ST84-777	do	do	04-30-84	G/F(157)		
ST84-778	Florida Gas Transmission Co	Southern Natural Gas Co	04-30-84	G		
ST84-779	East Texas Industrial Gas Co.	Mississippi River Transmission Corp	04-30-84	D		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to Section 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 84-14989 Filed 6-4-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-402-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

May 31, 1984

Take notice that on May 9, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-402-000 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 Texas Eastern Transmission Corporation (TETCO), as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transmission agreement dated August 3, 1982, it proposes to transport up to 20,000 Mcf of natural gas per day for TETCO from a point of receipt at the subsea interconnection in West Cameron, Block 478 of TETCO's West Cameron Block 464 line and Tennessee's 30-inch West Cameron block 498 line, offshore Louisiana. It is stated that the point of delivery for such gas would be the interconnection in East Cameron Block 227 of Applicant's 30-inch line and TETCO's existing Cameron system. Applicant indicates that it is currently transporting natural gas for TETCO pursuant to the provisions of § 284.221 of the Commission's Regulations and Applicant's Order No. 60 blanket certificate issued February 21, 1980 in Docket No. CP80-132. It is further indicated that Applicant would accept the associated liquid hydrocarbons produced with the subject volumes and would transport such liquid hydrocarbons for the account of TETCO's producers to the point of delivery.

Applicant states that TETCO would pay it a volume charge equal to the sum of 4.26 cents multiplied by the total

volume in Mcf of gas delivered to Applicant by TETCO during the month, less 1.2 percent of the volumes received by Applicant for fuel and use. It is stated that the minimum monthly bill would be 4.26 cents multiplied by the number of days in said month multiplied by 66⅔ percent of the transportation quantity less volumes, if any, tendered by TETCO and not taken by Applicant. Applicant also indicates that TETCO would pay it a liquids transportation charge of 47.82 cents per barrel.

Applicant states that the proposed transportation service would not preempt the pipeline capacity needed for any existing firm service being rendered by Applicant, nor would it affect Applicant's use of its own capacity, because the proposed service would be rendered only when its operating conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 be proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion 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 motion 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 motion 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. 84-14987 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-406-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

May 31, 1984.

Take notice that on May 11, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-406-000 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.

Applicant proposes to transport natural gas for Transco, pursuant to the terms of the gas transportation agreement (Agreement) between Applicant and Transco dated December 6, 1982. Applicant states that it is currently transporting natural gas for Transco pursuant to the provisions of Section 284.221 of the Commission's Regulations and Applicant's Order No. 60 blanket certificate issued February 21, 1980, in Docket No. CP80-132. Applicant further states that it has filed reports of this transaction in Docket No. ST83-296-000.

Applicant avers that pursuant to the provisions of the Agreement, Applicant has agreed to accept, receive, transport and deliver up to 60,000 Mcf of natural gas per day for Transco from a point of receipt at the interconnection in Eugene Island Block 24 of Applicant's Eugene Island Block 24 pipeline facilities and Transco's pipeline facilities extending from Eugene Island Block 10, offshore, Louisiana. Applicant would return equal volumes for Transco's account at a point of interconnection located in Eugene Island Block 11 of Applicant's Eugene Island Block 24 line and Quivira Gas Company's Eugene Island Block 24 line.

Applicant states that for such transportation service Transco would pay Applicant a volume charge equal to the product of 3.67 cents multiplied by the total volume in Mcf of gas received by Applicant from Transco and delivered during the month, less one and two-tenths per cent (1.2%) of the volumes retained by Tennessee for fuel and use. Applicant further states that the minimum monthly bill would consist of the volume charge of 3.67 cents multiplied by the number or days in said month, multiplied by sixty-six and two-thirds percent (66⅔%) of the transportation quantity; provided, however, the transportation quantity would be reduced by the volumes, if any, tendered by Transco and not taken by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 motion 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 or this application if not motion 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 motion for leave to intervene is timely filed, or it 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. 84-14988 Filed 6-4-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-374-000]

United Gas Pipe Line Co.; Application

May 31, 1984.

Take notice that on April 30, 1984, United Gas Pipe Line Company (United),

P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84–374–000 an application, as supplemented May 9, 1984, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing United to deliver an additional 371 Mcf of gas per day to an existing direct sales customer to use for high priority agricultural purposes, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United proposes to deliver an additional 371 Mcf of gas per day to B. F. Trappey's Sons, Inc. (Trappey's), an existing direct sales customer, for use by Trappey's at its food processing plant in Lafayette, Louisiana. United indicates that it currently delivers 550 Mcf of gas per day to Trappey's. It is further indicated that the present rate United charges for this sale is 75.0 cents per Mcf plus the weighted average cost of gas as defined in the contract with Trappey's on file with the Commission under Section 155.1 as United's 1982 IC 1035. It is stated that Trappey's has advised United that Trappey's operations are subject to significant swings due to the availability of raw product on the spot market at harvest time as well as the unpredictable bulk orders from its major customers. United further indicates that Trappey's has stated that its ability to respond to market forces and protect perishable crops from spoilage is currently constrained by existing maximum daily quantity (MDQ) limitations. United avers that Trappey's operations have outgrown an MDQ that was established on the basis of operating levels of many years ago.

United explains that the MDQ increase, while adequate for Trappey's present and foreseeable needs, would not be a significant incremental addition to United's system. The requested increase is nominal in comparison to the substantial load attrition which has occurred on United's system since the 1970s, it is stated. United avers that the gas supplies available to it for delivery substantially exceed the needs of its customers. It is further averred that United presently prorates supplies from its producers and faces potential for take-or-pay exposure on account of such proration. United explains that the additional sales would contribute to the alleviation of such take-or-pay exposure.

United states that except for a brief period of *force majeure* curtailments during the 1983 Christmas holidays, it has not had to curtail deliveries since February 1982. United further states that if curtailments become necessary, United believes they can be readily accomodated within the existing settlement curtailment plan. It is further indicated that the increased MDQ represents a peak day volume; historically, United states that Trappey's has operated at an average day load factor of 32 percent. United avers that Trappey's requirements tend to be seasonal, corresponding to harvest season, and thus are not coincident with United's systemwide peak demands. Further, United avers that increased requirements of this nature can be served, if necessary, through the allocation transfer mechanism in United's settlement curtailment plan by means of the transfer of part of the unused allocations of other customers. It is explained that in view of the very small volumes involved here and the need of Trappey's for additional gas, the allocation transfer mechanism can be relied on, at least as short-term measure. United further explains that in the long run it intends to seek such changes in the applicable tariffs as may be necessary to accommodate the small increase authorized pursuant to this application. Finally, United indicates that the requested volumetric increase would not affect United's ability to serve its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 motion 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 motion 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 motion 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 United to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–14990 Filed 6–4–84; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

Energy Research Advisory Board Light Water Reactor Safety R&D Panel; Open Meeting

Notice is hereby given of the following meeting:

Name: Light Water Reactor R&D Panel of the Energy Research Advisory Board.

Date and time: July 17 & 18, 1984 from 9 a.m. to 5 p.m.

Place: Electric Power Research Institute, 3412 Hillview Avenue, Executive Conference Room, Building 1, Second Floor, Palo Alto, CA 94303.

Contact: Milton Klein, Electric Power Research Institute, Palo Alto, CA 94030, Telephone: (415) 855–2680.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

- Discuss the second draft of a report on Light Water Reactor R&D.
- Public Comment (10 minute rule).

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Milton Klein at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8 a.m.

and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on May 31, 1984.

J. Ronald Young,

Director, Office of Management, Office of Energy Research.

[FR Doc. 84-15036 Filed 6-4-84; 8:45 am]

BILLING CODE 6450-01-M

Magnetic Fusion Advisory Committee; Renewal

This notice is published in accordance with the provisions of § 101-6.1029 of the General Services Administration (GSA) Interim Rule on Advisory Committee Management. Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. 92-463), and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Magnetic Fusion Advisory Committee has been renewed for a 2-year period ending on May 25, 1986.

The renewal of the Magnetic Fusion Advisory Committee has been determined necessary and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the Department of Energy Organization Act (Pub. L. 95-91), the GSA Interim Rule on Advisory Committee Management, and other directives and instructions issued in implementation of those acts.

Further information regarding this advisory committee may be obtained from Gloria Decker (202-252-8990).

Issued at Washington, DC on May 25, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-15037 Filed 6-4-84; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $57,000 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving the U.S. Compressed Gas Company, a reseller-retailer of propane located in King of Prussia, Pennsylvania.

DATE AND ADDRESS: Comments must be filed on or before July 5, 1984, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF-0188.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2094.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a consent order entered into by the U.S. Compressed Gas Company (USC), which settled possible violations of DOE price controls in the firm's sales of propane to its customers during the November 1, 1973 through September 30, 1976 period.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account funded by USC pursuant to the consent order. The DOE has tentatively established procedures under which purchasers of USC products during the audit period may file claims for refunds from the consent order fund. Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: May 24, 1984.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

May 24, 1984.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: U.S. Compressed Gas Company.

Date of Filing: October 13, 1983.

Case Number: HEF-0188.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request the DOE Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* CFR Part 205, Subpart V. The Subpart V regulations set forth general guidelines by which the OHA may formulate and implement a plan distribution for funds received as part of a settlement agreement or pursuant to a Remedial Order. The Subpart V process may be used in situations where the DOE can not readily ascertain the persons who were injured or the amounts that such persons are eligible to receive as a result of enforcement proceedings. *See Office of Enforcement,* 9 DOE § 82,553 at 85,284 (1982).

I. Background

Pursuant to the provisions of Subpart V, on October 13, 1983, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with U.S. Compressed Gas Company (USC). USC is a "reseller/retailer" of propane as that term was defined in 10 CFR 212.31, and is located in King of Prussia, Pennsylvania. The firm was subject to the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212, Subpart F until January 28, 1981, when propane was exempted from price and allocation controls. Exec. Order No. 12287, 46 FR 9909 (January 30, 1981). As a part of its enforcement responsibilities, the ERA audited USC's sales of propane from November 1973 through September 1976 (the audit period). The audit covered full truckload sales to particular customers during the entire audit period, and all "bulk" sales (less than truckload sales) during various months of the audit period. The audit revealed possible regulatory violations in the amount of $295,000 for audited sales of propane. In order to

settle all claims and disputes between USC and the DOE regarding the firm's sales of propane during the audit period, USC and DOE entered into a consent order on April 28, 1980, in which USC agreed to remit $57,000 to the DOE. The funds were deposited into an interest-bearing escrow account for ultimate distribution to the parties who may have been injured by the alleged overcharges. This Proposed Decision concerns the distribution of the $57,000 that was deposited into the escrow account, plus accrued interest, which amounted to $20,439.99 as of April 30, 1984.

II. Proposed Refund Procedures

We have considered the ERA's Petition for the Implementation of Special Refund Procedures and determined that it is appropriate to establish such a proceeding with respect to the USC consent order fund. The Subpart V regulations authorize the OHA, upon request by the appropriate enforcement official, to fashion special procedures to distribute funds received as a result of settlement of an enforcement proceeding. 10 CFR 205.281, 205.282. The Subpart V process may be used in situations where DOE is unable to readily identify persons who were injured or to ascertain the amounts that such persons are eligible to receive as a result of enforcement proceedings. 10 CFR 205.280;*See also In re The Charter Co.*, 47 FR 16396 (April 16, 1982) (proposed decision); *Office of Enforcement*, 9 DOE § 82,553 at 85,284 (1982). The ERA indicated in its petition that those circumstances exist in this case; therefore, we will grant ERA's petition and assume jurisdiction over the distribution of the USC consent order funds.

As we have stated in previous decisions, refunding moneys obtained through DOE enforcement proceedings is the focus of Subpart V proceedings. *See generally Office of Enforcement*, 8 DOE § 82,597 (1981) (hereinafter cited as *Vickers*). Based upon our experience with Subpart V cases, we believe that the distribution of refunds in the present case should take place in two stages. The first stage will attempt to provide refunds to identifiable purchasers of propane who may have been injured by USC's pricing practices during the period November 1, 1973 through September 30, 1976. After meritorious claims are paid in the first stage, a second stage refund procedure may become necessary if any funds remain. *See generally Office of Special Counsel*, 10 DOE § 85,048 (1982) (hereinafter cited as *Amoco*) (refund procedures established for first stage applicants, second stage refund procedures proposed).

A. Refunds to Identifiable Purchasers

We propose that the USC consent order funds be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by USC's alleged pricing practices. The ERA has identified by name more than 100 customers who may have been overcharged in their purchases of propane from USC. No addresses are available for these customers, who listed in Appendix A. Our experience with Subpart V proceedings indicates that the likely claimants in this proceeding, when more fully identified, will fall into two categories: (1) Resellers (including retailers) of propane, and (2) firms, individuals, or organizations that were consumers (end-users) of propane. The propane purchased by these claimants was purchased either directly from USC or from other firms in a chain of distribution leading back to USC.

In order to receive a refund, each claimant will be required to submit a schedule of monthly purchases of USC propane for the period November 1973 through September 1976. If the propane was not purchased directly from USC, the claimant will be required to include a statement setting forth his or her reasons for believing the product originated with USC. In addition, a reseller or retailer of propane that files a claim generally will be required to establish that it absorbed the alleged overcharges and was thereby injured. To make this showing, each reseller or retailer will be required to show that it maintained "banks" of unrecovered increased product costs in order to demonstrate that it did not subsequently recover costs by increasing its prices. *See Office of Enforcement*, 10 DOE § 85,029 at 88,125 (1982) (hereinafter cited as *Ada*). In addition, it will have to demonstrate that, at the time it purchase propane from USC, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges.

Claimants who were consumers or end-users of USC propane, however, will not be required to demonstrate injury in order qualify for a refund. *See Standard Oil Co. (Indiana)/Union Camp Corp.*, 11 DOE § 85,007 (1983); *Standard Oil Co. (Indiana)/Elgin, Joliet, and Eastern Railway*, 11 DOE § 85,105 (1983) (end-users of various refined petroleum products granted refunds solely on the basis of documented purchase volumes). Therefore, in this proceeding a consumer need only document the specific quantities of U.S. propane it purchased during the audit period.

As in many prior special refund cases, a reseller or retailer claimant will not be required to submit proof of injury if its refund claim is based on a monthly purchase level below a threshold level. *See, e.g., Ada* at 88,122. The adoption of a threshold level below which a claimant does not have to submit evidence of injury is based upon a balancing of several factors First, the cost of compiling information sufficient to show injury should be considered. In this connection, the time of the alleged overcharges and the length of the audit period should be considered. Obviously, difficulties in compiling information about events that occurred at the beginning of the price control period—1973 and 1974—are considerably greater than the difficulties in compiling information dealing with the end of the period—1979 and 1980. Second, the per gallon refund amount should be considered in conjunction with the length of the audit period. The larger the per gallon refund and the longer the audit period (and the larger total refund for a particular threshold level), the greater the justification for requiring more detailed information from the applicant to demonstrate injury and the lower the volume threshold should be. Third, the nature of the potential refund applicants' business operations should be considered. As we have stated in previous refund cases, our experience indicates that small businesses, such as single outlet retailers, generally maintain a less sophisticated recordkeeping system than larger firms. The threshold level for a particular product should be set to minimize burdens on small businesses who otherwise might be precluded from receiving restitution for their injuries.

In the present case, the foregoing considerations lead us to establish a threshold level of purchases at 50,000 gallons per month.* In previous refund proceedings involving motor gasoline we have also established threshold levels of 50,000 gallons per month. *See Amoco*. That purchase level was chosen by balancing all of the factors stated above, and a determination was made that in view of the refund each successful claimant would be entitled to receive if it made qualifying purchases at that level during each month of the audit period, no additional proof of injury would be required. Under the facts in this case, establishment of 50,000 gallon per month threshold level is also appropriate because the audit which led to the consent order was for an extended period—35 months—and the entities that purchased propane from USC are likely to be small retailers or

end users. Thus, the threshold level of 50,000 gallons per month represents an equitable balancing of the factors set forth above.

A successful refund applicant will receive a refund based upon a volumetric method of allocating refunds. Under this method, a volumetric refund amount is calculated by dividing the settlement amount by the total gallonage of propane covered by the consent order. In the present case, based on the information available to us at this time, the volumetric refund amount is $.002061 ($57,000 received from USC divided by 27,648,180 gallons of propane sold by USC during the audit period).

Successful claimants will receive refunds based on their eligible purchase volumes multiplied by the volumetric refund amount, plus a proportionate share of the interest accured on the consent order fund since it was remitted to the DOE. As of April 30, 1984, accured interest will increase the per gallon refund amount by $.000739, for a total per gallon amount of $.002800. Consequently, a successful claimant who purchased 50,000 gallons of USC during each of the months of the audit period will receive a refund of $4,900.

As in previous cases, we will establish a minimum refund amount of $15.00 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15.00 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982).

Detailed procedures for filing applications will be provided in a final Decision and Order. Applications for refunds should not be filed until issuance of the final Decision and Order. Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we intend to publicize widely the distribution process to solicit comments on the proposed refund procedures and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the Federal Register, notice will be provided to the National LP-gas association which may be helpful in advising potential claimants of this proceeding. In addition, we are continuing our efforts to obtain a more complete list of the names and addresses of firms and individuals who purchased USC propane.

B. Distribution of the remainder of the Consent Order Funds

In the event that money remains after all first stage claims have been disposed of, undistributed funds could be distributed in a number of different ways. However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed. We will therefore reserve this issue for determination at a later date.

It Is Therefore Ordered That:

The $57,000 refund amount remitted by U.S. Compressed Gas Company pursuant to the consent order executed on April 28, 1980 will be distributed in accordance with the foregoing Decision.

Note

*Resellers whose monthly purchases during the period for which a refund is claimed exceed 50,000 gallons, but who cannot establish that they did not pass through the price increases, or who limit their claims to the threshold amount, will be eligible for a refund for purchases up to the 50,000 gallons per month threshold amount without being required to submit evidence of injury. *See Vickers* at 85,396; *see also Ada* at 88,122.

Appendix A

A Dinardo
A Jacire
Ajatair
Alperhoop
Angelo's
Artcraft Cont.
A. Sistert
Atlantic
A. Treacher
B.F. Goodrich—I-95
B.F. Goodrich—Oaks
Bemontir
Boeing Vertol
Betz Labs
Brockfoods
Brookhaven
Burger King
Certain Teed
China Moon
Congoleum
Cont. Can.—Penn
Cont. Can.—Phila
Contain Corp.
Corson's
Del Monte
Del Vest
D.M. Sabia
Doehler-Jarvis
Down Papers
Dr. Hill Piz.
Dupont Phila
Ea. Asph.
F&M Shaeffer
Fanny Mae
Feastery
FKFD Supp.
FMC
Ft. Mifflin
Ft. Dix
G. and Wh. Carson
Ga. Pacific
Geo Sall
George Garrett
Glen Killian
Golden Horse
Hub Tool
Idus Lift
IHOP—Bristol
Inland Term
Intl Paper
ITT Nesb.
J&L Builders
J.B. Dove
Keene Corp.
Lands Steel
Lasko
Leade Fge.
Lee Congho
Lee DeVart
Lenape Fge.
Lester's
Liberty
Lion's Share Ale House
L.V. Paul
Macke Whse.
Marriot
Maxwell Steel
Mc Craken
Mc Donald's—Bristol
Mc Donald's—Chester
Mc Donald's—Coastesville
Mc Donald's—Levittown
Mc Donald's—N. Castle
Mc Donald's—Wilmington
Midvale—Hipp.
M.L. Burke
Nicolet M/F
NVF
O. Ames
Pennbox
Penn Fruit
Penn W. Phila
Penn W. Warm
Peter Camiel
Phila Gear
Phoenix Clay
Phoenix Stl.
Plymouth Tnp.
Ponderosa
Progresso
Recycle Metal
Redman Ind.
Reynolds
Rustler, King of Prussia
Sambo's
Scott Paper
Sears—Fall
Sears—King of Prussia
S.P.'s Hat
S.P.S. Jenk
Strict Recycle
Sunoco Div.
T&T Freez
Textile Chem
T-N-T Chicken
Torres
Trailmobile—Paris
Univac
U.S. Plywd.
Valley Fab
Victoria Station
Virnesson
Wallace Prod
Warf
Weld Eng.
Westinghouse—Langhorne
Wm. Anderson
7-Up

[FR Doc. 84-15042 Filed 6-4-84; 8:45 am]
BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy Solicits comments concerning the appropriate procedures to be followed in refunding $29,381,630.53 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings brought by the Economic Regulatory Administration of the Department of Energy involving the 15 natural gas processing firms set forth below.

DATE AND ADDRESS: Comments must be filed on or before July 5, 1984 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case numbers HEF–0266, *et al.*

FOR FURTHER INFORMATION CONTACT: Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–2390.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to consent orders entered into by the DOE and the 15 natural gas processing firms set out in the Appendix below.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of escrow accounts funded by these natural gas processing firms pursuant to the consent orders. The DOE has tentatively decided that Applications for Refund should be accepted from firms and individuals that purchased natural gas liquids (NGLs) and natural gas liquid products (NGLPs) from any of the 15 named firms during the relevant consent order period set forth in the Appendix. The Proposed Decision and Order provides that in order to receive a portion of the settlement funds, a purchaser must furnish the DOE with evidence that it was injured by the allegedly unlawful prices for NGLs or NGLPs charged by the relevant gas processing firm. However, the Proposed Decision indicates that no specific showing of injury will be required of end users of the relevant product, or of firms which file refund claims based on average purchases of less than 50,000 gallons per month of NGLs or of any single NGLP. According to the Proposed Decision and Order, the amount of the refund will generally be a pro rata share of the fund made available by the natural gas processing firm, plus a pro rata share of any interest accrued.

Until a final Decision and Order is issued, no claims for refund can be accepted. Applications for Refund therefore should not be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be given when the submission of claims is authorized. The deadline for filing such claims will be no less than 90 days from publication of such notice in the **Federal Register**.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties should submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: May 23, 1984.

Thomas L. Wieker,

Deputy Director, Office of Hearings and Appeals.

May 23, 1984

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Names of Cases: Peoples Energy Corporation, *et al.*

Dates of Filing: October 13, 1983; March 20, 1984.

Case Numbers: HEF–0266, *et al.*

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals formulate and implement special procedures to make refunds, in order to remedy the effects of alleged violations of the DOE regulations. See 10 CFR Part 205, Subpart V.

In accordance with these regulatory provisions, the ERA filed a Petition for the Implementation of Special Refund Proceedings in connection with consent orders entered into with the 15 natural gas processing firms set forth in the exhibits to the Appendix to this Proposed Decision. An audit of the records of those firms revealed possible pricing violations with respect to their sales of natural gas liquids (NGLs) and natural gas liquid products (NGLPs) during the periods indicated in the exhibits.[1] In order to settle all claims and diputes with the DOE regarding their sales of NGLs and NGLPs during their respective audit periods, the firms entered into consent orders. The amount of funds made available by those firms that is subject to distribution in this proceeding is $29,381,630.53.

Jurisdiction and Authority to Fashion Refund Procedures

The procedural regulations of the DOE set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who may have been injured as a result of alleged regulatory violations resolved by a DOE consent order or remedial order or where the DOE is unable to readily ascertain the amount of each person's injuries. For a more detailed discussion of Subpart V and the authority of the Office of Hearings and Appeals to fashion procedures to distrubute refunds obtained as part of settlement agreements, see *Office of Enforcement*, 9 DOE § 82,553 (1982); Office of Enforcement, 9 DOE § 82,508 (1981); *Office of Enforcement*, 8 DOE § 82,597 (1981).

After reviewing the records developed in the instant cases, we have concluded that a Subpart V proceeding is an appropriate mechanism for distributing the available funds, because there is a significant degree of difficulty in identifying and locating the persons who were injured by the alleged overcharges. Further, as a result of decontrol of petroleum products, price rollbacks are no longer an effective means of refunding money to purchasers who were overcharged in the past. See Exec. Order No. 12287, 46 FR 9909 (January 30, 1981).

[1] NGLPs include propane, butane, ethane and natural gasoline. In some instances a gas plant operator may have sold small quantities of other products, such as condensate. We will also consider Applications for Refund filed by purchasers of these other products.

Proposed Refund Procedures

In so far as possible the $29,381,630.53 in consent order funds should be distributed to customers of the named natural gas processing firms, as well as to customers of resellers which purchased from those natural gas processing firms. Applicants must demonstrate that they have been injured by the alleged overcharges during the relevant period. To the extent that any individual or firm can establish that it was injured by the alleged overcharges, it will be entitled to receive a portion of the consent order funds.

While there are a variety of ways in which a showing of injury may be made, resellers will generally be expected to show that they had banks of unrecovered costs, and further to provide evidence that they did not pass through to their own customers the additional costs associated with the alleged overcharges. A reseller might establish that it absorbed the alleged overcharges by showing, for example, that due to market conditions it could pass through the additional costs. *Office of Enforcement*, 10 DOE § 85,056; *Office of Enforcement*, 10 DOE § 85,029 (1982); *Office of Enforcement*, 9 DOE § 82,508 (1981).

With respect to purchasers who are ultimate consumers of the relevant product, we believe that in most cases a detailed showing of injury should not be necessary in order for a customer to qualify for a refund. Customers in this group might include, for example, businesses and individuals that purchased propane for heating purposes. In order to establish a claim, this type of refund applicant need only demonstrate that it purchased a specific quantity of product that was sold by one of the identified gas plant operators during the relevent time period.

Furthermore, the showing of injury referred to above may also be too complicated and burdensome for resellers which purchased relatively small amounts of NGLs or NGLPs. For example, such firms may have limited accounting and data-retrieval capabilities and may therefore be unable to produce the records necessary to prove the existence of banks of unrecovered costs, or that they did not pass on the alleged overcharges to their own customers. Therefore, any applicant claiming a refund based on average purchases of less than 50,000 gallons per month of NGLs or of any single NGLP or less than 600,000 gallons per year of NGLs or any single NGLP from one of the natural gas processors identified in the exhibits to the Appendix need not make a detailed showing of injury in order to be eligible to receive a refund based on alleged overcharges with respect to that product. Such applicants will only be required to submit proof of the amount of product purchased during the consent order period. See *Office of Enforcement*, 8 DOE § 82,597 (1981).

Calculation of Refund Amounts

We must further determine the proper method for dividing the consent order funds provided by each firm among successful refund applicants. It may be difficult for applicants to measure precisely the extent of their overcharge. We have tentatively decided to generally follow the volumetric approach to determining the amount of the refund to which a successful applicant may be entitled. *Office of Special Counsel*, 9 DOE § 82,545 (1982). Such an approach will permit a successful claimant to receive a pro rata share of the individual consent order fund made available by the gas plant operator listed in the Appendix from which that claimant purchased NGLs or NGLPs. The refund pool made available by each gas plant operator will therefore be divided as follows. We will multiply the number of gallons of product purchased by a qualified applicant by a factor using the total amount of the consent order fund provided by the individual gas plant operator as the numerator and using the relevant total sales in gallons of all products covered by the relevant consent order as the denominator. Successful claimants will also receive a pro rata share of any interest accrued on the consent order funds made available by the relevant gas plant operator.

A number of the audit files developed with respect to the natural gas processors involved in this proceeding specifically identified customers of those processors. Where possible, these identified customers will be served with copies of this Proposed Decision and Order.

Refund applications should not be filed until issuance of a final Decision and Order establishing procedures in this matter. Applicants will be asked to provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disbursing any of the funds received as a result of the consent orders set out below, we intend to publicize the distribution process in the Federal Register and to provide an opportunity for any affected party to file a claim. Comments regarding the tentative distribution process set forth in this Proposed Order should be filed with the Office of Hearings and Appeals within 30 days of publication of this Proposed Order in the Federal Register. We will consider at a future date the appropriate disposition of any funds remaining after all successful claims of purchasers have been paid.

It is Therefore Ordered That:

The refund amounts remitted to the Department of Energy by the natural gas processors set forth in the exhibits to the attached Appendix will be distributed in accordance with the foregoing Decision.

Proposed Decision and Order Peoples Energy Corporation

Appendix

CASE NAMES

Firm	Case No.
Peoples Energy Corporation	HEF-0266
Kansas-Nebraska Natural Gas Company, Inc	HEF-0256
Mesa Petroleum Company	HEF-0259
Hunt Petroleum Corporation	HEF-0254
Arapaho Petroleum, Inc	HEF-0231
MAPCO, Inc	HEF-0258
Texas Pacific Oil Company, Inc	HEF-0276
Hamilton Brothers Petroleum Corporation	HEF-0249
Mountain Fuel Supply Company	HEF-0263
Grimes Gasoline Company, Otha H. Grimes, *et al.*, and Otha H. Grimes, Inc	HEF-0247
Hunt Industries	HEF-0253
Eagle Petroleum Company and Regal Petroleum Corporation	HEF-0243
Consolidated Gas Supply Corporation	HEF-0238
Belridge Oil Company	HEF-0234
The Parade Company	HEF-0493

Index to Exhibits

Exhibit and Firm

1—Peoples Energy Corporation
2—Kansas-Nebraska Natural Gas Company, Inc.
3—Mesa Petroleum Company
4—Hunt Petroleum Corporation
5—Arapaho Petroleum, Inc.
6—MAPCO, Inc.
7—Texas Pacific Oil Company, Inc.
8—Hamilton Brothers Petroleum Corporation
9—Mountain Fuel Supply Company
10—Grimes Gasoline Company, Otha H. Grimes, *et al.*, and Otha H. Grimes, Inc.
11—Hunt Industries
12—Eagle Petroleum Company and Regal Petroleum Corporation
13—Consolidated Gas Supply Corporation
14—Belridge Oil Company
15—The Parade Company

Exhibit 1

Name of Consent Order Firm: Peoples Energy Corporation
Consent Order Case Numbers:
ERA: 733V02006
OHA: HEF-0266
Consent Order Period: September 1, 1973–October 31, 1980

Consent Order Fund: $750,000
Names of Plants:
1. Plant No. 161
2. Plant No. 162
3. Enid Plant
4. Ames Plant
5. East Edmond Plant

Alleged overcharges by plant:	
Plant Nos. 161 and 162	$1,468,049.71
Enid Plant	176,091.57
Ames Plant	506,383.63
East Edmond Plant	260,304.24
Total	2,410,829.15
Gallons sold by plant:	
Plant Nos. 161 and 162	136,498,254
Enid Plant	11,005,678
Ames Plant	22,090,390
East Edmond Plant	8,514,000
Total	178,108,322

Per Gallon Refund Amount: $.004211
Identified Purchaser: Phillips Petroleum Company

Exhibit 2

Name of Consent Order Firm: Kansas-Nebraska Natural Gas Company, Inc.
Consent Order Case Numbers:
ERA: 730V01216
OHA: HEF-0256
Consent Order Period: September 1, 1973–December 31, 1979
Consent Order Fund: $12,901,418.53
Names of Plants:
1. Scott City Plant
2. Sunflower Helium Plant
3. Yenter Plant
4. Tyrone Plant
5. Myrtle Springs Plant
6. Hobart Ranch Plant
7. Flat Top Plant
8. Casper Plant

Alleged overcharges by plant:	
Scott City/Sunflower Helium	$9,246,891.32
Yenter	262,738.82
Tyrone	7,880,216.68
Hobart Ranch	619,000.14
Flat Top	801,578.12
Casper	4,347,308.29
Western Gas	*754,070.51
Total	23,911,804.18
Gallons sold:	
Annual Sales Estimate	114,117,777
Consent Order Period Estimate	722,365,528

*Comments: Western Gas Corporation is a subsidiary involved in purchase and resale of NGLs.

Per Gallon Refund Amount: $.017860
Identified Purchasers:
1. California Liquid Gas Corp.
2. Mobil Oil Corporation
3. Eastern Petroleum Company
4. Western Gas Corporation
5. Union Oil Company
6. Cities Service Oil Company
7. Koch Oil Company
8. Little America Refining Co.

Exhibit 3

Name of Consent Order Firm: Mesa Petroleum Company
Consent Order Case Numbers:
ERA: 740V01248
OHA: HEF-9259
Consent Order Period: September 1, 1973–July 31, 1979
Consent Order Fund: $3,000,000
Names and Locations of Plants and Percentage of Ownership:
1. Ulysses Gas Plant, Ulysses, KS, 100 percent
2. Hobart Ranch Plant, Hemphill County, TX, 9–20 percent
3. Sea Robin Plant, Frath, LA, 1.814 percent
4. Seiling Plant, Dewey County, OK, 1.26908 percent
5. Putnam-Oswego Plant, Dewey county, OK, .38 percent
6. Toca Gas Plant, Plaquemines Parish, LA, .03 percent
7. Mooreland Plant, (OK), .11690 percent
8. Mineola Plant, (KS)
9. Cameron Plant, Cameron Parish, LA
10. Denton Gas Plant, (NM)
11. Patrick Draw Plant, (WY)
12. Hartzog Draw Plant, (WY)
13. Sterling Plant, (TX)

Alleged overcharges by plant:	
Ulysses	$6,331,488.90
Hobart Ranch	5,472.29
Sea Robin	1,840.70
Seiling	69,385.05
Cameron	28,498.72
Total	6,436,686.56
Gallons sold:	
Annual Sales Estimate	46,326,218
Consent Order Period Estimate	287,607,940

Per Gallon Refund Amount: $.010431
Identified Purchasers:
1. Koch Industries
2. Getty Oil Company
3. Champlin Oil Company
4. Dorchester Gas Company

Exhibit 4

Name of Consent Order Firm: Hunt Petroleum Corporation
Consent Order Case Numbers:
ERA: 710V03007
OHA: HEF-0254
Consent Order Period: September 1, 1973–July 31, 1975
Consent Order Fund: $180,000
Names and Locations of Plants and Percentage of Ownership:
1. Kinder Plant, Allen Parish, LA, 100%
2. Grand Chenier Plant, .075%
3. Calumet Plant, Calumet, LA
4. Fairway Plant, .0959154%
Alleged Overcharges: $299,829
Gallons Sold: 8,390,034
Per Gallon Refund Amount: $.021454
Identified Purchasers:
1. Wanda Petroleum Company, P.O. Box 53120, Houston, TX 77052
2. Placid Refining, Inc., 1600 First National Bank Bldg., Dallas, TX 75202
3. Texas Petroleum
South Hampton

Exhibit 5

Name of Consent Order Firm: Arapaho Petroleum, Inc.
Consent Order Case Numbers:
ERA: 710V03019
OHA: HEF-0231
Consent Order Period: September 1, 1973–January 28, 1981
Consent Order Fund: $199,000
Name and Location of Plant: Seminole Plant, Seminole County, OK

Alleged overcharges:	
Propane	$166,164.45
Butane	86,852.40
Natural Gasoline	183,294.63
Iso Butane	32,696.79
Total	469,008.27
Gallons sold:	
Propane	5,839,112
Butane	3,260,337
Natural Gasoline	4,727,057
Total	13,826,506

Per Gallon Refund Amount: $.014393
Identified Purchaser: Warren Petroleum Company, 1350 S. Boulder Avenue, Tulsa, OK 74102

Exhibit 6

Name of Consent Order Firm: MAPCO, Inc.
Consent Order Case Numbers:
ERA: 740V01246
OHA: HEF-0258
Consent Order Period: September 1, 1973–October 31,1980
Consent Order Fund: $9,000,000*
Names of Plants:
1. Westpan Plant
2. Tyrone Plant
3. Altonah Plant
4. S.W. Davis Plant
5. Conway Plant

Alleged overcharges:	
Propane	$41,992,608.80
Butane	5,509,842.76
Natural Gasoline	18,444,634.06
Mixed Stream	3,609,374.50
Total	69,556,460.12

	Consent order period estimate	Annual sales estimate
Gallons sold:		
Propane	2,626,945,906	425,991,232
Butane	641,696,180	104,058,834
Natural Gasoline	858,341,318	139,190,478

	Consent order period estimate	Annual sales estimate
Mixed Stream	872,423,666	141,474,102
Total	4,999,407,070	810,714,646

Per Gallon Refund Amount: $.001800
Identified Purchasers:
1. Kock Industries, Inc., P.O. Box 2256, Wichita, KS 67201.
2. Williams Energy Company
3. Northern Gas Products Company
4. National Coop. Refining Assoc.
5. Northwest Refining Company
6. Skelly Oil Company

Comments:

*Beginning on the first day of the first month after the effective date of the Consent Order and continuing until such refund was completed, the firm agreed to make refunds in the amount of $22,500,000 through price reductions to the purchasers of propane from Thermogas, Inc., a wholly-owned subsidiary of MAPCO, Inc. Accordingly, of the total consent order fund of $31,500,000, MAPCO, Inc. refunded only $9,000,000 directly to the DOE and it is this $9,000,000 that is subject to the present refund proceeding.

Exhibit 7

Name of Consent Order Firm: Texas Pacific Oil Company, Inc.
Consent Order Case Numbers:
ERA: 740V01403
OHA: HEF-0276
Consent Order Period: September 1, 1973–August 31, 1980
Consent Order Fund: $72,500
Names and Locations of Plants:
1. Lacassane Plant, Cameron, LA
2. Adena Plant, Morgan, CO
3. Dover Hennessey Plant, Kingfisher, OK
4. Enville Plant, Love, OK
5. Hamlin Plant, Fisher, TX
6. La Verne Plant, Harper, OK
7. Mooreland Plant, Woodward, OK
8. O'Keene Plant, Blaine, OK
9. South Fullerton Plant, Andrews, TX
10. Star Lacy Plant, Blaine, OK
11. Wellman Plant, Terry & Gaines, TX
12. Lake Como Plant (location unknown)

Alleged overcharges:	
Propane	$450,183.76
Butane	184,208.34
Natural Gasoline	186,456.73
Butane In Mix	150.73
Natural Gasoline In Mix	168.17
Butane-Natural Gasoline In Mix	14,579.11
Total	835,746.84

	Consent order period estimate	Annual sales estimate
Gallons sold:		
Propane	14,362,920	2,398,139
Butane	8,517,384	1,419,567
Natural Gasoline	5,861,808	976,963
Butane-Natural Gasoline Mix	8,064	1,338
Total	28,750,176	4,796,007

Per Gallon Refund Amount: $.002522
Identified Purchasers: Unidentified

Exhibit 8

Name of Consent Order Firm: Hamilton Brothers Petroleum Corp.
Consent Order Case Numbers:
ERA: 710V03026
OHA: HEF-0249
Consent Order Period: September 1, 1973–March 31, 1975
Consent Order Fund: $320,000
Names and Locations of Plants:
1. Calumet Plant, Patterson, LA.
2. Sea Robin Plant
3. Patterson II Plant

Alleged overcharges:	
Propane	$349,349.61
Butane	269,696.58
Natural Gasoline	280,087.22
Total	899,133.41
Gallons sold:	
Propane	3,836,786
Butane	2,404,797
Natural Gasoline	2,375,662
Total	8,617,245

Per Gallon Refund Amount: $.037135
Identified Purchasers:
1. Wanda Petroleum Company, P.O. Box 53120, Houston, TX 77052
2. International Petroleum Trading Co.

Exhibit 9

Name of Consent Order Firm: Mountain Fuel Supply Company
Consent Order Case Numbers:
ERA: 710V03003
OHA: HEF-0263
Consent Order Period: November 1, 1975–January 28, 1981
Consent Order Fund: $1,200,000
Name and Location of Plant: Brady Plant, Sweetwater County, WY

Alleged overcharges:	
Propane	$1,174,945.98
Butane	2,341,644.41
Total	3,516,590.39
Gallons Sold:	
Propane	13,153,266
Butane	22,617,063
Total	35,770,329

Per Gallon Refund Amount: $.033547
Identified Purchasers:
1. I. T. Enterprise, Tulsa, OK
2. Cowboy Oil Co., Box L, Pocatello, ID 83201
3. Petrolane, Inc., Houston, TX
4. Huntsman Chemical & Oil Corp., Englewood, CO

Exhibit 10

Name of Consent Order Firm: Grimes Gasoline Company, Otha H. Grimes, *et al.*, and Otha H. Grimes, Inc.
Consent Order Case Numbers:
ERA: 710V03005
OHA: HEF-0247
Consent Order Period: September 1, 1973–December 31, 1978
Consent Order Fund: $316,000
Names and Locations of Plants and Percentage of Ownership:
1. Okemah Plant, Okfuskee County, OK, 100%
2. North Dora Plant, Nolen County, OK, 75%

Alleged overcharges:	
Propane	$710,955.11
Butane	270,373.98
Natural Gasoline	495,570.12
Total	1,476,899.21
Gallons sold:	
Propane	25,135,976
Butane	18,263,282
Natural Gasoline	10,929,271
Total	54,328,529

Per Gallon Refund Amount: $.005816
Identified Purchasers:
1. Sun Company, Inc., 1608 Walnut Street, Philadelphia, PA 19103
2. Sid Richardson Carbon & Gasoline Co., 3100 Fort Worth Nat'l Bank Bldg., Fort Worth, TX 76102
3. Cosden Oil Company
4. Burmah L. P. Gas Company
5. W. N. Carter

Exhibit 11

Name of Consent Order Firm: Hunt Industries
Consent Order Case Numbers:
ERA: 710V03006
OHA: HEF-0253
Consent Order Period: September 1, 1973–July 31, 1975
Consent Order Fund: $70,000
Names and Locations of Plants and Percentage of Ownership:
1. North Tioga Plant, Burke County, ND
2. Calumet Plant, Calumet, LA
3. Zoeller Plant, Refugio County, TX. 48.3943%

Alleged overcharges:	
Propane	$54,040.68
Butane	4,970.36
Natural Gasoline	53,107.23

Condensate	4,297.71
Total	116,415.98
Gallons sold:	
Propane	6,200,505
Butane	4,536,904
Natural Gasoline	3,607,890
Condensate	97,490
Total	14,442,789

Per Gallon Refund Amount: $.004847
Identified Purchasers:
1. Amoco Oil Company, 200 East Randolph Drive, Chicago, IL 60601
2. Wanda Petroleum Company, P.O. Box 53120, Houston, TX 77052
3. Tenneco Oil Company, P.O. Box 2511, Houston, TX 77001
4. Texas Petro Gas Company
5. Solar Gas, Inc.

Exhibit 12

Name of Consent Order Firm: Eagle Petroleum Company and Regal Petroleum Corporation
Consent Order Case Numbers:
ERA: 710V03025
OHA: HEF–0243
Consent Order Period: September 1, 1973–January 28, 1981
Consent Order Fund: $119,000
Names and Locations of Plants and Percentage of Ownership: KMA Plant, Wichita County, TX, 100%

Alleged overcharges:	
Propane/Butane Mix	$139,709
Natural Gasoline	210,906
Total	$350,615
Gallons sold:	
Propane/Butane Mix	3,846,997
Butane/Natural Gasoline Mix	3,556,399
Natural Gasoline	4,103,407
Total	11,506,803

Per Gallon Refund Amount: $.010385
Identified Purchasers:
1. Warren Petroleum Company, 1350 S. Boulder Avenue, Tulsa, OK 74102
2. TLOK Marketing Corporation, 6350 LBJ Freeway, Suite 1, Dallas, TX 75240
3. Cosden Oil and Chemical Co.

Exhibit 13

Name of Consent Order Firm: Consolidated Gas Supply Corporation
Consent Order Case Numbers:
ERA: 342V00353
OHA: HEF–0238
Consent Order Period: September 1, 1973–July 31, 1976
Consent Order Fund: $28,212*
Names and Locations of Plants and Percentage of Ownership: Hastings Plant, Hastings, WV, 100%

Alleged overcharges:	
Propane	$6,235,575.21
Butane	1,873,627.89
Natural Gasoline	975,151.10
Propane-Butane Mix	108,819.12
Total	9,193,173.32

Gallons Sold: 251,074,000
Per Gallon Refund Amount: $.000112
Identified Purchasers:
1. Agway, Inc.
2. American Propane Company
3. Blue Flame Gas Company
4. Braxton Oil Company
5. Commonwealth Propane
6. Country Gas
7. H. H. Cupp
8. C. M. Dining
9. Gas, Inc. (Petrolane)
10. General LP Gas
11. Home Gas
12. D. & D. Gas (Kelgas)
13. Lewiston Bottled Gas Company
14. L.P. Gas Company
15. Maine Gas & Appliances
16. Northern Propane Gas Company
17. Parco Distributor
18. Pargas, Inc.
19. Pyrofax Gas Corporation
20. Quaker State
21. Robinson LP Gas
22. Steinhauser Bottled Gas
23. Stevens Gas Service (Ashland)
24. Suburban Propane
25. Southern States Co-op.
26. Ugite (Amerigas)
27. Union Texas Petroleum
28. Utilgas
29. Wanda Petroleum Corporation
30. Wanstreet Supply
31. Daugherty Propane (Buckeye)
32. Sterling Chemical Company

Comments:

*The consent order entered into by Consolidated Gas Supply Corporation and the DOE required the firm to refund $5,025,000 to its customers by reducing its sales prices to amounts less than its maximum lawful selling price. Consolidated refunded a total of $4,996,788 to its customers through this price reduction. Accordingly, of the total consent order fund of $5,025,000, Consolidated refunded only $28,212 directly to the DOE and it is this $28,212 that is subject to the present refund proceeding.

Exhibit 14

Name of Consent Order Firm: Belridge Oil Company
Consent Order Case Numbers:
ERA: 940V00121
OHA: HEF–0234
Consent Order Period: August 19, 1973–July 31, 1975
Consent Order Fund: $225,000*
Name of Plant: Belridge Gasoline Plant
Alleged Overcharges: $437,243.03

Gallons sold:	
Propane	3,653,374
Iso-Butane	330,358
Natural Gasoline	5,732,688
Total	9,716,420

Per Gallon Refund Amount: $.023157
Identified Purchasers:
1. Coast Gas, Inc.
2. Standard Oil Co. of California, 555 Market Street, 39th Fl., San Francisco, CA 94105

Comments:

*In addition to this amount, a direct payment of $12,914.25 was made by Belridge Oil Company to Belridge Farms on or before June 30, 1979, for the express purpose of refunding amounts which Belridge believed it had overcharged.

Exhibit 15

Name of Consent Order Firm: The Parade Company
Consent Order Case Numbers:
ERA: 733V 02035
OHA: HEF–0493
Consent Order Period: February 1, 1975–January 28, 1981
Consent Order Fund: $1,000,000
Names and Locations of Plants and Percentage Of Ownership: Giles Gas Plant, Rusk County, Tx, 100%

Alleged overcharges:	
Propane	$146,335.92
Butane/Pentane Mix	1,570,129.33
Total	1,716,465.25

	Consent order period estimate	Annual sales estimate
Gallons sold:		
Propane	79,200,000	13,200,000
Butane/Pentane Mix	34,800,000	5,800,000
Total	114,000,000	19,000,000

Per Gallon Refund Amount: $.008772
Identified Purchasers:
1. Wanda Petroleum Company
2. Morgan Petroleum Company
3. Aero Energy, Inc.
4. Exxon Company, U.S.A.
5. Gulf States Oil Company

[FR Doc. 84–15043 Filed 6–4–84; 8:45 am]
BILLING CODE 6450–01–M

Issuance of Proposed Decision and Order; Period of April 2 Through April 20, 1984

During the period of April 2, 1984, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who

will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objection within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order is available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

May 30, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Adobe Refining, Lablanca, Texas; case number BEE–1684

The Adobe Refining Company (Adobe) filed an Application for Exception from the provisions of 10 CFR 211.69. The exception request, if granted, would permit Adobe to file amended ERA–49 forms with the Economic Regulatory Administration for a period prior to the October 1, 1980 cut-off date specified in 10 CFR 211.69. On April 20, 1984, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 84–15046 Filed 6–4–84; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed; Period of April 2 Through April 27, 1984

During the period of April 2 through April 27, 1984, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All request to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

May 25, 1984.

Holly Energy Incorporated, Dallas, Texas; HRO–0215 crude oil

On April 25, 1984, Holly Energy, Inc. and the Holly Corporation (Holly), 2600 Diamond Shamrock Tower, 717 North Harwood Street, Dallas, Texas 75201, filed a Notice of Objection to a Proposed Remedial Order which the Tulsa Office of the Economic Regulatory Administration of the DOE issued to the firm on March 20, 1984.

In the PRO, the Tulsa Office found that during the period January 1978 through December 1980, Holly charged prices in its sales of crude oil which exceeded those permitted pursuant to 10 CFR 212.79, 212.73 and 212.74.

According to the PRO, the violation resulted in $773,098.79 of overcharges.

Saxon Oil Company, Midland Texas; HRO–0214 crude oil

On April 25, 1984, the Saxon Oil Company, 1001 Wall Towers West, Midland, Texas 79703 filed a Notice of Objection to a Proposed Remedial Order which the Dallas Field Office of the Economic Regulatory Administration issued to the firm on March 23, 1984.

In the PRO, the Dallas Field Office found that during the period September 1, 1973 through September 30, 1978, Saxon sold crude oil from certain properties at prices which were in excess of the maximum lawful ceiling prices established pursuant to 10 CFR Part 212, Subpart D.

According to the PRO, the violation resulted in $275,107.04 of overcharges.

Storey Oil Company, Inc., Seymour, Indiana; HRO–0211 motor gasoline

On April 23, 1984, the Storey Oil Company, Inc., 613 Maple Avenue, Seymour, Indiana 47274 filed a Notice of Objection to a Proposed Remedial Order which the DOE Kansas City Office, Office of Special Counsel, Economic Regulatory Administration, issued to the firm on February 15, 1984.

In the PRO, the Kansas City Office found that during the period September 1, 1979 through November 30, 1979, Storey violated the mandatory pricing regulations which, at the time, governed the sale of motor gasoline.

According to the PRO, the violation resulted in $87,311.04 of overcharges, exclusive of interest.

Texakota, Incorporated, Houston, Texas; HRO–0213 crude oil

On April 25, 1984, Texakota, Inc., 6315 Gulfton, Suite 3, Houston, Texas 77031 filed a Notice of Objection to a Proposed Remedial Order which the Tulsa Office of the Economic Regulatory Administration issued to the firm on March 17, 1984.

In the PRO, the Tulsa Office found that during the period January 1978 through December 1980, Texakota violated the mandatory pricing regulations set forth in 10 CFR 212.79, 212.73 and 212.74, in its sales of crude oil.

According to the PRO, the violation resulted in $409,622.24 of overcharges.

Traco Petroleum Company, Houston, Texas; HRO–0212 crude oil

On April 25, 1984, the Traco Petroleum Company, 7500 San Felipe, Suite 430, Houston, Texas 77063, filed a Notice of Objection to a Proposed Remedial Order which the Tulsa Office of the Economic Regulatory Administration issued to the firm on July 19, 1982.

In the PRO, the Tulsa Office found that during the period October 1979 through December 1980, Traco violated the mandatory pricing regulations set forth in 10 CFR 212.186 and 212.183, in its sales of crude oil.

According to the PRO, the violation resulted in $6,955,218.78 of overcharges.

[FR Doc. 84–15044 Filed 6–4–84; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed Week of May 11 Through May 18, 1984

During the Week of May 11 through May 18, 1984, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10

CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Thomas L. Wieker,

Deputy Director, Office of Hearings and Appeals.

May 25, 1984.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 11 through May 18, 1984]

Date	Name and location of applicant	Case No.	Type of submission
May 14, 1984	Petro-Wash, Inc., Atlanta, Ga	HEE-0094	Exception to Reporting Requirement. If granted: Petro-Wash, Inc. would not be required to file Form EIA-782B "Resellers/Retailers' Monthly Petroleum Product Sales Report."
May 16, 1984	AWECO, Inc. and Billy K. Hargis, Washington, D.C.	HRD-0213	Motion for Discovery. If granted: Discovery would be granted to AWECO, Inc. and Billy K. Hargis in connection with their Statement of Objections submitted in response to the Proposed Remedial Order (Case No. HRO-0179) issued to them.
Do.	Economic Regulatory Administration, Washington, D.C.	HRR-0092	Request for Modification/Rescission. If granted: The May 7, 1984, Decision and Order (Case No. HRO-0058) issued to County Fuel Company, Inc. would be modified to reflect the firm's status as a debtor in the bankruptcy court.
May 18, 1984	Economic Regulatory Administration, San Francisco, Calif	HRZ-0202	Interlocutory Order. If granted: Clean Machine would be substituted for Hal Musco as the proper respondent in the Proposed Remedial Orders (Case Nos. HRO-0048 and HRO-0049) issued by the Economic Regulatory Administration to Hal Musco.

NOTICES OF OBJECTION RECEIVED

[Week of May 11-18, 1984]

Date	Name and location of applicant	Case No.
May 15, 1984	Christmann & Welborn	HEE-0065

[FR Doc. 84-15045 Filed 6-4-84; 8:45 am]

BILLING CODE 6450-01-M

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

Privacy Act of 1974; Annual Publication of Notice of Systems of Records

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Notice; annual publication of systems of records with minor administrative changes.

SUMMARY: The purpose of this notice is to meet the requirement of the Privacy Act of 1974 regarding the annual publication of the agency's notice of systems of records. The complete text of all Office of Administration notices appears below, with administrative changes necessary to reflect changes in position titles or other identification of systems managers as well as deletions and additions of systems of records as applicable.

Comments on these systems of records should be submitted in writing on or before June 27, 1984, to the General Counsel, Office of Administration, Old Executive Office Building, Room 490, 17th and Pennsylvania Avenue NW., Washington, D.C. 20500.

Notice of these systems of records has been filed with the Speaker of the House, the President pro tempore of the Senate and the Office of Management and Budget, as required by 5 U.S.C. 552a(o). The systems of records will become effective on July 9, 1984, unless the Office of Administration publishes notice to the contrary.

D. Edward Wilson, Jr.,

General Counsel.

Section

Preface

OA/EOP/01 Payroll Records.

OA/EOP/02 Travel Records.

OA/EOP/03 Library Circulation Records.

OA/EOP/04 Security Records.

OA/EOP/05 Confidential Statements of Employment and Financial Interests.

OA/EOP/06 Ethics in Government Financial Disclosure Records.

Preface

The Office of Administration (OA), Exceutive Office of the President (EOP), provides joint services to the entities making up the EOP. This Notice contains systems of records maintained by OA for all of these entities as well as systems of records maintained solely for the Office of Administration's use. Payroll (AA/EOP/01), Travel (OA/EOP/02), and Library Circulation (OA/EOP/03) records are maintained by OA on behalf of the entire EOP. Security Records (OA/EOP/05) are maintained by OA for all EOP entities except the White House Office, the Office of the Vice President, the National Security Council, and the Office of Policy Development. Records of the White House Office and the Council of Economic Advisers are not, however, subject to the Privacy Act. Records for these two entities (when maintained by OA) are maintained in the same manner as those of other EOP constituent groups, but are segregated by category and location.

Confidential Statement of Employment and Financial Interest (OA/EOP/05) and Ethics in Government Financial Disclosure Records (OA/EOP/06) are maintained by OA solely on behalf of the Office of Administration.

In addition to the records set forth below, OA maintains personnel records under the authority described in, and in the manner described by, the Office of Personnel Management in its System of Records OPM/GOVT-1. Inquiry concerning these records, which cover all current employees of the EOP, should be directed to the Personnel Division, Office of Administration, Room 4013, New Executive Office Building, 726

Jackson Place NW., Washington, D.C. 20503.

OA/EOP/01

SYSTEM NAME:

Payroll Records.

SYSTEM LOCATION:

Office of Administration, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503, and at the Department of the Treasury, 12th and Constitution Avenue NW., Washington, D.C. 21220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All EOP employees payrolled using the Department of the Treasury, Uniform Management System (TUMS), effective March 1, 1983.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual name, social security number, age, sex, minority group designation, type of appointment, tenure, employment status, grade, step, salary, time worked and on leave, tax withholdings, other deductions, allotments to financial institutions, and other payroll-related items.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 31 U.S.C. 66a, 44 U.S.C. 3109, 3309.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. To generate the payroll for EOP agencies and provide necessary payroll information for agency financial management and accounting.

2. To furnish required payroll information to Federal, State, and local government taxing authorities.

3. To provide input to management information systems, budget and accounting systems, and for required statistical and financial reports to the Office of Personnel Management, the General Accounting Office, Department of the Treasury, and Congress.

4. To provide reports and/or to respond to requests for statistical information necessary for the fulfillment of programs authorized by statute or executive order (the system manager shall delete personal identifying information prior to releasing the records to ensure the individual's anonymity).

5. Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982, 96 Stat. 1749 (31 U.S.C. 952).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Master File is maintained on disk and magnetic tape at the Department of the Treasury, Washington, D.C. Paper records and other magnetic tape records are stored in files in the Office of Administration payroll office and information services offices. Other records are stored in the Federal Records Center.

RETRIEVABILITY:

Records are retrieved by name and social security number by EOP employing agencies.

SAFEGUARDS:

Records are maintained in locked file cabinets or limited access areas under personal surveillance during working hours and in locked rooms at other times and electronically monitored by Secret Service, Uniform Division, 24 hours a day. Master records on disk and computer tape are under the program control of officials at the Department of the Treasury computer facility.

RETENTION AND DISPOSAL:

Records are maintained in the Office of Administration payroll office and the computer facility as long as the individual is employed at the EOP. When the employee separates from the EOP, the records are transferred to the National Personnel Records Center in St. Louis, Missouri, where they are retained for 56 years and then destroyed in accordance with FPMR 101–11.4. Payroll records subject to General Accounting Office audit are retained until completion of the audit. Other records are destroyed when three (3) years old. FPMR 101–11.4.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Financial Management, Office of Administration, New Executive Office Building, 726 Jackson Place NW., Room 4005, Washington, D.C. 20503.

NOTIFICATION PROCEDURE:

Contact Director, Financial Management Division, Office of Administration, 726 Jackson Place NW., Room 4005, Washington, D.C. 20503.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals on whom records are maintained. Additional information is added from payroll transactions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OA/EOP/02

SYSTEM NAME:

Travel Records.

SYSTEM LOCATION:

Office of Administration, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of EOP and other authorized individuals who travel at government expense on official business for EOP agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Approved travel authorizations, requests for travel advances, vouchers submitted by individuals, memoranda of approval for special conveyances or actual expenses in lieu of per diem, and receipts required by Federal Travel Regulations (FPMR 101–7).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66a, 44 U.S.C. 3101, 3102, 3309, and the General Accounting Office and General Services Administration policy and procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. To document authorization and reimbursement for official travel of individuals.

2. To furnish financial and statistical information to officers and employees of EOP agencies for performance of their official duties.

3. Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, *as amended by* the Debt Collection Act of 1982, 96 Stat. 1749, (31 U.S.C. 952).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records for the current and preceding two fiscal years are filed in cabinets in the accounting office. Other records are stored in the Federal Records Center.

RETRIEVABILITY:

Records are retrieved by individual name within each EOP agency and by fiscal year.

SAFEGUARDS:

Records are maintained in file cabinets under staff surveillance during working hours and in a locked room at other times.

RETENTION AND DISPOSAL:

Records are maintained in conformity with the audit schedule of the General Accounting Office and the requirements of the General Services Administration. Non-current records are destroyed after three (3) years.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Financial Management, Office of Administration, New Executive Office Building, 726 Jackson Place NW., Room 4005, Washington, D.C. 20503.

NOTIFICATION PROCEDURE:

Contact Director, Financial Management Division, Office of Administration, 726 Jackson Place, NW, Room 4005, Washington D.C. 20503.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Contents of the record is obtained from the individual to whom the information pertains. Additional information may be added by the travel office as a result of processing and auditing the claim for reimbursement.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OA/EOP/03

SYSTEM NAME:

Library Circulation Records.

SYSTEM LOCATION:

Office of Administration, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of EOP and other authorized individuals and libraries who have borrowed materials from the Library.

CATEGORIES OF RECORDS IN THE SYSTEM:

Titles and other identifying data on materials borrowed from the Library; room number, agency and suborganization; telephone number of the borrower, the scheduled return date for each item borrowed, and termination date for detailees interns.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act, Title II, Sec. 202(b)(1), 40 U.S.C. 483(b)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To locate Library materials in circulation, and to control and inventory Library materials loaned. Disclosure is limited to Library staff and officers and other employees of EOP agencies in connection with the performance of official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on magnetic tape/disk and periodically in hard copy for instant reference at the Library circulation desk.

RETRIEVABILITY:

Records are arranged alphabetically by the last name of the borrower, by title of item borrowed, by library site, and by call number.

SAFEGUARDS:

Hard copy records are under personal surveillance by Library staff during working hours and in a locked area at other times. The master records on magnetic/disk are under the program control of Office of Administration data processing officials.

RETENTION AND DISPOSAL:

Records are maintained on individual Library loans only until the material is returned, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Library and Information Services, Division, EOP Library, Office of Administration, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

NOTIFICATION PROCEDURE:

Contact Director, Library and Information Services Division, EOP Library, Office of Administration, 726 Jackson Place, NW., Washington, D.C. 20503.

RECORDS ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual who borrows materials and from physical examination of materials borrowed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OA/EPO/04

SYSTEM NAME:

Security Records.

SYSTEM LOCATION:

Office of Administration, Old Executive Office Building, 17th & Pennsylvania Avenue NW., Washington, D.C. 20500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment and employees (including contract employees and those on detail from other Federal agencies) of EOP entities other than the White House Office, the Office of the Vice President, the National Security Council and the Office of Policy Development.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains forms completed by the individual, investigative reports and other documents relating to suitability and security clearances, and building pass issuances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450 and 12356, Information Security Oversight Office Implementing Directive, and Chapters 732 and 736 of the Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To verify an individual's level of clearance and the date it was granted; to identify individuals whose security investigations require updating; and to control the issuance and renewal of building passes. Disclosure is limited to the Security Officer, the Security Alternate, legal counsel, and security investigative personnel of other Federal agencies who require access to the information for the performance of their official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard copy in approved combination safes within a room that is electronically alarmed for night protection.

RETRIEVABILITY:

Records are retrieved by name, agency, employee status and type, level

of clearance, pass type, type and date of investigation.

SAFEGUARDS:

Hard copy records are kept under the personal surveillance of Office of Administration staff during working hours and in a locked area at other times. Access to the facility is controlled by a security system.

RETENTION AND DISPOSAL:

Hard copy records are destroyed when no longer needed for administrative purposes. Records are purged from the master file two years after the separation of the employee.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Office of Administration, Old Executive Office Building, Room 405, 17th & Pennsylvania Avenue NW., Washington, D.C 20500.

NOTIFICATION PROCEDURE:

Contact Security Officer, Office of Administration, Old Executive Office Building, Room 405, 17th & Pennsylvania Avenue NW., Washington, D.C. 20500.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is provided by the subject individual, the Security Officer, and Federal investigative agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None; however, investigative reports are the property of the Federal agency providing such materials and are available only from those agencies.

OA/EOP/05

SYSTEM NAME:

Confidential Statement of Employment and Financial Interests.

SYSTEM LOCATION:

Agency Ethics Office, Office of Administration, Old Executive Office Building, Room 490, 17th & Pennsylvania Avenue NW., Washington, D.C. 20500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains the financial disclosure reports of Office of Administration employees required to file by the Director, OA, or the General Counsel, OA.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain statements of personal and family holdings and other interests in business enterprises and real property, listings of creditors and outside employment, and other information related to conflict-of-interest determinations including past employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222 (May 8, 1965), 3 CFR 100.735–24 & 25.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used as follows, but only where the Director of the Office of Government Ethics, the Director, OA, or the General Counsel, OA, determines that good cause has been shown for such use and disclosure.

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order.

b. To provide information to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of that individual.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of a job, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. By the Office of Administration in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

e. To disclose information to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 & 2906.

g. To disclose information to the OMB during any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To disclose information to officials in the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are located in combination steel file cabinets to which only the Agency Ethics Officer, General Counsel and staff authorized by the Agency Ethics Officer or General Counsel have access.

RETENTION AND DISPOSAL:

Records on current employees are updated yearly and are retained so long as the individual occupies a covered position. Records on former employees are disposed of six (6) years after the date they leave a covered position in accordance with law regulating disposal of federal records.

SYSTEM MANAGER(S) AND ADDRESS:

Agency Ethics Officer, Office of Administration, Old Executive Office Building, Room 490, 17th & Pennsylvania Avenue NW., Washington, D.C. 20500.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or designee, as appropriate. Individuals must furnish the following information for their records to be located and identified.

a. Full name.

b. Full title of position(s) held with the agency.

RECORDS ACCESS PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact

the Agency Ethics Officer or General Counsel. Individuals must furnish the following information for their records to be located and indentified.

a. Full name.

b. Full title of position(s) held with the agency.

An individual requesting access must also follow the Office's Privacy Act procedures regarding access to records and proof of identity.

CONTESTING RECORD PROCEDURES:

Individuals wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or General Counsel. Individuals must furnish the following information for their records to be located and identified.

a. Full name.

b. Full title of position(s) held with the agency.

Individuals requesting access must also comply with the Office's procedures regarding access and amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by:

a. The subject individual or by a designated person such as a trustee, attorney, accountant, or relative.

b. Agency Ethics Officer or designated Federal official who reviewed the statements to make conflict-of-interest determinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OA/EOP/06

SYSTEM NAME:

Ethics in Government Act Financial Disclosure Reports.

SYSTEM LOCATION:

Agency Ethics Office, Office of Administration, Old Executive Office Building, Room 490, 17th & Pennsylvania Avenue NW., Washington, D.C. 20500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Office of Administration Agency Ethics Officer.

b. Each office or employee in the Office of Administration, Executive Office of the President, including a Special Government Employee as defined in Section 202 of Title 18, United States Code, whose position is classified at GS–16, or above of the General Schedule prescribed by Section 5332 of Title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS–16, and each officer or employee in any other position to be determined by the Director of the Office of Government Ethics to be of equal classification.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain statements of personal and family holdings and other interests in business enterprises and real property, listings of creditors and outside employment, and other information related to conflict-of-interest determinations including past employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Ethics in Government Act of 1978, Pub. L. 95–521 as amended by Pub. L. 96–19 & 96–28.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, and information contained in these records, may be used for the same purposes and in the same manner as OA/EOP/05.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are located in combination lock steel file cabinets to which only the Agency Ethics Officer and staff authorized by that individual have access.

RETENTION AND DISPOSAL:

Records on current employees are updated yearly and are retained so long as the individual occupies a covered position. Records on former employees are disposed of six (6) years after the date they leave a covered position in accordance with law regulating disosal of federal records.

SYSTEM MANAGER(S) AND ADDRESS:

Agency Ethics Officer, Office of Administration, Old Executive Office Building, Room 490, 17th & Pennsylvania Avenue NW., Washington, D.C. 20500.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or designee, as appropriate. Individuals must furnish the following information for their records to be located and identified.

a. Full name.

b. Position title(s) held in agency to which inquiry is made.

RECORD ACCESS PROCEDURE:

Individual wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or designee, as appropriate. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Position title(s) held in agency to which inquiry is made.

An individual requesting access must also follow the Officer's Privacy Act procedures regarding access to records and proof of identity.

CONTESTING RECORD PROCEDURES:

Individual wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or designee, as appropriate. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Position title(s) held in agency to which inquiry is made.

Individuals requesting access and amendment must also comply with the Office's procedures regarding access to and amendment of records and verification of identity.

RECORD SOURCE CATEGORIES

Information in this system of records is provided by:

a. The subject individual or by a designated person such as a trustee, attorney, accountant, or relative.

b. Federal officials who review the statements to make conflict-of-interest determinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84–14986 Filed 6–4–84; 8:45 am]
BILLING CODE 3115–01–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–371]

First Federal Savings Bank of Brunswick, Brunswick Ga.; Final Action Approval of Conversion Application

Date: May 30, 1984.

Notice is hereby given that on May 8, 1984, the Office of General Counsel of

the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Federal Savings Bank of Brunswick, Brunswick, Georgia, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-14949 Filed 6-4-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-372]

Pioneer Federal Savings & Loan Association Hopewell, Va.; Final Action Approval, of Conversion Application

Date: May 30, 1984.

Notice is hereby given that on May 3, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Pioneer Federal Savings and Loan Association, Hopewell, Virginia, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-14950 Filed 6-4-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-373]

Uniontown Savings & Loan Association, Uniontown, Pa.; Final Action Approval of Conversion Application

Date: May 30, 1984.

Notice is hereby given that on May 4, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Uniontown Savings and Loan Association, Uniontown, Pennsylvania, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Pittsburgh, 11 Stanwix Street, Fourth Floor, Gateway Center, Pittsburgh, Pennsylvania, 15222-1395.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-14951 Filed 6-4-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-374]

Fidelity Federal Savings & Loan Association, New Haven, Conn.; Final Action Approval of Merger Conversion Application

Date: May 30, 1984.

Notice is hereby given that on May 11, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Fidelity Federal Savings and Loan Association, New Haven, Connecticut, for permission to convert to the stock form of organization by merging into Heritage Savings and Loan Association, Inc., Manchester, Connecticut. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Boston, P.O. Box 2196, Boston, Massachusetts 02106.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-14952 Filed 6-4-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-375]

Los Angeles Federal Savings Bank, Los Angeles, Calif.; Final Action Approval of Conversion Application

Date: May 30, 1984.

Notice is hereby given that on May 10, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Los Angeles Federal Savings Bank, Los Angeles, California, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-14953 Filed 6-4-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-376]

Cherokee Valley Federal Savings Bank, Cleveland, Tenn.; Final Action Approval of Conversion Application

Date: May 30, 1984.

Notice is hereby given that on May 14, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Home Federal Savings Bank, Worcester, Massachusetts, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Cincinnati, 2500 Du Bois Tower, Cincinnati, Ohio 45201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-14954 Filed 6-4-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-377]

Kilgore Federal Savings and Loan Association, Kilgore, Tex.; Final Action Approval of Conversion Application

Date: May 30, 1984.

Notice is hereby given that on May 11, 1984, the Office of General Counsel of the Federal Home Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Kilgore Federal Savings and Loan Association, Kilgore, Texas, for permission to Convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of

said Corporation at the Federal Home Loan Bank of Dallas, 500 East John Carpenter Freeway, P.O. Box 619026, Dallas/Fort Worth, Texas 75261–9026.

By the Federal Home Loan Bank Board

J. J. Finn,

Secretary.

[FR Doc. 84–14955 Filed 6–4–84; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2743]

C.C. Group Forwarding Agency (USA) Corp., Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of C.C. Group Forwarding Agency (USA) Corp., 147–16 181st Street, Jamaica, NY 11413 was cancelled effective May 25, 1984.

By letter dated April 27, 1984, C.C. Group Forwarding Agency (USA) Corp. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2743 would be automatically revoked unless a valid surety bond was filed with the Commission.

C.C. Group Forwarding Agency (USA) Corp. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(f) dated September 27, 1983;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2743 be and is hereby revoked effective May 25, 1984.

It is ordered, that Independent Ocean Freight Forwarder License No. 2743 issued to C.C. Group Forwarding Agency (USA) Corp. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **FederalRegister** and served upon C.C. Group Forwarding Agency (USA) Corp.

Rober G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 84–14945 Filed 6–4–84; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2695]

Fast Way International Freight Forwarders Corp. D.B.A. Fast Way; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritine Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Fast Way International Freight Forwarders Corp. dba Fast Way, 176–24 148th Ave., Jamaica, NY 11434 was cancelled effective May 25, 1984.

Fast Way International Freight Forwarders Corp. dba Fast Way has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(f) dated September 27, 1983;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2695 be and is hereby revoked effective May 25, 1984.

It is ordered, that Independent Ocean Freight Forwarder License No. 2695 issued to Fast Way International Freight Forwarders Corp. dba Fast Way be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Fast Way International Freight Forwarders Corp. dba Fast Way.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 84–14946 Filed 6–4–84; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2553]

Texas Gulf Iberia Navigation Co., Inc.; Order of Revocation

Section 44(c), Shipping Act, 1961, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Texas Gulf Iberia Navigation Co., Inc., 2338 E. Van Buren, Phoenix, AZ 85005 was cancelled effective May 27, 1984.

By letter dated April 30, 1984, Texas Gulf Iberia Navigation was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2553 would be automatically revoked unless a valid surety bond was filed with the Commission.

Texas Gulf Iberia Navigation Co., Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 9.09(f) dated September 27, 1983;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2553 be and is hereby revoked effective May 27, 1984.

It is ordered, that Independent Ocean Freight Forwarder License No. 2553 issued to Texas Gulf Iberia Navigation Co., Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Texas Gulf Iberia Navigation Co., Inc.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 84–14947 Filed 6–4–84; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License; Applicant,

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

Amex International, Inc., 2000 K Street, N.W., Suite 351, Washington, D.C. 20006. Officers: Mamadi Diane, President/Director, Hee Chang Park, Vice President/Director, Lucile A. Battle, Secretary/Director, Cagura Citahi, Treasurer/Director

Rolando Cedron, 37895 N.W. 82nd Avenue, Suite #215, Miami, FL 33166

Fred Hall & Associates, Inc., 8405 Sterling, Suite 102, Irving, TX 75063. Officers: Fred M. Hall, President, Virginia A. Miller, Executive Vice President, Larry G. Teel, Assistant Vice President

Henry L. Rosich d.b.a. Rosich Forwarding Company, 409 Warren Blvd., Broomall, PA 19008

By the Federal Maritime Commission.

Dated: May 30, 1984.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84-14944 Filed 6-4-84; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed; Erratum

Agreement No.: T-4182.

Title: The Port of Oakland and Star Shipping, A/S, Terminal Use Agreement.

Parties: The Port of Oakland Star Shipping A/S.

Synopsis: **Federal Register** Notice of May 30, 1984, incorrectly indicated a 20-day notice period (June 19, 1984) for comment by interested parties. The correct date for comments should be June 14, 1984.

Filing Party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, California 94604.

By Order of the Federal Maritime Commission.

Dated: May 31, 1984.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84-14941 Filed 6-4-84; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed; Erratum

Agreement No. T-4183.

Title: The Jacksonville Port Authority and Jaxport Refrigerated Warehouse, Ltd., Terminal Lease Agreement.

Parties: The Jacksonville Port Authority, Jaxport Refrigerated Warehouse, Ltd.

Synopsis: **Federal Register** Notice of May 30, 1984, incorrectly indicated a 20-day notice period (June 19, 1984) for comment by interested parties. The correct date for comments should be June 14, 1984.

Filing Party: C. Prosuch, Director of Finance, Jacksonville Port Authority, Post Office Box 3005, 2831 Talleyrand Avenue, Jacksonville, Florida 32206..

By Order of the Federal Maritime Commission.

Dated: May 31, 1984.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84-14942 Filed 6-4-84; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed; Erratum

Agreement No.: T-3967-2.

Title: The Board of Commissioners of the Port of New Orleans and The Ryan-Walsh Stevedoring Co., Inc., Amended Terminal Lease Agreement.

Parties: The Board of Commissioners of the Port of New Orleans, Ryan-Walsh Stevedoring Co., Inc.

Synopsis: **Federal Register** Notice of May 30, 1984, incorrectly indicated a 20-day notice period (June 19, 1984) for comment by interested parties. The correct date for comments should be June 14, 1984.

Filing Party: Deborah J. Moench, Attorney, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, Louisiana 70160.

By Order of the Federal Maritime Commission.

Dated: May 31, 1984.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84-14943 Filed 6-4-84; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

The Federal Maritime Commission hereby gives notice that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended, (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of the agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on the agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in section 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-4181.

Title: The Niagara Frontier Transportation Authority and Ceres Terminals Incorporated, Terminal Operating and Lease Agreement.

Parties: The Niagara Frontier Transportation Authority (Authority), Ceres Terminal Incorporated (Ceres).

Synopsis: Agreement No. T-4181 provides that the Authority will lease to Ceres premises and equipment at 901 Fuhrman Boulevard, Buffalo, New York. The premises will be used by Ceres for the stevedoring, terminalling, cleaning, fitting and securing of general cargoes and other services to or for vessels, barges, railroad cars, containers and trucks. The term of this agreement is for one year with four one year renewal options. Wharfage and dockage fees will be assessed according to the Authority's tariff.

Filing Party: Ernest J. Gawinski, Associate Counsel, Niagara Frontier Transportation Authority, 181 Ellicott Street, Post Office Box 5008, Buffalo, New York 14250.

By Order of the Federal Maritime Commission.

Dated: May 31, 1984.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84-14940 Filed 6-1-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Dominion Bankshares Corp.; Application To Engage de Novo in Permissible Nonbanking Activites

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under Section 4(c)(8)) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the pubic, 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.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 26, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation,* Roanoke, Virginia; to engage *de novo* through its subsidiary Dominion Bankshares Mortgage Corporation, in the mortgage banking activities of originating residential, commercial, industrial, and construction loans for its own account and for sale to others, and servicing such loans for others.

Board of Governors of the Federal Reserve System, May 30, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14921 Filed 6-4-84; 8:45 am]

BILLING CODE 6210-01-M

First Fulton Bancshares, Inc., et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. 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 question of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 25, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *First Fulton Bancshares, Inc.,* Palmetto, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First Fulton Bank and Trust, Palmetto, Georgia.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Miami Corporation,* Chicago, Illinois; to acquire through its subsidiary Boulevard Bancorp, Chicago, Illinois, 100 percent of the voting shares of The First National Bank of Des Plaines, Des Plaines, Illinois.

2. *Capital Bancorporation of Illinois, Inc.,* Clayton, Missouri; to become a bank holding company by acquiring 50 percent or more of the voting shares of Central Illinois Banc Shares, Inc., Springfield, Illinois thereby indirectly acquiring Capitol Bank & Trust Company of Springfield, Springfield, Illinois.

3. *Somonauk FSB Bancorp, Inc.,* Somonauk, Illinois; to acquire through an interim bank merger, 100 percent of the voting shares of Millbrook-Newark Bank, Newark, Illinois.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Nine Tribes Bankshares, Inc.,* Quapaw, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Bank of Quapaw, Quapaw, Oklahoma.

Board of Governors of the Federal Reserve System, May 30, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14922 Filed 6-4-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84F-0152]

Economics Laboratory, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Economics Laboratory, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of decanoic acid, octanoic acid, sodium 1-octanesulfonate, and isopropyl alcohol in a sanitizing solution for use on food-processing equipment.

FOR FURTHER INFORMATION CONTACT: Faye S. Gibson, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4H3794) has been filed by Economics Laboratory, Inc., Osborn Bldg., St. Paul, MN 55102, proposing that the food additive regulations be amended to provide for the safe use of decanoic acid, octanoic acid, sodium 1-octanesulfonate, and isopropyl alcohol as components in a sanitizing solution for use on food-processing equipment.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: May 29, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-14930 Filed 6-4-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Publication of Final Combined Hydrocarbon Lease Form

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of publication of final combined hydrocarbon lease form.

SUMMARY: This notice provides the final version of the lease form that the Secretary of the Interior will use to issue combined hydrocarbon leases in Special Tar Sand Areas as required by the Combined Hydrocarbon Leasing Act of 1981.

EFFECTIVE DATE: July 1, 1984.

ADDRESS: Suggestions or inquiries should be sent to: Director (650), Bureau

of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Edward E. Coggs, (202) 343-3258

or

Richard J. Aiken, (202) 343-3258.

SUPPLEMENTARY INFORMATION: The notice of the proposed Combined Hydrocarbon Lease Form was published in the **Federal Register** on December 7, 1983, (48 FR 54904), with a 30-day comment period provided. On December 28, 1983, a notice of extension of the comment period was published in the **Federal Register** (48 FR 57175).

During the comment period, several written comments were received on the proposed lease form. These written comments were given careful consideration. In general, the comments were favorable to the notice and its purpose. Comments will be discussed by section. Only those sections that were the subject of comments will be discussed.

Granting Clause Section

The comments received on this section of the proposed lease form were concerned with mining operations and oil and gas operations being conducted on the same lease. The comments suggested that in some instances, separate, non-lessee operators may be conducting operations for oil and gas and tar sand development, and the language of the proposed lease form implied that a default by only one of these operators would result in the loss of the entire lease. These concerns are part of a larger issue involving diligence for combined hydrocarbon leases which will be dealt with by proposed changes to the Federal tar sand regulations. However, it seems clear to the Bureau of Land Management that the legislative history of the Act shows that it was intended to encourage the production of tar sand. Problems existed with making tar sand available for development as a separate resource because it could be tied up as part of existing oil and gas leases for many years.

Therefore, in an effort to resolve this situation, the Congress provided the conversion clause. Unfortunately, the conversion clause provides little incentive for holders of producing oil and gas leases to convert to a combined hydrocarbon lease and, in fact, may provide a significant disincentive in the form of a diligence requirement tied to production of tar sand. From the perspective of the United States, nonconversion of these lands would result in the tar sand resource being unavailable indefinitely. Therefore, it is the policy of the Department of the Interior to ensure that no lease rights to oil and gas, using the pre-Combined Hydrocarbon Leasing Act of 1981 definition of the term oil, will be at risk of cancellation due to noncompliance with tar sand diligence requirements subsequent to conversion, if the oil and gas lease being converted is meeting the appropriate production in paying quantities requirements prior to conversion.

Section 1—Rental

Several comments were received on this section of the proposed form recommending additional language be added that would specifically identify "the proper office" to which rental, royalties, and other administrative matters are to be referred. After careful consideration was given to the comments and their implications, the term "the proper office" has been retained in the final form. The definition of the term "proper BLM office" appears in 43 CFR 3000.0-5(f) and is applicable to all regulations in Groups 3000 and 3100, including this form. The phrase "proper office" used in the final form is an adaptation of the term defined in 43 CFR 3000.0-5(f).

One comment suggested that clearer standards be established in the final form to determine at what point a lessee discovers oil or gas in paying quantities on the leased lands. The Department of the Interior is presently considering changes in the Federal tar sand program, and this issue can be more appropriately addressed in the proposed changes, rather than in this lease form.

Section 2—Royalties

This section of the proposed form, which received several comments, established the royalty rates to be used by the Secretary of the Interior in combined hydrocarbon leases. One principal issue raised in the comments on royalties was minimum royalties. Although the Combined Hydrocarbon Leasing Act does not address the issue of minimum royalties, section 17(d) of the Mineral Leasing Act, (30 U.S.C. 226(d)) requires the assessment of minumum royalties under specified conditions. This requirement is applicable to combined hydrocarbon leases because the new definition of the term "oil" added to the Mineral Leasing Act by the Combined Hydrocarbon Leasing Act includes combined hydrocarbons.

Several comments were received on this section of the proposed form which dealt with the procedures that would be used for establishing the basic royalty rate for combined hydrocarbon leases. Specific questions were raised on the basis used for computing the royalty rate and at what point in the processing procedure the royalty would be assessed. This specific issue is presently being considered by the Department of the Interior as part of changes to the Federal tar sand program and will, when changed, be proposed as an amend to the appropriate regulations.

One comment recommended that the language in subsection (a) of this section of the proposed form that addresses the royalty rate for converted leases, which may be different from the royalty rate of 12½ percent mandated in the Combined Hydrocarbon Leasing Act, be changed to clarify its intent and to cover all potential situations. New language has been added to this section of the final form.

Section 4—Diligence, Rate of Development, Utilization, and Drainage

Several comments on the proposed form questioned the introductory language of this section which requires the lessee to "exercise reasonable diligence in developing and producing." This language was used to implement leasing provisions required by section 30 of the Mineral Leasing Act (30 U.S.C. 187). In order to avoid confusion with the requirements of the Combined Hydrocarbon Leasing Act, the language of this section of the final form has been changed and now includes the specific language of section 30. A new paragraph for tar sand development has been added to section 4 of the final form to indicate that diligence under the Combined Hydrocarbon Leasing Act will be established in the regulations.

One comment questioned the language of this section which states that the lessor reserves "the right to specify rates of development and production." It also questioned the relationship of this statement to an approved plan of operations. If the Bureau approves a plan of operations which specifies rates of development and production, the lessee would be in compliance with this lease provision. This provision of the proposed lease form is unchanged in the final lease form.

One comment objected to the language of the proposed form which requires the lessee to subscribe to a cooperative or unit plan within thirty (30) days of notice. The comment provided no reason why this provision was a concern. Therefore, no change has been made in the second sentence of this section of the final form.

Section 5—Documents, Evidence, and Inspection

Two comments were received concerning section 5(e) of the proposed form which stated that information supplied under the program is subject to release to the public by mandate of the Freedom of Information Act (5 U.S.C. 552). The comments reflected concern that proprietary information would be released to the public. The Freedom of Information Act provides three exemptions that might cover information that could harm lessees who submit information in the expectation of confidentiality. The first of these is exemption 3 which is designed to protect matters "specifically exempted from disclosure by statute." The Mineral Policy, Research and Development Act of 1980, (30 U.S.C. 1604(f)) says in pertinent part: "* * * Notwithstanding the provisions of Section 552 of Title 5 (Freedom of Information Act), data and information provided to the Department of the Interior by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Department of the Interior in a nonaggregate form so as to disclose data and information supplied by a single person or firm, unless there is no objection by the donor. Provided, however, that the Secretary may disclose nonaggregated data and information to Federal defense agencies, or to the Congress upon official request for appropriate purposes."

A second exemption that might protect supplied informatioin is exemption 4 which protects from disclosure "trade secrets and commercial or financial information obtained from a person and privileged or confidential." If the information collected from private sources would cause substantial competitive harm, exemption 4 of the Freedom of Information Act would apply.

Finally, exemption 9 might be used to protect information supplied in connection with the Federal tar sand program. Exemption 9 protects "geological and geophysical information and data, including maps, concerning wells."

Section 8—Protection of Diverse Interests and Equal Opportunity

Two comments on this section of the proposed form questioned whether the requirement to pay all wages "at least twice each month" was justified, and, whether this requirement is applicable to companies who pay salaried employees on a monthly basis. The language of this section has been retained in the final form because the Department of the Interior is required to implement the provisions of section 30 of the Mineral Leasing Act. Section 30 requires the payment of wages at least twice a month in lawful money of the United States by each lessee, but does not differentiate between non-salaried or salaried employees.

Section 10—Delivery of Premises, Removal of Machinery, Equipment, etc.

One comment on this section of the proposed form objected to the limitation of 180 days for removal from premises of all structures, machinery, equipment etc. Since there are provisions in this particular section that authorize an extension of time for removal of such items if deemed necessary by the authorized officer, no change has been made in this section of the final form.

Section 11—Proceedings in Case of Default

One comment on this section of the proposed form suggested that it was impossible to predict at this time whether 30 days after notice is sufficient time to correct a situation of noncompliance. Thirty day notices are the standard used for all onshore Federal mineral leases. Also section 31 of the Mineral Leasing Act (30 U.S.C. 188(b)) provides for a 30-day notice in these situations. It is the policy of the Department of the Interior to consider a good faith effort on the part of the lessee to correct their deficiencies before imposing penalties for noncompliance.

Editorial and grammatical changes as needed have been made.

Dated: May 21, 1984.

James M. Parker,

Acting Director.

BILLING CODE 4310-84-M

Form 3140–1
(June 1984)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial Number

COMBINED HYDROCARBON LEASE

This lease is entered into by and between the United States of America, through the Bureau of Land Management, as lessor, and

as lessee, pursuant to the Mineral Leasing Act of 1920 (30 U.S.C. 181 et. seq.) and the Minerals Leasing Act for Acquired Lands (30 U.S.C. 351–359), as appropriate, and as amended by the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070).

Lands included in lease:

T.	R.	Meridian	State	County

This lease is issued granting the exclusive right to drill for, mine (surface/underground), extract, remove and dispose of all oil and gas (except helium) from the following described lands for a primary term of 10 years, subject to extension in accordance with the authorizing acts, and for so long thereafter as oil or gas is produced in paying quantities. The lessee shall also have the right to construct and maintain on the leased lands all works, buildings, plants, roads, communication lines, pipelines, recessions, tanks, pumping stations, and other structures necessary for the full enjoyment of this lease. Rights granted are subject to applicable laws, the terms, conditions and attached stipulations of this lease, regulations and formal orders.

LEASE TERMS

Sec. 1. RENTAL – (a) Lessee shall pay annual rental to the proper office of the lessor in advance of each year at a rate of $2.00 per acre or fraction thereof, until a discovery of oil or gas in paying quantities is made on the leased land.

(b) If this lease or a portion thereof is committed to an approved cooperative or unit plan which includes a well capable of producing leased resources, and the plan contains a provision for allocation of production, royalties shall be paid on the production allocated to this lease. However, annual rentals shall continue to be due for those lands not within a participating area.

Sec. 2. ROYALTIES – (a) Royalties shall be paid to the proper office of lessor at the rate of 12 1/2 per centum in amount or value of production removed or sold from the lease, unless this lease is converted from an existing oil and gas lease, in which case the applicable royalty shall be the royalty described in the existing lease or in an attached schedule thereto.

(b) Royalties for undivided fractional interest leases shall be paid in the same proportion as the leased fractional interest is to the full interest in the resource.

(c) Lessor reserves the right to specify whether royalty is to be paid in value or in kind, and the right to establish minimum values on production after giving lessee notice and an opportunity to be heard. When paid in value, royalties shall be due and payable on the last day of the month following the month in which production occurred. When paid in kind, production shall be delivered, unless otherwise agreed to by lessor, in merchantable condition on the premises where produced without cost to lessor. Lessee shall not be required to hold such production in storage beyond the last day of the month following the month in which production occurred, nor shall lessee be held liable for loss or destruction of royalty oil or other products in storage from causes beyond the reasonable control of lessee.

(d) A minimum royalty shall be due for any lease year following discovery in the amount of $1.00 per acre.

(e) Royalties may be waived, suspended, or reduced, for all or portions of this lease as provided in the regulations.

Sec. 3. BONDS – Lessee shall file and maintain any bond required under regulations.

Sec. 4. DILIGENCE, RATE OF DEVELOPMENT, UNITIZATION, AND DRAINAGE – (a) Lessee shall exercise reasonable diligence, skill, and care in the operation of the leased lands, and shall prevent unnecessary damage to, loss of, or waste of leased resources. Lessor reserves the right to specify rates of development and production in the public interest and to require lessee to subscribe to such cooperative or unit plan, within thirty (30) days of notice, as is determined necessary for the proper development and operation of the area, field, or pool embracing these leased lands. In all cases, lessee shall either drill and produce wells necessary to protect the leased lands from drainage or pay compensatory royalty for such drainage in the amount determined by lessor.

(b) Lessee shall diligently develop the tar sand resource in the leased lands as prescribed in the regulations, or as specifically set out by the lessor in approving a plan of operations.

Sec. 5. DOCUMENTS, EVIDENCE, AND INSPECTION – (a) Lessee shall file with the proper office of lessor, not later than thirty (30) days after the effective date thereof,

any contracts or evidence of other arrangements for the sale or disposal of production. At such times and in such form as lessor may prescribe, lessee shall furnish detailed statements showing amounts and quality of all products removed and sold from the lease, proceeds therefrom, and amount used for production purposes or unavoidably lost. Lessee also may be required to produce plats and schematic diagrams showing development work and improvements on the leased lands, and reports with respect to stockholders, investments, depreciation costs, and Federal lease interests.

(b)(1) Lessee shall keep a daily drilling record, a log, and complete information on all well surveys and tests in the form prescribed by lessor for all wells drilled on the leased lands. Lessee also shall keep a record of all subsurface investigations of said lands and furnish copies to lessor when required. Lessee shall keep opened at all reasonable times for inspection by any duly authorized officer of lessor the leased premises and all wells, improvements, machinery, and fixtures thereon. Upon request by lessor, lessee shall make available for inspection and copying by any duly authorized officer of lessor all books, accounts, maps, and records relative to operations, surveys, or investigations on or under the leased lands.

(2) Where lessee conducts mining operations under this lease, lessee agrees to keep clear, accurate, and detailed maps, on a scale of not more than fifty (50) feet to the inch. These maps should show lessee workings in each section of leased lands, and be oriented to a public land corner so that the maps can be readily and correctly superimposed. The lessee shall also furnish to the lessor annually, or upon demand, certified copies of such maps and any written reports of operations as lessor may call for.

(c) Lessee shall maintain copies of all contracts, sales agreements, accounting records, and documentation such as billings, invoices, or similar documentation that supports costs claimed as manufacturing, preparation, and/or transportation costs. All such records shall be maintained in lessee's accounting offices for future audit by lessor. Lessee shall maintain required records for 6 years after they are generated or, if an audit or investigation is underway, until released of the obligation to maintain such records by lessor.

(d) Information obtained under this term shall be open to inspection by the public only in accordance with the Freedom of Information Act (5 U.S.C. 552).

(e) The lessee agrees to conduct all operations subject to the inspection of the lessor and to carry out at the lessee's expense all reasonable orders and requirements to the lessor relative to the prevention of waste and preservation of the property, and the health and safety of workmen, and on failure of the lessee so to do, the lessor shall have the right, in addition to other available remedies, to enter on the property to repair damage or prevent waste at the lessee's expense.

Sec. 6. CONDUCT OPERATIONS – (a) Lessee shall conduct operations in a manner that prevents unnecessary impacts and minimizes other impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users. Lessee shall take measures deemed necessary by lessor to accomplish the intent of this lease term. Such measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specification of interim and final reclamation measures. Lessor reserves the right to continue existing uses and to authorize future uses upon or in the leased lands, including the approval of easements or rights-of-ways. Such uses shall be conditioned so as to prevent unnecessary or unreasonable interference with rights of lease.

(b) Prior to disturbing the surface of the leased lands, lessee shall contact lessor to be apprised of procedures to be followed and modifications or reclamation measures that may be necessary. Areas to be disturbed may require inventories or special studies to determine the extent of impacts to other resources. Lessee may be required to complete such under guidelines provided by lessor. If, in the conduct of operations, lessee observes or encounters any threatened or endangered species, cultural resources, other specific resources that are statutorily protected, or substantially different, or unanticipated environmental affects, lessee shall immediately contact lessor. Lessee shall cease any operations which would result in the destruction of such.

Sec. 7. DAMAGES TO PROPERTY – Lessee shall pay lessor for damage to lessor's property improvements, and shall save and hold lessor harmless from all claims for damage or harm to persons or property as a result of lease operations.

Sec. 8. PROTECTION OF DIVERSE INTERESTS AND EQUAL OPPORTUNITY – (a) The lessee shall: Pay when due all taxes legally assessed and levied under laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; and take measures necessary to protect the health and safety of the public. Lessor reserves the right to ensure that production is sold at a reasonable price and to prevent monopoly.

(b) Lessee shall comply with the provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant thereto. Neither the lessee nor the lessee's subcontractors shall maintain segregated facilities.

Sec. 9. TRANSFER OF LEASE INTERESTS, AND RELINQUISHMENT OF LEASE – (a) Lessee shall file for approval or recording in the proper office of lessor any instrument transferring a record title, or working or royalty interest in this lease, and shall not create overriding royalties in excess of that allowed by regulations.

(b) The lessee may relinquish this lease or any legal subdivision by filing in the proper Bureau of Land Management office a written relinquishment, which shall be effective as of the date of filing, subject to the continued obligation of the lessee and surety to pay all accrued rentals and royalties.

Sec. 10. DELIVERY OF PREMISES, REMOVAL OF MACHINERY, EQUIPMENT, ETC. – (a) At such time as all or portion of this lease are returned to lessor, lessee shall deliver up to lessor the land leased, underground timbering, and such other supports and structures necessary for the preservation of the mine or deposits and place all wells in condition for suspension or abandonment. Within 180 days thereof, lessee shall remove from the premises all other structures, machinery, equipment, tools, and materials as required by the authorized officer. Any such structures, machinery, equipment, tools, and materials remaining on the leased lands beyond 180 days, or approved extension thereof, shall become the property of the lessor. If the surface is owned by third parties, lessor may waive the requirement for removal provided the third parties do not object to such waiver.

(b) At such times as all or portions of this lease is returned to lessor, lessee shall place all wells in condition for suspension or abandonment and, as provided in paragraph (a) of this section, remove equipment and improvements not deemed necessary by lessor for preservation of producible wells or continued protection of the environment.

(c) Lessee shall, prior to the termination of bond liability or at any other time when required and in the manner directed by the lessor, reclaim all lands the surface of which has been disturbed, dispose of all debris or solid waste, repair the offsite and onsite damage caused by lessee's activity or activities incidential thereto, and reclaim access roads or trails.

Sec. 11. PROCEEDINGS IN CASE OF DEFAULT – If lessee fails to comply with applicable laws, existing orders or regulations, or the terms, conditions or stipulations of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease shall be subject to cancellation. This provision shall not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver shall not prevent later cancellation for the same default occurring at any other time.

Sec. 12. HEIRS AND SUCCESSORS-IN-INTEREST – Each obligation of this lease shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns to the respective parties hereto.

A. UNDERSIGNED CERTIFIES AS FOLLOWS:

1. Lessee is a citizen of the United States; an association of such citizens; a municipality; a corporation organized under the laws of the United States or of any State or Territory thereof.
2. All parties holding an interest in the lease are in compliance with 43 CFR 3100 and the authorizing acts.
3. Lessee is not considered a minor under the laws of the State in which the lands covered by this lease are located.

B. UNDERSIGNED AGREES THAT lessee's signature to this lease constitutes acceptance of this lease, including all terms, conditions and stipulations pertaining thereto. 18 U.S.C. Sec. 1001 makes it a crime for any person knowingly and willfully to make to any Department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Duly executed this day of , 19

_____
(Signature of Lessee or Attorney-in-fact)

THE UNITED STATES OF AMERICA

_____
Company or Lessee Name

By _____

_____
(Signature of Lessee)

_____
(Signing Officer)

_____
(Title)

_____
(Title) *(Date)*

_____
(Date)

_____
(Effective Date of Lease)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

This form does not constitute an information collection as defined by 44 U.S.C. 3502 and therefore does not require OMB approval.

[FR Doc. 84-15007 Filed 6-4-84; 8:45 am]
BILLING CODE 4310-84-C

Meeting and Tour of the Idaho Falls District Grazing Advisory Board; Correction

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Meeting and tour of the Idaho Falls Grazing Advisory Board; correction.

SUMMARY: This document corrects the meeting date of the Idaho Falls District Advisory Board. A **Federal Register** publication May 23, 1984 (49 FR 21804) listed the meeting date as Thursday, June 28, 1984. The correct meeting date is Tuesday, June 26, 1984.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, District Manager, Idaho Falls BLM District, (208) 529–1020.

Dated: May 30, 1984.

Gary L. Bliss,

Acting District Manager.

[FR Doc. 84–15111 Filed 6–4–84; 8:45 am]

BILLING CODE 4310–84–M

[M60766]

Montana; Invitation Coal Exploration License Application

Correction

In FR Doc. 84–13909 appearing on page 21993 in the issue of Thursday, May 24, 1984 make the following corrections.

In the second column, last line in the land description "Sec. 4, lots 7, 3, 14;" should read "Sec. 4, lots 7, 13, 14;"

In the third column, line 6 in the land description "Sec. 14, NE¼NE¼, SE½N½, SW¼," should read "Sec. 14, NE¼NE¼, S½N½, SW¼,".

BILLING CODE 1505–01–M

Fish and Wildlife Service

Master Plan for Parker River National Wildlife Refuge, Essex County, Massachusetts; Record of Decision

Pursuant to the Council on Environmental Quality Regulations (40 CFR Part 1505) for Implementing Procedural Provisions of the National Environmental Policy Act (NEPA), this Record of Decision is issued.

The U.S. Fish and Wildlife Service has evaluated the alternatives for the long-range management and development of the Parker River National Wildlife Refuge presented in the Final Environmental Impact Statement for the Master Plan, and has reviewed the public comments. The Service has identified the Proposed Action described in the FEIS as the environmentally preferable alternative as expressed in NEPA's section 101. This determination was based on a thorough analysis of environmental, social, and economic conditions; hence, the Service has elected to recommend this alternative for implementation.

Background

Parker River National Wildlife Refuge was established in 1942 under the general provisions of the Migratory Bird Treaty Act of 1918 and the Migratory Bird Conservation Act of 1929. The refuge, located 35 miles northeast of Boston, encompasses 4,650 acres consisting of the southern two-thirds of Plum Island, a coastal barrier island, and the adjoining tidal salt marsh. Its original objective was to protect and preserve migratory waterfowl, especially black ducks and Canada geese. Over time this objective has expanded, parallel to the direction of the National Wildlife Refuge System, to include all wildlife species indigenous to the area. In addition to its primary emphasis, public use of the refuge has been encouraged in accordance with Fish and Wildlife Service policy.

In 1980, the Service began the master planning process for the refuge, using the standard procedures for planning wildlife refuges which were developed in 1979 by the Fish and Wildlife Service for the National Wildlife Refuge System. Coincident with the master planning process, an extensive public participation program was conducted. The effort to compatibly resolve management issues and public concerns was the driving force behind the evolution of the final Proposed Action.

The Selected Plan

The overall objective of the selected plan is to protect and enhance wildlife habitat on Parker River Refuge while providing a range of compatible visitor opportunities. Habitat protection will be afforded through restricting access to fragile habitats such as refuge wetland areas, enforcing protective regulations, channeling access to public use areas along the roadway and boardwalks, and tightly controlling levels of visitor use on the refuge. Sensitive wildlife populations will receive specific protection, with special emphasis on protecting nesting piping plovers as well as least terns nesting along the refuge beach.

Habitat enhancement designed to increase the abundance of waterfowl and shorebirds is proposed for the refuge's three fresh-water impoundments. The plan includes the removal of silt from water channels and construction of water control structures. A deep-well fresh-water supply will be developed if the project is determined to be feasible after careful study. Restoration of native vegetation in areas where it has been displaced by introduced species will occur through a pitch pine reforestation program.

The ability to respond to wildlife management needs such as disease outbreaks or over-population will be augmented through the implementation of hunting or trapping programs on an as-needed basis, using a public permit system.

Proposed public use management will emphasize wildlife education, interpretation, and a range of wildlife-oriented recreation activities. All activities will be compatible with the primary refuge objectives of long-range habitat protection and improvement.

The major development project for the refuge is the construction of a headquarters complex and visitor contact station. Highest priority has been given to consolidating these facilities on a mainland location. Parker River NWR does not currently own a suitable site on the mainland, however, necessitating land acquisition. If the Service is unable to acquire an appropriate mainland site and begin construction within 2–5 years despite a demonstrable effort, either part or all of the headquarters complex will be relocated on the refuge. If this occurs, the visitor contact station will be eliminated from the complex, although minor on-refuge facilities will be developed to serve visitors in either case.

Under the selected plan, vehicular access to the refuge will continue to be controlled. To improve habitat along the refuge roadway and reduce maintenance costs while providing current levels of access into the more intensively used part of the refuge, the northern portion of the existing refuge road will be paved; the southern third of the road will remain a gravel surface. Under muddy or dusty conditions, access along the gravel road will be restricted; this measure, combined with limited parking, will result in a lower-use zone through the southern third of the island, achieving more of a wildlands experience for foot visitors and wildlife oriented users. A low-key seasonal shuttle will operate as a link between the mainland visitor contact station and various interpretive and educational sites on the refuge.

To assist in day-to-day maintenance and management an additional storage building will be constructed on the refuge and two boat ramps will become operational.

A long-range agreement will be sought with the Commonwealth of Massachusetts to formalize current cooperative management between Parker River Refuge and the adjacent Sandy Point State Reservation. Non-Service facilities currently located on the refuge, including private cabins and a camp operated for handicapped children, will be phased out when possible and practical.

The selected plan is environmentally preferable to other alternatives in terms of both the natural and social environment.

Other Alternatives Considered

The No Action alternative would have perpetuated current levels of resource and public use management and development, leaving several issues and inadequacies unresolved. Natural resource protection would be continued with no attempt at habitat enhancement. Visitor facilities would be extremely limited and maintained in their current state insofar as possible. The refuge road would be maintained as a gravel road. The perpetuation of current levels of vehicular access would maintain a traffic load exceeding the capacity of the gravel base, resulting in continued road deterioration. Parker River would continue to be administered from the refuge office and maintenance complex current located two miles north of the refuge on Plum Island in a geologically unstable area.

The Minimum Action alternative was a partial representation of the Proposed Action. It addressed some of the major problems of current management and minimally improved refuge wildlife habitat and the quality of visitor experience. Proposed projects included partial upgrading of the refuge impoundments, hunting or trapping as needed, construction of a visitor contact point at the refuge entrance on Plum Island, conversion of the present refuge office and shop complex to office use only and relocation of all maintenance/shop facilities to the refuge, and a State Park management agreement with Massachusetts.

The Maximum Action extended the proposals in the selected plan to include acquisition of 5,000 acres of contiguous lands, Construction of a Wildlife Interpretive Center in the city of Newburyport, construction of on-refuge wildlife education and interpretive sites, construction of a field office and maintenance facility on the refuge, paving of the entire refuge road, increased visitor access, and year-round operation of a general shuttle service between the interpretive center and the refuge.

The PIRC Action alternative was developed by the Plum Island Refuge Committee, a coalition of interested citizens and environmental organizations. It represented an effort to restrict on-refuge development yet increase visitor accesss. Current traffic levels would be maintained along the gravel-surfaced refuge road with supplementary mass transit access during high use periods. This alternative also included partial rehabilitation of the impoundments, and construction of a visitor contact point and small field office on the refuge. Major maintenance activities would continue at the present headquarters location, while minor maintenance and storage would be relocated to the refuge. A Wildlife Interpretive Center, which would also house most refuge administrative functions, would be constructed on a mainland site.

The Minimization of Environmental Harm

All practicable means to avoid or minimize adverse environmental effects have been incorporated into the plan. To prevent the possibility of suggesting management areas which could cause inappropriate environmental degradation, a computerized resource analysis was conducted. Using pre-determined locational criteria, this analysis disclosed suitable sites for each desired land use. When potential locations for a particular activity proved extermely limited, less-than-optimum sites were considered; in this situation, the proposal was pursued only if necessary, and only if the benefit ultimately outweighed the costs or effective mitigation was possible.

In assessing the effects of the final Proposed Action, it was determined that proposed refuge development will displace less than 0.05% of the refuge's existing habitat, primarily low quality, previously disturbed upland. This small degree of disturbance will be offset by increasing the quality and protection of other habitat, resulting in an overall increase in expected wildlife use on the refuge.

The public perception of the environmental and esthetic costs involved in refuge development figured strongly in the final Proposed Action. A strenuous effort to reach a consensus on the siting and level of refuge development resulted in major adjustment, including a commitment to locate the administration, maintenance, and visitor contact facility on the mainland. This decision was a consequence of several contacts with representatives of the community and environmental organizations concerned with maintaining the natural integrity of the refuge.

Detailed resource data were unavailable for the deep well drilling proposal. In this case, the master plan goes only to the extent of proposing a feasibility and impact study for the project. If the study indicates that the action should be pursued the deep well proposal will undergo further appropriate environmental review.

Basis for Decision

The selected plan is consistent with national statutes, policies, and administrative directives. It represents the best resolution of management issues while providing an optimum level of resource protection. Response to public concerns and the national public interest has been made through the planning process. While opposition to any additional development on the refuge was reiterated during the public comment period for the final EIS and a full consensus was not achieved for every item of the plan, the support for the final Proposed Action was much stronger than that expressed for the master plan proposed in the draft EIS. All reasonable compromises have been made; the selected plan reflects the Service's considered response to public concerns as expressed during the decision-making process, while meeting its management objectives and operational requirements. On April 26, 1984 the Massachusetts Coastal Zone Management Office concurred with the March 14, 1984 FWS CZM consistency determination and found that the activities of the Master Plan are consistent with the CZM Program Policies. Therefore, the Fish and Wildlife Service will proceed, as funding permits, with acquisition, development, and management of the refuge in accordance with the selected plan.

FOR FURTHER INFORMATION CONTACT:
John L. Fillio, Parker River NWR Northern Blvd., Plum Island Newburyport, MA 01950 (617)465–5753.

William C. Ashe,

Acting Regional Director.

[FR Doc. 84–14982 Filed 6–4–84; 8:45 am]
BILLING CODE 4310–55–M

Minerals Management Service

Development Operations Coordination Document; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 5201, Block 134, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Dulac and Houma, Louisiana.

DATE: The subject DOCD was deemed submitted on May 25, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Emile H. Simoneaux, Jr., Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0872.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: May 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–14927 Filed 6–4–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations; Alabama et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 25, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 20, 1984.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Jefferson County

Birmingham, *Bank of Ensley*, 19th St. and Ave. E

ARIZONA

Coconino County

Williams vicinity, *Laws Spring*, Kaibab National Forest

ARKANSAS

Bradley County

Warren, *Ederington House*, 326 S. Main St.

CALIFORNIA

Los Angeles County

Long Beach, *Reeve, Jennie, A., House*, 4260 Country Club Dr.

COLORADO

Denver County

Denver, *Crocker, F.W., and Company Steam Cracker Factory (Nabisco Company Building)*, 1860 Blake St.

GEORGIA

Oglethorpe County

Smithonia,

Wheeler County

Lumber City vicinity, *Woodland*, GA 19

INDIANA

Posey County

New Harmony, *Epple, Ludwig, House*, 520 Granary St.

Tippecanoe County

Lafayette, *Enterprise Hotel*, 1015 Main St.

LOUISIANA

East Feliciana Parish

Clinton, *St. Andrew's Episcopal Church*, Church and St. Andrew's Sts.

Lafayette Parish

Lafayette, *First United Methodist Church*, 703 Lee Ave.

Natchitoches Parish

Natchitoches, *Women's Gymnasium, Northwestern State University*, College Ave.

Tangipahoa Parish

Amite vicinity, *Epney*, Off LA 445

MASSACHUSETTS

Bristol County

Taunton, *Atwood, Charles R., House (Taunton M R A)*, 30 Dean St.

Taunton, *Barnum School (Taunton M R A)*, Barum St.

Taunton, *Bartlett, J.C., House (Taunton M R A)*, 12 Walnut St.

Taunton, *Bassett, C.J.H., House (Taunton M R A)*, 20 Chestnut St.

Taunton, *Beattie, W.C., House (Taunton M R A)*, 289 W. Brittania St.

Taunton, *Brow's Tavern (Taunton M R A)*, 211 Tremont St.

Taunton, *Brownell, Henry G., House (Taunton M R A)*, 119 High St.

Taunton, *Buildings at 434 and 435 W. Brittania St. (Taunton M R A)*, 434 and 435 W. Brittania St.

Taunton, *Capron, George, House (Taunton M R A)*, 6 N. Pleasant St.

Taunton, *Central Fire Station (Taunton M R A)*, Leonard and School Sts.

Taunton, *Colby, Samuel, House (Taunton M R A)*, 74 Winthrop St.

Taunton, *Dean, Abiezar, House (Taunton M R A)*, 57 Summer St.

Taunton, *Dean George, House (Taunton M R A)*, 135 Winthrop St.

Taunton, *Dean Joanathan, House (Taunton M R A)*, 175 Dean St.

Taunton, *Dean, Lloyd, House (Taunton M R A)*, 164 Dean St.

Taunton, *Dean, Theodore, House (Taunton M R A)*, 26 Dean St.

Taunton, *Dean-Barstow House (Taunton M R A)*, 275 Williams St.

Taunton, *Dean-Hartshorn House (Taunton M R A)*, 68 Dean St.

Taunton, *East Taunton Fire Station (Taunton M R A)*, Middleboro Ave.

Taunton, *Eldridge House (Taunton M R A)*, 172 County St.

Taunton, *Fairbanks-Williams House (Taunton M R A)*, 19 Elm St.

Taunton, *Field, Albert, Tack Company (Taunton M R A)*, 19 Spring St.

Taunton, *Fuller-Dauphin Estate (Taunton M R A)*, 145 School St.

Taunton, *Godfrey, Gen. George, House (Taunton M R A)*, 125 County St.

Taunton, *Godfrey, Richard, House (Taunton M R A)*, 62 County St.

Taunton, *Harris Street Bridge (Taunton M R A)*, Spans Taunton River at Dean and Harris Sts.

Taunton, *Haskins, Sarah A., House (Taunton M R A)*, 18 Harrison St.

Taunton, *Higgins-Hodgeman House (Taunton M R A)*, 19 Cedar St.

Taunton, *Hodges House (Taunton M R A)*, 41 Worcester St.

Taunton, *Hopewell Mills District (Taunton M R A)*, Bay St. and Albro Ave.

Taunton, *Hopewell School (Taunton M R A)*, Monroe St.

Taunton, *Kilmer Street Fire Station (Taunton M R A)*, Oak and Kilmer Sts.

Taunton, *King Airfield Hangar (Taunton M R A)*, Middleboro Ave.

Taunton, *Knapp, Job, House (Taunton M R A)*, 81 Shores St.

Taunton, *Leonard School (Taunton M R A)*, W. Brittania St.

Taunton, *Leonard, James, House (Taunton M R A)*, 3 Warren St.
Taunton, *Lincoln, Ambrose Jr., House (Taunton M R A)*, 1916 Bay St.
Taunton, *Lincoln, Asa, House (Taunton M R A)*, 171 Shores St.
Taunton, *Lincoln, Gen. Thomas, House (Taunton M R A)*, 104 Field St.
Taunton, *Lord-Baylies-Bennett House (Taunton M R A)*, 66 Winthrop St.
Taunton, *Lothrop Memorial Building-G.A.R. Hall (Taunton M R A)*, Washington and Governor Sts.
Taunton, *Lothrop, H.B., Store (Taunton MRA)*, 210 Weir St.
Taunton, *Macomber, Calvin T., House (Taunton MRA)*, 312 W. Brittania St.
Taunton, *Marvel, Theodore L., House (Taunton MRA)*, 188 Berkley St.
Taunton, *Mason, N.S., House (Taunton MRA)*, 58 Tremont St.
Taunton, *McKinstrey House (Taunton MRA)*, 115 High St.
Taunton, *Morse House (Taunton MRA)*, 6 Pleasant St.
Taunton, *Morse, Henry, House (Taunton MRA)*, 32 Cedar St.
Taunton, *North Taunton Baptist Church (Taunton MRA)*, 1940 Bay St.
Taunton, *Old Colony Iron Works-Nemasket Mills Complex (Taunton MRA)*, Old Colony Ave.
Taunton, *Old Colony Railroad Station (Taunton MRA)*, 40 Dean St.
Taunton, *Old Weir Stove Company (Taunton MRA)*, W. Water St.
Taunton, *Paull, Alfred, House (Taunton MRA)*, 467 Weir St.
Taunton, *Pilgrim Congregational Church (Taunton MRA)*, 45 Broadway
Taunton, *Reed and Barton Complex (Taunton MRA)*, W. Brittania and Danforth Sts.
Taunton, *Roseland (Taunton MRA)*, 174 Broadway
Taunton, *School Street School (Taunton MRA)*, School and Fruit Sts.
Taunton, *St. Mary's Complex (Taunton MRA)*, Broadway and Washington St.
Taunton, *St. Thomas Episcopal Church (Taunton MRA)*, 115 High St.
Taunton, *Staples, Sylvanus N., House (Taunton MRA)*, 21 Second St.
Taunton, *Stone House (Taunton MRA)*, 15–17 Plain St.
Taunton, *Sweet, Albert, House (Taunton MRA)*, 179 Highland St.
Taunton, *Taunton Alms House (Taunton MRA)*, Norton Ave.
Taunton, *Taunton Green Historic District (Taunton MRA)*, Broadway, Taunton Green, Main and Court Sts.
Taunton, *Taunton Public Library (Taunton MRA)*, Pleasant St.
Taunton, *Thomas, H.P., House (Taunton MRA)*, 322 Somerset Ave.
Taunton, *Tisdale-Morse House (Taunton MRA)*, 17 Fayette Pl.
Taunton, *Union Congregational Church (Taunton MRA)*, W. Brittania and Rockland Sts.
Taunton, *Union Mission Chapel-Historical Hall (Taunton MRA)*, Ceder St.
Taunton, *Vickery, Capt. David, House (Taunton MRA)*, 33 Plain St.
Taunton, *Vickery-Baylies House (Taunton MRA)*, 56 Summer St.
Taunton, *Walker School (Taunton MRA)*, Berkley St.
Taunton, *Walker, Peter, House (Taunton MRA)*, 1679 Somerset Ave.
Taunton, *Washburn, Samuel, House (Taunton MRA)*, 68 Winthorp St.
Taunton, *Washington School (Taunton MRA)*, 40 Vernon St.
Taunton, *Weir Engine House (Taunton MRA)*, 530 Weir St.
Taunton, *Westville Congregational Church (Taunton MRA)*, Winthrop and N. Walker Sts.
Taunton, *White, William L. Jr., House (Taunton MRA)*, 242 Winthrop St.
Taunton, *Whittenton Fire and Police Station (Taunton MRA)*, Bay St.
Taunton, *Whittenton Mills Complex (Taunton MRA)*, Mill River and Whittenton St.
Taunton, *Williams, Abiathar King, House (Taunton MRA)*, 43 Ingell St.
Taunton, *Williams, Enoch, House (Taunton MRA)*, 616 Middleboro Ave.
Taunton, *Williams, Francis D., House (Taunton MRA)*, 3 Plain St.
Taunton, *Williams, N.S., House (Taunton MRA)*, 1150 Middleboro Ave.
Taunton, *Willis, Joseph, House (Taunton MRA)*, 28 Worcester St.
Taunton, *Winslow Congregational Church (Taunton MRA)*, 61 Winthrop St.
Taunton, *Winthrop Street Baptist Church (Taunton MRA)*, 58 Winthrop St.

NEBRASKA

Dixon County

Indian Hill Archeological District,

Douglas County

Omaha, *Redick Tower*, 1504 Harney St.

Lancaster County

Lincoln, *Bell, Jasper Newton, House*, 2212 Sheldon St.
Lincoln, *Lincoln YWCA Building*, 1432 N St.

NEW JERSEY

Hudson County

Jersey City, *Lembeck and Betz Eagle Brewing Company District*, Bounded by 9th, 10th, Grove, and Henderson Sts.

Monmouth County

Asbury Park vicinity, *Allgor-Barkalow Homestead*, New Bedford Rd.

NEW YORK

Warren County

Lake George, *Peabody, Royal C., Estate*, Lake Shore Dr.

OKLAHOMA

Carter County

Ardmore, *Black Theater of Ardmore*, 536 E. Main St.
Ardmore, *Dunbar School*, 13 6th Sts., SE.

Cherokee County

Tahlequah, *Fench-Parks House*, 209 W. Keetoowah St.

Garfield County

Hunter, *Bank of Hunter*, Cherokee and Main Sts.

Kay County

Tonkawa, *Mahoney House and Garage*, 302 N. Main Ave.

Logan County

Mulhall, *Mulhall United Methodist Church*, Bryant and Craig Sts.
Mulhall, *Oklahoma State Bank Building*, Baty and Main Sts.

McIntosh County

Vernon, *Rock Front*, Broadway

Muskogee County

Muskogee, *Manual Training High School for Negroes*, 704 Altamont St.

Okmulgee County

Okmulgee, *Okmulgee Black Hospital*, 320 N. Wood Dr.

Osage County

Fairfax, *First National Bank and Masonic Lodge*, 301 N. Main St.

Pawnee County

Cleveland, Mullendore Mansion, 910 N. Phillips St.

PENNSYLVANIA

Erie County

Erie, *Nicholson House and Inn*, 4838 W. Ridge Rd.

Franklin County

Mercersburg, *Mercersburg Academy*, PA 16

Lancaster County

Lancaster, *Lancaster Historic District (Boundary Increase)*, E. King St.

PUERTO RICO

Aguadilla County

Camuy vicinity, *Hacienda La Sabana*, PR 119

TEXAS

Aransas County

Kent-Crane Shell Midden,

Harrison County

Marshall, *Wigfall-Heim House*, 510 W. Burleson St.

VERMONT

Chittenden County

Burlington, *Singer Building*, 23 Church St.

[FR Doc. 84-14931 Filed 6-4-84; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperatives; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: May 31, 1984.

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.

(1) Agricultural Services Association, Inc.

(2) 118 Main St., Box 360, Bells, TN 38006.

(3) A.S.A. Office, 118 Main Street, Bells, TN 38006.

(4) Gail E. Chapman, P.O. Box 360, Bells, TN 38006.

(1) Dairylea Cooperative Inc.

(2) 831 James Street, Syracuse, NY 13203.

(3) P.O. Box 395, Tannery Lane, Vernon, NY 13476.

(4) Frank Reile, P.O. Box 395, Tannery Lane, Vernon, NY 13476.

(1) Mid-State Farm Lines.

(2) P.O. Box 1767, 824 South Combee, Eaton Park, FL 33840.

(3) 824 South Combee, Eaton Park, FL 33840.

(4) Richard Cobb, P.O. Box 1652, Lakeland, FL 33802.

(1) Northwest Agricultural Cooperative Association, Inc.

(2) P.O. Box 1, Ontario, Oregon 97914.

(3) 920 Southeast Ninth Avenue, Ontario, OR 97914.

(4) Ted Hoots, P.O. Box 1, Ontario, OR 97914.

James H. Bayne,

Secretary.

[FR Doc. 84-15011 Filed 6-4-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30473]

Iowa Northern Railway Company—Exemption—Operations

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10901 the lease and operation by Iowa Northern Railway Company of two lines of railroad in Linn, Benton, Tama, Blackhawk, Bremer, Butler, Floyd, Cerro Gordo, and Worth counties, IA, owned by the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), one located between Manly milepost 224.96) and Cedar Rapids, IA (milepost 100.12), a distance of 124.84 miles, and the other located between Vinton (milepost 23.21) and Dysart, IA (milepost 39.89), a distance of 16.68 miles.

DATES: This exemption shall be effective on May 31, 1984. Petitions to reopen must be filed by June 25, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30473 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representatives: Mark H. Sidman, Suite 350, 1575 Eye Street, N.W., Washington, DC 20005

FOR FURTHER INFORMATION CONTACT: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitian Area) or toll free (800) 424-5403.

Decided: May 29, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor was absent and did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84-15012 Filed 6-4-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30489; Service Order No. 1473]

Various Railroads—Temporary Exemption—To Operate Over Lines of the Chicago Pacific Corporation and Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Class exemption.

SUMMARY: The Commission grants a temporary exemption from 49 U.S.C. 10901 and 10903 to operate over the lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island). Railroads now operate pursuant to Commission Service Order No. 1473. On June 1, 1984, the properties of the estate of the Rock Island will be transferred to the Chicago Pacific Corporation under the approved plan of reorganization, and the Commission's jurisdiction to issue service orders authorizing the railroads to provide service over these lines apparently will end. This exemption permits continuation of service without interruption.

DATES: This decision is effective on June 1, 1984.

FOR FURTHER INFORMATION CONTACT: Louise E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: May 29, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor was absent and did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84-15010 Filed 6-4-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Department Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics
CPI Housing Survey-Housing Schedule and Segment Listing Form 1220–0034; BLS 291C and 291E
Semiannually; annually
Individuals or households; businesses or other for profit
71,000 total responses; 17,750 hours; 2 forms

The data collected on the CPI Housing Survey provide the measures of monthly price change for renter and owner occupied housing costs, which compromise 20 percent of the current CPI weight. The respondents are the occupants and owners of 37,000 housing units surveyed once or twice a year.

Extension

Bureau of Labor Statistics
Employment Cost Index
1220–0038, BLS 3038A, B, C, D, E–T, E–M
Quarterly
State and local governments; businesses or other for profits; non-profit institutions; small businesses or organizations
12,463 responses; 10,930 hours; 6 forms

The information collection covered by this request is needed to publish the ECI, which measures the trends in employee compensation costs. The ECI is used to analyze the relationships between change in productivity, employment, output prices, and compensation costs. The survey covers the private nonfarm economy and State and local governments.

Information for Industry Price Indexes
1220–0003; BLS 473, BLS 473A, BLS 473E, BLS 473R
Monthly
Business or other for-profit; small businessess or organizations, Federal agencies or employees
Responses 1,056; 4,140 hours; 4 forms

The PPI forms are used to gather price data to calculate the Producer Price Index, which is one of the nation's leading economic indicators. The respondent sample is comprised of manufacturers or producers of commodities and services in the primary markets of the United States.

Form Letters Requesting Copies of Collective Bargaining Agreements and Related Information
1220–0001, BLS 2451, 2452, and 2453
On occasion
State and local governments; businesses or other for profits; non-profit institutions
2,880 responses; 288 hours; 3 forms

The Bureau of Labor Statistics is required to maintain a file of collective bargaining agreements to aid the Federal Mediation and Conciliation Service, employers and employees in settling labor disputes. The agreements also are used by other government agencies, academic researchers, and the general public in analyzing wages and supplementary benefits. New agreements are routinely obtained from management or union representatives.

Employment Standards Administration
Payment of Compensation Without Award
1215–0022; LS–206
On occasion
Business or other for-profit
34,200 responses; 8,550 hours; 1 form

The form is used by insurance carriers and self-insurers to report the payment or compensation benefits to injured claimants.

Mine Safety and Health Administration
Record of All Certified and Qualified Persons
1219–0049
Quarterly
Businesses and other for profit; small businesses or organizations
5,225 respondents; 1,735 hours

Requires coal mine operators to maintain records of certified and qualified persons who are designated to perform mandatory safety duties.

Mine Ventilation System Plan
1219–0016
Annually
Businesses and other for profit; small businesses or organizations
707 responses; 16,968 hours

The regulation requires the operator of each metal and nonmetal underground mine to prepare a written plan of the ventilation system of the mine and to update the plan annually. The purposes are to insure that each operator routinely plans, reviews, and updates the mine's ventilation system; to insure the availability of accurate and current ventilation information; and to provide MSHA with the opportunity to alert the mine operator to potential hazards.

Roof Control Programs and Plans
1219–0004
On occasion
Businesses and other for profit; small businesses or organizations
2,075 respondents; 2,780 hours

Requires underground coal mine operators to submit roof control plans to MSHA for approval. Plans are required to improve the roof control systems at underground coal mines.

Reinstatement

Occupational Safety and Health Administration
Inorganic Arsenic
1218–0010; OSHA 247
On occasion
State or local governments; businesses or other for profit; federal agencies or employees
7,500 hours, 0 forms

The information collection requirements are needed to assure that employees are being protected against the adverse health effects of inorganic arsenic exposure.

Signed at Washington, D.C. this 31st day of May, 1984

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 84–15053 Filed 6–4–84; 8:45 am]
BILLING CODE 4510–24–M

Employment and Training Administration

[TA-W-15,313]

Alco Power, Inc.; Auburn, New York; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 30, 1974, in response to a worker petition received on April 23, 1984, which was filed on behalf of workers at Alco Power, Incorporated, Auburn, New York.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA-W-15,294). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated. Signed at Washington, D.C. this 29th day of May 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-15051 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-15,320]

Wilshire Fashions, Inc., South River, New Jersey; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 30, 1984 in response to a worker petition received on April 30, 1984 which was filed on behalf of workers at Wilshire Fashions, Incorporated, South River, New Jersey.

The petitioning group of workers are subject to ongoing investigation for which a determination has not yet been issued (TA-W-15,284). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 29th day of May 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-15052 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period May 21, 1984–May 25, 1984.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-15,147; Nilok Chemicals, Inc., Memphis, TN

TA-W-15,196; Carole Manufacturing Corp., E. Newark, NJ

TA-W-15,061; Philadelphia Steel & Wire Corp., Philadelphia, PA

TA-W-15,012; Great Lakes Carbon Corp., Rosamond, CA

TA-W-15,136; Owens-Illinois, Glass Container Div., Bridgeton, NJ

TA-W-15,193; Tygart Industries, Inc., McKees Rock, PA

In the following case the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-15,186; Jones & Laughlin Steel, Inc., Hammond Works, Hammond, IN

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-15,200; First Miss, Inc., Ft. Madison, IA

Aggregate U.S. imports of diammonium phosphate are negligible.

TA-W-15,187; Kitt Energy Corp., Phillipi, WV

Aggegate U.S. imports of metallurgical coal are negligible.

TA-W-15,183; The Timken Co., Bucyrus, OH

The investigation revealed that criterion (2) has not been met. Sales and production, or both, did not decrease as required for certification.

Affirmative Determinations

TA-W-14,903; Sheller-Globe Corp., Plastic Products Div., Steering Wheel Div., Hamtramck, MI

A certification was issued covering all workers producing plastic steering wheels separated on or after December 22, 1982 and before June 30, 1983.

TA-W-15,070; Great Lakes Carbon Corp., Niagara Falls, NY

A certification was issued covering all workers separated on or after October 14, 1982.

TA-W-15,010; The Budd Co., Detroit, MI

A certification was issued covering all workers separated on or after September 14, 1982 and before December 31, 1983.

TA-W-15,054; Carr-Lowrey Glass Co., Baltimore, MD

A certification was issued covering all workers separated on or after August 26, 1982.

TA-W-15,127; Cidra Industries, Inc., Cidra, PR

A certification was issued covering all workers separated on or after November 15, 1982 and before October 1, 1983.

TA-W-15,128; Faultless Accessories, Inc., Cidra, PA

A certification was issued covering all workers separated on or after November 15, 1982 and before October 1, 1983.

TA-W-15,178; Bessemer & Lake Erie Railroad, North Bessemer, PA

A certification was issued covering all workers separated on or after January 11, 1983.

TA-W-15,159; Reed Sportswear Manufacturing Co., Detroit, MI

A certification was issued covering all workers separated on or after December 16, 1982.

TA-W-15,145; Hercules, Inc., Hattiesburg, MS

A certification was issued covering all workers separated on or after October 1, 1983.

I hereby certify that the aforementioned determinations were issued during the period May 21, 1984–May 25, 1984. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 29, 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-15050 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-30-M

Federal Committee on Apprenticeship; Public Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship (FCA) will conduct an open meeting on June 21, 1984, from 9:00 a.m.-4:30 p.m.; June 22, 1984, from 9:00 a.m.-12:00 noon at the Frances Perkins Building, Room N-5437, 200 Constitution Avenue, NW., Washington, D.C.

The agenda for the meeting on June 21 will include:

1. Swearing in New Members.
2. Welcoming Remarks.
3. Status Report on BAT by the Director.
4. Status Report on SAC (State Apprenticeship Councils) by President of NASTAD.
5. GM-UAW Joint Venture to Train Displaced Auto Workers in Apprenticeship Programs.
6. Establishing a Resource Service for the Improvement of Apprentices and Journeyman Training.
7. Relationship of Vocational Education and Apprenticeship.

The agenda for the meeting on June 22 will include:

8. Successful Apprenticeship School Linkages.
9. Emerging Occupations and the Labor Market.
10. Apprenticeships in the Armed Forces.
11. Role of Apprenticeship in Improving Productivity.
12. BLS Needs Projection for Future Employment.

Agenda is subject to change due to time constraints and priority items which may come before the Committee between the time of this publication and the scheduled date of the FCA meeting.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, also the nature of intended presentation and the amount of time needed. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows: Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Department of Labor, 601 D St. NW (Rm. 6413), Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of May.

Patrick J. O'Keefe,

Deputy Assistant Secretary of Labor.

[FR Doc. 84-15049 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-84-100-C]

Beatrice Pocahontas Company; Petition for Modification of Application of Mandatory Safety Standard

Beatrice Pocahontas Company, P.O. Box 11430, Lexington, Kentucky 40575 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Beatrice Mine (I.D. No. 44-00238) located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternate method, petitioner proposes to mine through a plugged and abandoned gas well which penetrates the Pocahontas No. 3 Seam in 4th Development, 6th North in the mine. Well No. 11, Serial No. 1723, was drilled by United Producing Company in May, 1951, and plugged and abandoned in June, 1951.

3. In support of this request, petitioner states that the well was plugged and abandoned more than thirty years ago. The well was dry at the time it was plugged and abandoned. The surface elevation at the gas well is 2,419 feet, and it was drilled to a depth of 5,602 feet. The bottom seam elevation of the Pocahontas No. 3 Seam is 34 feet ± with a seam height of 52 inches ±. The Commonwealth of Virginia has given permission for the mining through of the well in question.

4. Petitioner states that since the well has been plugged, mining through the area in question while following the existing mine plan and regulations is an alternative method of achieving the result of the standard that will at all times guarantee no less than the same measure of protection afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15072 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-10-M]

Domtar Industries; Petition for Modification of Application of Mandatory Safety Standard

Domtar Industries, P.O. Box 8, New Iberia, Louisiana 70560 has filed a petition to modify the application of 30 CFR 57.21-79 (permissible distribution boxes) to its Cote Blanche Mine (I.D. No. 16-00358) located in St. Mary Parish, Louisiana. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that only permissible distribution boxes be used in working places where 1 percent or more of methane may be present or may enter the air current.

2. Petitioner believes that the standard does not adequately address the working conditions of the mine or properly consider the equipment actually available for use in the mine.

3. Petitioner states that methane does not continuously emanate in salt mines as it does, for instance, in coal mines. Methane is associated with the phenomenon known as "outbursts". The danger of methane inundation of the mine or part of the mine only occurs during those parts of the mining cycle in which large amounts of salt are suddenly removed from the salt mass.

4. Petitioner further states that the sudden removal of large amounts of salt from the main salt mass which have triggered outburst have only occurred at the mine during the blasting operations. All blasting is initiated from the surface

with all personnel accounted for and out of the mine. Stationary methane monitors are used continuously and re-entry to the mine after a blast is only permitted after a suitable preshift examination and confirmation that methane is not present. Some of the equipment required by the standards is not available in a permissible version. Methane monitors are installed on mobile equipment that comes within 100 feet of the production face.

5. As an alternate method, petitioner proposes that:

a. All equipment used at the mine face during the portions of the production cycle that actually disturb the salt will be permissible equipment and maintained in permissible condition. This equipment includes undercutters, face drills and floor drills;

b. During other portions of the production cycle, nonpermissible equipment at the face will be equipped with a methane detector that alarms the operator at a .5% concentration. This equipment includes haul trucks, front end loaders and scaling equipment;

c. Other equipment will not be taken within 100 feet of the face. This includes personnel transportation;

d. The electrical distribution system in the faces will have monitors installed to shut off power to the associated transformers should methane reach 0.5%.

e. The primary vehicle for personnel transportation, a 12-person personnel carrier, will be permissible and maintained in permissible condition. This vehicle will be used to "Fire Boss" and preshift inspect after blasting; and

f. The methane detection system now in place will be maintained as described in 30 CFR 57.21–80.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84–15073 Filed 6–4–84; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–84–119–C]

Doverspike Bros. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Doverspike Brothers Coal Company, R.D. No. 4, Box 271, Punxsutawney, Pennsylvania 15767 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Dora No. 6 Mine (I.D. No. 36–06583) and its Sugarcamp No. 2 Mine (I.D. No. 36–06965), both located in Jefferson County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follow:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying the conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84–15074 Filed 6–4–84; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–84–14–M]

Duval Corp.; Petition for Modification of Application of Mandatory Safety Standard

Duval Corporation, P.O. Box 511, Carlsbad, New Mexico 88221–0511 has filed a petition to modify the application of 30 CFR 57.4–27 (fire extinguishers on self-propelled mobile equipment) to its Nash Draw (I.D. No. 29–00166) located in Eddy County, New Mexico. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that whenever self-propelled mobile equipment is used, such equipment shall be provided with a suitable fire extinguisher readily accessible to the equipment operator.

2. Petitioner states that vibration and motion have damaged fire extinguishers mounted on the equipment, rendering them inoperable.

3. As an alternate method, petitioner proposes to mount the fire extinguishers on each of the face electrical safety centers in lieu of mounting them on the equipment. The eight entry sections have a face electrical safety center

every entry (about 90 feet apart) across the width of the section. These face electrical safety centers are moved up as the section advances, thereby staying close to the face. The fire extinguishers will be at least as accessible on the face electrical safety centers as they are in the present location mounted on the equipment, and should be in better working condition when needed. Anytime a piece of trailing cable-type equipment is moved from one section to another, it is always accompanies by fire extinguisher-equipped diesel equipment.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15075 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-128-C]

Eastern Mingo Coal Company; Petition for Modification of Application of Mandatory Safety Standard

Eastern Mingo Coal Company, P.O. Box 119, Naugatuck, West Virginia 25685 has filed a petition to modify the application of 30 CFR 75.1103-4(a) (automatic fire sensor and warning device systems) to its No. 1 Mine (I.D. No. 46-05978) located in Mingo County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that automatic fire sensor and warning device systems provide identification of fire within each belt flight.

2. As an alternate method, petitioner proposes to use a carbon monoxide system in lieu of the presently installed point-type sensor system. The carbon monoxide system would provide identification of a fire within an area rather than within each belt flight. A carbon monoxide sensor will be placed at every belt drive, at the section loading point, and at intervals not to exceed 2,000 feet along the belt. Belt flights at the mine currently range in length anywhere from 700 feet to 3,570 feet. The varying length of conveyor flights shows that the areas identified by the point-type sensor system of fire detection depend on the length of the conveyor flights. In proposing that carbon monoxide sensors be placed every 2,000 feet, the areas for fire identification will be 2,000 feet or less depending on the distance between belt drives.

3. In support of this request, petitioner states that:

a. Sensors installed will give early warning automatically when a fire occurs in the belt entry, and provide both audible and visual signals that permit rapid location of the fire;

b. The automatic fire detection system will be calibrated to activate the warning signals should the carbon monoxide concentration reach 10 p.p.m. above ambient;

c. The automatic fire detection system will, upon activation, provide an effective warning signal at a manned location on the surface where personnel have an assigned post of duty and have telephone or equivalent communication with all persons who may be endangered. The automatic fire detection system will provide identification of any activated sensor. In addition, the detector located at or near the section loading point will activate when carbon monoxide is detected and give a warning signal that may be heard on the working section. All persons, except those required to investigate and take appropriate action in the event of a fire in the belt entry, will be immediately withdrawn from the area of the mine endangered thereby to a safe area;

d. The location of the sensors for the automatic fire detection system will be submitted for approval in the mine ventilation system and methane and dust control plan;

e. Should the automatic fire detection system be affected by a power interruption or other mulfunction, the belt conveyors will continue to operate only if a qualified person begins immediate and continuous monitoring for carbon monoxide with a suitable instrument at each section loading point inby the malfunctioning sensor;

f. Each carbon monoxide monitor and sensor will be visually examined at least once each 24 hours during production periods to ensure proper functioning. More extensive examinations will be made on a schedule recommended by the manufacturer. At least every 30 calendar days the monitors will be checked for operating accuracy with a known concentration of carbon monoxide gas and calibrated as necessary. A record will be kept of these tests and made available to all authorized parties;

g. The concentration of respirable dust in the intake air passing belt conveyors will be within the limits specified in 30 CFR 70.100(b); and

h. The integrity of the primary intake escapeway will not be diminished. Permanent stoppings will continue to separate the primary intake from the belt conveyor entry.

4. Petitioner further states that the carbon monoxide monitoring system will actually result in an increased level of fire protection because it is more dependable and more sensitive to low-level fire hazards than the current system of point-type sensors. The system will also allow a more rapid location of a fire because the area for fire identification for each sensor is less than 2,000 feet.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patrica W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15076 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-54-C]

First Big Mountain Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

First Big Mountain Mining Company Inc., P.O. Drawer L, Cedar Grove, West Virginia 25039 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 1 Mine (I.D. No. 46-06201) located in Kanawha County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long;

g. Five detonators with iron leg wires 16 feet long;

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15077 Filed 6-5-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-113-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed a petition to modify the application of 30 CFR 75-1714-2(e)(3) (self-contained self-rescue devices) to its Bessie Mine (I.D. No. 01-00328) located in Jefferson County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all miners whose self-contained self-rescuer (SCSR) is more than 25 feet away shall have, at all times while underground, a self-rescue device sufficient to enable each miner to get a self-contained self-rescuer.

2. SCSRs have been in service at the mine for 15 months. Most of the SCSRs are damaged by rough handling during shift change and excessive vibrations during transportation on mantrips.

3. As an alternate method, petitioner proposes to place SCSRs more than 25 feet away from miners on mantrips into and out of the mine. In support of this request, petitioner states that:

(a) All miners will be trained in the use, care, maintenance and location of SCSRs. All visitors (except those visitors who have their own SCSRs) will receive this training prior to entering the underground portion of the mine. All miners and visitors will carry at all times while underground an approved self-rescue device;

(b) Caches, with quantities of no less than ten units to each cache, will serve mantrips into and out of the mine, firebosses, mine foremen and general crews that work outby face areas. Annually, the petitioner will submit a map designating the locations of caches of SCSRs to the District Manager for approval;

(c) All SCSRs will be stored in accordance with the manufacturer's recommendations. Signs will be posted at each storage cache labeled "SELF-RESCUERS". Sufficient quantities of SCSRs will be stored in the mine's supply house to replace any units which may need replacement;

(d) The mine foreman will designate the person or persons to make the necessary inspections in storage areas. The pre-shift examinations of SCSRs stored in caches will be the responsibility of the foreman, or his designee, in charge of the area in which the cache is located. All SCSRs will be tested according to the manufacturer's prescribed procedures at intervals not exceeding ninety (90) days. Results of these tests shall be recorded in accordance with 30 CFR 75.1714-3(e).

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15078 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-2-M]

Liter's Quarry, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Liter's Quarry, Inc., 6610 Haunz Lane, Louisville, Kentucky 40222 has filed a petition to modify the application of 30 CFR 57.15-30 (self-rescue devices) to its Crestwood Mine (I.D. No. 15-00059) located in Oldham County, Kentucky and its Lockport Plant (I.D. No. 15-04479) located in Henry 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 petition concerns the requirement that a 1-hour self-rescue device be made available by the operator to all personnel underground.

2. The mines are horizontal room and pillar mines with multiple horizontal entrances and have proven to be methane gas free. Limestone is mined from limestone and/or non-oilbearing shale. The only flammable or combustible materials are those

transported into the mines. Because of the enormous open air volume in both mines, petitioner states that a fire generating toxic levels of carbon monoxide is inconceivable. The worst fire situation would be an ignited fuel oil spill, which would create a draft of fresh air through which miners could escape.

3. As an alternate method for the Crestwood Mine, petitioner proposes to use the Worthington Volunteer Fire Department, which serves as the mine's alternate mine rescue team, to fight fires beyond the capacity of fire extinguishers. This fire department is located 2½ miles from the mine, has 40 active volunteers, and is staffed with professional firefighters during working hours. Their estimated response time to the mine is three minutes. The first unit to arrive would have six airpacks with two additional bottles per pack; eighteen additional packs could arrive within five minutes; and any piece of fire equipment can be taken to any point in the mine.

4. As an alternate method for the Lockport Plant, petitioner proposes to use the Kentucky River Volunteer Fire and Rescue Department. Though not as large and well-equipped as the Worthington Department, Kentucky River is equipped with air packs and located approximately two miles away.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15079 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-147-C]

Loyal Creek Coal; Petition for Modification of Application of Mandatory Safety Standard

Loyal Creek Coal, Box 200, Slickville, Pennsylvania 15684 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Loyal Creek No. 4 Mine, (I.D. No. 36-07413) located in Armstrong County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concern the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying the conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15080 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-134-C]

Old Ben Coal Company; Petition for Modification of Application of Mandatory Safety Standard

Old Ben Coal Company, 333 W. Vine Street, Lexington, Kentucky 40507 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Mine No. 26 (I.D. No. 11-00590) located in Franklin County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that barriers be established around oil and gas wells penetrating coalbeds or any underground area of a coal mine.

2. Well No. V-77 (Perkins #1) was drilled between August 24, 1982 and September 6, 1982 to a total depth of 4,646 feet. No oil or gas producing zones were reported and the well was abandoned as a dry hole and plugged on September 7, 1982. The location of the well, as determined on the surface, places it within a projected longwall panel. The barrier around the well required by § 75.1700 would interfere with the petitioner's established system of proven mining safety and conservation of resources by requiring a large pillar of coal to be left in place in a longwall section.

3. Extensive research conducted by the United States Bureau of Mines and the Energy Research and Development Administration ("ERDA") has disclosed certain plugging methods can effectively prevent explosive well gases from entering the mine during regular mining operations and allow additional safety and operational benefits not possible under § 75.1700. Although no traces of explosive gases were recorded in drilling the well, petitioner proposes, as a safety precaution and in lieu of the provision to establish and maintain a barrier around the well, to seal the Illinois No. 5 and 6 coal seams from the surrounding strata at the affected well as follows:

a. A diligent effort will be made to clean the wellbore to total depth. If this depth cannot be reached, the wellbore will be cleaned out below the first possible hydrocarbon-producing zone and/or no less than 200 feet below the lowest mineable coalbed;

b. A 4½ inch vent pipe (or larger) will be run into the wellbore a depth 100 feet below the lowest mineable coalbed. This coal protection string of casing will be cemented by circulation with expandable cement from the bottom of the casing to the surface using standard cementing practices;

c. An expandable cement plug will be set in the wellbore. The wellbore will be filled with fluid from a point 200 feet below the lowest mineable coalbed to the surface, so that an overbalanced condition will exist in the wellbore. While maintaining this overbalanced condition in the wellbore, a 100-foot plug of expanding cement will be set through tubing by the "balanced plug" method. The bottom of the cement will be no less than 200 feet below the lowest mineable coalbed. After the cement has had adequate time to harden, the plug will be tagged to verify the exact final location and condition of the plug;

d. Before the well is filled to the coalbed, a directional survey will be run to determine the exact location of the wellbore in the coalbed; and

e. In order to determine the effectiveness of the sealing project, all fluid will be evacuated from the wellbore. A vent will be installed on top of the casing to prevent liquids and solids from entering the well but will permit ready access to the full internal diameter of the coal protection string when required.

4. When mining through the plugged well, the following procedures will be used.

(a) Mining through the plugged well will be done on a shift as determined by the District or Subdistrict Manager after a joint meeting between the operator, representative of the miners, the State Department of Mines and MSHA. The petitioner will submit a mining plan for the well intersection to the District Manager for approval.

(b) Petitioner will attend and participate in any conference called by the District or Subdistrict Manager at a mutually convenient time prior to the mining through of such well;

(c) Petitioner will notify the District or Subdistrict Manager, representatives of the miners and the State Department of Mines in sufficient time prior to the mining through operation in order that each may have an opportunity to have representatives present;

(d) The petitioner will notify the District or Subdistrict Manager prior to mining within 300 feet of the well;

(e) The mining through operation will be under the direct supervision of a certified official. Orders concerning the mining through operations will be issued by the certified official in charge;

(f) When using a continuous miner, a drivage sight will be installed at the last breakthrough to ensure intersection of the well and again, if necessary, to ensure that the last sight is not further than 50 feet from the well. Where longwall mining is practiced, distance tags will be installed at least 50 feet from intersection of the well;

(g) The methane monitor on the mining machine or on the longwall will be calibrated on the shift prior to the mining through;

(h) Tests for methane will be made with and hand-held methane detector at least every 10 minutes from the time that mining is within 30 feet of a well until the well is intersected;

(i) When the wellbore is intersected, all equipment will be deenergized and the place thoroughly examined and determined safe before mining is resumed; and

(j) After the well has been intersected and the working place determined safe, mining will continue inby the well a sufficient distance to permit adequate ventilation around the area of the wellbore.

5. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at the address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director Office of Standards, Regulations and Variances.

[FR Doc. 84-15081 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Dockt No. M-84-107-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, 301 North Memorial Drive, St. Louis, Missouri 63166 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Camp No. 2 U/G Mine (I.D. No. 15-02705) located in Union 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 statement follows:

1. The petition concerns the requirement that entries used as intake and return aircourses be separated from belt haulage entries and that belt haulage air not be used to ventilate active working places.

2. The new #9 unit will be located just south of the slope entrance to the mine. The short south main will be driven to develop the new west main. The intake air will be brought down the slope, shuttle belt and mainline track. Air could be brought from the intake air shaft located just west of the slope; however, it is blocked by many roof falls, making escape and total complete ventilation from this air shaft virtually impossible.

3. As an alternate method, petitioner proposes that:

a. A maximum length of 2500 feet of belt, including the slope belt, will be in the intake airway. From that point, the intake air will be separated from the belt and track by means of airlocks and doors;

b. A 100-foot section of trolley wire, inby the intersection of the #9 unit track with the mainline track, will be removed. This will limit the length of energized trolley wire in the intake airway to 600 feet;

c. A carbon monoxide (CO) monitor will be installed at the #9 unit tailpiece. This monitor will sound an audible and visual alarm at the section power center when the CO concentration reaches 10 ppm above ambient;

d. SCSRs (Self Contained Self Rescuers) will be available on the unit for every person. SCSRs will also be provided on each piece of equipment;

e. The belt and track haulage entries to #9 unit will be examined by a certified person at least every four hours while the unit is in production. Records will be kept of these examinations;

f. Metal doors will be erected across the return airway. These doors could be closed in the event of a fire, which

would short circuit the return air and allow the miners a separate escapeway to the 2nd east intake air shaft; and

g. All persons working on unit #9 will be advised of these safety precautions.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnished written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition ar e available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvery,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15082 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-133-C]

Ray Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Ray Coal Company. P.O. Box 5002, Hazard, Kentucky 41701 has filed a petition to modify the application of 30 CFR 75.1103 (automatic fire warning devices) to its Mine No. 49 (I.D. No. 15-14057) located in Leslie 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 petition concerns the requirement that devices be installed on all belts which will give a warning automatically when a fire occurs on or near such belt.

2. As an alternate method, petitioner proposes to install a fire detection system using low level carbon monoxide (CO) monitoring devices in all belt entries used as intake air courses. In support of this request, petitioner states that:

a. The devices will give early warning automatically when a fire occurs in the belt entry and provide both audible and visual signals that permit rapid location of the fire;

b. The automatic fire detection system will be calibrated to activate the warning signals should the carbon monoxide concentration reach 10 p.p.m. above ambient;

c. The automatic fire detection system will, upon activation, provide an effective warning signal at a manned location on the surface where personnel have an assigned post of duty and have telephone or equivalent communication with all persons who may be endangered. The automatic fire detection system will provide identification of any activated sensor. In addition, the detector located at or near the section loading point will activate when carbon monoxide is detected and give a warning signal that may be heard on the working section. All persons, except those required to investigate and take appropriate action in the event of a fire in the belt entry, will be immediately withdrawn from this area of the mine endangered thereby to a safe area;

d. The person at the manned location on the surface will be trained in the operation of the CO monitoring system and in the proper procedures to follow in the event of an emergency;

e. The CO monitoring devices will be located so that the air is monitored at each belt drive, tail piece, and other locations as may be required by the District Manager to ensure the safety of the miners;

f. The details for the fire detection system, including but not limited to type of monitor, sensor location, alarm system, maintenance and calibration schedule, will be included as a part of the ventilation system and methane and dust control plan required by § 75.316;

g. Should the automatic fire detection system be affected by a power interruption or other malfunctions, the belt conveyors can continue to operate if a qualified person is stationed at each malfunctioning sensor to continuously monitor for carbon monoxide with a suitable instrument;

h. Each carbon monoxide monitor and sensor will be visually examined at least once each 24 hours to ensure proper functioning. The units will be checked weekly for proper operation of the built-in safety features and other checks recommended by the manufacturer. At least every 30 calendar days the monitors will be checked for operating accuracy with a known concentration of carbon monoxide gas and will be calibrated as necessary. A record will be kept of these tests and be made available to all interested persons;

i. The construction of the stoppings separating the belt haulage entry from the intake escapeway will be of concrete blocks, cinder blocks, brick or tile with mortared joints. The blocks may be stacked providing the stoppings are plastered on both sides with a material having the same strength as that of mortared joints;

j. Low level carbon monoxide sensors will not be used where the velocity of the air current in the belt conveyor entry is less than 50 feet a minute or where the air current does not have a definite and distinct directional movement; and

k. The velocity of the air current in the belt entry will not exceed 300 feet per minute.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected at the afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15083 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-143-C]

Rock Bull Mining, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Rock Bull Mining, Inc., Route 2, Box 87X, Albright, West Virginia 26519 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 1 Mine (I.D. No. 46-05964) located in Preston County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying the conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15084 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-129-C]

Southern Mingo Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Southern Mingo Coal Company, P.O. Box 119, Naugatuck, West Virginia 25685 has filed a petition to modify the application of 30 CFR 75.1103-4(a) (automatic fire sensor and warning device systems) to its No. 1 Mine (I.D. No. 46-06278) located in Mingo County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that automatic fire sensor and warning device systems provide identification of fire within each belt flight.

2. As an alternate method, petitioner proposes to use a carbon monoxide system in lieu of the presently installed point type sensor system. The carbon monoxide system would provide identification of a fire within an area rather than within each belt flight. A carbon monoxide sensor will be placed at every belt drive, at the section loading point, and at intervals not to exceed 2000 feet along the belt. Belt flights at the mine currently range in length anywhere from 970 feet to 3,330 feet. The varying length of conveyor flights shows that the areas identified by the point-type sensor system of fire detection depend on the length of the conveyor flights. In proposing that carbon monoxide sensors be placed every 2000 feet, the areas for fire identification will be 2000 feet or less depending on the distance between belt drives.

3. In support of this request, petitioner states that:

a. Sensors installed will give early warning automatically when a fire occurs in the belt entry, and provide both audible and visual signals that permit rapid location of the fire;

b. The automatic fire detection system will be calibrated to activate the warning signals should the carbon monoxide concentration reach 10 p.p.m. above ambient;

c. The automatic fire detection system will, upon activation, provide an effective warning signal at a manned location on the surface where personnel have an assigned post of duty and have telephone or equivalent communication with all persons who may be endangered. The automatice fire detection system will provide identification of any activated sensor. In addition, the detector located at or near the section loading point will activate when carbon monoxide is detected and give a warning signal that may be heard on the working section. All person, except those required to investigate and take appropriate action in the event of a fire in the belt entry, will be immediately withdrawn from the area of the mine endangered thereby to a safe area;

d. The location of the sensors for the automatic fire detection system will be submitted for approval in the mine ventilation system and methane and dust control plan;

e. Should the automatic fire detection system be affected by a power interruption or other malfunction, the belt conveyors will continue to operate only if a qualified person begins immediate and continuous monitoring for carbon monoxide with a suitable instrument at each section loading point in by the malfunctioning sensor;

f. Each carbon monoxide monitor and sensor will be visually examined at least once each 24 hours during production periods to ensure proper functioning. More extensive examinations will be made on a schedule recommended by the manufacturer. At least every 30 calendar days the monitors will be checked for operating accuracy with a known concentration of carbon monoxide gas and calibrated as necessary. A record will be kept of these tests and made available to all authorized parties;

g. The concentration of respirable dust in the intake air passing over belt conveyors will be within the limits specified in 30 CFR 70.100(b); and

h. The integrity of the primary intake escapeway will not be diminished. Permanent stoppings will continue to separate the primary intake from the belt conveyor entry.

4. Petitioner further states that the carbon monoxide monitoring system will actually result in an increased level of fire protection because it is more dependable and more sensitive to low-level fire hazards than the current system of point-type sensors. The system will also allow a more rapid location of a fire because the area for fire identification for each sensor is less than 2000 feet.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15085 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-141-C]

Southern Ohio Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Southern Ohio Coal Company, P.O. Box 490, Athens, Ohio 45701 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Raccoon No. 3 Mine (I.D. No. 33-02308) located in Vinton County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying the conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15086 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-69-C]

Spring Creek Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Spring Creek Coal Company, P.O. Box 67, Decker, Montana 59025 has filed a petition to modify the application of 30 CFR 77.216-3 (water, sediment, or slurry impoundments and impounding structures; inspection and reporting requirements) to the Sediment Control Dam (I.D. No. 1211-MT-9-0002) of its Spring Creek Mine (I.D. No. 24-01457) located in Bighorn County, Montana. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all water, sediment, or slurry impoundments be examined by a qualified person at intervals not exceeding seven days for appearances of structural weakness and other hazardous conditions.

2. As an alternate method, petitioner proposes to perform the inspection and recording requirements on an annual basis, in lieu of every seven days.

3. In support of this request, petitioner states that the dam is designed to have a capacity greater than 20 acre feet and an elevation of 20 feet or more above the upstream toe. Petitioner's engineering staff indicates that the dam never has, nor ever will realize that capacity because the drainage, which it is designed to collect, is being channeled through several areas of scoria. This allows the water to percolate out prior to reaching the impoundment. The closest and only potentially occupied area downstream from the structure is a state highway located approximately 18,800 channel feet distant.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15087 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-5-M]

Texasgulf Chemicals Co.; Petition for Modification of Application of Mandatory Safety Standard

Texasgulf Chemicals Company, P.O. Box 100, Granger, Wyoming 82934 has filed a petition to modify the application of 30 CFR 57.21-46 (crosscut intervals to its Trona Operations (I.D. No. 48-00639) located in Sweetwater County, Wyoming. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that crosscut be made at intervals not in excess of 100 feet between entries and between rooms.

2. The Trona ore mined is incombustible and is used in fire extinguishers. Methane does not emanate from the ore mined, but does come in minute amounts from floor rock. Present auxiliary ventilation capacity is in excess of requirements and can provide for mining distances greater than presently mined.

3. Floor heave is a severe problem, causing much damage to stoppings in place. The floor movement buckles

stoppings, resulting in loss of seal and leakage of air to the return airways.

4. As an alternate method, petitioner proposes that crosscuts be made at intervals not in excess of 200 feet between entries and between rooms in lieu of 100 feet as required by the standard. The 200 foot distance will reduce the number of stoppings between intake and return by half, greatly reducing air loss by leakage and improving ventilation to the face area where miners are working.

5. Petitioner states that the proposed alternate method will provide the same measure of 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 July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15088 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-99-C]

Warrior Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Warrior Coal Corporation, P.O. Box 911, Madisonville, Kentucky 42431 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Cardinal Mine (I.D. No. 15-14335) located in Hopkins 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 petition concerns the requirement that intake and return aircourses be separated from belt haulage entries.

2. As an alternate method, petitioner proposes to use a belt slope into the coal bed as a return aircourse from the mine workings. The return aircourse in the belt slope will be isolated from the belt entries in the mine and the return air in the belt slope will enter the slope at a different location from the belt entry in the mine.

3. The slope belt haulage entry is a secondary escape with the primary escape being the personnel and material slope which is on intake air. The slope belt entry does not ventilate active working places, but return air on the slope entry is necessary to ventilate the mine.

4. For these reasons, the petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15089 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-127-C]

Western Mingo Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Western Mingo Coal Company, P.O. Box 119, Naugatuck, West Virginia 25685 has filed a petition to modify the application of 30 CFR 75.1103-4(a) (automatic fire sensor and warning device systems) to its No. 1 Mine (I.D. No. 46-05055) located in Mingo County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that automatic fire sensor and warning device systems provide identification of fire within each belt flight.

2. As an alternative method, petitioner proposes to use a carbon monoxide system in lieu of the presently installed point-type sensor system. The carbon monoxide system would provide identification of a fire within an area rather than within each belt flight. A carbon monoxide sensor will be placed at every belt drive, at the section loading point, and at intervals not to exceed 2000 feet along the belt. Belt flights at the mine currently range in length anywhere from 210 feet to 3,960 feet. The varying length of conveyor flights shows that the areas identified by the point-type sensor system of fire detection depend on the length of the conveyor flights. In proposing that carbon monoxide sensors be placed every 2000 feet, the areas for fire identification will be 2000 feet or less depending on the distance between belt drives.

3. In support of this request, petitioner states that:

a. Sensors installed will give early warning automatically when a fire occurs in the belt entry, and provide both audible and visual signals that permit rapid location of the fire;

b. The automatic fire detection system will be calibrated to activate the warning signals should the carbon monoxide concentration reach 10 p.p.m. above ambient;

c. The automatic fire detection system will, upon activation, provide an effective warning signal at a manned location on the surface where personnel have an assigned post of duty and have telephone or equivalent communication with all persons who may be endangered. The automatic fire detection system will provide identification of any activated sensor. In addition, the detector located at or near the section loading point will activate when carbon monoxide is detected and give a warning signal that may be heard on the working section. All persons, except those required to investigate and take appropriate action in the event of a fire in the belt entry, will be immediately withdrawn from the area of the mine endangered thereby to a safe area;

d. The location of the sensors for the automatic fire detection system will be submitted for approval in the mine ventilation system and methane and dust control plan;

e. Should the automatic fire detection system be affected by a power interruption or other malfunction, the belt conveyors will continue to operate only if a qualified person begins immediate and continuous monitoring for carbon monoxide with a suitable instrument at each section loading point in by the malfunctioning sensor;

f. Each carbon monoxide monitor and sensor will be visually examined at least once each 24 hours during production periods to ensure proper functioning. More extensive examinations will be made on a schedule recommended by the manufacturer. At least every 30 calendar days the monitors will be checked for operating accuracy with a known concentration of carbon monoxide gas and calibrated as necessary. A record

will be kept of these tests and made available to all authorized parties;

g. The concentration of respirable dust in the intake air passing over belt conveyors will be within the limits specified in 30 CFR 70.100(b); and

h. The integrity of the primary intake escapeway will not be diminished. Permanent stoppings will continue to separate the primary intake from the belt conveyor entry.

4. Petitioner further states that the carbon monoxide monitoring system will actually result in an increased level of fire protection because it is more dependable and more sensitive to low-level fire hazards than the current system of point-type sensors. The system will also allow a more rapid location of a fire because the area for fire identification for each sensor is less than 2000 feet.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15090 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-95-C]

Westmoreland Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Westmoreland Coal Company, P.O. Drawer A and B, Big Stone Gap, Virginia 24219 has filed a petition to modify the application of 30 CFR 75.900 (low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers) to its Holton Mine (I.D. No. 44-04197) located in Lee County, Virginia, and its Arno Mine (I.D. No. 44-04099), Bullitt Mine (I.D. No. 44-00304), Crossbrook "A" Mine (I.D. No. 44-00295), Derby 4 (Parsons) Mine (I.D. No. 44-04110), Derby 5 (Parsons) Mine (I.D. No. 44-04109), Prescott No. 2 Mine (I.D. No. 44-01689), Wentz No. 1 Mine (I.D. No. 44-00302), and Wentz B Portal Mine (I.D. No. 44-05559), all located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that low- and medium-voltage power circuits serving three-phase alternating current equipment be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary, and that such breakers be equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and overcurrent.

2. As an alternate method, petitioner proposes to use shunt trip devices on the molded case circuit breakers feeding three-phase alternating current power to the rectifier bridges for the trolley systems. This method would be used in lieu of undervoltage devices on the molded case circuit breakers. All equipment powered from the trolley systems would be provided with adequate and necessary circuitry or devices to provide the equipment with protection against loss of voltage.

3. Petitioner states that the proposed alternate method will provide the the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 5, 1984. Copies of the petition are available for inspection at that address.

Dated: May 29, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-15091 Filed 6-4-84; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357-9421

OMB Desk Officer: Carlos Tellez, (202) 395-7313

Title: Survey of Industrial Research and Development, 1984, 1985, 1986.

Affected Public: Businesses or other for-profit Small Businesses.

Number of Responses: 15,000 respondents; total of 28,500 burden hours.

Abstract: Thus survey ascertains the amount and direction of R&D expenditures by American industry. Government agencies, corporations, research organizations, universities, etc., use the data to analyze and forecast technological growth, investigate productivity determinants, formulate tax policy, and compare individual company R&D performance against industry averages. All manufacturing companies with 1,000 or more employees plus a sample of smaller firms are included.

Dated: May 30, 1984.

Herman G. Fleming,

OMB Clearance Officer.

[FR Doc. 84-14959 Filed 6-4-84; 8:45 am]

BILLING CODE 7555-01-M

POSTAL RATE COMMISSION

[Docket No. MC84-1]

Mail Classification Schedule, 1984 Special Fourth-Class Mail; United States Postal Service's Filing of a Request for Recommended Decisions on Special Fourth-Class Mail

May 30, 1984.

Notice is hereby given that on May 18, 1984, the United States Postal Service ("Postal Service"), pursuant to Chapter 36 of title 39, United States Code, filed a request with the Postal Rate Commission for recommended decisions on changes to the Domestic Mail Classification Schedule (DMCS), to permit computer readable media containing prerecorded information, and books containing at least eight printed pages to be mailed as special fourth-class mail. This filing has been assigned Docket No. MC84-1.

The Postal Service states that its request contains such information and data which explain the nature, scope, significance and impact of the request.[1]

[1] The specific changes to the Domestic Mail Classification Schedule are set out in legislative format in Attachment A of the Postal Service's Request.

Hearings will be held on the proposal submitted by the Postal Service in Docket No. MC84–1. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a notice of intervention. Notices of intervention must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before June 27, 1984, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.[2] Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before June 27, 1984, file a written notice of limited participation, pursuant to section 20a of the Commission's rules of practice (39 CFR 3001.20a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 20b of the Commission's rules, 39 CFR 3001.20b.

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of the requirements of section 64(h).[3] This section requires the Postal Service to file various cost, revenue, and volume information and workpapers pertinent to its proposal. The Postal Service says it should be granted a waiver because the proposed changes do not significantly change rates and fees or revenue-cost relationships. The Postal Service asserts that while the changes will result in volume increases those increases should be too small to significantly affect the revenue cost relationships for special fourth-class mail and other mail. The Service also says that the proposed change will only permit new materials to be included in special fourth-class mail which are similar in shape, weight, and transportation requirements to materials already in the subclass. The Postal Service points out that no changes in rates or fees are proposed.

The Postal Service also requests waiver of Rule 64(d), insofar as it requires development of costs, revenue and volumes in accordance with Rules 54(h), 54(f) and 54(j). These rules call for the separation of attributable and assignable costs to each class and subclass and an explanation of the methodology used; the provision of information regarding total functionalized accrued costs, revenue and volume information for past and present fiscal years; and a demand analysis. The Postal Service says that the waiver should be granted because it is not requesting a rate or fee change; the effect of the change on total costs and the costs attributed and assigned to special fourth-class mail is expected to be insignificant; that no data exist which can quantify the proposal's effect on volume; and there is no simple inexpensive way to obtain such data. The Postal Service asserts that no parties will be prejudiced by the waiver.

Persons who wish to address the Postal Service's motion should file their answers on or before June 27, 1984.

The request of the Postal Service for a recommended decision on establishing changes to the Domestic Classification Schedule and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

The Director, Office of the Consumer Advocate (OCA), Stephen A. Gold, will represent the interest of the general public in this proceeding. During this proceeding, we will direct the activities of Commission personnel assigned to assist him, and neither he nor such personnel will participate in or advise as to any Commission decision in this case. *See* 39 CFR 3001.8. He will supply, for the record, at the approriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding, the OCAs hall be separately served with three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice. 39 CFR 3001.10(c).

By order of the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 84–14936 Filed 6–4–84; 8:45 am]

BILLING CODE 7715–01–M

[2] In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of desired preliminary clarifications of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

[3] Except for Rule 64(h)(2)(i) insofar as it requests the certification required by Rule 54(g).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13967; 811–3535]

IDS Fixed Income Portfolio, Inc.; Application

May 29, 1984.

Notice is hereby given that IDS Fixed Income Portfolio, Inc. ("Applicant"), 1000 Roanoke Building, Minneapolis, Minnesota 55402, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on March 5, 1984, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the applicable provisions thereof.

The application states that Applicant, which registered under the Act and filed a registration statement pursuant to section 8(b) of the Act on August 10, 1982, has never made a public offering of its securities, has fewer than 100 securityholders for purposes of section 3(c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind. The application further represents that Applicant does not have and never has had any securityholders. Applicant further represents that it is not now engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later then June 20, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmon,

Secretary.

[FR Doc. 84-15031 Filed 6-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13969; 812-5793]

John Hancock Subsidiaries, Inc., and John Hancock Capital Corp.; Filing of Application

May 30, 1984.

Notice is hereby given that John Hancock Subsidiaries, Inc., a Delaware corporation ("J. H. Subs"), John Hancock Place, P.O. Box 111, Boston, MA, 02117, filed an application on March 8, 1984, and an amendment thereto on May 25, 1984, on behalf of John Hancock Capital Corporation, ("JHCC") a Delaware corporation in formation, which will be a subsidiary of J. H. Subs, for an order of the Cmmission, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting JHCC from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the text of its relevant provisions.

J. H. Subs states that all of its outstanding shares are owned by John Hancock Mutual Life Insurance Company ("John Hancock"). J. H. Subs states that it is a holding company through which John Hancock conducts the major portion of its non-life insurance businesses. J. H. Subs represents that upon receipt of approval from the Massachusetts Insurance Commissioner, it will cause JHCC to be formed as a Delaware corporation and that, subsequent to its formation, J. H. Subs will hold all of the outstanding voting stock to JHCC and will cause JHCC to comply with the representations contained in the application as to the future activities of JHCC. The principal business of JHCC will be to borow money in the United States and foreign commercial paper and debt markets and, in turn, loan the proceeds of these borrowings to John Hancock and its direct and indirect subsidiaries. JHCC will not issue voting securities to any person other than J. H. Subs, and that it will not hold securities issued by any persons other than John Hancock and its direct and indirect subsidiaries except for investments of its tangible net worth which will not exceed 10% of its outstanding debt, and temporary investments in short-term high quality debt instruments of the kind in which John Hancock itself customarily invests.

According to the application, John Hancock is a mutual life insurance company organized under the laws of Massachusetts and qualified to do business as an insurer in all 50 states. John Hancock sells a variety of insurance and investment products. John Hancock had total assets of $23.5 billion as of December 31, 1983, and total revenues of $4.1 billion in the year ended on that date.

According to the application, all loans by JHCC to John Hancock and its subsidiaries will bear interest equal to that JHCC is required to pay to obtain funds through its corresponding borrowings, plus a small mark-up sufficient to cover operating costs. The amounts and maturity of such loans will allow JHCC to make timely payments of principal and interest on such borrowings. Before it engages in any borrowings, JHCC will enter into a Support Agreement with John Hancock, which will provide that John Hancock shall continue to own, directly or indirectly, all of the outstanding voting stock of JHCC and shall not pledge or in any way encumber or dispose of that stock and that John Hancock will cause JHCC to have at all times a tangible net worth (defined to mean the sum of the capital stock and surplus accounts of JHCC plus subordinated loans made to JHCC by John Hancock and its subsidiaries, after deducting the value of JHCC's intangible assets) of at least $1,000,000. The Support Agreement will be made for the benefit of the holders of all of JHCC's debt instruments (exclusive of subordinated debt held by John Hancock and its subsidiaries). Under the Support Agreement, JHCC will agree for the benefit of the holders of its debt instruments that it will timely take all action under the Agreement necessary to require John Hancock to perform its obligations under the Agreement. In addition, the Support Agreement will give each such holder a direct and immmediate right of action against John Hancock to enforce John Hancock's obligations under the Support Agreement should JHCC fail to do so. The Support Agreement will terminate as to any indebtedness covered by the Agreement if John Hancock deposits with a bank or trust company an amount sufficient to pay when due the interest and premium, if any, on and the principal of that indebtedness, together with irrevocable directions to such bank or trust company to apply that deposit to the payment of the interest, premium, if any, and principal as they become due. The Support Agreement may also be amended, modified or terminated by either John Hancock or JHCC by no amendment, modification or termination will relieve John Hancock of any of its obligations under the Agreement or adversely affect the rights of creditors under the Agreement unless all indebtedness covered by the Agreement outstanding on the effective date of the amendment, modification or termination shall either have been paid in full or have been unconditionally guaranteed as to payment of principal, premium, if any, and interest by John Hancock. Although neither J. H. Subs nor John Hancock believes that John Hancock will ever be requested to carry out its undertakings under the Support Agreement, it provides assurance that JHCC will always have sufficient funds to pay principal and interest on its indebtedness.

J. H. Subs states that offerings of securities by JHCC are expected to consist of short-term, intermediate term and long-term debt securities. (Foreign borrowings may be effected through an off-shore subsidiary, the debt obligations of which would be guaranteed by JHCC.) The application states that the securities issued by JHCC will be offered and sold either in transactions exempt from the registration requirements of the Securities Act of 1933 (the "1933 Act") or in public offerings of securities registered under the 1933 Act.

J. H. Subs further represents that, in the case of a public offering of any securities of JHCC not exempt from the registration requirements of the 1933 Act, JHCC will, prior to offering such securities, file a registration statement under the 1933 Act with the Commission and will not sell such securities until the registration statement is declared effective by the Commission and will not sell such securities until the registration statement is declared effective by the Commission and any related idenure is qualified under the Trust Indenture Act of 1939 to the extent required thereunder. The application further states that JHCC will comply with the prospectus delivery requirements of the 1933 Act in connection with the offering and sale of such securities.

The application further states that, in the case of an offering of securities not requiring registration under the 1933 Act, JHCC will provide each offeree with disclosure materials which will include a description of the business of John Hancock and other data of the character customarily supplied in such offerings. In the event of subsequent offerings, these materials will be

updated at the time thereof to reflect material changes in the financial condition of John Hancock and its subsidiaries.

J. H. Subs represents that prior to any issuance and sale of JHCC's debt securities in the United States capital market, those securities shall have received one of the three highest investment grade ratings from at least one nationally recognized rating organization. No such rating shall be required to be obtained, however, if in the opinion of counsel for JHCC an exemption from registration is available with respect to such issue and sale under section 4(2) of the 1933 Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 22, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15028 Filed 6-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21000; SR-MSRB-84-9]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

May 29, 1984.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue NW., Washington, D.C. 20036, on March 23, 1984, submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to incorporate into MSRB rule G-15 provisions relating to the establishment of settlement dates on customer transactions, and deliveries of physical securities to customers.

The proposed rule change to rule G-15 establishes standards for settlement and delivery of securities to customers that are similar to equivalent provisions in rule G-15 concerning inter-dealer transactions. The proposed rule change establishes the fifth business day following the trade date as the standard settlement day for "cash" and other exceptional transactions. It also establishes certain standards relating to the proper delivery of securities to customers, covering such matters as the fungibility and specified identification of securities delivered, units of delivery, the form of the securities to be delivered, delivery of coupon and registered securities, and similar matters. The proposed rule change also would have a sixty-day delayed effectiveness.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 20855, published in the **Federal Register** (49 FR 17657), Apr. 4, 1984). One comment regarding the proposed rule change was submitted. This comment took no issue with the proposed rule change; rather, it suggested that the standards established by this rule change relating to delivery of securities should be extended to deliveries made by institutional customers or to municipal securities dealers.

The Commission believes that a further extension of the delivery requirements might be warranted in the future. However, the Commission believes that the proposed rule change provides a well-balanced set of initial standards in this area. Accordingly, the Commission finds that the rule change as proposed by the MSRB is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved, to become effective sixty days after publication in the **Federal Register.**

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15029 Filed 6-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21001; SR-PSE-84-6]

Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Stock Exchange, Inc.

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 March 22, 1984, 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 clarifies the PSE's requirement that when the last bid or last sale in an options series is exactly twenty dollars the maximum bid-ask differential applicable to market makers is ¾. Under the language of the existing rule, it appears that the maximum bid-ask differential when the last bid or sale of an option is exactly at twenty dollars could be either ¾ or 1. However, the PSE has interpreted its existing rule to impose a bid-ask differential of no more than ¾ where the last bid or sale in the option is exactly twenty dollars. Accordingly, the rule change will eliminate any uncertainty and confusion that may have existed under the current rule by clearly stating that the maximum bid-ask differential is ¾ when the last bid or sale in an option series is exactly twenty dollars, and is $1 only when the last bid or sale in an option series is $20⅛ or greater.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifty Street, N.W., Washington, DC 20549. Reference should be made to File No. SR-PSE-84-6

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. 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. 84-15030 Filed 6-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13965; 812-5631]

Basic Earth Science Systems, Inc.; Filing of Application for an Order Declaring That Applicant Is Not an Investment Company or, Alternatively, Exempting Applicant From all Provisions of the Act

May 29, 1984.

Notice is hereby given that Basic Earth Science Systems, Inc. ("Applicant"), 44 E Inverness Drive East, P.O. Box 3088, Englewood, Colorado, 80155, a Delaware corporation, filed an application on August 12, 1983, and an amendment thereto on April 5, 1984, for an order of the Commission, pursuant to section 3(b)(2) of the Investment Company Act of 1940 (the "Act"), declaring that Applicant is not an investment company under the Act or, alternatively, for an order pursuant to section 6(c) exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for further information as to the provisions relevant to a consideration of the application.

Applicant states that it is engaged in the exploration and development of oil and gas properties and the production and sale of crude oil and natural gas. Applicant represents that it owns interests in oil and gas properties, aggregating approximately 180,000 net acres, in 14 states and that it employs 30 persons. According to the application, during the nine months ended December 31, 1983, Applicant participated in drilling 11 oil and gas wells with a success rate of 36%. Applicant states that, in addition, it owns 600,000 shares of common stock of Digital Switch Corporation ("Digital Switch"), 12,000 shares of preferred stock of Brady Energy Corp., 10,000 shares of common stock of Kratos, Inc., and notes of Robotics International Corporation with a face value of approximately $1,000,000, which came due December 15, 1983 (collectively, the "Shares"). According to the application, for the nine months ended December 31, 1983, the Shares had a fair market value of $19,830,000, approximately 46.2% of Applicant's total assets of $42,889,000.

Applicant represents that, since its inception in 1969, it has been engaged in the business of exploration, development, production, service, and transportation of oil and gas, and that it has never professed a policy of being engaged in any other business. It further represents that its annual and other reports have included detailed discussions of its endeavors in this area. Applicant claims that, at the time of the purchase of the shares, it did not, and it does not presently, intend to become or hold itself out as being an investment company. Also, according to Applicant, its officers and directors are oil and gas operating and financial personnel, most of them with engineering or oil and gas related backgrounds. Applicant states that its officers devote their full time to the management of the oil and gas operations of Applicant and its subsidiary. According to the application, the securities transactions which have occurred were based on investment decisions made by applicant's President with the approval of the Board of Directors.

Applicant states, that, for the year ended March 31, 1982, the market value of all of Applicant's securities was approximately 10.7% of its total assets, whereas for the quarter ended December 31, 1983, the Shares exceeded 40% of the total assets. Applicant explains that the current high value of the Shares is the result of the approximately 650% increase in the market value of shares of Digital Switch during 1982 and 1983. Applicant further explains that its oil and gas reserves have declined 67% since 1981, while the value of its shares of Digital Switch has increased 937%. According to Applicant, for the fiscal year ended March 31, 1983, and for the nine months ended December 31, 1983, Applicant's primary source of revenue and income was its oil and gas operations. Applicant states that, for the fiscal year ended March 31, 1983, oil and gas sales accounted for 99.6% of Applicant's total revenue and, for the nine months ended December 31, 1983, oil and gas sales accounted for 96.7% of Applicant's total revenue. Applicant contends that, during such periods, it realized no gains on sales of marketable securities and had no divided income.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 21, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon it own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15025 Filed 6-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13968; 811-3536]

IDS Capital Appreciation Portfolio, Inc.; Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

May 29, 1984.

Notice is hereby given that IDS Capital Appreciation Portfolio, Inc. ("Applicant"), 1000 Roanoke building, Minneapolis, Minnesota, 55402, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on March 5, 1984, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the applicable provisions thereof.

The application states that Applicant, which registered under the Act and filed a registration statement pursuant to section 8(b) of the Act on August 10, 1982, has never made a public offering of its securities, has fewer than 100

securityholders for purposes of section 3(c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind. The application further represents that Applicant does not have and never has had any securityholders. Applicant further represents that it is not now engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 20, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15022 Filed 6-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13966; 811-3537]

IDS Managed Equity Portfolio, Inc.; Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

May 29, 1984.

Notice is hereby given that IDS Managed Equity Portfolio, Inc. ("Applicant"), 1000 Roanoke Building, Minneapolis, Minnesota 55402, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on March 5, 1984, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the applicable provisions thereof.

The application states that Applicant, which registered under the Act and filed a registration statement pursuant to section 8(b) of the Act on August 10, 1982, has never made a public offering of its securities, has fewer than 100 securityholders for purposes of section 3 (c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind. The application further represents that Applicant does not have and never has had any securityholders. Applicant further represents that it is not now engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 20, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15026 Filed 6-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21002; File No. SR-MSTC-84-2]

Self-Regulator Organizations; Midwest Securities Trust Co.; Order Approving Proposed Rule Change

I. Introduction

On March 27, 1984, Midwest Securities Trust Company ("MSTC") filed with the Commission a proposed rule change that would establish MSTC as a qualified securities depository for purposes on Rule 17Ad-14[1] under the Securities Exchange Act of 1934 (the "Act"). Specifically, the proposed rule change would authorize MSTC to establish an account for transfer agents acting on behalf of offerors during tender or exchange offer to process book-entry movements of tendered securities between MSTC participants and the offeror's agent. The Commission solicited comment on the proposed rule change in Securities Exchange Act Release No. 20842.[2] One letter of comment was received.[3] As discussed below, the Commission is approving the proposed rule change.

II. Background

On January 19, 1984, the Commission adopted Rule 17Ad-14 under the Act.[4] Effective March 1, 1984, Rule 17Ad-14 requires any registered transfer agent[5] acting as an officer's agent in connection with a cash tender offer or exchange offer ("tender agent"), to establish accounts at qualified registered securities depositories[6] for the book-entry movement of tendered securities between that agent and depository participants. That rule was designed to increase the availability and use of automated facilities of the national clearance and settlement system during tender offers, and to respond to numerous tender offer and secondary market processing problems that can occur when a subject company's securities are ineligible for the services of securities depositories during a tender offer.[7]

III. Description

The proposed rule change authorizes MSTC to process tenders, withdrawals, related securities deliveries and money payments between MSTC participants and tender agents. The proposed rule change establishes procedures for each of these activities. In addition, the proposal authorizes MSTC to establish an account for the tender agent and specifies procedures for activity between MSTC and tender agents.

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[1] *See* 17 CFR 240.17Ad-14.

[2] (April 9, 1984), 49 FR (April 16, 1984). MSTC neither solicited nor received any comments.

[3] *See* Letter from Joe Poggio, President of the Stock Transfer Association, Inc. ("STA") to Commission Staff, dated May 17, 1984.

[4] *See* Securities Exchange Act Release No. 20581 (January 19, 1984).

[5] *See* sections 3(a) (25) and 17A(a) of the Act.

[6] The Depository Trust Company ("DTC") presently is the only qualified registered securities depository.

[7] *See generally*, Securities Exchange Act Release No. 19678 (April 15, 1983), 48 FR 17603; Securities Exchange Act Release No. 20581 (January 19, 1984) 49 FR 3064.

A. Midwest Participants' Procedures for Tender and Exchange Offers

1. Tender

Upon receipt of a special notice announcing a tender or exchange offer, participants may tender subject company shares through MSTC in one of two ways. First, a participant may tender securities to the agent's account at MSTC and, at same the time, forward a letter of transmittal to the agent through MSTC. Second, a participant may submit a letter of guarantee directly to the agent and cover the guarantee by a later bookentry movement at MSTC.[8] Upon receipt of appropriate bookentry instructions,[9] MSTC will move the tendered shares from the participant's account to the MSTC internal account by bookentry, and then, also by book-entry, transfer the shares from the MSTC internal account to the agent's account. All book-entry tenders will be reported to participants on an accommodation transfer report.

2. Withdrawals

Upon receipt of timely withdrawal instructions from a participant and confirmation from the agent, MSTC, by book-entry movement, will withdraw shares from the agent's account into the MSTC internal account. MSTC then will transfer those shares back to the participant's account by book-entry movement. Withdrawal instructions received by 10:30 a.m. Central time will result in credit to the participant's account following the agent's confirmation, generally on the next business day. In addition, when a participant withdraws shares previously tendered, it will receive an accommodation transfer report.

3. Payment

Under the proposed rule change, MSTC will continue its policy of paying participants proceeds of any tender offer promptly. Specifically, where the proceeds are cash, participant accounts will be credited on the first day the agent releases payment, as long as the agent confirms release of payment to MSTC by 10:30 a.m. Central time that day. Similarly, in an exchange offer participants will be given book-entry credit of securities as soon as the agent announces the acceptance ratio and the agent releases those securities.

B. Agent Procedures for Tender and Exchange Offers

As mentioned above, the proposed rule change authorizes MSTC to establish an account for the tender agent during the offer. The account and related services would be provided free of charge to the tender agent and would permit book-entry transfers of participant tendered shares to the agent. The proposed rule change also establishes general procedures related to processing participant tenders and withdrawals. However, these procedures are intended to be flexible, general processing guidelines because tender offers are time-critical transactions; involve varying circumstances and conditions; and often require ad hoc processing decisions.

1. Tenders

Each day, MSTC will report to the agent information about participant tenders. That report will reflect the total shares tendered that day [10] and the grand total of all shares moved to the agent's account since the beginning of the offer.[11] If any participant chooses to submit a letter of guarantee directly to the agent and cover that letter of guarantee by book-entry movement of shares at MSTC, MSTC separately will report to the agent deliveries made to cover letters of guarantee. MSTC will provide any needed additional information to the agent on a timely basis.

Depending upon the agent's requirements and geographic location, the daily report will be delivered by hand, facsimile transmission or overnight delivery service. Each week MSTC will send a letter of transmittal to the agent for all shares tendered that week, unless the agent requires a letter of transmittal more frequently.

2. Withdrawals

When participants submit timely withdrawal instructions to MSTC covering shares previously tendered, MSTC will ship those instructions to the agent that day along with the daily activity report. Unless MSTC and the agent agree otherwise, the procedures require the agent to review the withdrawal instructions and confirm these withdrawals orally by 10:00 a.m. Central time on the next business day. After this confirmation, MSTC will debit the agent's account and credit the appropriate participant's account. The number of shares withdrawn each day will also be identified in the agent's daily activity report.[12]

3. Delivery of Physical Certificates

According to its proposed rule change, MSTC will deliver all tendered shares to the agent promptly following the applicable expiration date and the agent's request. The agent must confirm the total share amount and verify that all shares are in good deliverable form.

4. Payment

Under the proposed rule change, MSTC will obtain payment for participants' tendered shares and will credit participant's accounts accordingly. MSTC will also collect solicitation fees on behalf of its participants. In order to permit the agent to determine participant eligibility for those fees, the proposed procedures specify that MSTC will forward to the agent the necessary supporting documentation. Finally, in order to expedite payment to MSTC participants, the proposed procedures would require the agent to advise MSTC of the payment or distribution schedule as soon as the agent determines the payment date and other requirements.

IV. Discussion

MSTC believes that the proposed rule change is consistent with the Act, and, in particular, section 17A and Rule 17Ad–14. MSTC believes that its voluntary offering program provides an efficient method of handling tender and exchange offers by centralized book-entry movement of tendered shares. In addition, MSTC believes that the establishment of depository account at MSTC by bidders' agents, pursuant to its proposed voluntary offering program, furthers the Congressional directive of facilitating prompt and accurate clearance and settlement of securities transactions. Finally, MSTC believes that its voluntary offering program is sufficiently similar to DTC's that agents will not be burdened unnecessarily in dealing with both depositories during tender or exchange offers.

As indicated above, the Commission received a comment letter from the Stock Transfer Association concerning MSTC's voluntary offering program.[13]

[8] So that the shares being tendered pursuant to a letter of guarantee are not considered a new tender, however, the participant must submit a process authorization with the words "TO COVER A LETTER OF GUARANTEE" written across the top. In addition, a copy of the letter of Guarantee sent to the agent must be attached to the process authorization.

[9] The cut-off time for same day processing would be 10:30 a.m. Central Time. Any tenders after 10:30 a.m. would be processed the next day.

[10] The total number of shares tendered each day will appear under the category designated ACTIVITY. This report will reflect participant tenders received by MSTC through 10:30 a.m. Central time.

[11] The total number of shares tendered since the beginning of the offer will appear under the category designated "NET."

[12] The number of shares withdrawn will appear under the designation "WIT."

[13] *See* note 3, *supra.*

While emphasizing the need to standardize depository voluntary offering program procedures, the STA raised questions concerning MSTC's tender agent procedures for handling tenders and withdrawals, delivery of physical certificates and payment. The STA emphasized the importance to the agent of receiving detailed information on a timely basis each day. The STA suggested that MSTC establish a deadline for participants requesting withdrawals and that MSTC expand the information in the daily report regarding withdrawals. The STA also suggested that physical certificates be required to be delivered to the agent within two days of the agent's request. Finally, the STA expressed concern about MSTA's role in the payment of solicitation fees to eligible participants.

In response to these comments, MSTC stressed the flexible character of its general standards related to agent procedures and its desire to work closely with tender agents during each tender or exchange offer. For example, MSTC agreed to deliver physical certificates to the agent promptly following the agent's request.[14] In addition, MSTC indicated that it will provide to the agent, on a timely basis, any needed, reasonable information regarding tenders to cover letters of guarantee.[15] Based on conversations involving STA representatives and Commission staff members, the Commission understands that MSTC responded adequately to the STA's principal concerns.[16]

In considering MSTC's proposed rule change, the Commission has examined closely MSTC's voluntary offering program.[17] Specifically, the Commission has focused on whether MSTC's voluntary offering Program will adversely affect the safeguarding of funds and securities;[18] whether it will promote the prompt and accurate clearance and settlement of securities transactions;[19] and whether it will promote uniformity among other voluntary offering programs.

The Commission believes that uniformity among voluntary offering programs as they affect tender agents' processing during the offer is important because customarily only one tender agent is designated to receive tenders on behalf of each offeror and because tender offers can create tremendous stress on securities processing systems.[20] At the same time, however, qualified securities depositories must retain sufficient flexibility to work closely with individual tender agents, ensuring that each agent's special needs and requirements are satisfied and that securities transactions, including tenders, are processed efficiently.

The Commission notes that MSTC's and DTC's voluntary offering programs have different participant operating procedures that are designed, among other things, to meet their participants' service requirements. The Commission, however, does not believe that uniformity in these procedures is critical if those procedures do not affect tender agents or the progress of tender offers unnecessarily.

For example, some differences exist between MSTC and DTC concerning cut-off times for participant tenders. Specifically, MSTC participants generally may accept an offer through MSTC until 10:30 a.m. Central time on the day an offer expires. At DTC, however, unless a special exception is made, participants connot accept an offer through DTC after 11:00 a.m. Eastern time on the business day prior to the expiration of the offer.[21] While these differences reflect different systems and participant needs, the Commission believes this difference does not impose a significant burden on tender agents. Indeed, the tender agent should enjoy reduced processing costs relative to MSTC participants, since those MSTC participants tendering shares during the last twenty-four hours of a tender offer need not submit letters of transmittal directly to the tender agent. Moreover, the different depository deadlines means that any last minute rush from each depository will occur on different days.

Another difference between the voluntary offering program at DTC and MSTC that does not appear to burden tender agents unnecessarily concerns withdrawal procedures for shares previously tendered. DTC participants must submit withdrawal instructions directly to the agent.[22] MSTC participants, however, may submit withdrawal instructions to MSTC for forwarding to the agent.[23] The Commission believes MSTC's withdrawal procedures will not unduly burden tender agents because these procedures permit the agent to process withdrawals in bulk and to confirm all of the withdrawals to MSTC at one time. Moreover, the Commission believes that bulk processing of withdrawal instructions may be the most efficient method to process those instructions when the tender agent and depository are located in different cities.

A third difference between the voluntary offering programs that does not appear to burden tender agents unnecessarily involves the collection and payment of solicitation fees. Unlike DTC, MSTC will collect from the agent, on behalf of MSTC participants, payment for solicitation fees. Both DTC

[14] While the STA suggested two days following a request by the agent, the STA also emphasized the desirability of reasonably uniform procedures at each qualified securities depository. In response, MSTC amended its proposed procedures to indicate that MSTC will deliver certificates to the agent consistent with the time frame applicable to other qualified securities depositories. The Commisson believes that this responds to the STA's basic concern.

[15] In addition to indicating the number of shares tendered daily to cover letters of guarantee, MSTC will also supply the agent with the identification of the tendering participant and the guarantee number.

[16] Subsequent to its filing, MSTC amended the proposed procedures to clarify the processing of withdrawals on the day the withdrawal period expires. Under the revised procedures, MSTC participant withdrawals filed with MSTC by 10:30 a.m. Central time on the last day of the withdrawal period must be confirmed by the agent before the expiration of the withdrawal period, *i.e.*, later that day.

[17] *See* Securities Exchange Act Release No. 20581 (January 19, 1984) at 17, N. 42, 49 FR 3064.

[18] *See* section 17A(a)(2) of the Act. In particular, the Commission notes MSTC's extensive experience processing tender offers in a manual system. Because of the generally favorable experience, the Commission believes that MSTC is capable of running its voluntary offering program safely and efficiently.

[19] The Commission believes that the proposed rule change will promote prompt and accurate clearance and settlement of securities transactions. As the Commission explained in Securities Exchange Act Release No. 20581, tender offer processing can occur with substantial efficiency and cost savings within a centralized, automated, book-entry environment. The opportunity to use automated facilities substantially reduces the certificate control problems otherwise experienced by a depository when processing must occur by means of physical certificate delivery. In addition, when depository services for the subject company's securities continue uninterrupted, customer-side and street-side settlement of secondary market trades in these securities during tender offers can occur quickly and efficiently.

[20] Accordingly, if depository voluntary offering program procedures differ substantially, the tender agent may be burdened unnecessarily. Moreover, substantially different voluntary offering program procedures may confuse the tender agent, cause delay and generally result in unnecessary problems.

[21] DTC participants may still accept the offer after the DTC cut-off time, but must submit their letters of transmittal directly to the agent. Delivery of securities to cover tenders with letters of guarantee, however, may be effected through DTC during the protect period.

[22] The agent makes a copy of the withdrawal instructions available to a DTC messenger, when DTC receives these instructions it adjusts the agent's account and participant's account by book-entry movement.,

[23] Each day MSTC sends those withdrawal instructions to the agent; however, the shares are not debited from the agent's account and credited to the participants account until the agent notifies MSTC that it has confirmed the withdrawal. This confirmation usually will occur on the next business day.

and MSTC, however, merely transmit to the agent relevant information from participants regarding entitlement to solicitation fees and the agent is the final arbiter of entitlement to such fees. Because the agent can combine in one check to MSTC solicitation fee payments to several MSTC participants, the Commission believes MSTC's proposed procedure may offer tender agents some processing economies.

In summary, the Commission believes that MSTC's program is an efficient, supplemental voluntary offering program. Particularly significant to this determination is MSTC's willingness to work with the tender agent for each offer in a timely and efficient manner. As noted above, MSTC has run an effective manual tender offer system for its participants over the years and has gained substantial experience in working with tender agents. As a result, the Commission believes that MSTC is fully cognizant of agent needs and participant requirements during tender and exchange offers. In addition, the Commission is satisfied that MSTC's procedures ensure the safeguarding of securities and funds since complete, accurate and timely documentation of all tenders will be provided to participants and tender agents on a daily basis.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and, in particular, the requirements of section 17A of the Act. Specifically, the Commission finds that the proposed rule change is consistent with section 17A(a)(1) and Rule 17Ad–14 because it establishes a voluntary offering program through which MSTC participants can tender securities by book-entry movement to the tender agent during a tender or exchange offer, ensures the safeguarding of funds and securities and is not substantially dissimilar to existing voluntary offering programs so as to unnecessarily burden tender agents.

Accordingly, it is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–MSTC–84–2) be, and hereby is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–15021 Filed 6–4–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21003; File SR–NAS–D–84–5]

Self Regulatory Organizations; Filing of Proposed Rule Change by National Association of Securities Dealers, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 7, 1984, the National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, NW., Washington, D.C., 20006, 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 amendment to the proposed rule change from interested persons.

The NASD proposes to amend Article III, section 26 of the Rules of Fair Practice which regulates certain practices of broker-dealers with respect to investment companies. The NASD is amending subsections (k)1, (k)2, (k)3, and (k)6 of section 26 to clarify that these provisions apply both to the sale or distribution of shares of an investment company. In addition, the NASD is amending subsection (k)7 of section 26 to clarify that as long as the member does not violate any of the specific provisions of subsection (k), the member may: (i) Execute portfolio transactions of any investment company or covered account even though the member also sells shares of the investment company; (ii) sell shares of, or act as underwriter for, an investment company which follows a disclosed practice of considering sales of its shares as a factor in the selection of broker-dealers to execute portfolio transactions, subject to the requirements of best execution; and (iii) compensate its salesmen and managers based on total sales of investment company shares attributable to such salesmen or managers, provided that such compensation is not designed to favor or disfavor sales of shares of particular investment companies on a basis prohibited by subsection (k). The NASD states that the proposed amendments are intended to clarify the current language of the rule.

The NASD states that the proposed amendments are consistent with the provisions of section 15A (b)(2) and (b)(6) of the Securities Exchange Act because the amendments clarify language concerning investment company portfolio transactions. The amendments thus foster cooperation and coordination between members and others participating in and regulating such transactions.

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 within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–NASD–84–5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications 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. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the NASD.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–15023 Filed 6–4–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–20998; File No. SR–Phlx–84–10]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.; Relating to Responsibilities and Obligations of Floor Brokers and Specialists

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 2, 1984, the Philadelphia Stock Exchange, inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") proposes to amend its rules concerning the responsibilities of PHLX floor brokers, definitions of the kinds of orders received on the PHLX options floor, and the obligations and restrictions applicable to PHLX specialists and registered options traders ("ROT(s)"). The Statement of Purpose in Item II(A) below contains a description and summary of the terms of substance of the proposed rule changes. All language in proposed Rule 155 and proposed Rules 1060 through 1066 is new.

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 statments concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements

The rule changes proposed herein concern, in part, the responsibilities of PHLX floor brokers and the definitions of the kinds of orders which are received on the PHLX options floor. These rule changes are designed, in part, to address the Commission's request (expressed in its November 3, 1982 letter to Mr. Nicholas A. Giordano, President of the PHLX, concerning its oversight inspection of the PHLX) that the PHLX promulgate a rule that would impose on its floor brokers the obligation to exercise "due diligence" in executing customer orders. These rule changes, then, would establish a series of rules pertaining to the responsibilities of PHLX floor brokers, including their responsibility to exercise due diligence in executing customer orders.

These rule changes would also define the kinds of orders received on our options floor. Rule 1066 defines a market order, a limit order, a contingency order, a stop-limit order, a stop (stop-less) order, a non-held order and a one-cancels-the-other order. Proposed Rule 1066 will also contain the existing exchange definitions for a spread order, a straddle order and a combination order.

In addition, the rule changes proposed herein would amend Rule 1017 by providing, in part, that when floor brokers are on parity in accordance with current paragraph (c) thereof and all orders entitled to precedence at the opening in accordance with current paragraph (a) thereof have been paired off, the balance of the options to be executed in the opening transactions shall be divided as equally as practicable among the specialist and the brokers so on parity, without exception.

Moreoever, the rule changes proposed herein would amend Rule 1019 by providing, in part, that if a specialist elects to take or supply for his own account the options named in an order entrusted to him by another member or member organization, such member or member organization may reject the transaction if it notifies the specialist in writing promptly after receiving the confirmation of the transaction generated by the PHLX Centramart System; unless such written rejection is given to the specialist by a member, the transaction shall be deemed accepted rather than rejected.

Lastly, the proposed changes to current Rule 1014 which imposes certain obligations and restrictions on specialists and registered options traders is intended to clarify and simplify that rule. In addition, the proposed rule change would permit opening transactions to occur at a price which is more than the difference of the preceding session's closing sale and the present session's opening sale in the underlying security, in relation to the closing quotation in the options series, with the prior approval of one floor official rather than two floor officials as required by the existing rule.

Proposed Rule 155 provides that a floor broker handling an order shall use due diligence to execute the order at the best price or prices available to him in accordance with Exchange rules (this rule will be an equity rule which is to be incorporated via Exchange Rule 1000 into the options rules). Rule 1060 defines an options floor broker as an individual who is registered with the Exchange for the purpose, while on the options floor, of accepting and executing options orders received from members and member organizations and who shall not accept an order from any other source unless he is the nominee of a member organization qualified to transact business with the public, in which case, he may accept orders from such organization's public customers.

Rules 1061–1062 provide for application and registration processes for becoming an options floor broker and impose the requirement that each options floor broker must have filed an effective letter of authorization with the Exchange issued for such floor broker by a clearing member before he can act as an options floor broker on the Exchange. Rules 1063–1065 provide that an options floor broker must ascertain that at least one ROT is present at the trading post before representing an order for execution there, and provide for how floor brokers shall execute contingency or one-cancels-the-other orders, combination orders at the opening or close, orders for other ROT's, as well as "crossing orders" and discretionary transactions.

All of these said rule changes are proposed pursuant to section 6(b)(5) of the Securities Exchange Act of 1934 as they are designed "* * * to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market * * * and, in general, to protect inventors and the public interest * * *."

(B) Self Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed amendments 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

No written comments were solicited or received by the PHLX concerning the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the prinicipal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 25, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 29, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15024 Filed 6-4-84; 8:45 am]

BILLING CODE 8010-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 109
Tuesday, June 5, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-405, Amdt. 1, June 30, 1984]

Addition to the May 31, 1984 board meeting.

TIME AND DATE: 1:30 p.m., May 31, 1984.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 31. Negotiations with Greece. (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-15047 Filed 5-31-84; 5:07 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: (9:30 AM (Eastern Time), Tuesday, June 12, 1984.

PLACE: Commission Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, N.W., Washington D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes.
2. A Report of Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 84-3-FOIA-49-SL, concerning request for statistical data on the racial background of certain complaints.
4. Proposal to Designate the San Antonio Area Office to a District Office.
5. Recommended Mid-Year Modifications to FEP Agency FY 1984 Title VII and ADEA Contracts.
6. Review of the Recordkeeping Requirements of the Uniform Guidelines on Employee Selection Procedures, "UGESP".

Closed

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

Dated: May 31, 1984.

Treva McCall,

Executive Secretary to the Commission.

[FR Doc. 84-15177 Filed 6-1-84; 3:53 pm]

BILLING CODE 6750-06-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 30, 1984.

TIME AND DATE: 10:00 a.m., Wednesday, June 6, 1984.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Metric Constructors, Inc., Docket No. SE 80-31-DM: Petition for Discretionary Review (Issues include whether the judge erred in following Commission instructions on remand concerning back pay awards for two miners.)
2. U.S. Steel Mining Co., Docket No. PENN 82-336. (Issues include whether the judge erred in concluding that a violation of 30 CFR 75.517 was significant and substantial.)

CONTACT PERSON FOR MORE INFORMATION:
Jean Ellen (202) 653-5632.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 84-15119 Filed 6-1-84; 12:11 pm]

BILLING CODE 6735-01-M

4

INTER-AMERICAN FOUNDATION BOARD MEETING

TIME AND DATE: June 15, 1984, 9:00-12:00 noon.

PLACE: Marriott Hotel, Dulles Airport.

STATUS: Executive Session.

MATTERS TO BE CONSIDERED: Selection of Inter-American Foundation President.

CONTACT PERSON FOR MORE INFORMATION: Steve Abrams (703) 841-3812.

Dated: May 30, 1984.

Alejandro J. Palacios,

Sunshine Act Officer.

[FR Doc. 84-15174 Filed 6-1-84; 3:44 pm]

BILLING CODE 7025-01-M

5

MERIT SYSTEMS PROTECTION BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 22596, May 30, 1984.

PREVIOUSLY ANNOUNCED TIME AND DATE: Tuesday, June 5, 1984, 2:00 p.m.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

STATUS: Closed.

CHANGES IN THE MEETING: The following item has been deleted from the agenda: *Kenton R. Champion* v. *Tennessee Valley Authority*, MSPB Docket No. AT07528211034.

CONTACT PERSON FOR MORE INFORMATION: Robert E. Taylor, Secretary, (202) 653-7200.

Dated: June 1, 1984.

Robert E. Taylor,

Secretary.

[FR Doc. 84-15118 Filed 6-1-84; 11:35 am]

BILLING CODE 7400-01-M

6

POSTAL SERVICE BOARD OF GOVERNORS

Vote to Close Meeting.

By telephone vote the Board unanimously voted to add consideration of the Postal Rate Commission's June 1, 1984, Opinion and Recommended Decision Upon Reconsideration in Docket No. R83-1, E-COM Rate and Classification Changes, 1983, to the agenda for the closed session on Monday, June 4, 1984. (See 49 FR 22596, May 30, 1984.)

The Board detemined that pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of Title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information in connection with proceedings under Chapter 36 of Title 39 (having to do with postal ratemaking, mail classification and changes in postal service) which is specifically exempted from disclosure by section 410(c)(4) of Title 39, United States Code. The Board has determined further, that pursuant to section 552b(c)(10) of title 5, United States Code, and § 7.3(j) of Title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in civil proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing.

The Board determined further that pursuant to section 552(b)(4) and (e)(1) of title 5, United States Code, and § 7.5 (b) of Title 39, Code of Federal Regulations, the business of the Board required the addition of this item to the agenda and that no earlier public announcement was possible.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion this portion of the meeting may properly be closed to public observation, pursuant to section 552(b)(3) and (10) of title 5 and section 410(c)(4) of title 39, United States Code, and § 7.3(c) and (j) of Title 30, Code of Federal Regulations.

David F. Harris,

Secretary.

[FR Doc. 84-15108 Filed 6-1-84; 10:48 am]

BILLING CODE 7710-12-M

federal register

Tuesday
June 5, 1984

Part II

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 15, 16, 17, and 25

Requirements of Approval of Explosives and Sheathed Explosive Units, Water Stemming Bags, Electric Detonators and Blasting Units

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 15, 16, 17, and 25

Requirements of Approval of Explosives and Sheathed Explosive Units, Water Stemming Bags, Electric Detonators and Blasting Units

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of availability of preproposal drafts and public conference.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed preproposal drafts of approval requirements for explosives and sheathed explosive units, water stemming bags, electric detonators and blasting units. MSHA seeks written comments on these preproposal drafts from all interested parties. In addition, MSHA will conduct a public conference in Pittsburgh, Pennsylvania to discuss the preproposal drafts.

DATES: *Comments.* Written comments on the preproposal drafts must be received on or before August 10, 1984.

Conference: The conference will be held in Pittsburgh, Pennsylvania on July 11, 1984, beginning at 9:00 a.m.

ADDRESSES: *Comments.* Send requests for and written comments on the preproposal drafts to the Office of Standards, Regulations and Variances, MSHA, Room 631, Ballston Tower #3, 4015 Wilson Boulevard, Arlington, Virginia 22203, Telephone (703) 235–1910.

Conference. The conference will be held at the Bureau of Mines Auditorium, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, beginning at 9:00 a.m.

If possible, persons planning to speak at the public conference should notify the Office of Standards, Regulations and Variances at least five days prior to the conference date.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA (703) 235–1910.

SUPPLEMENTARY INFORMATION: On July 9, 1982, MSHA published an Advance Notice of Proposed Rulemaking in the **Federal Register** (47 FR 30025) announcing a comprehensive review of the underground coal mining standards in 30 CFR Part 75. The Agency is reviewing the standards to eliminate unnecessary reporting and recordkeeping requirements, minimize conflicting provisions, delete irrelevant standards, simplify and consolidate existing standards, update standards to conform to state-of-the-art technology, and to clarify and reorganize standards, where necessary.

This review is consistent with the goals of Executive Order 12291, the Regulatory Flexibility Act, the Paperwork Reduction Act, and the Department of Labor's initiatives with respect to improving regulations. MSHA considers early public participation in this standard review process to be particularly important.

On May 8, 1984, MSHA published a Notice of Availability of a preproposal draft of safety standards for explosives and blasting in underground coal mines (49 FR 19601). Some provisions in the preproposal draft concern the use of explosives and related equipment which must be approved by MSHA for use in certain mining operations. This created the need to update the Agency's approval requirements for explosives, sheathed explosives units, water stemming bags, electric detonators and blasting units, in 30 CFR Parts 15, 16, 17, and 25. MSHA has now completed development of preproposal drafts of these approval requirements, which are consistent with the provisions of the preproposal draft safety standards. The Agency requests comments on the substance of these preproposal drafts, as well as on the organization of the requirements. In addition, the Agency is interested in economic data and other regulatory impact information.

Copies of the preproposal drafts have been mailed to persons and organizations known to be interested. Other interested persons and organizations may obtain copies of the drafts by either oral or written request to the address provided above. The documents contain the Agency's intended revisions, comparisons with existing provisions, and brief explanations of the draft changes.

Public Conferences

The purpose of the public conference is to provide a forum for the free and open exchange of ideas in an informal setting. The conference will begin at 9:00 a.m. All persons making timely, written requests to speak will have time allotted to them for their presentations. A request should identify the person and organization and the amount of time desired for the presentation.

Although written statements are not required, participants are encouraged to submit written materials in support of their views.

Other persons wishing to speak should register prior to the conference at the beginning of the public session. If time is limited, priority will be given to those who have requested time in advance. Interested persons may request that speakers clarify their comments or provide additional information during the conference.

A formal transcript of the conference will not be made. Following the conference, MSHA will welcome additional written comments relevant to issues concerning the preproposal drafts. Following the public conference, MSHA will develop revised approval requirements which will be published as proposed rules in the **Federal Register.** The proposals will be followed by a comment period and public hearings. In issuing its final rules, MSHA will make every effort to be responsive to the concerns of the mining community and to advance the goals of regulatory reform and improved miner safety and health.

Dated: May 25, 1984.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 84–15020 Filed 6–4–84; 8:45 am]

BILLING CODE 4510–43–M

federal register

Tuesday
June 5, 1984

Part III

Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH–FRL 2564–2]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today amending the regulations for hazardous waste management under the Resource Conservation and Recovery Act by exempting lime stabilized waste pickle liquor sludge generated from the iron and steel industry (Standard Industrial Classification Codes 331 and 332) from the presumption of hazardousness presently contained in the regulations. These wastes may still be hazardous, however, if they exhibit any of the characteristics of hazardous waste. EPA is taking this action in response to comments to an interim final rule and to a rulemaking petition submitted by the American Iron and Steel Institute (AISI). The effect of this amendment is to reduce or eliminate the regulatory requirements applicable to those individuals who generate and manage these wastes and now comply with the requirements of the hazardous waste management regulations.

DATES: Final rule effective December 5, 1984.

ADDRESSES: The public docket for this final rule is located in Room S–212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346 or (202) 382–3000. For technical information contact Jacqueline Sales, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382–4770.

SUPPLEMENTARY INFORMATION:

I. Background

The regulations implementing the hazardous waste management system under Subtitle C of the Resource Conservation and Recovery Act (RCRA) are published in Title 40 of the Code of Federal Regulations (CFR) in Parts 260 to 266, 124, and 270 and 271. These regulations include lists of hazardous wastes (40 CFR 261.31 to 261.33) and, as originally promulgated, included two wastes from steel finishing operations: (1) Spent pickle liquor from steel finishing operations (K062) and (2) sludge from lime treatment of spent pickle liquor from steel finishing operations (K063). (See 45 FR 33123, May 19, 1980.)

Spent pickle liquor (K062) is a strongly acidic solution generated from a process that removes oxide scale from steel surfaces. These wastes commonly contain high levels of hexavalent chromium and lead. The sludge from treatment of spent pickle liquor (K063) is generated by a well known technique involving lime neutralization, flocculation, clarification, and, in most cases, dewatering of the resultant sludge. Sludge generated from this treatment process is generally landfilled; thus, the Agency was concerned that high levels of lead and hexavalent chromium could migrate from these wastes, persist in the environment, and result in contamination of drinking water sources. EPA's compendium of damage incidents contains several cases of environmental damage resulting from land disposal of inadequately neutralized spent pickle liquor sludge. (See Background Document to wastes K062 and K063, May 2, 1980.)

During the comment period on the May 1980 rules, the Agency received a number of comments requesting that lime stabilized waste pickle liquor sludge (LSWPLS) [1] be removed from the list of hazardous wastes. In particular, the American Iron and Steel Institute (AISI) presented limited data to the Agency which indicated that the toxic constituents of concern, hexavalent chromium [2] and lead, are present in the Extraction Procedure (EP) extracts at levels well below the maximum EP toxicity limits.

On November 12, 1980, in response to these comments, the Agency deleted LSWPLS (K063) from the hazardous waste list. However, at that time, the Agency felt that insufficient data was submitted by the regulated community to justify a conclusion that LSWPLS typically and frequently will not be hazardous. Therefore, the Agency relied on the provisions of 40 CFR 261.3 (c)(2) to retain regulatory control. These sludges are considered to be hazardous under that provision because they are derived from the treatment of a listed hazardous waste (K062). (See 40 CFR 261.3(c)(2).) In addition, they remain hazardous wastes until they no longer exhibit any of the characteristics of hazardous waste and until they are excluded from Subtitle C regulation by the Agency on a site-specific basis under 40 CFR 260.20 and 260.22. (See 40 CFR 261.3(d).)

Of major concern to the Agency was whether these sludges would leach significant concentrations of lead and hexavalent chromium. Thus, in evaluating exclusion petitions, we indicated that we would consider petitions for individual facilities for these wastes to be adequate if petitioners demonstrate that the concentrations of lead and hexavalent chromium in the EP extracts are significantly below the maximum and proposed maximum concentration levels contained in 40 CFR 261.24 (See 45 FR 74888, November 12, 1980). In addition, EPA indicated that the Agency would consider an industry-wide rulemaking petition to exclude these wastes from RCRA Subtitle C jurisdiction if the steel finishing industry submitted representative data which demonstrated that these wastes, on an industry-wide basis, are non-hazardous. (See 45 FR 74888, November 12, 1980.)

II. Reason and Basis for Today's Amendment

On March 16, 1981, AISI submitted a rulemaking petition requesting an industry-wide exclusion of LSWPLS. AISI submitted EP extract data from 14 steel finishing operations to support their claim that hexavalent chromium and lead are present in the LSWPLS at low levels and in essentially an immobile form.

All analyses were performed using the EPA Extraction Procedure (40 CFR Part 261, Appendix II). AISI claims that the data submitted were representative of sludges generated from both carbon steel and stainless steel finishing operations. The wastes included in the survey were collected from several stages in the treatment process. For example, several samples were obtained from treatment plant clarifiers after neutralization, and from sludge holding impoundments. Additional samples included vacuum filter sludges. Of the 59 samples analyzed, average hexavalent chromium and lead concentrations from carbon steel manufacturing were 0.025 and 0.10 ppm, respectively, with a maximum single value of 0.030 ppm for hexavalent chromium and 0.60 ppm for lead; for stainless steel manufacturing,

[1] Lime stabilized waste pickle liquor sludge was originally referred to as lime neutralized waste pickle liquor sludge; however, we believe that the term "lime stabilized . . ." better characterizes the waste.

[2] On October 30, 1980, the Agency amended the basis for listing these wastes to indicate that they are listed due to the presence of hexavalent chromium rather than total chromium. See 45 FR 72029.

the results were an average hexavalent chromuim and lead concentration of 0.10 and 0.07 ppm, respectively with a maximum single value of 0.22 ppm for hexavalent chromium and 1.04 ppm for lead (see Table 1).[3] Therefore, AISI argued that both hexavalent chromium and lead are present in the waste in essentially an immobile form, and should not automatically be deemed hazardous.

TABLE 1—LIME STABILIZED WASTE PICKLE LIQUOR SLUDGE

[EP extract values (ppm)] *

Facility	Lead	Hexavalent chromium
1+	<0.030	0.089
2+	0.039	0.008
3	0.0027	
4+	0.04	0.16
5+	<0.02	
6	0.37	
7	0.15	
8	0.60	
9	0.12	0.025
10	0.09	
11+	<0.10	
12+	0.055	
13	0.10	
14+	0.18	0.127

* These values represent an average of all samples analyzed from each facility.
+ Stainless steel facilities.
Source: AISI rulemaking petition.

However, the Agency did not view the data submitted in AISI's petition (EP data on LSWPLS from 14 plants) as a representative sampling of the steel finishing industry.[4] The Agency, therefore, investigated additional available data. This investigation included a detailed review of site-specific delisting petitions submitted by the iron and steel industry to exclude spent pickle liquor (K062) or sludge from lime treatment of spent pickle liquor (formerly K063). The particular focus of our review was the level of hexavalent chromium and lead in the EP extracts. Maximum EP extract levels of 2.6 and 1.0 ppm for lead and hexavalent chromium, respectively, were noted (see Table 2). In all cases, the maximum leachate values for hexavalent chromium and lead are well below the maximum permissible EP toxicity limits. For example, 94 percent of all samples (185) analyzed for lead from EPA's database are less than 10 times the National Interim Primary Drinking Water Standard (NIPDWS) while greater than 97 percent of all samples (72) analyzed for hexavalent chromium are less than 10 times the NIPDWS for total chromium. These data support AISI's contention that lead and hexavalent chromium are substantially immobilized in properly stabilized LSWPLS. Furthermore, since lime stabilization of spent pickle liquor within the iron and steel industry is conducted using a well known uniform treatment process, the Agency has concluded that data from both the AISI petition (14 facilities) and delisting petitions (43 facilities) are representative of the steel finishing industry.

TABLE 2.—IRON AND STEEL INDUSTRY, LIME NEUTRALIZED WASTE PICKLE LIQUOR SLUDGE

[EP extract values ppm][1]

Facility	Lead	Hexavalent chromium
1	0.50	0.10
2	0.29	0.05
3	0.80	0.10
4	0.08	
5	0.45	
6	0.04	0.07
7	0.30	0.01
8	0.02	
9	1.20	0.02
10	1.00	0.01
11	0.05	0.22
12	0.17	0.02
13	0.25	
14	0.57	0.03
15	1.00	0
16	1.35	0.01
17	0.50	
18	0.147	
19	0.50	.005
20	0.06	0.022
21	1.70	0.053
22	0.056	
23	0.19	
24	0.10	0.03
25	0.08	
26	1.00	1.00
27	0.06	0.50
28	0.02	0.02
29	0.15	0.45
30	0.01	0.02
31	0.649	0.058
32	0.12	
33	0.04	
34	0.60	
35	0.42	
36	0.32	
37	0.21	
38	<0.50	
39	0.10	
40	0.11	0.18
41	2.60	
42	0.17	<0.02
43	0.03	

[1] These values represent the maximum EP values for all samples analyzed from each facility.

The Agency also evaluated the iron and steel pickle liquor process to determine whether interfering agents could be present that adversely affect the treatability of these wastes. (See EPA Phase I Report for the Spent Pickle Liquor Listing, Contract No. 68–01–6804, December 1983.) In evaluating this data, it appears that spent pickle liquor from steel finishing operations may be mixed with other process wastes (such as cold rolling waste) before treatment. (See EPA Development Document for Effluent Limitation Guidelines and Standards for the Iron and Steel Manufacturing Point Source Category, Vol. VI, EPA 440/1–82/024, May 1982.) However, there do not appear to be interfering agents in these other waste streams. These other wastes typically do contain organics, which are contained in an oily layer. However, when these wastes are commingled with spent pickle liquor, the oily layer is emulsified and skimmed off prior to lime treatment. After skimming, the effluent typically contains 10–25 mg/l of oil. However, the amount of oil remaining in the effluent after treatment is usually very low. For example, data from two facilities show oil concentrations of 4 and 6 mg/l in the treated effluent. (See EPA Development Document for Effluent Limitation Guidelines and Standards for the Iron and Steel Manufacturing Point Source Category, Volumes I and VI; EPA 440/1–82/024, May 1982.) This process, therefore, effectively removes organics before the sludge is generated. Thus, organics are not expected to be present in significant concentrations in LSWPLS nor are they expected to interfere with waste treatment. Data from delisting petitions for LSWPLS from the iron and steel industry, as evidenced by EP extract data, indicate that treatment of spent pickle liquor by this industry is, in fact, effective.

The Agency recently noticed all of this data for public comment. (See Notice of Availability of Data and Request for Comment, 49 *FR* 427, January 4, 1984.) Commenters did not challenge that the data indicated that iron and steel LSWPLS is typically and frequently effectively treated and non-hazardous. (Our response to comments is included as Section VI. of this preamble.)

We therefore have decided to promulgate a final rule excluding LSWPLS generated by plants in the iron and steel industry (Standard Industrial Classification (SIC) Codes 331 and 332) from the "derived-from" rule in 40 CFR 261.3. However, the waste will be considered hazardous if it exhibits a hazardous waste characteristic, and generators are required to make this determination periodically (see 40 CFR 262.11).

III. Regulatory Status of LSWPLS From Industry Categories Other Than Iron and Steel

As stated earlier, LSWPLS is also generated by industries other than the iron and steel industry (*e.g.*, engraving, fabricated metal products, household appliances, commercial treatment facilities, and others). Although the

[3] The levels of total chromium in the EP extracts were also analyzed and in general are quite low. However, since the EP toxicity characteristic addresses total chromium, LSWPLS which fails the EP for total chromium remains hazardous waste.

[4] From the Section 3010 notification database and data collected by the Effluent Guidelines Division, the Agency estimates that approximately 424 facilities from many industry categories either generate or manage LSWPLS.

Agency has determined that treatment of spent pickle liquor from the iron and steel industry is typically effective, this may not be the case for LSWPLS generated from other industry categories.

The Agency lacks comprehensive, industry-wide data on these other sludges and also does not have data on whether wastes with interfering properties might be commingled with these sludges. The iron and steel industry likewise has clarified that its petition has no applicability for LSWPLS generated by plants outside the iron and steel industry. Thus, the Agency will continue to process delisting petitions for LSWPLS that is generated in industries other than iron and steel on an individual basis. (See 40 CFR 260.20 and 260.22.)[8] It should be noted that no commenters to the Agency's January 4 notice argued that LSWPLS from other industry categories should be excluded from § 261.3.

IV. EPA's Concern With the Presence of Additional Toxic Constituents in LSWPLS

As discussed earlier, LSWPLS is listed as hazardous because of the presence of significant concentrations of hexavalent chromium and lead. However, the Agency was also concerned that the waste may contain toxic constituents other than hexavalent chromium and lead at levels of regulatory concern. Therefore, we did investigate whether other toxicants could be present in these wastes at significant levels to determine whether we should amend the existing listing for spent pickle liquor (*i.e.*, to modify the listing of LSWPLS to add other toxic constituents to Appendix VII). As we noted in the January 4 notice, the toxic metal nickel is present in LSWPLS from stainless steel operations (it is an essential constituent in the process), and is present in the EP extract from stainless steel LSWPLS. The Agency is continuing to evaluate whether the nickel levels in the extract are of regulatory concern. The Agency did not receive any comments to its January 4 notice regarding nickel. Other toxicants (organic and inorganic) do not appear to be present in the LSWPLS generated by the iron and steel industry in significant concentrations. (See EPA Phase I Report for Spent Pickle Liquor Listing, Contract No. 68–01–6804, December 1983.) Commenters to the January 4 notice likewise did not contend that other hazardous constituents might be present at significant levels. Therefore, the Agency is not proposing to modify the listing to add additional toxic constituents.

V. Response to Comments

As noted above, on January 4, 1984, the Agency made available for public inspection and comments data pertaining to Agency action on the AISI rulemaking petition (see 49 *FR* 427). Few comments were received. Most of the commenters generally agreed that EPA should grant the industry-wide exclusion for LSWPLS generated from the iron and steel industry.

One commenter did express concern, however, that a generic (industry-wide) delisting could result in improper management of spent pickle liquor and LSWPLS (*i.e.*, some generators may mix other hazardous wastes with spent pickle liquors or lime slurry); therefore, they argued that the Agency should impose management standards to assure that LSWPLS is managed properly.

First, it should be remembered that spent pickle liquor mixed with other hazardous waste remains a hazardous waste under § 261.3(a) (2) (iii) and (iv). In addition, today's action applies only to iron and steel industry LSWPLS arising from normal waste treatment operations. Only these wastes were the subject of AISI's petition, and only these wastes were considered by the Agency. Addition of hazardous wastes to the treatment process is not part of the lime precipitation and stabilization process for treating spent pickle liquor. Today's action does not apply to treatment sludges resulting from any other type of treatment.

As to the commenter's reference to management standards, the EP toxicity test is used to simulate the release of the hazardous constituents, hexavalent chromium and lead, in the absence of management standards. The available data indicate that these wastes would not present a substantial hazard to human health and the environment in the absence of management standards. Therefore, the Agency does not believe it necessary to impose such standards for LSWPLS generated from the iron and steel industry.

Another commenter operates a multiple waste treatment facility which treats several hundred different wastes (*e.g.*, paint wastes, industrial process wastes, metal-bearing sludges, etc.) which result in a "stabilized" waste treatment residue. In granting a temporary exclusion for several of the commenter's proposed facilities, the Agency required a waste management strategy to assure the stability of the treated wastes. The management plan involves testing each batch of stabilized waste for a number of specific parameters (*i.e.*, metals, total organic carbon, etc.). The stabilized wastes are also required to be placed in demonstration cells (for two years) surrounded by monitoring wells to verify long-term stability. The commenter believes that the Agency should treat all generators equally by applying the same management requirements to assure that neutralization/stabilization of the LSWPLS is also conducted in an environmentally sound manner.

The Agency believes that there is no unequal regulatory treatment of multiple waste treatment facilities. The Agency requires all wastes from multiple waste treatment processes that are "delisted" from regulation to be handled in the same manner. (See temporary exclusions granted to Tricil Environmental Services (formerly Systech) in Hilliard, Ohio, Nashville, Tennessee, and Muskegon Heights, Michigan, 46 *FR* 17197, March 18, 1981; Chem-Clear, Cleveland, Ohio, 46 *FR* 40165, August 6, 1981; and Envirite (formerly Liqwacon) in York, Pennsylvania, Thomaston, Connecticut, Canton, Ohio, and Harvey, Illinois, 46 *FR* 61281, December 16, 1981.) The Agency does not require generators treating a single waste stream by well-understood treatment processes to demonstrate treatment efficacy by these same means. The reasons for requiring batch testing of the commenter's treated wastes—a wide variety of hazardous wastes treated by a new process not in widespread use—thus are not present here, and would be inappropriate for LSWPLS.

VI. Effect of Today's Action

Today's amendment, therefore, excludes LSWPLS generated by the iron and steel industry from being defined as a hazardous waste by 40 CFR 261.3. Persons generating this waste must still determine whether this solid waste exhibits any of the characteristics of hazardous waste identified in Subpart C

[8] The Agency is now evaluating the following delisting petitions for LSWPLS from plants outside of the iron and steel industry: Leggett & Platt, Inc. (#0191); Chemline Corp. (#0192); American Nickeloid Co. (#0193); Robertson, Inc. (#0303); Calvin Ind. (#0310); Liquid Dynamics (#0323); National Standard (#0324); General Electric (#0347); Beech Aircraft Corp. (#0397); Conversion Systems, Inc. (#0404); GMC Harrison Radiator (#0424); Special Metals (#0379); Cleaners Hanger Co. (#0433); True Temper Sport, Inc. (#0451); Steel Warehouse Co. (#0460); M006 Automobile (#0464); H. H. Robertson Co. (#0471); CWM (#0491); Teledyne Monarch Rubber (#0507); All-Brite (#0523); International Galvanizing Co. (#0524); Fosbrink (#0005); Dresser Industries (#0024); Florida Wire & Cable (#0028); Wiremill Inc. (#0044); American Recovery Co. (#0048); Maytag (#0051); Chem Met Services (#0059); Carborundum (#0068); AL Chem-Tron, Inc. (#0060); Resource Recycle Tech-Industrial (#0139).

of Part 261. The Agency is amending § 261.3(c)(2) of the regulations to indicate this change. The following site-specific delisting petitions submitted to the Agency to exclude LSWPLS from the iron and steel industry will therefore become moot by today's final rule:

IRON AND STEEL INDUSTRY

Petition No.	Facility
0506	U.S. Steel Corp.
0120	Copperweld Steel Co.
0271	Union Carbide.
0027	Bekaert Steel Wire.
0228	Carpenter Technology.
0014	Johnson Steel & Wire.
0475	Olin Corp.
0097	Allegheny Ludlum.
0099	Keystone Group.
0348	Bethlehem Steel Corp.
0106	Jones & Laughlin Steel.
0115	Timken Co.
0423	Quanex Corp.
0117	Trent Tube.
0314	Ohio Steel Tube Co.
0455	Inland Steel/Indiana Harbor Works.
0482	Mid-West Fabricating Co.
0105	Great Lakes Steel.
0298	Ingersoll Johnson Steel Co.
0158	Al Tech Specialty Steel Corp.
0086	Crucible, Inc.
0029	Firestone Steel Products.
0055	ARMCO, Inc.
0063	Keystone Group.
0075	Ohio Steel Tube Co.
0080	Gulf & Western.
0085	ARMCO, Inc.
0094	Allegheny Ludlum.
0108	Do.
0110	Do.
0134	Empire Detroit Steel Division.
0159	General Cable.
0160	Al Tech Specialty Steel Corp.
0266	General Cable.
0179	Lehigh Lancaster.
0203	Vulcan Rivet & Bolt Corp.
0132	Peerless Chain Co.
0369	Sandvik Inc. Specialty Steel.
0144	Bekaert Steel Wire Corp.
0273	Bethlehem Steel Corp.
0193	Do.
0243	Plymouth Tube Co.
0089	Triangle PWC.

VII. Procedural Issues

EPA is issuing this regulation as a final rule. The action is taken in response to comments on the May 19, 1980 interim final rule listing LSWPLS as a hazardous waste. The Agency also noticed AISI's responsive rulemaking petition for public comment, and took public comment on the information it gathered between 1981 and the present. Under these circumstances, the Agency believes there has been ample notice and comment on this action.

VIII. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This final regulation is not a major rule because it will not result in an effect on the economy of $100 million or more, nor will it result in an increase in costs or prices to industry. In fact, this regulation will reduce the overall costs and economic impact of EPA's hazardous waste management regulations. There will be no adverse impact on the ability of U.S.-based enterprises to compete with foreign based enterprises in domestic or export markets. Because this amendment is not a major regulation, no Regulatory Impact Analysis is being conducted.

This amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in Room S-212 at EPA Headquarters.

IX. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C 601 *et seq.*, whenever an agency is required to publish general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will generally have no adverse economic impact on small entities. Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation therefore does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, and Recycling.

Dated: May 30, 1984.

William D. Ruckelshaus,

Administrator.

PART 261—[AMENDED]

For the reasons set out in the preamble, 40 CFR Part 261 is revised as follows:

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), 6921, and 6922].

2. 40 CFR 261.3 is amended by revising paragraph (c)(2) to read as follows:

§ 261.3 Definition of hazardous waste.

* * * * *

(c) * * *

(2)(i) Except as otherwise provided in paragraph (c)(2)(ii) of this section, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate (but not including precipitation run-off) is a hazardous waste.

(ii) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste: (A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332).

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Part IV

Environmental Protection Agency

40 CFR Parts 260, 264, and 265
Hazardous Waste Management System; General Provisions and Standards ("Buffer Zone") Requirements for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Proposed Amendments

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 264, and 265

[OSW-FRL-2557-4]

Hazardous Waste Management System; General Provisions and Standards ("Buffer Zone") Requirements for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Proposed amendments to rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to amend the special requirements for both interim status and permitted facilities for the storage or treatment of ignitable or reactive hazardous waste in containers and tanks. The amendments are adopted from the so-called buffer zone requirements contained in two codes published by the National Fire Protection Association (NFPA)—the *Flammable and Combustible Liquids Code* (NFPA 30) and the *Code for Storage of Solid and Liquid Oxidizing Materials* (NFPA 43A).

For storage in containers, this action would amend the existing 15-meter (50-feet) buffer zone that the owner or operator must maintain between the waste management area and any public ways, streets, or alleys and property lines adjacent to the facility. The proposed amendments provide greater flexibility in determining setback distances for outdoor storage and provide for fire-resistant construction as an alternative to the distance requirements at facilities where the waste management area is indoors.

For storage or treatment in tanks, the existing buffer zone standard is amended in today's proposal by correcting errors or oversights that resulted from incorporating by reference certain standards from the NFPA code. Two tables in the NFPA standards are eliminated because they are not applicable to hazardous waste, as defined under RCRA, and buffer zone distances for indoor storage and underground tanks are adopted.

DATES: EPA will accept public comments on today's proposed amendments until August 6, 1984.

ADDRESSES: Comments on the amendments should be sent to Docket Clerk [Docket Number 3004—"Buffer Zones"], Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Call or write the RCRA hazardous waste hot-line, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (800) 424-9346 or (202) 382-3000 in Washington, D.C., or write to Angela S. Wilkes, Waste Treatment Branch, Office of Solid Waste (WH-565A), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-7938.

SUPPLEMENTARY INFORMATION:

I. Background and Reasons for the Proposed Amendments

A. Existing Buffer Zone Regulations

On May 19, 1980 (45 FR 33066), and January 12, 1981 (46 FR 2802), EPA promulgated national hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA). The regulations directed owners and operators of hazardous waste facilities who manage ignitable or reactive wastes in containers or tanks to maintain a buffer zone (also referred to as a setback) between the facility's property line and the waste management area. These standards are intended to protect human health and the environment in the immediate vicinity of such facilities from harm associated with fires and explosions. The standards promulgated May 19, 1980 (40 CFR 265.176 and 265.198(b)), applied to facilities in interim status. Identical standards were promulgated January 12, 1981 (40 CFR 264.176 and 264.198(b)), which were updated by a technical amendment on July 7, 1981 (46 FR 35246), making the standards applicable to facilities obtaining a hazardous waste management facility permit.

The existing regulations for containers in 40 CFR 264.176 and 265.176 were based on a set of standards for storage of raw materials set forth in the NFPA's *Flammable and Combustible Liquids Code* (NFPA 30) of 1977. In its regulation, EPA adopted the "worst case" conditions in NFPA 30 by establishing a minimum 15-meter buffer zone requirement for all storage of ignitable or reactive wastes in containers. The Agency did not, however, adopt all of NFPA's buffer zone standards for containers. The NFPA code specifies alternative buffer zone distances based on the quantity of material, certain conditions of storage, and use of surrounding property.

The existing tank regulations (40 CFR 264.198(b) and 265.198(b)) require owners or operators who treat or store ignitable or reactive hazardous waste in tanks to comply with the buffer zone requirements in Tables 2-1 through 2-6 of NFPA 30. In this case the NFPA requirements were formally incorporated by reference into the regulations (see technical amendment of July 7, 1981, 46 FR 35246).

EPA stated in the preamble to the May 19, 1980, standards for containers that, while it believed that NFPA 30 provided a reasonable basis for requiring a minimum 15-meter buffer zone, the Agency had not collected sufficient data to determine if this requirement would be fully adequate for all types of facilities (for example, those storing highly explosive wastes) and that the regulation would be revised if such action proved to be suitable. The Agency does not at this time have new data that it believes would support alternative protective distances to those specified in NFPA 30. EPA continues to believe, therefore, that NFPA 30 provides the most appropriate requirements for establishing protective distances consistent with EPA's objectives. Since NFPA 30 concerns only liquids, however, the Agency is proposing to adopt protective distances from NFPA 43A for ignitable wastes that are in the form of solids, oxidizers, and compressed gases. The decision to adopt standards from the NFPA codes is based on the technical competence and experience in fire and explosion incidents of the NFPA's committee members responsible for the development and revisions to the code.

The Agency also reaffirms its previous position that since provisions in NFPA 30 that address hazards in the workplace are already required under the Occupational Safety and Health Act (OSHA) regulations, those requirements need not be duplicated in regulations under RCRA. It should be noted that the OSHA regulations were drawn from NFPA 30, but were based on an early (1969) version of that code, which has since been revised. OSHA has announced plans to update its regulations to incorporate the most recent version of NFPA 30 (46 FR 7692, January 23, 1981). It is appropriate, however, to incorporate additional provisions from the same NFPA code to extend protection beyond safety in the workplace to health and the environment in areas adjoining the facility's property.

The NFPA requirements that EPA adopted in its existing regulations, as well as the amendments proposed today, are limited strictly to establishing protective distances between the waste management area and the facility's

property line. Specifically, they are intended to minimize the potential for harm to human health and the environment in the immediate areas (residences, businesses, streets, alleys, and public ways) adjacent to hazardous waste facilities from the harmful effects associated with fires or explosions involving ignitable or reactive wastes. The NFPA codes include additional requirements for management of such wastes intended either to protect workers or to minimize the potential for fires or explosions to occur or spread. These latter requirements are not a part of the current "buffer zone" standards of today's amendments. They are addressed either in the OSHA regulations (worker protection) or in other parts of EPA's hazardous waste regulations under RCRA such as Preparedness and Prevention (Subpart C of Parts 264 and 265) and Contingency Plans and Emergency Procedures (Subpart D of Parts 264 and 265). This will be discussed further later in this preamble.

B. Public Response to the Existing Regulations

Following promulgation of the May 19, 1980, hazardous waste regulations, several parties petitioned for judicial review of the regulations (*Shell Oil Co. v. EPA*, No. 80–1532, and consolidated cases (D.C. Cir. 1980)). One group of petitioners indicated that it opposed the 15-meter buffer zone provision in the regulations for containers. The petitioners complained that the requirement was too rigid because it did not take into consideration the location of the facility (such as in an urban area or next to a waterway), indoor storage, alternative safety measures (such as fire walls and fire doors), and other factors. The petitioners thus urged EPA to adopt standards that more accurately reflect the NFPA buffer zone requirements.

Public comments during the comment period for the May 19, 1980, and January 12, 1981, regulations reflected similar concerns. One commenter stated that the 15-meter buffer zone requirement for containers was overrestrictive and that the inflexibility of the standard would work a hardship on many small storage sites that would be considered safely managed under NFPA guidelines and local fire department standards. This commenter also suggested that EPA use the same approach to the buffer zone problem for containers as it did for tanks; there the Agency had incorporated by reference several tables from NFPA 30 providing buffer zones for tanks.

Another commenter remarked that the regulations do not distinguish between indoor and outdoor storage, noting that indoor sites that do adhere to local fire protection ordinances and the NFPA (or OSHA) requirements for fire doors and and walls adequately prevent harm to the public from fires and explosions.

One interested party commented that if the property line of the facility is on a body of water that is at least 15 meters wide, the 15-meter requirement should not apply, since the purpose of the setback standard is to afford protection on addjacent property. The NFPA codes take this into account.

In general, commenters urge the Agency to incorporate fully the NFPA standards for storage of flammable and combustible materials in containers, noting that EPA had received no objections to this procedure for the tank regulations.

Today's proposed amendments to the existing regulations reflect EPA's consideration of these comments and knowledge gained during implementation of the regulations. The proposed amendments incorporate more fully NFPA's requirements for buffer zone distances between the waste management area and adjacent property. Specifically, the Agency is proposing to replace the existing 15-meter buffer zone standard for containers with the variable requriements for buffer zones contained in the NFPA codes. In addition, the Agency is proposing amendments to the existing buffer zone distances for tanks owing to certain errors and omissions the Agency discovered in reviewing these standards. EPA believes that the proposed amendments will provide sufficient flexibility to account for site-specific factors and at the same time afford adequate protection to human health and the environment.

II. Structure and Scope of Proposed Amendments

Today's proposed amendments apply to owners and operators of facilities that manage ignitable or reactive hazardous waste in containers or tanks, and they apply to both interim status (Part 265) and permitted (Part 264) facilities.

In lieu of the current 15-meter buffer zone that applies to indoor or outdoor storage in containers (§§ 264.176 and 265.176), the Agency is proposing to substitute § 264.176(a)(1)(i) for outdoor storage of liquid ignitable waste, § 264.176(a)(1)(ii) for indoor storage of liquid ignitable wastes, and § 264.176(a)(2) for storage of ignitable wastes that are in the form of solids, oxidizers, or compressed gases. Protective distances for both indoor or outdoor storage of reactive wastes are in § 264.176(a)(3). Identical changes are proposed for Part 265.

The current requirements for storage or treatment in tanks incorporate by reference Tables 2–1 through 2–6 of NFPA 30. A careful examination of these tables disclosed that two of the tables are not applicable to hazardous waste under EPA's definition. These are Tables 2–3 (Boil-over Liquids) and 2–5 (Class IIIB Liquids). The materials covered by these tables are not hazardous wastes as defined in 40 CFR Part 261 of the RCRA regulations. The Agency is, therefore, proposing to eliminate those tables. For the sake of clarity and for consistency with the proposed standards for containers, the Agency has printed in the proposed requlation the remaining four applicable tables rather than incorporating them by reference. Sections 264.198(b)(1) and 265.198(b)(1) include the four relevant tables for storage or treatment of liquid ignitable or reactive waste in aboveground tanks.

The proposed amendments also include buffer zones for underground tanks. The current regulations do not include any buffer zone standards for underground tanks even though they are covered in the NFPA codes. The failure to incorporate the buffer zone standards for underground tanks in the existing regulations was an oversight. The proposed standards for underground tanks are found in §§ 264.198(b)(2) and 265.198(b)(2). Finally, the proposed amendments provide for a variance for indoor storage or treatment in tanks where there is fire wall protection. This is another NFPA provision that was not addressed in the existing regulations. These provisions are added under §§ 264.198(b)(3) and 265.198(b)(3).

A. Application of NFPA Code Provisions

The proposed amendments are based on the 1981 version of the *Flammable and Combustible Liquids Code*, NFPA 30, and the 1980 *Code for the Storage of Liquid and Solid Oxidizing Materials*, NFPA 43A.[1] The NFPA codes are nationally recognized as authoritative guides for safety practices in the handling of materials that pose a threat of fires or explosions. These codes were developed and revisions have been from time to time by distinguised panels of experts from the public and private sectors (such as Chemical Manufacturers Association; American

[1] The NFPA is contemplating modifications to NFPA 30 in the summer of 1984. EPA has reviewed a draft of these changes and the Agency believes that none of the changes will affect the buffer zone standards proposed today. EPA requests comments on any NFPA changes that might affect the rule.

Petroleum Institute; Underwriters Laboratories, Inc.; groups representing insurers; and representatives from Federal, State, and local governments) with demonstrated technical expertise in procedures that mitgate the potential for fires or explosions. Techncial committee reports, models codes, and other materials pertaining to the recommended procedures are available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. Revisions and additions to the codes have evolved as a result of periodic reviews in light of additional experience, new developments, and actual conditions or incidents that have come to NFPA's attention.

The NFPA standards are intended to promote uniformity and are used widely by government agencies, industry, fire departments, insurance companies, and others in their practices and requirements for the safety and prevention of fires and explosions. Provisions from NFPA 30 are, in fact, used by other Federal government agencies, such as OSHA and the Department of Transportation. It is evident, therefore, that industry and government are familiar with the NFPA standards and that industry, in many cases, is already complying with them, a major consideration in EPA's decision to incorporate more fully than in the existing buffer zone regulations the requirements in the NFPA codes.

The NFPA codes set comprehensive guidelines for the safe storage of materials in tanks and containers. An analysis of the sections of NFPA 30 and NFPA 43A applicable to hazardous waste disclosed, however, that the level of detail was inappropriate for full incorporation by reference in EPA's hazardous waste regulatory system. Incorporation by reference would require innumerable modifications to avoid bringing into the RCRA hazardous waste system a number of additional NFPA requirements addressing matters already covered elsewhere in the RCRA hazardous waste standards. For example, in addition to prescribing distances from property lines, NFPA standards cover distances between containers and tanks, distances between buildings, and distances to walls and other structures on the property where the facility is situated, both for indoor and outdoor storage. Other specifications include quantity and height limitations; design, construction, and capacity for tanks and containers; supports and foundations; installation and venting requirements; testing; various requirements for fire prevention and control equipment; and restrictions on storage in certain types of structures (such as residential dwellings and offices). With the exception of quantity and height limitations for outdoor storage in containers, today's proposal adopts only the setback distances from the NFPA codes. (The quantity and height limitations for outdoor storage in containers were retained solely because they are an integral, inseparable part of the table adopted from NFPA 30 for determining distances.) This approach avoids duplication where similar requirements are found in both NFPA and in ther existing general RCRA regulations for management of hazardous waste. The RCRA requirements are specified under various performance and design standards in the body of the hazardous waste regulations, such as the standards concerning aisle space (§§ 264.35 and 265.35), the general requirements for ignitable or reactive waste (§§ 264.17 and 265.17), the general preparedness and prevention requirements (§§ 264.31–264.34 and 265.31–265.34), and the contingency plan and emergency response requirements (§§ 264.50–264.56 and 265.50–265.56), among others. The specific requirements in the NFPA codes are often used as guidance by EPA's permit writers in evaluating compliance with the general RCRA regulations.

The Agency's analysis also disclosed that some of the NFPA buffer zone standards address materials that are not ignitable or reactive hazardous wastes under RCRA. For example, an ignitable liquid waste would be a hazardous waste under RCRA if it has flash point of less than 140°F. The NFPA code specifies buffer zones for such materials, but also for other materials that have higher flash points. Since these materials would not be hazardous wastes under RCRA, the NFPA buffer zones for them are not incorporated into today's proposal.

The review of NFPA's buffer zone requirements also raised issues with respect to solid ignitables, ignitable compressed gases, and oxidizers. These are ignitable hazardous wastes under 40 CFR 261.21(a) (2), (3), and (4). Under 40 CFR 261.21(a)(2) a solid waste exhibits the characteristics of ignitability if:

> It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

Under 40 CFR 261.21(a)(4) a solid waste exhibits the characteristic of ignitability it:

It is an oxidizer as defined in 49 CFR 173.151. The definition in 49 CFR 173.151 states:

> An oxidizer for the purpose of this subchapter is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

The NFPA codes contain no defined class of materials that identically match these definitions. Instead, one NFPA code addresses "liquid and solid oxidizing materials" (NFPA 43A). This code defines "oxidizing material" as:

> Any solid or liquid that readily yields oxygen or other oxidizing gas or that readily reacts to oxidize combustible materials.

The code defines four classes of oxidizers and provides a list of "typical" oxidizers. Under NFPA 43A the following classes of oxidizers are defined:

> Class 1 Oxidizer. An oxidizing material whose primary hazard is that it may increase the burning rate of combustible material with which it come in contact.
>
> Class 2 Oxidizer. An oxidizing material that will moderately increase the burning rate or which may cause spontaneous ignition of combustible material with which it comes into contact.
>
> Class 3 Oxidizer. An oxidizing material that will cause a severe increase in the burning rate of combustible material with which it comes in contact or which will undergo vigorous self-sustained decomposition when catalyzed or exposed to heat.
>
> Class 4 Oxidizer. An oxidizing material that can undergo an explosive reaction when catalyzed or exposed to heat, shock, or friction.

The buffer zones specified in NFPA 43A for the our classes of oxidizers vary. No buffer one is specified for Class 1 oxidizers. Class 2 buffer zones are 35 feet if the material is stored in a sprinklered building or 50 feet if stored in a nonsprinklered buiding. The Class 3 buffer zones are 50 feet and 75 feet, respectively. Buffer zones for Class 4 range from 75 feet to 400 feet depending on quantity stored. Since neither the RCRA nor the NFPA definitions incorporate quantitive tests, it is very difficult to determine how the "solid ignitables" and "oxidizers" defined under the RCRA rules match up with the four classes of NFPA "solid and liquid oxidizers."

The Agency has considered several options in adopting the NFPA standards for these materials. One option was to incorporate directly the NFPA definitions of classes of oxidizers and their respective buffer zones. Under this option each facility would determine the class into which a particular waste falls

and would comply with the corresponding buffer zone. The difficulty with this approach is that there are no specific tests to distinguish between classes. Thus, facilities must decide on a case-by-case basis which of the four classes is applicable to any given waste. EPA is concerned that without additional guidance, facilities might reach inconsistent or incorrect results.

Another alternative was for EPA to try to determine in advance the NFPA class into which each ignitable hazardous waste would best fit and specify that in the regulation. Under this alternative, differentiation between the NFPA classes would be required of facilities.

The approach the Agency is proposing is a variation of the later alternative. In essence, the Agency has applied its best engineering judgment in determining the NFPA class into which the RCRA ignitable wastes best fit. In the best engineering judgment of the Agency, few, if any, materials that would meet the definitions in 40 CFR 261.21 would be categorized in NFPA's Class 1. Thus, the Agency is not adopting the NFPA Class 1 requirements. Any ignitable wastes defined in 40 CFR Part 261 that would meet the definition of Class 4 oxidizers are also hazardous for reactivity as defined in 40 CFR 261.23. Buffer zones for these reactive wastes are discussed in subsequent sections of this preamble. Regarding Class 2 and Class 3, the Agency cannot readily distinguish between the oxidizers in these classes and has decided to adopt the buffer zones for Class 3 in NFPA 43A. EPA considered including an option for an applicant to make a showing that his waste is in fact a Class 2 ignitable under NFPA and thus qualify for the shorter setback distances for this class. The owner or operator could, for example, obtain documentation to this effect from the local fire department. The Agency decided, however, not to include such a provision because it is not appropriate for facilities in interim status or for facilities seeking a class permit. It is possible in such instances, however, simply to require a facility to maintain documentation of "Class 2 eligibility" on-site. The Agency is seeking comment on such a variance and on the other alternatives outlined above, as well as any other alternative approaches.

Despite the difficulties in adopting the NFPA provisions to ignitables that are defined by 40 CFR 261.21,(a) (2) and (4), the practical implications should not be severe. At this time, the Agency has not identified any wastes with these characteristics and believes that virtually all of the ignitable wastes now subject to the RCRA regulations are liquids that are hazardous ignitables because of their flash point.

The RCRA rules in 40 CFR 261.21(a)(3) define as hazardous "an ignitable compressed gas as defined in 49 CFR 173.300. . . ." Although NFPA code 43A addresses storage of "gaseous oxidizing materials," there is no definition equivalent to the RCRA definition. Furthermore, the NFPA code for these materials does not address safe distances to adjoining property lines but only to buildings and other storage areas. For these reasons, and because the Agency believes that these wastes present hazards of ignitability similar to Class 3 solid and liquid oxidizers, EPA has decided to propose applying the same buffer zone distances for ignitable compressed gases as those proposed for Class 3 solid and liquid oxidizers. Two other options the Agency considered were: (1) Adopting the same distances as those for reactive waste and (2) adopting the distances in NFPA 43C to buildings and yard storage to apply to adjoining property lines. Comments on the approach selected by the Agency are solicited.

Applying the NFPA codes to EPA's definition of reactive waste also raised issues of interpretation. Wastes that are defined as "reactive" under RCRA include those exhibiting any of the characteristics defined in 40 CFR 261.23. Generally, these include any waste that: is unstable and undergoes violent change without detonating; reacts violently with water or forms potentially explosive mixtures with water; generates toxic gases for fumes when exposed to strong acids or bases; is capable of detonation or explosive reactions under specified conditions. As noted, EPA's definition of reactive wastes includes wastes that are explosive or that can detonate.

The NFPA codes contain no comparable definition. The *Flammable and Combustible Liquids Code* (NRPA 30) does, however, address three types of materials that would be encompassed in total or in part by EPA's definition of reactives. NFPA defines "unstable (reactive) liquids" as:

> A liquid which in the pure state or as commercially produced or transported will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shock, pressure, or temperature.

As discussed above, NFPA 43A also deals with "liquid and solid oxidizing materials." One of these materials, Class 4 oxidizers, (materials that can explode), would meet EPA's definition of "reactive" waste. Finally, NFPA defines materials that may explode or detonate and specifies buffer zones in a separate code: *Code for the Manufacture, Transportation, Storage and Use of Explosive Materials*, 1973, NFPA 495.

Of the eight classes of RCRA reactive wastes defined in 40 CFR 261.23, five are reactive for reasons other than their own capability to detonate or explore. These include wastes with the properties defined in 40 CFR 261.23(a)(1)–(a)(5). While these properties do not match identically the definition of an "unstable (reactive) liquid" under NFPA 30, in the Agency's judgment the closest match to the reactivity characteristics represented by these five classes are those properties represented by unstable liquids as defined by NFPA. Consequently, the Agency is proposing that any waste that is reactive under the characteristics of 40 CFR 261.23(a)(1)–(a)(5) must comply with the buffer zone requirements applicable to unstable liquids under NFPA 30. For storage in tanks, NFPA has included, and EPA has adopted in today's proposal, a special table of buffer zone distances for these wastes. For storage in containers, today's proposal adopts the NFPA policy of requiring that unstable liquids be in compliance with the buffer zone distances applicable to Class 1A liquids, which are the most stringent standards for liquids in NFPA 30.

Wastes that are defined under RCRA as reactive because they are capable of explosion or detonation are defined by 40 CFR 261.23(a)(6)–(a)(8). There are two possible analogs in the NFPA code. One is the requirements applicable to Class 4 solid and liquid oxidizers in NFPA 43A. The other is the requirements applicable to materials that may explore or detonate in NFPA 495.

The Agency was unable to verify that the NFPA definition of Class 4 oxidizers fully covered all of the RCRA reactives in either 40 CFR 261.23(a) (6), (7), or (8). Consequently, the Agency is considering whether to require that these three types of reactive wastes comply with the standards in NFPA 495, the standards in NFPA 43A for Class 4 oxidizers, or another set of standards. The Agency invites comment on these alternatives.

The storage of explosives is highly specialized, and NFPA 495 standards are tailored for this industry. The required distances are determined by referring to the American Table of Distances for Storage of Explosives developed by the Institute of Makers of Explosives (IME). This table, which is Appendix A of NFPA 495, prescribes distances to be maintained between

storage magazines and inhabited buildings, public highways, and passenger railways. In order to use the IME Table of Distances properly, it is necessary to comply with several other requirement concerning the classification and quantity of materials stored in a magazine and the type and location of storage magazines. NFPA 495 requires testing for five different classes of materials and distinguishes between materials that detonate and those that explode. Materials that have the potential to detonate must be stored in separate magazines. Materials that have the potential to explode are also treated separately—the less sensitive materials are subject to less stringent requirements, such as the type and construction of the magazine in which the material may be stored. The code specifies construction standards for five types of magazines. These factors are essential to determine the appropriate distances required in the IME Table of Distances.

NFPA 495, as mentioned above, was developed for highly specialized facilities that handle raw explosives as compared to the wide spectrum of waste mixtures that are possible in hazardous wastes. The Agency specifically solicits comments on whether it should adopt the buffer zone standards of NFPA 495 for wastes that have the potential to explode or detonate.

The Agency also invites comments on the classification system used in NFPA 30 and NFPA 43A. As in the case of NFPA 495, NFPA 30 and 43A were developed to provide guidelines for the management of raw materials and commercial products of known composition rather than the mixtures of materials found in wastes. Ignitable waste, flammable and combustible materials, and oxidizers, however, share the same major identifying characteristics whether in the raw state or as a mixture. Because of these similarities, EPA believes that these NFPA codes provide a logical basis for setting protective distances for RCRA ignitable and nonexplosive reactive wastes.

In the proposed rule, EPA has prescribed buffer zone requirements for wastes which are ignitable or reactive (1) as identified by general characteristics or (2) which are specifically listed as ignitable or reactive. If EPA adopts requirements for wastes capable of detonation or explosion that are different from those for other types of reactive wastes, industry may be called on to distinguish between different types of wastes listed as reactive. At present, listed reactive wastes are not differentiated in §§ 261.31–261.33. Although the Agency clearly states the reasons for listing all hazardous wastes in the rulemaking materials supporting the listing, it may be difficult for industry to identify why a waste was listed after the rulemaking is concluded, and these documents are not generally available. EPA requests comment on the difficulty of distinguishing between the different classes of reactive wastes and the approaches EPA might adopt to simplify this determination.

Where NFPA defines terms, it is EPA's intent to use those definitions. The Agency solicits comments on terms that are not sufficiently defined or self-explanatory. For example, the terms "public way" and "adjoining property lines that can be built upon" may need further clarification. The term "public way" indicates a route that is maintained by a Federal, State, or local government and that is used by the public to get from one place to another. The phrase "adjoining property lines that can be built upon" as used in today's amendment would generally exempt a waste management area from the buffer zone requirements where the boundary is a body of water or the edge of a cliff that cannot be built upon. If the adjoining property line is a navigable waterway in heavy general use, however, then it might be considered a "public way." In addition to waterways used for recreation or commerce, examples of public ways are sidewalks, highways, and walkways to which there is access by the public, as opposed to a private way, such as roadways on a facility's property. Since these two terms are subject to interpretation, EPA invites comments on whether a more precise definition is necessary and authoritative support for any suggested definitions.

B. Proposed Amendments Applicable to Subpart I, Use and Management of Containers (§§ 264.176 and 265.176)

Today's proposed amendments to the special requirements for ignitable or reactive waste in containers (§§ 264.176 and 265.176) include standards for both outdoor and indoor storage of ignitable and reactive wastes. The protective distances for outdoor storage of ignitables that are liquids were adopted from Table 4–8 in Chapter 4 of NFPA 30. The alternative measures for indoor storage of liquid ignitables were also adopted from Chapter 4 of NFPA 30. The distances for outdoor and indoor storage of ignitables that are in the form of solids, oxidizers, or compressed gases were taken from Section 5–6 of NFPA 43A. Finally, the standards for storage of reactive wastes, which are identical to the requirements for liquid ignitables, were also adopted from NFPA's standards for "unstable (reactive) liquids" in Chapter 4 of NFPA 30.

As stated earlier, EPA has adopted only those NFPA guidelines that set protective distances for the purpose of protecting life or property in areas adjacent to the facility; other management practices are covered elsewhere in the RCRA regulations. In order to allow the maximum flexibility, however, it was necessary, in the proposed amendments for outdoor storage of liquid ignitables (§§ 264.176(a)(1)(i) and 265.176(a)(1)(i)) and reactive wastes (§§ 264.176(a)(3) and 265.176(a)(3)), to adopt other requirements that were directly related to the determination of protective distances for storage in containers. These include quantity and height limitations for piles of containers, classified according to specified flash points and boiling points of the material to be stored. By following this approach, the owner or operator may reduce the required protective distances by 50 percent when the quantities stored do not exceed one-half of the maximum number of gallons allowed per pile. In order to avail himself of this reduced requirement, the owner or operator must first determine the appropriate classification for his waste. Two of the four classifications require determination of the boiling point of the material as well as the flash point. This means that it would be necessary for the owner or operator to conduct a test to determine the boiling point of the waste, even though the RCRA regulations do not specify boiling point in the identifying characteristics in Part 261. The additional test for boiling points need only be conducted if the owner or operator desires to reduce the maximum protective distances required by the regulations.

The proposed changes to the existing regulations include special provisions for indoor storage. This section of today's proposal addresses the views expressed by several commenters to the existing regulation that alternative measures, such as fire walls, could provide comparable or even greater protection to human health and the environment than would a 15-meter setback. The proposed amendments also respond to problem situations EPA has encountered whereby it would be impossible for a facility to comply with a distance standard, such as a facility situated in an urban area on property of insufficient size to accommodate a 15-meter setback standard.

To protect areas adjacent to the facility from the effects of fires and explosions, the walls of the storage building that are exposed to the property line should have better structural integrity than ordinary walls so that they can withstand better the heat or impact of explosions. EPA believes that fire-resistant construction, used in conjunction with fire-protection measures required under Subpart C of Parts 264 and 265 of the RCRA regulations will, provide protection to human health and the environment at least comparable to the distance requirements for outdoor storage.

The proposed amendments for indoor storage in containers (§§ 264.176(a)(1)(ii); 265.176(a)(1)(ii), for ignitables, and §§ 264.176(a)(3); 265.176(a)(3), for reactives) prescribe hourly fire-resistance ratings for fire walls between the storage warehouse and adjoining property lines, depending on the fire-protection rating, i.e., duration of the fire test exposure. For example, in a storage warehouse that is located within 10 feet of an adjoining property line, the wall exposed to the propertly line must have a fire-resistance rating of 4 hours, whereas a rating of only 2 hours is required if the distance is 10 to 50 feet. The standards for fire-resistant construction were adopted from provisions in NFPA 30, Chapter 4, Sections 4–5.6 and 4–5.7. These requirements pertain to liquid ignitable wastes and reactive wastes that are reactive for reasons other than their capability to explode or detonate. Indoor storage of ignitable wastes that are in the form of solids, oxidizers, or compressed gases must be in compliance with setback distances of 50 feet for sprinklered buildings and 75 feet for nonsprinklered buildings (§§ 264.176(a)(2) and 265.176(a)(2)). Setback distances for indoor storage of ignitables that are solids, oxidizers, or compressed gases were adopted from NFPA 43A, Section 5–6.

Owners or operators who store or treat ignitable or reactive waste indoors may rely on a number of sources to assure that fire walls are properly designed and constructed. One is NFPA's *Fire Protection Handbook*, Chapter 5, which includes a section on fire walls. Additional sources are Underwriters Laboratories, Inc. (333 Pfingsten Road, Northbrook, Illinois 60062); and Building Officials and Code Administrators International, Inc. (17926 S. Halsted Street, Homewood, Illinois 60430).

The new subsection in today's proposal for indoor and outdoor storage in containers of certain reactive wastes, as stated earlier in this preamble, concerns only five of EPA's eight classes of reactive wastes—those that are reactive for reasons other than their own capability to explode or detonate. These wastes are to be handled according to NFPA's standards for "unstable" liquids. NFPA 30 specifically requires that unstable liquids and flammable aerosols be treated as Class IA liquids, NFPA's most stringent requirements for liquids. This provision is adopted from Section 4–1.2 in Chapter 4 of NFPA 30.

C. Proposed Amendments Applicable to Subpart J, Tanks (§§ 264.198(b) and 265.198(b))

Today's proposed amendments to the protective distances for outdoor storage or treatment in tanks, in addition to clarifying and streamlining the existing regulation for outdoor storage, include standards for underground tanks and indoor storage or treatment in tanks. As with the standards for container facilities, the tank standards for liquid ignitables and for reactive wastes were adopted from MFPA 30, and those standards pertaining to ignitables in the form of solids, oxidizers, and compressed gases were adopted from NFPA 43A.

The existing tank regulations (§§ 264.198(b) and 265.198(b)) require owners or operators who treat or store ignitable or reactive hazardous waste in covered tanks to comply with the setback distances in Tables 2–1 through 2–6 of Chapter 2 of NFPA 30. These tables were formally incorporated by reference. The Agency reviewed the tables referenced in the tank regulations. This examination revealed that two tables (2–3 and 2–5) were inapplicable to storage of hazardous waste, as defined by EPA. These tables pertained to boil-over liquids and liquids having a flash point at or above 93.4°C (200°F), respectively. These are not hazardous wastes under RCRA. Consequently, EPA is proposing that they be deleted from the regulation.

Table 2–4 in NFPA 30 (Table T–3 in today's amendments) pertains to "unstable (reactive) liquids." As discussed earlier in this preamble, EPA is proposing to treat certain reactive wastes—those that are reactive for reasons other than their own capability to explode or detonate—according to NFPA's standards for unstable liquids contained in Table T–3. EPA's review of NFPA's tables in Chapter 2 resulted in the adoption of three tables (T–1 and T–2 for stable liquids and T–3 for unstable liquids) and a reference table (T–4). The required distances are based either on the diameter of the tank or on quantity limitations when Table T–4 is referenced. The tables provide for reduced distances when specified protective measures are taken.

In order to be compatible with other RCRA regulations, particularly with regard to the method or type of fire protection provided for tanks, Tables T–1, T–2, and T–3 had to be modified. Specifically, NFPA 30 establishes protective distances for tanks that have protection for exposures as well as those that have *no* protection for exposures. The distances in Tables T–1, T–2, and T–3 are doubled if the tanks have no protection for exposures. The term "protection for exposures" is defined as:

> Fire protection for structures on property adjacent to liquid storage. Fire protection for such structures shall be acceptable when located (1) within the jurisdiction of any public fire department, or (2) adjacent to plants having private fire brigades capable of providing cooling water streams on structures on property adjacent to liquid storage.

The RCRA standards include similar protective measures in the requirements for personnel training (Subpart B, §§ 264.16 and 265.16); preparedness and prevention (Subpart C, §§ 264.30–264.37 and 265.30–265.37); and contingency plan and emergency procedures (Subpart D, §§ 264.50–264.56 and 265.50–265.56). These standards require the facility owner/operator to maintain equipment and have trained personnel to minimize the potential for hazards from fires or explosions at facilities handling wastes that pose such hazards.

After discussions of this issue with NFPA, EPA concluded that the RCRA standards for personnel training, preparedness and prevention, and the contingency plan and emergency procedures provide sufficient protection for adjacent properties and that the categories in the NFPA tables regarding tanks with no protection for exposures are not applicable to tanks storing ignitable or reactive waste under RCRA. This is because the RCRA standards require that personnel be trained to respond effectively to emergencies including fires or explosions and emergency equipment and systems (such as fire extinguishers, adequate water supplies and pressure, and emergency alarm and communications systems) be maintained.

The existing tank regulations do not provide buffer zone standards for underground tanks or tanks inside buildings. The protective distances for underground tanks in today's proposed amendments (§§ 264.198(b)(2) and 265.198(b)(2)) were adopted from NFPA 30, Chapter 2, Section 2–3, Installation of

Underground Tanks. These standards apply only to liquid ignitables and to reactive wastes that do not have the potential to explode or detonate on their own. The proposal does not include underground standards for ignitable wastes that are in the form of solids, oxidizers, or compressed gases since NFPA 43A (from which standards for wastes in these forms were adopted) does not address underground storage. As an alternative to excluding standards for these wastes, the Agency considered requiring a 3-foot setback, which is the underground standard for materials designated as Class I in NFPA 30. The Agency is not aware of any underground storage or treatment in tanks of the types of waste in question. EPA solicits comment on this issue.

In addition to buffer zones, Section 2–3 of the NFPA code provides detailed guidelines for tank installations, such as preparation of the site, burial depth and cover, corrosion protection, and location, arrangement, and capacity of vents. These requirements were not included in today's proposed amendments since their specific purpose is not the subject of these amendments. EPA believes, however, that these requirements provide valuable guidelines for owners or operators of facilities having underground tanks and recommends their use.

Today's proposed amendments also include new provisions for indoor treatment or storage of ignitable or reactive waste in tanks (§§ 264.198(b)(3) and 265.198(b)(3)). These requirements are similar to those for indoor storage in containers in that protection of life and property adjacent to the facility is provided through the use of fire-resistant construction. The proposed standards under §§ 264.198(b)(3)(i) and 265.198(b)(3)(i) were taken from Chapter 8, Section 8–2.1.1, of NFPA 30, since Chapter 2 does not contain indoor standards.[2] Chapter 8, "Processing Plants," applies, under NFPA's definition, to "plants or buildings that contain chemical operations * * *." The operations described are similar to operations EPA regards as "treatment." This approach follows the structure of the NFPA code: the earlier chapters prescribing comprehensive requirements are to be followed unless they are specifically superseded by the requirements of later chapters. Although Chapter 2 does not contain indoor standards, Chapter 8 does provide these standards. Thus, EPA has decided that these guidelines are appropriate for indoor treatment or storage. The proposed standards under §§ 264.198(b)(3)(ii) and 265.198(b)(3)(ii) for indoor treatment or storage in sprinklered buildings for ignitable wastes that are in the form of solids, oxidizers, or compressed gases were adopted from Section 5–6 of NFPA 43A.

D. Conclusion and General Solicitation of Public Comments

In summary, with today's proposed amendments, EPA intends to draw upon the body of experience that went into the evolution of the NFPA codes and apply that experience to the management of hazardous waste. Our understanding is that the majority of the regulated community is familiar with the NFPA requirements and, in many cases, is already complying with these nationally recognized requirements, either because of general industry practice; local, State, or Federal Government adoption of the codes; or as a condition for obtaining fire insurance. EPA recognizes that the NFPA codes were designed primarily to assure the safe storage of commercial products or feedstocks and not wastes per se. EPA believes, however, that because of the similarity of characteristics between these materials, similar buffer zone requirements should apply. The agency solicits comments on this and any other aspects of today's proposed amendments.

III. Regulatory Impacts

EPA has determined pursuant to Executive Order No. 12291 that today's proposed amendments do not constitute a major rule and that no regulatory impact analysis is required. The amendments to the Parts 260, 264, and 265 regulations presented here should not impose any additional costs on the regulated community overall, since the net effect will be to provide flexibility and facilitate compliance. EPA has submitted the necessary Standard Form 83 [Request for OMB Review] in accordance with the Paperwork Reduction Act and Executive Order No. 12291. Any comments received from OMB are included in the docket for this rulemaking.

The Regulatory Flexibility Act requires all Federal agencies to consider the impacts of their regulations on small business entities. EPA believes that the flexible approach to buffer zones provided for in today's proposed amendments will not significantly affect and may reduce the regulatory and economic burden imposed on facilities that treat or store ignitable or reactive wastes in tanks or containers, particularly small businesses. Pursuant to section 605 of the Regulatory Flexibility Act, I certify that today's proposed amendments will not have a significant impact on a substantial number of small entities.

List of Subjects

40 CFR Part 260

Administrative practice and procedure, Confidential business information, Hazardous materials, Waste treatment and disposal.

40 CFR Part 264

Hazardous materials, Packaging and containers, Reporting requirements, Security measures, Surety bonds, Waste treatment and disposal.

40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

Dated: May 29, 1984.

William D. Ruckelshaus,

Administrator.

For the reasons set forth in the preamble, Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for Part 260 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 through 3007, 3010, and 7004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, and 6974.

§ 260.11 [Amended]

2. Section 260.11(a) is amended by removing the reference to the "Flammable and Combustible Liquids Code."

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and

[2] Chapter 8 (Table 8–2.1) also contains some standards for outdoor storage. The few outdoor standards in Chapter 8 are not as comprehensive as the standards in Chapter 2. For example, Table 8–2.1 only provides setback distances for tanks with emergency relief venting. Chapter 2 provides setback distances for these tanks (which are the same as Chapter 8) but also provides setback distances for other tanks. Thus, the Agency decided to adopt the more comprehensive standards in Chapter 2. The Agency invites comment on this approach.

Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6925).

4. Section 264.176 is revised to read as follows:

§ 264.176 Special requirements for ignitable or reactive waste.

(a) The owner or operator of a facility where ignitable or reactive hazardous waste is stored in containers must comply with the requirements for the maintenance of protective distances between the storage area and any public ways, streets, alleys, or an adjoining property line that can be built upon as follows:

(1) Storage of liquid ignitable waste, as identified under § 261.21(a)(1) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have the characteristic described in § 261.21(a)(1), must be as follows:

(i) Outdoor storage must be in accordance with the minimum distance requirements in Table C–1.

Table C–1—Outdoor Storage of Liquids in Containers

Flash point (FP) and boiling point (BP) of waste	Container under 60 gal./ maximum per pile		Container over 60 gal but under 660 gal/ maximum per pile		Distance to property line that can be built upon (feet)[1]	Distance to public way, street, or alley (feet)[1]
	Gallons [2]	Height (feet)	Gallons [2,3]	Height (feet)		
FP below 22.8° C (73° F) and BP below 37.8° C (100° F)	1,100	10	2,200	7	50	10
FP below 22.8° C (73° F) and BP above 37.8° C (100° F)	2,200	12	4,400	14	50	10
FP above 22.8° C (73° F) and BP below 37.8° C (100° F)	4,400	12	8,800	14	50	10
FP above 37.8° C (100° F) and below 60° C (140° F)	8,800	12	17,000	14	25	5

[1] When total quantity stored does not exceed 50 percent of maximum per pile, the distances may be reduced by 50 percent, but to not less than 3 feet.
[2] When two or more wastes that have different flash points or boiling points are stored in a single pile, the maximum gallonage in that pile must be the smallest of the two or more separate gallonages.
[3] For storage in racks, the quantity limits per pile do not apply, but the rack arrangement must be limited to a maximum of 50 feet in length and 2 rows or 9 feet in depth.

(1 foot=0.305 meter; 1 gallon=3.785 liters.)

(ii) Indoor storage must be in accordnce with the following:

(A) The warehouse containing the waste must be located at least 50 feet (15 meters) from a boundary line of adjoining property that can be built upon, unless

(*1*) The wall exposed to such property line has a fire-resistance rating of not less than 2 hours, with each opening protected by an automatic-closing listed 1½-hour (B) fire door, in which case the distance from the warehouse to the boundary line of adjoining property must be at least 10 feet (3.05 meters), or

(*2*) The wall exposed to such property line has a fire-resistance rating of not less than 4 hours with each opening protected by an automatic-closing listed 3-hour (A) fire door, in which case no separation is required.

[COMMENT: See NFPA's *Fire Protection Handbook* and *Standards for Fire Doors and Windows* (or an equivalent authority) for materials, design, and construction of fire walls and fire doors.]

(2) Storage of ignitable wastes that are in the form of solids, oxidizers, or compressed gases, as identified under §§ 261.21(a)(2)–261.21(a)(4) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have characteristics described in §§ 261.21(a)(2)–261.21(a)(4), must be as follows:

(i) Storage outdoors or in nonsprinklered buildings must be a minimum distance of 75 feet (22.9 meters) from a boundary line of adjoining property that can be built upon.

(ii) Storage in sprinklered buildings must be a minimum distance of 50 feet (15 meters) from a boundary line of adjoining property that can be built upon.

(3) Outdoor storage of reactive wastes, as identified under §§ 261.23(a)(1)–261.23(a)(5) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have the characteristics described in §§ 261.23(a)(1)–261.23(a)(5), must be in accordance with the requirements in § 264.176(a)(1)(i) for ignitable waste having a flash point below 22.8°C (73°F) and boiling point below 37.8°C (100°F). Indoor storage must be in accordance with the fire-resistant construction standards in § 264.176(a)(1)(ii).

5. Section 264.198, paragraph (b), is revised to read as follows:

§ 264.198 Special requirements for ignitable or reactive waste

* * * * *

(b) The owner or operator of a facility where ignitable or reactive waste is stored or treated in tanks must comply with the requirements for the maintenance of protective distances between the waste management area if protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as follows:

(1) Aboveground storage or treatment of ignitable or reactive waste must be as follows:

(i) Liquid or ignitable wastes, as identified under § 261.21(a)(1) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have the characteristic described in § 261.21(a)(1), must be in accordance with the minimum distance requirements in Tables T–1, T–2, and T–4.

(ii) Storage or treatment aboveground or in nonsprinklered buildings of ignitable wastes that are in the form of solids, oxidizers, or compressed gases, as identified under §§ 261.21(a)(2)–261.21(a)(4) of this chapter,or listed in §§ 261.31–261.33 of this chapter because they have characteristics described in §§ 261.21(a)(2)–261.21(a)(4), must be a minimum of 57 feet (2.9 meters) from a boundary line of adjoining property that can be built upon.

(iii) Reactive wastes, as identified under §§ 261.23(a)(1)–261.23(a)(5) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have characteristics described in § 261.23(a)(5), must be in accordance with Tables T–3 and T–4.

TABLE T–1.—STORAGE OR TREATMENT IN TANKS

[Operating pressure 2.5 psig or less]

Type of tank[1]	Minimum feet to property line that can be built upon, including opposite side of a public way, street, or alley	Minimum feet from nearest side of a public way, street, or alley
Floating roof	⅙ times diameter of tank but not less than 5 feet	⅙ times diameter of tank but not less than 5 feet.
Vertical with weak roof-to-shell seam.	Diameter of tank, or ⅙ times diameter of tank if inerting system or foam system is installed on tanks, but not less than 5 feet.	⅙ times diameter of tank, or ⅙ times diameter of tank if inserting system or foam system is installed on tanks but not less than 5 feet.
Horizontal and vertical with emergency relief venting to limit pressures to 2.5 psig.	Table T–4, or ⅓ times table T–4 if inserting system or foam system on vertical tanks is installed, but not less than 5 feet.	Table T–4, or ⅓ times table T–4 if inserting system or foam system on vertical tanks is installed, but not ness than 5 feet.

[1]See NFPA 30 for description of tanks.

TABLE T–2.—STORAGE OR TREATMENT IN TANKS

[Operating pressure greater than 2.5 psig]

Type of tank[1]	Minimum feet from property line that can be built upon, including opposite side of a public way, street, or alley	Minimum feet from nearest side of a public way, street, or alley
Any type	1½ times table T–4 but not less than 25 feet	1½ times table T–4 but not less than 25 feet.

[1]See NFPA 30 for description of tanks.

TABLE T–3.—STORAGE OR TREATMENT IN TANKS

Type of tank [1]	Minimum feet to property line that can be built upon, including opposite side of a public way, street, or alley	Minimum feet from nearest side of a public way, street, or alley
Horizontal and vertical tanks with emergency relief venting to permit pressure not in excess of 2.5 psig.	2½ times table T–4 but not less than 50 feet Table T–4 if water spray, inerting system, or insulation and refrigeration is installed on tanks, but not less than 25 feet.	Not less than 50 feet. Not less than 25 feet.
Horizontal and vertical tanks with emergency relief venting to permit pressure over 2.5 psig.	4 times table T–4 but not less than 100 feet 2 times table T–4 if water spray, inerting system, or insulation and refrigeration is installed on tanks, but not less than 50 feet.	Not less than 100 feet. Not less than 50 feet.

[1] See NFPA 30 for description of tanks.

TABLE T–4.—REFERENCE TABLE FOR USE IN TABLES T–1 AND T–3

Capacity of tank (gallons)	Minimum feet to property line that can be built upon, including opposite side of a public way, street, or alley	Minimum feet from nearest side of a public way, street, or alley
275 or less	5	5
276 to 750	10	5
751 to 12,000	15	5
12,001 to 30,000	20	5
30,001 to 50,000	30	10
50,001 to 100,000	50	15
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 or more	175	60

(1 foot=0.305 meter; 1 gallon=3.785 liters)

(2) Underground storage or treatment tanks must be so located that the distance from any part of the tank to a boundary line of adjoining property that can be built upon is as follows:

(i) Not less than 1 foot (0.305 meters) for liquid ignitable waste having a flash point at or above 100°F (37.8°C) and below 140°F (60°C), or

(ii) Not less than 3 feet (0.915 meters) for liquid ignitable waste having a flash point below 100°F (37.8°C) or a reactive waste, as identified under §§ 261.23(a)(1)–261.23(a)(5) of this chapter, or listed in §§ 261.31–261.33 of this chapter because it has characteristics described in § 261.23(a)(1)–261.23(a)(5).

(3) Indoor storage or treatment in tanks must be as follows:

(i) The distances required under §§ 264.198(b)(1)(i) and 264.198(b)(1)(iii) must be followed for liquid ignitable waste and for reactive waste as identified under §§ 261.23(a)(1)–261.23(a)(5) of this chapter, or listed in §§ 261.31–261.33 of this chapter because it has characteristics described in §§ 261.23(a)(1)–261.23(a)(5). These distances may be waived when the exterior warehouse wall facing the line of adjoining property that can be built upon is a blank wall having a fire-resistance rating of not less than 4 hours.

(ii) A sprinklered building containing ignitable wastes that are in the form of solids, oxidizers, or compressed gases, as identified under §§ 261.21(a)(2)–261.21(a)(4) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have characteristics described in §§ 261.21(a)(2)–261.21–(a)(4), must be a minimum of 50 feet (15 meters) from a boundary line of adjoining property that can be built upon.

[COMMENT: See NFPA's *Fire Protection Handbook* and *Standards for Fire Doors and Windows* (or an equivalent authority) for materials, design, and construction of fire walls and fire doors.]

* * * * *

PART 265—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

6. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6908, 6912(a), 6924, and 6925).

7. Section 265.176 is revised to read as follows:

§ 265.176 Special requirements for ignitable or reactive waste.

(a) The owner or operator of a facility where ignitable or reactive hazardous waste is stored in containers must comply with the requirements for the maintenance of protective distances between the storage area and any public ways, streets, alleys, or an adjoining property line that can be built upon as follows:

(1) Storage of liquid ignitable wastes, as identified under § 261.21(a)(1) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have the characteristics described in § 261.21(a)(1), must be as follows:

(i) Outdoor storage must be in accordance with the minimum distance requirements in Table C–1.

TABLE C–1.—OUTDOOR STORAGE OF LIQUIDS IN CONTAINERS

Flash point (FP) and boiling point (BP) of waste	Container under 60 gallons/ maximum per pile	Container over 60 gallons but under 660 gallons/ maximum per pile	Distance to property line that can be built upon (feet) [1]	Distance to public way, street, or alley (feet) [1]		
				Gallons [2] height (feet)	Gallons [2, 3]	Height (feet)
FP below 22.8°C (73°F) and BP below 37.8°C (100°F)	1,100	10	2,200	7	50	10
FP below 22.8°C (73°F) and BP above 37.8°C (100°F)	2,200	12	4,400	14	50	10
FP above 22.8°C (73°F) and below 37.8°C (100°F)	4,400	12	8,800	14	50	10
FP above 37.8°C (100°F) and below 60°C (140°F)	8,800	12	17,000	14	25	5

[1] When total quanity stored does not exceed 50 percent of maximum per pile, the distances may be reduced by 50 percent, but to not less than 3 feet.
[2] When two or more wastes that have different flash points or boiling points are stored in a single pile, the maximum gallonage in that pile must be the smallest of the two or more separate gallonages.
[3] For storage in racks, the quantity limits per pile do not apply, but the rack arrangement must be limited to a maximum of 50 feet in length and 2 rows or 9 feet in depth.
(1 foot=0.305 meter; 1 gallon=3.785 liters).

(ii) Indoor storage must be in accordance with the following:

(A) The warehouse containing the waste must be located at least 50 feet (15 meters) from a boundary line of adjoining property that can be built upon, unless

(*1*) The wall exposed to such property line has a fire-resistance rating of not less than 2 hours, with each opening protected by an automatic-closing listed 1½-hour (B) fire door, in which case the distance from the warehouse to the boundary line of adjoining property must be at least 10 feet (3.05 meters), or

(*2*) The wall exposed to such property line has a fire-resistance rating of not less than 4 hours with each opening protected by an automatic-closing listed 3-hour (A) fire door, in which case no separation is required.

[COMMENT: See NFPA's *Fire Protection Handbook* and *Standards for Fire Doors and Windows* (or an equivalent authority) for materials, design, and construction of fire walls and fire doors.]

(2) Storage of ignitable wastes that are in the form of solids, oxidizers, or compressed gases, as identified under §§ 261.21(a)(2)–261.21(a)(4) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have characteristics described in §§ 261.21(a)(2)–261.21(a)(4), must be as follows:

(i) Storage outdoors or in nonsprinklered buildings must be a minimum distance of 75 feet (22.9 meters) from a boundary line of adjoining property that can be build upon.

(ii) Storage in sprinklered buildings must be a minimum distance of 50 feet (15 meters) from a boundary line of adjoining property that can be built upon.

(3) Outdoor storage of reactive wastes, as identified under §§ 261.23(a)(1)–261.23(a)(5) of this chapter because they have the characteristics described in §§ 261.23(a)(1)–261.23(a)(5), must be in accordance with the requirements in § 265.176(a)(1)(i) for ignitable waste having a flash point below 22.8°C (73°F) and boiling point below 37.8°C (100°F). Indoor storage must be in accordance with the fire-resistant construction standards in § 265.176(a)(1)(ii).

* * * * *

8. Section 265.198, paragraph (b), is revised to read as follows:

§ 265.198 Special requirement for ignitable or reactive waste.

* * * * *

(b) The owner or operator of a facility where ignitable or reactive waste is stored or treated in tanks must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as follows:

(1) Aboveground storage or treatment of ignitable or reactive waste must be as follows:

(i) Liquid ignitable wastes, as identified under §§ 261.21(a)(1) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have the characteristic described in §261.21(a)(1), must be in accordance with the minimum distance requirements in Tables T–1, T–2, and T–4.

(ii) Storage or treatment aboveground or in nonsprinklered buildings of ignitable wastes that are in the form of solids, oxidizers, or compressed gases, as identified under §§ 261.21(a)(2)–261.21(a)(4) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have characteristics described in §§ 261.21(a)(2)–261.21(a)(4), must be a minimum of 75 feet (22.9 meters) from a boundary line of adjoining property that can be built upon.

(iii) Reactive wastes, as identified under §§ 261.23(a)(1)–261.23(a)(5) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have characteristics described in §§261.23(a)(5), must be in accordance with Tables T–3 and T–4.

TABLE T-1.—STORAGE OR TREATMENT IN TANKS

[Operating pressure 2.5 psig or less]

Type of tank	Minimum feet to property line that can be built upon, including opposite side of public way, street, or alley	Minimum feet from nearest side of a public way, street, or alley
Floating Roof	⅓ times diameter of tank but not less than 5 feet	⅙ times diameter of tank but not less than 5 feet.
Vertical with Weak Roof-to-Shell Seam	Diameter of tank, or ⅓ times diameter of tank if inerting system or form system is installed on tanks, but not less than 5 feet.	⅓ times diameter of tank, or ⅙ times diameter of tank if inerting system or foam system is installed on tanks, but not less than 5 feet.
Horizontal and Vertical with Emergency Relief Venting to Limit Pressures to 2.5 psig.	Table T-4, or ⅓ times Table T-4 if inerting system or foam system on vertical tanks is installed, but not less than 5 feet.	Table T-4, or ⅓ times Tabel T-4 if inerting system or foam system on vertical tanks is installed, but not less than 5 feet.

[1] See NFPA 30 for description of tanks.

TABLE T-2.—STORAGE OR TREATMENT IN TANKS

[Operating pressure greater than 2.5 psig]

Type of tank	Minimum feet from property line that can be built upon, including opposite side of a public way, street, or alley	Minimum feet from nearest side of a public way, street, or alley
Any type	1½ times Table T-4 but not less than 25 feet	1½ times Table T-4 but not less than 25 feet.

[1] See NFPA 30 for description of tanks.

TABLE T-3.—STORAGE OR TREATMENT IN TANKS

Type of tank [1]	Minimum feet to property line that can be built upon, including opposite side of a public way, street, or alley	Minimum feet from nearest side of a public way, street, or alley
Horizontal and Vertical Tanks with Emergency Relief Venting to Permit Pressure Not In Excess of 2.5 psig.	2½ times Table T-4 but not less than 50 feet	Not less than 50 feet.
	Table T-4 if water spray, inerting system, or insulation and refrigeration is installed on tanks, but not less than 25 feet.	Not less than 25 feet.
Horizontal and Vertical Tanks with Emergency Relief Venting to Permit Pressure Over 2.5 psig.	4 times Table T-4 but not less than 100 feet	Not less than 100 feet.
	2 times Table T-4 if water spray, inerting system, or insulation and refrigeration is installed on tanks, but not less than 50 feet.	Not less than 50 feet.

[1] See NFPA 30 for description of tanks.

TABLE T-4.—REFERENCE TABLE FOR USE IN TABLES T-1 AND T-3

Capacity of tank (gallons)	Minimum feet to property line that can be built upon, including opposite side of a public way, street, or alley	Minimum feet from nearest side of a public way, street, or alley
275 or less	5	5
276 to 750	10	5
751 to 12,000	15	5
12,001 to 30,000	20	5
30,001 to 50,000	30	10
50,001 to 100,000	50	15
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 or more	175	60

(1 foot = 0.305 meter; 1 gallon = 3.785 liters).

(2) Underground storage or treatment tanks must be so located that the distance from any part of the tank to a boundary line of adjoining property that can be built upon is as follows:

(i) Not less than 1 foot (0.305 meter) for liquid ignitable waste have a flash point at or above 100°F (37.8°C) and below 140°F (60°C), or

(ii) Not less than 3 feet (0.915 meter) for liquid ignitable waste having a flash point below 100°F (37.8°C) or reactive waste, as identified under §§ 261.23(a)(1)–261.23(a)(5) of this chapter, or listed in §§261.31–261.33 of this chapter because it has characteristics described in § 261.23.(a)(1)–261.23(a)(5).

(3) Indoor storage or treatment in tanks must be as follows:

(i) The distances required under §§ 265.198(b)(1)(i) and 265.198(b)(1)(iii) must be followed for liquid ignitable waste and for reactive waste as identified under §§ 261.23(a)(1)–261.23(a)(5) of this chapter, or listed in §§ 261.31–261.33 of this chapter because it has characteristics described in §§ 261.23(a)(1)–261.23(a)(5). These distances may be waived when the exterior warehouse wall facing the line of adjoining property that can be built upon is a blank wall having a fireresistance rating of not less than 4 hours.

(ii) A sprinklered building containing ignitable wastes that are in the form of solids, oxidizers, or compressed gases, as identified under §§ 261.21(a)(2)–261.21(a)(4) of this chapter, or listed in §§ 261.31–261.33 of this chapter because they have characteristics described in §§ 261.21(a)(2)–261.21(a)(4), must be a minimum of 50 feet (15 meters) from a boundary line of adjoining property that can be built upon.

[COMMENT: See NFPA's *Fire Protection Handbook* and *Standards for Fire Doors and Windows* (or an equivalent authority) for materials, design, and construction of fire walls and fire doors.]

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[FR Doc. 84-14833 Filed 6-4-84; 8:45 am]
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federal register

Tuesday
June 5, 1984

Part V

Department of Transportation

Federal Highway Administration

23 CFR Part 658
Truck Size and Weight; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

[FHWA Docket Nos. 83-12 and 83-14]

Truck Size and Weight

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This notice sets forth the network of highways in 50 States, the District of Columbia, and Puerto Rico on which commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982 (STAA) may operate. Criteria for exceptions, additions to, and deletions from the designated system are included. The rule also addresses the issues of width, length, and weight of commercial vehicles, grandfather provisions, reasonable access, and specialized equipment. In addition, this notice solicits further comments as a result of a Memorandum of opinion issued by the U.S. District Court for the District of Columbia on March 27, 1984, as discussed herein.

DATES: This final rule is effective June 5, 1984. Comments must be received on or before August 6, 1984.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 83-14, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., e.t. Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Harry B. Skinner, Office of Traffic Operations, (202) 426-1993, Mr. David C. Oliver, Office of the Chief Counsel, (202) 426-0825, or Mr. Sheldon G. Strickland, Office of Highway Planning, (202) 426-0153, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:

Background

On January 6, 1983, the Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2097 (STAA), became law. Several provisions of the law concern the length and weight of commercial motor vehicles. On April 6, 1983, Pub. L. 98-17, 97 Stat. 59, amended the STAA to include truck width provisions. Prior to the enactment of these laws, Federal involvement in these areas was limited to matters involving permissible maximum vehicle weights and widths, and was limited in applicability to the National System of Interstate and Defense Highways. The permissive nature of the prior law resulted in the adoption of different vehicle weight limits by the States, which became an impediment to the free flow of interstate commerce. Although enforcement of weight limits remains a condition to the grant of Interstate construction funding, these limits are no longer permissive. State limits for weight applicable to the Interstate System must now equate to the Federal maximums unless higher weights are grandfathered by virtue of the Federal-Aid Highway Act of 1956 or the Federal-Aid Highway Amendments of 1974.

The changes created by the STAA with respect to width and the addition of length standards have been even more dramatic than those for weights, because, as applied to the Interstate System, the Congress has preempted State authority completely with respect to width, and partially with respect to length. Congress also extended length and width controls to those portions of the Federal-Aid Primary (FAP) system as designated by the Secretary of Transportation. The Secretary has been authorized to seek injunctive relief as the method for enforcing these provisions.

Finally, the STAA also requires that the States provide "reasonable" access to commercial motor vehicles, which will allow travel from the Interstate and other designated roads to terminals, facilities for food, fuel, repair and rest, and for household goods carriers to points of loading and unloading.

The initial FHWA notice of policy statement concerning implementation of the STAA truck size and weight provisions was published in the **Federal Register** February 3, 1983 (48 FR 5210). Since February 3, 16 additional notices have been published as follows:

- March 10, 1983, 48 FR 10057, FHWA Docket No. 83-4, Notice No. 2, Supplementary policy statement.
- April 5, 1983, 48 FR 14844, FHWA Docket No. 83-4, Notice No. 3, Notice of refined policy statement.
- April 22, 1983, 48 FR 17347, FHWA Docket No. 83-4, Notice No. 4, Cancellation of certain interim designations.
- May 3, 1983, 48 FR 20022, FHWA Docket No. 83-4, Notice No. 5, Notice of modifications to certain interim designated highway networks.
- May 12, 1983, 48 FR 21317, FHWA Docket No. 83-4, Notice No. 6, Notice of modifications and cancellation of certain interim designated highways.
- May 24, 1983, 48 FR 23182, FHWA Docket No. 83-4, Notice No. 7, Modification of policy statement.
- June 2, 1983, 48 FR 24852, FHWA Docket No. 83-4, Notice No. 8, Modification of policy statement.
- July 8, 1983, 48 FR 31588, FHWA Docket No. 83-4, Notice No. 9, Modification of policy statement.
- August 4, 1983, 48 FR 35388, FHWA Docket No. 83-4, Modification of policy statement.
- August 30, 1983, 48 FR 39222, FHWA Docket No. 83-4, Notice No. 10, Modification of policy statement.
- August 31, 1983, 48 FR 39592, FHWA Docket No. 83-12, Notice of proposed rulemaking. (Five-State interim network)
- September 14, 1983, 48 FR 41276, FHWA Docket No. 83-14, Notice of proposed rulemaking.
- October 13, 1983, 48 FR 46545, FHWA Docket No. 83-14, Correction to Proposed rule (to Correct Illinois network listing)
- February 3, 1984, 49 FR 4203, FHWA Docket No. 83-12, Final Rule (Five State interim network)
- February 28, 1984, 49 FR 7247, FHWA Docket No. 83-12, Notice of Proposed rulemaking (Five-State Final network)
- March 22, 1984, 49 FR 10673, FHWA Docket No. 83-12, Correction to Alabama network listing.

The 10 notices of docket number 83-4 attracted a total of 97 docket comments. Docket numbers 83-12 and 83-14 have received 131 and 228 docket comments, respectively. In addition, approximately 500 letters addressing truck related issues have been received at other offices within FHWA. These submissions addressed numerous aspects of truck size and weight operation.

Furthermore, in a Memorandum opinion issued on March 27, 1984, by the U.S. District Court for the District of Columbia (*Center for Auto Safety, et al* v. *Dole*, CA No. 83-3885), the Court indicated that portions of the regulations proposed may be inconsistent with Section 416. In preparing this final rule, all comments and the Court's opinion have been considered. The discussions in each of the topical areas presented below include an indication of the range of comments received.

Safety

A considerable amount of research has been done on the safety of commercial motor vehicles. The largest body of relevant research evaluates the safety of doubles, but findings of that research have not been consistent. A July 1982 National Highway Traffic Safety Administration (NHTSA) report titled "Large-Truck Accident Causation" (NHTSA Technical Report, DOT HS-806300, July 1982) summarized nine studies comparing the safety experience of single and double combinations. Four studies found doubles to be involved in accidents less frequently than singles, two studies showed doubles to be involved in accidents more frequently than singles, and in three studies no significant difference in accident rates was found.

One of the studies that found doubles to have higher accident rates than singles was a 1981 study conducted by BioTechnology Inc. (BioTech) for the FHWA. Findings of that study are so controversial that several independent reviews of the data and methodology have been conducted since the study was completed. All of the reviews have found weaknesses in the methods used to collect and analyze data in the singles versus doubles portion of the study, but virtually any study covering such a complex issue as commercial motor vehicle safety could be questioned along similar lines. The issue is whether methodological flaws were serious enough to lead to erroneous conclusions regarding the relative safety of doubles versus singles. Definitive answers to this question are not possible, but a recent review by the Midwest Research Institute (MRI) for Consolidated Freightways, Inc., concluded that methodological problems were of such a magnitude that the BioTech accident rates for doubles were significantly overstated. Controversy surrounding the BioTech study may never be eliminated, but doubles were found to be at least as safe as singles in seven of eight other studies.

Overall, the safety research and information to date and the testimony and results of several court cases support the conclusions that doubles are no less safe than conventional single trailer combinations. Further study is called for in this area because of problems identified in currently available research.

Potential safety problems of longer vehicles arise from increased turning radius, greater off-tracking and longer passing distances. The first two impacts relate primarily to the length of trailers and semitrailers, while the third impact relates exclusively to the overall combination length. Most States had no length limit on semitrailers, but instead regulated the overall length of combinations. Three-quarters of the States had a maximum length limit of 60 feet or greater, a length which will allow 48-foot semitrailers to be used.

The FHWA has no data on the use of 48-foot semitrailers in those States that permitted them, or on the accident rates of combinations with 48-foot semitrailers. Specific highway segments may have geometric characteristics such as curves or intersections where the extra length would make a difference, because of the longer turning radius of the longer vehicles. States have been examining highway segments to ensure that their geometric characteristics are adequate to accommodate safely 48-foot semitrailer combinations. If highway segments are found which are not capable of safely accommodating 48-foot semitrailers, FHWA will delete such segments from the designated system.

Section 416 of the STAA as amended requires that States permit 102-inch-wide commercial motor vehicles on Interstate and other qualifying Federal-aid highways as designated by the Secretary. Although 11 States had previously permitted the operation of 102-inch-wide commercial motor vehicles, the use of vehicles wider than 96 inches was restrained by the Federal limit of 96 inches on the Interstate System. Because there has not been much use of 102-inch-wide commercial motor vehicles, there has been very little research on their accident experience.

There are several operational characteristics that may make 102-inch-wide vehicles safer than 96-inch-wide vehicles. Among these are improved tire and braking performance and greater overall stability. A study by the University of Michigan Highway Safety Research Institute found 102-inch-wide tankers with longer axles were 14 percent more resistant to rollover than 96-inch wide tankers.

Although actual safety experience of 102-inch-wide commercial motor vehicles is quite limited, research has not found 102-inch-wide vehicles generally to cause changes in driver behavior that would represent safety hazards. The additional six inches of width is generally perceived by the drivers, but the small adjustments they may make in their driving behavior do not significantly affect their safety or the safety of other motorists. Furthermore, there are significant handling and stability benefits to be realized from operation of 102-inch-wide vehicles. Restrictive lane width, shoulder width or sharp curves might all affect the relative safety of 102-inch-wide vehicles compared to the conventional 96-inch-wide vehicle, but no research findings have identified situations that are unsafe. Assessments would have to be made on a case-by-case basis, considering previous accident experience on a segment and the specific design elements that might make 102-inch-wide vehicles less safe than 96-inch-wide vehicles.

The report prepared pursuant to Section 161 of the Surface Transportation Assistance Act of 1978 (An Investigation of Truck Size and Weight Limits, 1981) analyzed the safety impacts associated with various size and weight "scenarios." The factor leading to changes in the number of accidents under different scenarios is the change in vehicle-miles traveled by various types of commercial motor vehicles as a result of changes in permissible sizes and weights on the several Federal-aid highway systems. Generally, increased size and weight limits resulted in fewer vehicle-miles of travel by commercial motor vehicles to move both freight formerly shipped by commercial motor vehicles and freight diverted from rail. Scenarios allowing more widespread use of doubles resulted in more travel by doubles but proportionately less travel by other commercial motor vehicles.

The numbers of property damage, injury, and fatal accidents associated with travel by commercial motor vehicles are estimated based on data from the NHTSA's National Accident Sampling System (NASS) and Fatal Accident Reporting System (FARS), and from the BioTech study. Costs of the accidents involving commercial motor vehicles are estimated from data collected by the bureau of Motor Carrier Safety and from a 1976 NHTSA report *1975 Societal Costs of Motor Vehicle Accidents.* Because of the conflicting evidence concerning the safety of doubles, two estimates of accident costs for each scenario were made, one based on the evidence that accident rates for singles and doubles are the same and one based on the BioTech study results which showed higher accident rates for doubles.

The Section 161 study scenario that came closest to the changes in size and weight limits incorporated in the STAA was scenario F which assumed that States would be required to permit doubles and 80,000-pound commercial motor vehicles on the Interstate System and all non-Interstate highways on the FAP system. The decreased miles of

commercial motor vehicle travel associated with that scenario, compared to the base case in which no changes in size and weight limits were assumed, was estimated to result in nationwide accident cost reduction of $98 million in 1985, assuming that doubles and singles have the same accident rates. When accident rates based on the BioTech study were assumed, accident costs increased by $36 million. This value is only 1.5 percent of the transport cost savings of $2.4 billion in Scenario F.

There is a major difference between operations assumed under scenario F and commercial motor vehicle operations that will result from implementation of the rule. Scenario F was based on the somewhat shorter and narrower vehicles typically in use before the STAA rather than on the vehicles that will be permitted on designated highways. Since previous research shows that the larger vehicles specified in the STAA can generally operate safely as vehicles with the dimensions assumed in scenario F, the use of longer and wide vehicles as authorized in the STAA would result in accident costs being an even smaller percentage of productivity gains than was estimated in scenario F.

In general the safety impacts would vary proportionally with increases in travel by doubles and other larger combinations and corresponding decreases in travel by other commercial motor vehicles. Such changes cannot be estimated directly from the Section 161 study analysis because impacts would depend on specific characteristics of each segment of the designated network. However, because productivity gains would also vary in direct proportion to increases in the use of larger commercial motor vehicles, safety impacts and productivity gains would generally vary proportionally. Unless the anticipated accident rate on a particular highway segment is substantially greater than the average accident rates used in the Section 161 study, even pessimistic assumptions concerning the safety of doubles result in very small accident costs relative to productivity gains. If, as the prepondence of evidence suggests, doubles can be operated on the designated system as safely as semitrailer combinations, there would be fewer accidents, deaths, and serious injuries as a result of this final rule.

Widely divergent views were expressed by the commenters in response to the dockets. Some contend that failure to allow even broader usage of the larger, more efficient trucks will be a lost opportunity to reduce accidents and injuries, because the use of these trucks will reduce exposure and risk. Others contend that only a limited number of highway miles should be designated for the larger trucks, because of the inconclusive results of truck safety research.

Although many repondents considered safety an important factor in the designation of highways to be used by vehicles authorized by the STAA, very few commented on how to identify those highways that can or cannot safely accommodate the larger vehicles.

Designated Highways

The STAA mandates that the full Interstate System be available for the operation of commercial vehicles of the dimensions authorized. In addition, the Secretary is required to designate qualifying Federal-Aid Primary (FAP) system highways on which the larger vehicles must be allowed to operate. The term "National Network" is used to reference the combination of the Interstate System and those portions of other FAP highways set out in the Appendix on which commercial vehicles of the dimensions authorized by the STAA must be permitted to operate.

The highways identified in the Appendix represent the culmination of an extensive process. The process considered and evaluated a variety of alternative approaches, evaluated each alternative, and selected the most rational approach for defining the National Network. It is worth noting that the approach utilized by FHWA resulted in the elimination of about 17,000 miles of the original interim network approved on April 5, 1983. It also resulted in approved additions totalling about 19,000 miles. Although significant changes to the network have occurred, the total mileage of the National Network is only about 2,000 miles more than the original April 5, 1983, interim network.

The decisionmaking with respect to the network took place in distinct phases. First, there were the decisions leading up to the February 3, 1983, policy statement and the designation of an interim system on April 5, 1983, and second, there were the series of decisions leading to adjustments of the interim network and the proposed final network which took place mostly through the spring and summer of 1983. Next, were the decisions with respect to the final adjustments on the designation of revised interim networks in the five litigant States on February 3, 1984. Finally, were the decisions related to the issuance of this final regulation after consideration of the comments to the September 14, 1983, and February 28, 1984, NPRMs, and the Court decision on March 27, 1984.

With respect to the decisionmaking leading up to the February 3, 1983, policy statement, FHWS reviewed several options. One option that had been suggested was that FHWA undertake the designation process solely as a Federal initiative without input from the States. This option was quickly dismissed. In the highway program that has existed since 1916, the policy and practice has always been one of State initiation and Federal review, and, if appropriate, approval. This relationship was codified into Title 23 U.S.C. in 1973 with the addition of Section 145, Federal-State relationship:

> The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program.

Thus, FHWA determined to designate a network in cooperation with the States. Cooperation with the States in this exercise was essential because FHWA (Headquarters, regions, or divisions) does not maintain files on the detailed geometrics of the highway system. Further, the FHWA is not staffed to undertake such a detailed task covering the 256,000 miles of the non-Interstate FAP system.

State highway agencies are typically staffed with skilled engineers and technicians in the fields of highway planning, design, construction, maintenance, safety, and operations. Collectively these State highway agencies spend between $9–$12 billion of Federal funds plus over $20 billion of State funds annually to build, maintain, and regulate almost 1 million miles of the Nation's highways.

To assist them in their operations of the major highway networks, including the FAP, the State highway agencies routinely collect and evaluate highway user data, e.g., number and types of vehicles, including trucks operating on the highway system; and highway inventory data; e.g., roadway and structure width and lengths, pavement condition, and the structure clearance height. These data help the State determine the physical characteristics and classification of the roads, the proper regulations for the kinds of vehicles that operate on each type of highway, various safety information needed to assist the motorist in the operation of the vehicles of each highway, and when to make improvements and correct deficiencies

on highways. For example, a State highway agency typically maintains a photolog of each State managed highway. The photolog is a photographic record of each road taken at about 50 foot intervals and displayed motion picture style by a special projector, and enables management to inspect visually the condition of roads without leaving the office. Another example of data a State highway agency typically maintains is accident reports summarized by the type of accident and highway location. These data are helpful in finding trouble spots in the highway network and allocating resources to correct them. The State highway agencies have the specialized experience and the data to determine which highways can safety accommodate not only the larger dimensioned trucks, but all the vehicles operating on the highway system.

In instituting a process involving State cooperation, two distinct approaches were available in drafting the message to be communicated to the States through the initial policy statement. One approach was to designate the entire FAP system in each State, and let the States request removal of all mileage which they believed was unsafe for the larger vehicle operations. The second approach was to designate only those FAP routes meeting the highest standards, namely four-lane, divided, full control of access facilities, and let the States propose additions to this system which they believed were safe for the operation of the larger vehicles. The final decision was to adopt the second approach because it fit in the traditional pattern of the Federal-State relationship and it was anticipated that all States would cooperate in the development of a consistent interim network. FHWA's goal was to designate a consistent system which could safely accommodate these vehicles. Under either approach, FHWA viewed the FAP system as a generic class which could safely accommodate the larger vehicles.

On February 3, 1983, FHWA issued a policy statement in the Federal Register (48 FR 5310) which provided guidance to the States and requested the State highway agencies to recommend highways for designation by FHWA to the National Network.

On March 10, 1983, in 48 FR 10057, FHWA published a supplementary statement to the February 3 policy statement. The supplementary statement was in response to several State highway agencies that wanted FHWA to make available substantial portions of their FAP system, but were confused as to eligibility or frustrated by the amount of paperwork required to identify every FAP route. The supplementary statement allowed the States to do so without a detailed listing of the routes.

The responses from the States varied greatly. For example, 13 States recommended 100 percent of their FAP systems, 6 other States recommended over 50 percent of their FAP systems, and 11 other States recommended from 10 to 50 percent of their FAP systems. The remaining 22 States recommended from 0 to 10 percent of their FAP systems. Furthermore, several of the lean submissions consisted of short and unconnected segments. In total, the States initially recommended about 38 percent of the non-Interstate FAP system, or approximately 96,000 miles.

Maps depicting the recommended highways from several State highway agencies were prepared to illustrate the range of recommendations provided to FHWA. Many States appeared unresponsive to our February 3 and March 10 policy statements, and that due to the very limited networks proposed by them, interstate commerce would be impeded. The FHWA decided to supplement the States' recommendations.

On April 5, 1983, in 48 FR 14844, FHWA published the interim National Network for the larger vehicles. The 96,000 miles recommended by the States and accepted by FHWA were supplemented by an additional 40,000 miles selected by FHWA. To emphasize the interim nature of the network and the continuous refining process that FHWA had earlier announced, the April 5 publication also offered the opportunity for exceptions to the interim network:

> Exceptions to the interim designated network may be granted by FHWA upon request by the States on a case-by-case basis where road segments will not safely accommodate the larger vehicles due to structural or geometric limitations. (48 FR 14844)

Immediately following the April 5 publication, on April 8, 1983, FHWA transmitted a memorandum to all FHWA Regional and Division Administrators advising them of the process for making adjustments to the interim network. These field offices were "* * * urged to begin immediate consultations with the State to finalize the interim route designations."

Thus, was set in motion a process that was developed prior to the issuance of the February 3, 1983, policy statement.* This process, designed to refine the interim network, relied heavily on the judgment of and input from the State highway agencies.

The process also relied heavily on FHWA's field offices to transmit and carry out FHWA policy and to work cooperatively with the State highway agencies to refine the interim network. Each of FHWA's 52 division offices, located in the State capital city or where the highway agency is located, may have from 12 to 60 employees, depending on the size of the Federal-aid highway program. The division office staff typically consists of engineers, real property appraisers, financial specialists, and support staff. The engineering staff consists of civil engineers with specialized training and experience in highway planning, design, construction, maintenance, structures, and safety. The division office is responsible for administering the Federal-aid highway program in the State by ensuring that the State highway agency uses the Federal funds in compliance with Federal statutes and FHWA procedures, and that highways receiving Federal funds are built and maintained according to approved standards. In effect, a partnership exists in that the State initiates highway improvements and, for those improved with the help of Federal funds, FHWA provides reviews, approvals, and oversight. Through this Federal-State partnership, the FHWA has access to the vast inventory of data maintained by the State. Furthermore, the division staff has personal knowledge of many of the Federal-aid system routes by virtue of their frequent inspection trips or travel throughout the State.

The nine regional offices provide additional oversight but also specialized expertise in the fields of highway planning, design, construction and maintenance, structures and hydraulics, and traffic operations and safety.

As a result of the consultations that occurred in the first 2 months after April 8, 1983, the network in 24 States was revised, including both additions and deletions. The revisions were published in 48 FR 20022 dated May 3, 1983; 48 FR 21317 dated May 12, 1983; and 48 FR 24852 dated June 2, 1983, resulting in a net reduction of over 4,000 miles from the interim National Network.

Also immediately following the April 5 publication, the States of Alabama, Florida, Georgia, Pennsylvania, and Vermont requested U.S. District Courts to enjoin the designation of all highways on the interim network that had not been recommended by the individual States. In response the FHWA removed from the interim network all routes not recommended by the five States. These cancellations, resulting in a reduction of 8,800 miles, appear in 48 FR 17347 dated

April 22, 1983, for Alabama, Georgia, Pennsylvania, and Vermont, and in 48 FR 21317 dated May 12, 1983, for Florida.

By way of a May 25, 1983, memorandum to all Regional Administrators, FHWA requested further review of the interim network and consultations with State officials to promote further refinements to the network. As a result, the network was revised in 20 States eight for the first time, and 12 States for the second time. These revisions, including additions and deletions were published in 48 FR 31588 dated July 8, 1983, resulting in a net reduction of over 3,200 miles from the interim National Network.

To summarize, between April 5 and July 8, 1983, FHWA actively sought recommendations for and did revise the interim National Network. The results of this process can be summarized as follows:

• Ten States had serious concerns that warranted a visit by headquarters staff. Typically FHWA headquarters staff would be joined by personnel from FHWA regional and division offices in meetings with high level State highway agency officials, or Governor's office staff, or officials from large metropolitan areas to discuss either the removal of certain highways from the interim network or the application of operating restrictions to mitigate safety problems. As a part of these discussions, photologs of the highways were shown in some cases, a videotape aerial observation of the operating characteristics of 48-foot single trailer combinations was viewed in one instance, and engineering data and plans were also used to illustrate many of the operational and safety concerns. Many of the highways in question were driven by FHWA staff for a firsthand observation, and detailed accident experience at intersections and other roadway locations were provided by the State in some instances, as well as detailed geometric data and traffic data. Revisions to the network or operating restrictions were effected in each of these States.

• The interim system was revised in 22 States based on FHWA field offices' recommendations. In arriving at a recommendation, it was noted that at least six divisions evaluated routes by driving over them, at least nine used photologs, 21 used geometric and safety data furnished by the State, and at least 10 divisions relied on their personal knowledge of the roads or of the State's selection process.

—A transmission from the FHWA Oregon Division pointed out that the division endorsement of the State recommendation for additions to the network was based on the State's long and favorable experience with the operation of double trailer combination trucks and the State's thorough means of testing the operational adequacy and safety of a large vehicle by observation before a road is made available.

—The Arizona Division Office reviewed safety and geometric data provided by the State and recommended the removal of a portion of U.S. 93. This route was removed.

—In Alaska, the division office used a combination of personal knowledge of the roads, photolog review, and discussions of safety data with State officials to arrive at a recommendation. The Alaska network was reduced by 600 miles.

—In New Jersey, the division also viewed a video tape demonstrating the turning characteristics of large trucks in an urban area.

—In Delaware, field reviews were made by the division office.

—In Tennessee, an engineer in the division office made a special trip to review traffic operations at selected locations. Geometric and accident data were also reviewed.

—The Wisconsin Division used a wide variety of procedures, i.e., reviewed special safety studies, films of roadways, made on-site inspections, reviewed State statutes, worked with local jurisdictions and agencies, and dealt with neighboring States on border connectivity.

—In Utah, the division mainly relied on the State's judgment, but did raise safety issues in several cases.

—In New York, the division combined field and photolog reviews to evaluate the routes.

—In New Hampshire, the division was familiar with the deficiencies on certain routes, but also reviewed color photos, special studies, and safety data to confirm the State's recommendations.

—The division office in Maryland observed photologs, made field reviews, and requested data from the State for further study such as geometric data, accident data, and traffic volumes. Alternate routings for some of the designations were also considered.

—In South Carolina, the division had many discussions and meetings with State officials and accepted the State's field review and assessment of each route. This was supplemented by an examination of highway inventory and accident data.

—The Oklahoma Division participated jointly with the State highway agency to review all the routes, particularly looking for safety deficiencies such as narrow lanes, no shoulders, poor alignment, and high accident rates.

The result was a revision of the interim network in 32 States, with the elimination of over 7,200 FAP system miles. Furthermore, the total cancellation of FHWA designated mileage in Alabama, Florida, Georgia, Pennsylvania, Vermont, and later Connecticut (due to litigation brought by FHWA against Connecticut) resulted in an additional reduction of over 9,000 miles.

This refined and reduced network of approximately 162,000 miles was subsequently offered for public comment in the September 14, 1983, NPRM (48 FR 41276). As a result of public comments and recommendations by State highway agencies under the process described, further additions and deletions have been made, resulting in a net addition of about 16,000 miles for a total of approximately 178,000 miles. Furthermore, an interim network of approximately 3,000 miles for Alabama, Florida, Georgia, Pennsylvania, and Vermont was issued on February 3, 1984, in 49 FR 4203. On February 28, 1984, the proposed final network of approximately 3,000 miles for Alabama, Florida, Georgia, Pennsylvania, and Vermont was offered for public comment in the **Federal Register** at 49 FR 7247, and after consideration of the comments the final mileage listed in the Appendix remains at approximately 3,000 miles. Therefore, the National Network now approximates 181,000 miles.

As of the effective date of this rule, all routes on the National Network will be open to vehicles authorized by the STAA. However, as discussed in the section titled "The 12 Foot Lane Issue," the FHWA is initiating action to identify non-Interstate National Network routes with less than 12 foot lanes and to take appropriate action consistent with the March 27, 1984, Memorandum opinion by the U.S. District Court for the District of Columbia.

Monitoring and evaluation efforts are ongoing to assess the safety of the vehicles authorized by the STAA on the routes designated for their use. In addition, Section 144 of the STAA calls for the National Academy of Sciences to monitor the effects of double bottom trucks. If information gained as a result of this monitoring indicates that changes should be made to the designated routes, FHWA will take action to make necessary adjustments.

Designation Criteria

Routes on the FAP system are selected by the States with the approval of the Secretary of Transportation and consist of connected main roads important to interstate, statewide, and regional travel. The FAP system includes the entire Interstate System. From 1921 to 1976, the FAP system was limited by statute to 7 percent of the route mileage in a State. As of January 1, 1982, there were 256,414 miles on the non-Interstate Federal-aid primary highway system nationwide.

The FAP system exhibits a range of design charteristics. At the highest end are the 42,500 mile Interstate System, and approximately 8,700 miles (3.4 percent) of non-Interstate FAP which are four-lane, divided, fully controlled access facilities.

The most typical non-Interstate FAP system route is a two-lane facility with 12-foot lanes and surfaced shoulders. Prior to the Interstate System, the routes on the FAP system carried nearly all long distance travel. Today, virtually all truly long distance travel is on the Interstate System, with the non-Interstate FAP system serving as (1) feeder links to the Interstate System, (2) connector routes bypassing the approximately 1,500 miles of gaps in the 42,500 miles of the Interstate System, and (3) routes of regional importance serving corridors not directly served by the Interstate System. Even today, the non-Interstate FAP system nationally carries more traffic in total than the Interstate System (non-Interstate FAP—471 billion annual vehicle miles, Interstate—318 billion annual vehicle miles). Approximately 30 percent of all travel in the U.S. is on the non-Interstate FAP system and the typical route carries 5,050 vehicles per day.

At the lower end of the FAP system are over 40,000 miles that were added in 1976 as a result of a functional realignment which recognized the impact of the Interstate System on the full FAP system. Many of these miles had been on the secondary of urban system and generally reflect lower standards. In the same realignment, portions of routes like U.S. 1 and U.S. 66 were dropped from the FAP system because their travel functions had been taken over by I–95 and I–40, respectively.

The FHWA maintains a statistically designed sample of inventory data on the highway systems in each State. Current statistics from the sample show that 67 percent of the FAP system has lane widths of 12 feet or more. Furthermore, the FAP system is undergoing continual improvement. An annual average of over 5,500 miles of FAP projects are completed each year. Much of the improvement has focused on pavement widening. In rural areas, the FAP mileage with lane widths of 12 feet or greater has grown from about 25 percent in 1956 to about 65 percent today. In urban areas 80 percent of the FAP system has lanes 12 feet wide or functionally greater.

And finally, with reference specifically to truck usage, very few FAP routes are unavailable to the conventional combination vehicles in operation today.

With respect to the capability of routes to accommodate safely the longer and wider vehicles authorized by the STAA, the FHWA has developed general criteria for guidance. Obviously, factors other than safety were considered in final network determination, such as service and connectivity, but these were considered secondary to the safety criterion.

The FHWA process and criteria development relied on a number of generally known and accepted practices. The FAP is established by statute and designated by the States. Many States provide broad access to the FAP to all commercial motor vehicles. Prior to discussing the criteria used in designating the National Network, some alternate criteria which were considered and rejected as being unduly restrictive are discussed.

• Designation of only those roads which were freeway type highways (divided with access control). Although the initial Policy Statement set forth this criterion as a beginning point for designation, it could not be accepted as an absolute criterion as some commenters have suggested. The experience of the majority of States with longer vehicles, i.e., 36 States which permitted doubles by State statute on a broad network, including two-lane roads, indicated that such roads could safely accommodate longer vehicles. Information available to FHWA indicates that there are currently in operation 45,000 twin trailer combination trucks, traveling an estimated 65,000 miles each per year. Much of this travel is on two-lane roads.

• Designation only of roads having 12-foot lanes for their entire length. The FHWA did not use this as an absolute criterion for a number of reasons, including the operation of 102-inch buses on roads with less than 12-foot lanes and the difficulty in providing connecting links in some States. However, as result of the District Court opinion the FHWA has further modified its approach to the 12-foot lane issue.

• Designation of multiple networks to serve separately longer, wider and twin trailer combination vehicles. Such networks would be difficult to administer, confusing to shippers and trucking companies and unrealistically difficult for the States to enforce.

After assessing the statutory requirements, information available on the safety of vehicles, knowledge of existing State laws and practices, and the needs of interstate commerce the following general conclusions provided the underlying basis for the criteria by which roads have been and will continue to be included in the National Network:

• The FAP system as a generic class is capable of safely accommodating the STAA authorized vehicles.

• Within the FAP system is a significant number of two-lane roads that can safely accommodate the larger vehicles.

• Available evidence indicates that the vehicles authorized by the STAA are no less safe than conventional combination vehicles allowed on almost all roads.

• There is no basis on which to designate a network that is more restrictive than that permitted under State statute or regulations. A number of States, for example, in adopting laws conforming to the STAA have authorized vehicles of dimensions covered in Sections 411 and 416 to operate on all FAP system routes and many other public roads. In fact, some States allow STAA authorized vehicles on all public roads.

These general conclusions led directly to the development of the following criteria, which are set out in § 658.09(b), and which have been used to identify the class of highway that can safely accommodate STAA authorized vehicles:

• The route is a geometrically typical component of the FAP system, serving to link principal cities and densely developed portions of States.

• It is a high volume route utilized extensively by large vehicles for interstate commerce.

• It does not have any restrictions precluding use by conventional combination vehicles.

• It has adequate geometrics to support safe operation, considering sight distance, severity and length of grades, pavement width, horizontal curvature, shoulder width, bridge clearances and load limits, traffic volumes, vehicle mix and intersection geometry.

• The route consists of lanes designed to be a width of 12 feet or more.

• It does not have any unusual characteristics causing current or anticipated safety problems.

In appying these conclusions and criteria FHWA has:

• included routes based on an overall judgment weighing the extent to which the route meets the foregoing characteristics,

• captured as a class those higher standard highways available within the FAP, and

• included routes in the National Network where State law allows the use of the full FAP by STAA authorized vehicles.

Since the passage of the STAA, FHWA has considered the information and advice available from the State highway agencies, FHWA field offices, and the comments to the dockets and has applied these general criteria in making its determinations of routes available for both the interim and the final National Network. FHWA recognizes, however, that previous notices in the **Federal Register** in these dockets did not set forth these criteria with the same degree of specificity as in the current regulation. Therefore, FHWA invites comment from the public within 60 days from the publication of this rule, on the criteria and on the application of the criteria to specific highways on the National Network including accident experience with buses or trucks which are 102 inches wide.

Approximately 58 percent of the FAP system, including the Interstate System, is included in the Network. As stated above, it is FHWA's belief that it has captured the highest standard roadways. However, there may be other qualified highways, which may be added in the future, pursuant to § 658.11(a), on the basis of the application of these criteria. FHWA will continue to evaluate the Network to ensure that through inadvertence no highway is allowed to remain on the Network which does not meet the criteria, and § 658.11(b)–(d) establish procedures for the deletion of such routes from the Network.

The 12-Foot Lane Issue

In a Memorandum opinion issued on March 27, 1984, by the U.S. District Court for the District of Columbia (*Center for Auto Safety* v. *Dole*, CA No. 83–3885), the Court indicated that FHWA's interim designation of highways with lanes less than 12 feet wide to be available to 102-inch wide vehicles appeared to be inconsistent with Section 416 of the STAA.

Availability data do not show that lanes less than 12 feet in width are inherently incapable of safely accommodating 102-inch wide vehicles. As indicated in the discussion above, a combination of factors, including lane width, sight distance, horizontal curvature, shoulder width, and length and severity of grades will determine whether a road segment can safely accommodate wider trucks.

In developing a single unified network for use by STAA vehicles, FHWA requested the States to assess the safety of all designated routes. FHWA believes that the States are the parties most familiar with road conditions, and they have assessed their roads in light of the above factors in recommending availability. One of the criteria used in this safety assessment process was pavement width. FHWA continues to believe that the process described above under *Designated Highways* resulted in a refined system which can safely accommodate these vehicles, notwithstanding the presence of some mileage with lane widths of less than 12 feet. However, given the Court's interpretation of section 416, FHWA is proposing a revised approach to the lane width issue.

As a first step in changing this rule to accommodate the Court's opinion, FHWA is proposing to adopt a definition of "highway with lanes designed to be a width of 12 feet or more" to address the fact that some highways are designed and intended, on an overall basis, to have lane widths of 12 feet or more but may have short segments with less than 12-foot lanes. FHWA is therefore proposing to add a new subsection to this rule, § 658.05(l), to read as follows:

> A "highway with traffic lanes designed to be 12 feet or more" is a highway between major interconnecting points that has pavement lane widths of 12 feet or more for —— percent or more of its length. To allow for variation in pavement markings and equipment accuracy, reasonable tolerance on the 12-foot requirement is allowed. On multilane highways, at least one lane in each direction must be 12 feet or more as defined herein to be considered as meeting this test.

Section 416 refers to "highways" not to individual, short segments of roadway that may have different lane widths than the route in general. FHWA has not determined precisely what percentage of a highway's length must have lanes 12 feet wide or more in order to fit within section 416's reference to "highways" with lanes designed to be that width. At the present time, FHWA is considering a requirement that either 85 percent, 90 percent, 95 percent, or 100 percent of the mileage of each highway to have 12-foot wide lanes.

FHWA invites comments within 60 days from the States, public, and shipping and trucking interests on the appropriate percentage and on the definition in general.

At present FHWA does not have complete information as to where the less than 12-foot lane mileage is located. Therefore, the FHWA will be requesting the States to provide information on lane width to the FHWA within 60 days from publication of this rule.

The FHWA's revised approach will be as follows:

• The entire National Network will be available to longer and tandem vehicles described in Section 411, as the lane width language of the STAA only applies to 102-inch wide vehicles.

• FHWA will not be more restrictive than State law or regulation with respect to 102-inch wide vehicles and therefore will continue to identify as part of the National Network all sections available to 102-inch wide vehicles under State law or regulation.

• In States not permitting 102-inch wide vehicles under State law or regulation, FHWA will, as soon as practicable after the close of the comment period and receipt of lane width information, adopt an appropriate definition of "highway with lanes designed to be a width of 12 feet or more" and amend the Appendix to this rule to identify those sections of the National Network not available to 102-inch wide vehicles.

Until such time as FHWA has completed this process, the highways listed in the Appendix are available to both longer and wider trucks.

Disputed Routes

On September 14, 1983 (48 FR 41276) FHWA publishd a Notice of Proposed Rulemaking (NPRM) proposing a final designated network of FAP routes. Although interested persons were invited to comment on all the routes proposed for inclusion in the National Network, the NPRM specifically solicited comments on several routes in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, and New York where FHWA and the State highway agencies had not yet reached agreement.

Thirty-four comments were received addressing these routes. Eighteen commenters opposed the designation of one or more of the routes in the six States. Of these, 17 were from public agencies, e.g., State and local highway departments or regional commissions. One comment was from a private citizen. In all of these comments, the principal argument against designation was a concern for safety—either generally stated of specifically cited.

Sixteen commenters favored the designation of one or more of the routes in question. The commenters represented trucking associations, individual truck companies, and commercial firms. Comments in support of designation were based on increased efficiency and economy.

Initially, 29 routes were in question, however, three of the States reevaluated their position and either dropped their objection or recommended that nine of the routes be designated.

The FHWA has designated the nine routes. One of the remaining 20 routes has been added to the Interstate System at the State's request. The other 19 routes have not been designated for the reasons discussed below.

In Connecticut there was one disputed route, and one response received. The comment summarized the opposition of three local communities to the route's designation. The three local communities opposed the designation because there is no freeway connection at the route's northern terminus. Town officials expressed concern that large tandem vehicles might use the local roads, thereby creating additional safety and maintenance problems.

The State of Connecticut made no comment on this issue. The FHWA has determined the designation of this route on the National Network is appropriate and fully justified. The route in question is a multilane, divided freeway with full control of access and provides service to industry and towns along its length. State and local roads beyond the northern terminus are not on the National Network and access to these roads is under the control of State and local authorities.

In Massachussets there were five disputed routes, and four responses were received. Two responses in support of including the five disputed routes were from the State of Massachusetts and the State trucking association. The State based its support on potential economic benefits but expressed concern for public safety in urbanized areas during peak hours of operation. The two responses in opposition were from two towns that based their opposition on concerns for safety on the portions of contested routes that passed through them. After reviewing these comments, FHWA has determined that the five routes will be included in the National Network. They are necessary to provide service to highly developed areas, and all are multilane, divided freeways with full control of access with the exception of a two-mile segment on one of the routes. The two-mile segment is a multilane, divided highway and is the only feasible temporary connector between two completed segments of the Interstate System. Further, the two-mile segment is not near the two towns that oppose the routes. Finally, FHWA has allowed the State to place operating restrictions during peak travel hours on segments of some of the routes in highly urbanized areas.

In Maine there was one disputed route, and six responses were received. Three responses from the trucking industry supported the disputed route, citing increased productivity and service. Three responses, including the State, opposed the disputed route. All three commenters that opposed the route cited concerns for safety, with the State's response citing specific geometric, traffic and accident history considerations. After analysis of the information supplied by the State, the FHWA has decided not to include the route on the National Network.

In New Hampshire there were four disputed routes, and eight responses were received. All were in opposition to the four disputed routes. Six of the responses were from towns and a planning commission. The opposition was based on concerns for safety. Two responses were from the State, which opposed all of the contested routes based on safety concerns and State law. Because of inadequate geometrics on several segments and a lack of demonstrated need for service on the relatively short segments that remain, FHWA has decided not to include the routes on the National Network.

In New Jersey there were 10 disputed routes, and 13 responses were received. Eleven responses supported inclusion of the 10 disputed routes and were from the trucking industry and commercial firms served by the industry. Their support was based on potential increases in economy and productivity. Two responses opposed inclusion of some of the disputed routes. One was from a town opposing one route based on a general concern for safety. The other comment was from the State of New Jersey which opposed six of the routes and a segment of a seventh, but supported the remainder. The State documented geometric limitations and accident problems at a number of locations in support of their opposition. Based on these comments, the FHWA has determined that the three routes plus part of a fourth supported by the State will remain as part of the National Network.

In New York there were eight disputed routes, and two responses were received. Both opposed the eight disputed routes. One response was from the State Police, and the other response was from the State Department of Transportation. Both agencies based their opposition on substandard segments of highway, safety concerns and congestion. On October 25, 1983, the FHWA approved the State Department of Transportation's request to add the Long Island Expressway to the Interstate System with the understanding that this action would require the route to be available to the larger vehicles. The FHWA has determined that the remaining seven disputed routes will not be designated because of inadequate geometrics on segments of the routes or accident history of several locations along these segments.

Designated Routes for Alabama, Florida, Georgia, Pennsylvania and Vermont

Subsequent to the April 5, 1983 (48 FR 14 844) notice which designated an interim network in the 50 States and the District of Columbia and Puerto Rico, the States of Alabama, Florida, Georgia, Pennsylvania, and Vermont brought suits in the U.S. District Courts to enjoin the FHWA from including routes in the interim network beyond those proposed by the States. The FHWA withdrew the routes beyond those proposed by the five States and, after completing a full rulemaking process, published an interim system for those States of approximately 3,000 miles on February 3, 1984 (49 FR 4203). On February 28, 1984 (49 FR 7247) the proposed final network for those States was published for public comment.

The FHWA has received 10 responses, several of which commented on routes in more than one State. Trucking interests, railroad interests, manufacturers, shippers and State agencies were among the commenters.

The majority of the commenters endorsed the proposed network. However, there were requests for additional mileage in the five States. A brief State-by-State overview of the comments follows:

- Alabama—Three comments were received. With regard to the additional routes requested by the three commenters, the FHWA and the Alabama State Highway Department made a safety assessment and concluded that each of the routes had safety deficiencies and, therefore, have not been designated.
- Florida—Two comments were received. With regard to the additional routes requested by the two commenters, the FHWA and the Florida Department of Transportation made a safety assessment and concluded that

each of the routes had safety deficiencies, and therefore, have not been designated. Furthermore, from I–10 to the Georgia State line, US 19 was proposed as an addition to the network by FHWA. However, since US 19 in Georgia is not designated, the route in Florida would lack connectivity and, therefore, is not designated.

• Georgia—Six comments were received. One of the comments was from the Georgia Department of Transportation (Ga DOT). The Ga DOT endorsed the routes identified in the NPRM except for the proposed addition of US 19/US 319 through Thomasville. The Ga DOT identified safety and geometric problems with routes US 19/US 319. The other five commenters requested additional routes. The Ga DOT is establishing a process by which candidate routes may be identified, appraised, and recommended to FHWA for addition to the network. The additional routes requested by the other commenters will be appraised by Ga DOT under this process, and a recommendation will be provided to FHWA. FHWA has determined that the final network in Georgia will consist of the routes proposed in the February 28 NPRM, with the exception of US 19/US 319 through Thomasville.

• Pennsylvania—Two comments were received. The Pennsylvania Department of Transportation (Penn DOT) endorsed most of the routes identified in the NPRM. The State requested that six routes not be included in the National Network. the FHWA concurs with this recommendation. The State has indicated that these six routes would remain available to STAA authorized vehicles under access provisions. The other commenter asked for additions without specifying any routes. Therefore, FHWA could not evaluate the proposal.

• Vermont—One comment was received. However, the commenter asked for additions without specifying any routes. Therefore, FHWA could not evaluate the proposal.

One commenter asked for consideration of the impact on safety due to the larger trucks traversing at-grade railroad crossings. When FHWA and the State DOT's evaluate a proposed route, consideration is given to the safety of railroad grade crossing.

The FHWA, after making the changes as noted above, has decided upon a final network for the five States as published in the Appendix.

Additions, Deletions and Restrictions

In the NPRM of September 14, 1983 (48 FR 41276), FHWA proposed procedures to be followed for additions to, deletions from and restrictions on the use of National Network routes by STAA authorized vehicles. No comments were received on the proposed procedures for additions or deletions. Section 685.11 of the final rule reflects the intent of the NPRM. The subsection on emergency deletions is clarified. Such deletions are not considered final, and will be published in the **Federal Register** for notice and comment.

FHWA has modified its position on prior approval for operating restrictions on National Network routes. Based on docket comments, FHWA will require prior approval only for those restrictions on STAA authorized vehicles involving permanent detours from urban Interstate routes to circumferential or bypass routes, and for restrictions based on hours of use.

Signs

The NPRM requested comments on the alternatives of (1) posting signs on National Network routes and (2) the issuance of special maps. The proposed rule (§ 658.21) stated that signing would be a State option.

Commenters included those desiring both maps and signs and those favoring either maps or signs at the State's option. Of particular note were comments concerning the burden a signing requirement would place on those States with an extensive National Network.

On the basis of the comments received, the title of § 658.21 is changed from "Signing" to "Identification of National Network." The States are given the option of signing and/or mapping and/or listing to identify the National Network and reasonable access related thereto. All signing shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

The NPRM sought comment on five specific operational signing questions. In each case the comments were mixed on a specific decision, but did carry the common thread of uniformity in implementing whatever decision is made.

The States have an obligation to provide the operators of vehicles authorized by the STAA with the information needed to operate legally. Maps or lists must be kept current and readily available. Signing, where necessary, shall be uninform and installed in accordance with the MUTCD. The FHWA recognizes the need for uniformity of signs as to message, size, color, lettering, etc., and will recommend incorporating such signs into the MUTCD.

Vehicle Length

The NRPM asked for comment on three length issues that have developed since passage of the STAA. The three are:

1. The maximum length of a semitrailer that on December 1, 1982, was legally in operation in each State, but did not require an administrative permit.

2. How 28½ foot trailers in legal use as part of a truck tractor-semitrailer-trailer combination vehicle (double) on December 1, 1982, can be identified.

3. What type of special regulations (if any) should be implemented for automobile transporters.

Maximum Semitrailer Dimensions—December 1, 1982

Identification of the maximum legal length of semitrailers in actual operation without special permit on December 1, 1982, in each State is important because Section 411(b) of the STAA mandates that States continue to allow the operation of semitrailers of such dimensions as those that were in actual and legal use on that date. The NPRM indicated FHWA's intent to publish, as part of the Final Rule, a listing of the "grandfathered" semitrailer lengths for each State.

Determination of these lengths has been more difficult than anticipated, particularly in those States that did not specify a maximum semitrailer length, but which specified a maximum overall vehicle length. In such States very little, if any, data were ever collected or retained regarding semitrailer lengths. Also many of these States have not rendered an opinion as to what they believe are the grandfathered simitrailer limits within their jurisdiction.

Congress established truck lengths limits in the STAA in order to open up a National Network for travel by larger trucks. The purpose for the "semitrailer lengths legally operating on December 1, 1982" grandfather provision was to prevent States from rolling back limits that were greater than the limits established in the STAA or from preventing vehicles to operate that may have been legally operating in the State on December 1, 1982.

Comments received from both the States and the industry revealed that there is basic disagreement between many States and the industry with respect to the extent of this grandfather requirement. Due to these disagreements, and to the lack of information regarding legal trailer lengths in these States, FHWA cannot at this time ascertain the grandfathered

legal limits in those States. FHWA can only confirm the limits in those States that actually had statutory or administrative semitrailer limits as of December 1, 1982, or in those States where all commenters have agreed on a particular length.

In the following 18 jurisdictions there is agreement that no grandfather length in excess of 48 feet exists: Alaska, Connecticut, District of Columbia, Georgia, Hawaii, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Puerto Rico, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. In the following seven States, grandfathered lengths in excess of 48 feet are established: Kentucky, 53 feet; Louisiana, 59 feet, 6 inches; Missouri, 53 feet; Ohio, 53 feet; Oregon, 53 feet; South Dakota, 53 feet; Wyoming, 57 feet, 4 inches.

In the remaining 27 States, either the industry has claimed that semitrailers of lengths in excess of 48 feet were legal and the State has not responded, or the States and the industry disagree as to what was legally operating on December 1, 1982, or conforming legislation has not yet been enacted. FHWA intends to initiate separate rulemaking with respect to this issue that will address possible ways to resolve this problem.

If any carrier can successfully demonstrate the legal operation in a State of semitrailers in excess of 48 feet or trailers in excess of 28 feet, without permit, those dimensions must be grandfathered. Further, although States may no longer impose overall length restrictions on combination trucks with 48-feet semitrailers or 28-feet trailers when operating on the National Network, States may impose December 1, 1982, overall length restrictions on their grandfathered semitrailer and trailer dimensions in excess of 48 feet and 28 feet, respectively.

Several States have indicated they allow continued use of specific equipment via a permit system or a specific equipment grandfather, but that all other equipment would be subject to new State length requirements. Such a process would violate Section 411(b). The grandfather provision in 411(b) refers to dimensions and not to specific equipment, except for the references to 28½ foot twin trailers. Those States that have established a specific equipment grandfather provision for semitrailer length in response to Section 411(b) must make necessary legislative or administrative corrections as soon as possible. However, States may restrict the grandfathering to specific classes of carriers consistent with restrictions in place on December 1, 1982. For example, if poultry-hauling vehicles were permitted to operate 60 foot semitrailers but all other combination vehicles were restricted to 55 feet, the State need only grandfather the 60 feet for poultry haulers and may impose a limit of 55 feet on all other semitrailers.

Identification of 28½ Foot Trailers

Comments on identifying 28½ foot trailers in twin combinations on December 1, 1982, favored (1) use of the registration cab card, (2) use of the manufacturer identification plate or a copy of any registration, permit, bill of sale, etc, or (3) no special identification. One docket submission on this issue pointed out that the entire question of 28½ foot trailers may soon be a nonissue. This company claims to own over 97% of the 28½ foot trailers currently in existence. They are not buying new ones, and will phase out the old ones. The final rule is silent on the issue of 28½ foot trailer identification.

Automobile Transporters

There are three length related issues with regard to automobile transporters. First, are conventional and stinger steered transporters covered by regular length provisions and subject to 48 foot semitrailer length or are they special equipment which may be subject to separate regulation? The NPRM proposed a rule which defined all automobile transporters as specialized equipment. In the NPRM's preamble, FHWA expressed the intent to specify an overall length limit of at least 65 feet exclusive of overhang. Inadvertently, the proposed rule was written as a 65-foot maximum rather than as a minimum limit.

Second, what overhang, if any, should be permitted? The NPRM proposed a 3-foot front and 4-foot rear maximum overhang. Here again, the proposed rule was at variance with the intent as stated in the preamble. The rule stated overhangs as maximums. The intent was to state them as minimum limits.

Some States which heretofore had 55-foot overall length limits objected to specifying either 65-foot overall or any overhang limits. Some industry representatives stated that the proposed rule on overall length failed to satisfy industry's basic need. They propose the general allowance of equipment longer than that set out in the NPRM. To assure that all parties have ample opportunity to comment on the use of this type equipment, FHWA is adopting the rule as intended in the NPRM and will issue a new NPRM in the near future which will consider alternatives consistent with the petition of the industry.

Third, how should other combination vehicles used in transporting motor vehicles be regulated? This question relates primarily to those combinations using saddlemount and fullmount mechanisms. Here again, the industry and some States took widely divergent views. Industry requested a 65 foot minimum limit with triple saddlemount and fullmount operations allowed. Some States objected to the triple saddlemount operation. The final rule specifies an overall length limit of at least 65 feet and provides that the equipment must meet the equipment safety regulations of the Federal Motor Carrier Safety Regulations issued by the Department of Transportation. Although the Bureau of Motor Carrier Safety Regulations would allow the operation of triple saddlemounts, this final rule does not set a requirement as to how many vehicles must be allowed to be carried in saddlemount and fullmount operations.

Trailer Length Exclusions

Only two comments were received on the issue of which devices should not be considered in determining the length of a vehicle and both were concerned that the proposed definition was too restrictive.

The Truck Trailer Manufacturers Association (TTMA) listed several additional items that have been routinely excluded from length determinations in the past. The American Trucking Associations also listed devices that have been and should continue to be length exclusive.

The definition of length exclusive devices has been revised to include any device attached to either the front or rear of a semitrailer or trailer whose function is related to the safe and efficient operation of the unit. However, in keeping with Section 411(h) of the STAA, no device excluded from length determination shall be designed or used for carrying cargo.

Dromedary Boxes

Numerous comments were received concerning truck tractors with dromedary boxes, both from States and from the industry. Some States regulate this type vehicle as a straight truck, and some as a special vehicle, but many States regulate it only through overall maximum combination vehicle length. Many commenters objected to the proposed regulation as unenforceable. Many also questioned the need for Federal intervention in an area adequately regulated by the States. Both States and dromedary box users supported continued use of this type

equipment. The States sought to maintain the status quo with respect to State regulatory power, while users supported a Federal mandate on the National Network, but seemed reasonably satisfied with State regulatory actions. Few comments were received concerning the grandfathering of existing equipment. Those comments favored the proposal.

Accordingly, the final rule does not address the issue of dromedary boxes except as it relates to grandfathering existing equipment, and they remain subject to State regulation.

Vehicle Width

Seventy-five comments were received on truck width subjects. Of these, nine were related to width exclusions, three to farm vehicle exclusions, 30 to 102 inch semitrailers on 96 inch tracks and 33 to the approximate metric equivalent of 102 inch width. Comments to the docket on the first two of these issues were general in nature, and made no specific recommendations with regard to the proposal rule.

On the issue of which devices should not be considered in determining whether a vehicle complies with the width limits of Section 416, the FHWA has a long history of interpreting the width provisions under prior law. The most recent statement on the issue was in an interpretive memorandum dated February 12, 1981. This memorandum established FHWA policy as limiting State authorized safety devices to those extending three inches beyond the vehicle maximum width on each side with the exceptions of load induced tire-bulge, rearview mirrors, turn signal lamps, and handholds for cab entry/exit, which could extend beyond the three-inch limit. The FHWA is retaining its previous interpretation for the new requirements of the STAA, and is adding splash and spray suppressant devices to the list of safety items which can extend beyond the 3-inch limit.

Another issue with respect to width is the scope of coverage of the new section. Under the previous width restrictions in 23 U.S.C. 127, all vehicles operating on the Interstate System, whether incidentally or otherwise, were restricted by the 96-inch limit notwithstanding the commercial nature of the vehicles. Accordingly, farm tractors, implements of husbandry and similar equipment which do not use the Interstate on any but an incidental basis were limited to the 96-inch width. However, the grandfather clause allowed those States which had made provision through State law or regulation for such specialized equipment on July 1, 1956, to continue to allow such operation on Interstate highways. The 1956 grandfather clause was not retained in Section 416 of the STAA. Restrictive interpretation of this deletion would prohibit use of the Interstate and designated segments of the FAP system by vehicles in excess of 102 inches, even on an incidental basis, except under special permit. However, since Section 416 has been placed in Part B of Title IV of the STAA which provides for commercial motor vehicle limitations, and the section title accompanying the width provision cites "commercial motor vehicle width limits," FHWA is excluding farm tractors and similar equipment from the definition of commercial motor vehicle and therefore from the scope of Section 416. Under this regulation States may continue to regulate such equipment. FHWA's own analysis of the proposed rule determined that a listing of specific vehicle types in the regulation might create the unintended impression of an exhaustive and exclusive specification. Section 658.05(i) of this final rule lists functional categories of special mobile equipment which would be excluded from the width provisions of the rule.

Another issue is the width of the axle track on wider vehicles. Considerable interest has been generated on this issue, particularly from trailer manufacturers and users and proponents of trailer-on-flatcar (TOFC) operations. Research indicates that some incremental level of increased safety is achieved by requiring 102-inch wide vehicles to have wide track axles, i.e., a 77½-inch axle vs the 71½-inch axle used on 96-inch wide vehicles. The FHWA is monitoring additional studies of the improvements in stability associated with the installation of the wider axles. Some comments received in Docket 83–14 indicate that some TOFC operations would be unable to accommodate the wide axle semitrailers. Because the full impact of requiring the wider axle tracks on the 102-inch wide vehicles is not clearly established, the FHWA will not at this time make a final decision on the axle width issue. The Bureau of Motor Carrier Safety of the FHWA plans to initiate rulemaking on this matter.

Commenters on the subject of recognizing the approximate metric width equivalent of 2.6 meters (102.36 inches), on trailers were strongly in favor of such a position. Standardization of truck width on an international basis is seen as an important objective, which will serve to enhance international trade. The FHWA concurs in that assessment. The final rule as contained in Section 658.15 establishes the maximum width as 102 inches or its approximate metric equivalent of 2.6 meters. The FHWA believes the States can accommodate the rule without changing laws or violating congressional intent.

Vehicle Weight—Interstate System

The weight standards set forth in 23 U.S.C. 127, as amended by the STAA, including single axle, tandem axle, gross weight, and application of the bridge formula, are no longer permissive. All States must now adopt the Federal limits on the Interstate System. These limits are also the maximum limits and cannot be exceeded unless the State possesses rights based on either of the two grandfather clauses in Section 127. One grandfather clause legalizes all single axle, tandem axle, and gross weights that were in effect in a State on July 1, 1956. The second grandfather clause legalizes those formulae or tables that vary from the Federal formula and that were in effect in a State on January 4, 1975.

In recent years, review of the annual certifications of enforcement submitted by the States pursuant to 23 U.S.C. 141 has revealed uncertainty concerning the extent of grandfather rights, application of the bridge formula, and special permits. This preamble and regulation restate a number of advisory and formal interpretations that FHWA has issued over the years in an effort to clarify the situation with respect to grandfathering and application of the bridge formula.

On July 1, 1956, the maximum gross weight allowed on the Interstate System by Federal statute was 73,280 pounds. The majority of States were previously at or under this weight by application of the American Association of State Highway and Transportation Officials (AASHTO) Recommended Policy, which relied upon an axle spacing formula. The 73,280-pound figure was the maximum gross weight that could be carried on the largest wheelbase vehicle in the AASHTO table. As a result of this gross weight limit and the 18,000-pound single axle and 32,000-pound tandem axle limits, it was not necessary to impose an axle spacing formula in the Federal law.

A few States, however, had gross weights in excess of 73,280 pounds; some on the basis of individual axle spacing tables, others as an absolute maximum. Examples of these States include Michigan (cumulative axle and axle weight limitations), New Mexico (State table), Hawaii (territorial weight limits), and Utah (State table). Permissible gross weights in these States ranged from 79,900 pounds to 154,000 pounds and they are considered as having legitimate grandfather rights

under Section 127. Only those States that had gross weights in excess of 73,280 pounds by statute on July 1, 1956, have legitimate grandfather rights under 23 U.S.C. 127 and may continue to apply those weights today. With the Federal-Aid Highway Amendments of 1974, which raised the maximum gross weight to 80,000 pounds, several States' gross weight provisions were overtaken. The only States that now have grandfather rights to allow vehicles to use the Interstate System carrying weights in excess of 80,000 pounds without a special permit are those that statutorily allowed such vehicles on July 1, 1956.

Similarly, States that have axle weights that exceed 20,000 and 34,000 pounds on single and tandem axles, respectively, retain grandfather rights under 23 U.S.C. 127 only if these axle weights were legally permissible on July 1, 1956, and exceeded the axle weights raised by Federal law on January 4, 1975.

Thus, in those States that allowed a vehicle with 22,000 pounds on a single axle, 36,000 pounds on a tandem axle, and 73,280 pounds gross weight, those axle weights remain legal today on vehicles with gross weights up to 73,280 pounds. However, the entire Federal weight structure applies to vehicles that exceed 73,280 pounds.

In addition, the Federal bridge formula applies on all vehicles, with the exception of certain vehicles operating under special permit as discussed below, and except in those States that had axle spacing formulas in their statutes prior to January 4, 1975. Those pre-1975 axle spacing formulae are allowed in lieu of the Federal bridge formula, but only up to the maximum legal gross vehicle weight existing in the State prior to 1975, which because of the 1956 Federal gross weight maximum and grandfather clause, would also be the maximum gross weight existing in the State prior to 1956. Maximum gross vehicle weights were frozen in 1956; thus, no State could raise its limit above the Federal maximum of 73,280 pounds between 1956 and 1974 and only gross weights in excess of 73,280 pounds received grandfather rights in 1956. For loads in excess of the State's 1956 maximum gross vehicle weight or grandfathered weight, the Federal bridge formula applies in lieu of a State's 1974 axle spacing formula.

Several commenters expressed the opinion that grandfather rights in Section 127 be interpreted to mean that in those States with single axle weights of 22,000 pounds and tandem axle weights of 36,000 pounds, the axle weights should apply up to 80,000 pounds and the bridge formula should not apply. This contention is inconsistent with the legislative history of Section 127 and agency interpretation and does not conform to the usual meaning or purpose for grandfathering provisions. The purpose of a grandfather provision is to protect the status quo. FHWA's interpretation is consistent with congressional intent. Once a State voluntarily changed its regulatory scheme by adopting a higher gross vehicle weight limit or individual axle limit, it changed the status quo by allowing vehicles with certain weight distributions to operate that were not allowed to operate in 1956. Thus, once a higher Federal limit was adopted the entire Federal regulatory structure applied.

FHWA's interpretation in this regard is consistent with the statutory scheme created by the several Federal-Aid Highway Acts over the past eight years, a thorough oversight review by the Subcommittee on Oversight of the House Committee on Ways and Means, and reviews by the Comptroller General and the Inspector General of the Department of Transportation.

Special Permits

Another matter that has caused controversy in the past few years is the issue of special permits and whether a State has authority to issue such permits for divisible loads in excess of the Federal maximum weight limit. The Oversight Committee of the House Ways and Means, the Comptroller General, and the Inspector General of the Department all concluded as a result of individual investigations, that issuing special permits for overweight vehicles has become a pervasive practice for the sole purpose of circumventing the intent of Congress. Moreover, these investigations found that the application of grandfather rights to legalize permitting practices was inconsistent with the requirements of 23 U.S.C. 127.

The Congress, in enacting the STAA, attempted to clarify this issue and reduce conflict between the Federal and State governments by amending 23 U.S.C. 127 and placing the responsibility on the States to determine, as a matter of first impression, whether State law on July 1, 1956, provided for the issuance of special permits for divisible loads, and if so, the scope of the permits. However, the legislative history of the STAA addresses the issuance of special permits (see remarks of Sen. Symms, 138 Congressional Record S14997) and makes it clear that Congress did not intend to create exclusive State authority to make such determinations. The Secretary must be involved in this determination process and is responsible for reviewing State determinations that appear to be inconsistent with the requirements of 23 U.S.C. 127. Congress enumerated the States that are considered to have legitimate grandfather rights and also mentioned that the language added to Section 127 was not meant to provoke new controversies over this authority.

Any FHWA review of permitting practices will address potential bridge and pavement damage. FHWA believes the authority to issue special permits for divisible loads in excess of 80,000 pounds represents a legitimate grandfather right under Section 127 only if the State was actually issuing such permits in 1956. Furthermore, this permit authority should only extend to those weights for which the permits were being issued at that time. Any other interpretation would allow the States to issue permits for loads that do excessive damage to highway pavements and bridges and would contravene the plain meaning of grandfather rights under Section 127.

In keeping with the legislative history, FHWA intends to respect State determinations of grandfather authority if based upon identifiable statutory or administrative guidelines in existence in 1956. However, consistent with FHWA's interpretation of axle limit and gross weight grandfather rights, the right to issue special permits is limited to the entire regulatory structure existing in the State in 1956. If a State issued permits for loads up to 86,000 pounds in 1956, without regard to specific axle limits or axle spacing formula, then the State may continue to exercise this practice. If the State issued permits in 1956, with specific axle limits or spacing guidelines, these guidelines or limits are a condition of the grandfather right and must continue to be imposed.

For example, if the State was issuing permits in 1956 for loads up to 86,000 pounds, but is now issuing permits for loads up to 95,000 pounds, the State is violating Federal law by exercising a right that was not grandfathered under Section 127 in 1956. FHWA is particularly concerned that a number of States fall into this category. Those States that are issuing such permits in compliance with individual Federal axle and bridge formula requirements, are not damaging the pavements and bridges to the extent that other States are by issuing such permits without any restrictions. Therefore, FHWA will concentrate enforcement efforts on those States that are issuing permits without axle or bridge formula restrictions.

With respect to nondivisible loads, the STAA provides that the States may issue permits for loads in excess of 80,000 pounds, without regard to grandfather authority, and without strictly following the constraints of axle limits or the bridge formula. However, Congress provided this leeway because the States have, to date, been engaged in routing practices in issuing nondivisible load permits, i.e., approval of routing and bridge inspection, which are designed to protect against potential pavement and bridge damage.

Reasonable Access

Section 133(b) of the STAA, provides that States may not deny reasonable access to vehicles of weights authorized by that Section between the Interstate System and terminals and facilities for food, fuel, repairs and rest. Similarly, Section 412 of the STAA provides that States may not deny reasonable access to commercial vehicles subject to Title IV of the Act (which includes length and width provisions) between the Interstate and designated FAP system highways and terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers. The NPRM stated the FHWA's intent to allow the States to establish individual reasonable access provisions.

A majority of the 103 docket comments discussing reasonable access centered on whether the States or FHWA should define reasonable access.

Analysis of the comments has not revealed evidence that the States would not provide reasonable access. Eighteen States already offer virtually unlimited access, and many other States are in the process of considering liberal access policies. It is FHWA's intention to monitor the States' reasonable access policies and practices and reevaluate its position if necessary. Should FHWA determine that a State's position is unreasonable, and in violation of section 412, it has the authority under Section 413 to seek injunctive relief.

Other commenters urged FHWA to define the term "terminal." However, FHWA has concluded that the variance of local conditions would make any Federal definition of terms in this area so broad as to be virtually unenforceable. Specific definitions will remain a State prerogative with the same cautionary reminder of the Secretary's authority set forth above.

The current status, by State, of reasonable access provisions is listed in tabular form below.

STATUS OF REASONABLE ACCESS PROVISIONS

State	Access policy	Under discussion	½ mile	1 mile	3 miles	5 miles	10 miles	Unlimited	Comments
Alabama	X			X					From identified designated interchanges.
Alaska	X							X	
Arizona	X							X	
Arkansas	X							X	Unless otherwise posted.
California	X		X						Terminal access beyond .5 mi. by signed routes from identified access points.
Colorado	X								
Connecticut		X						X	Unless otherwise posted.
Delaware	X								
District of Columbia	X								By permit only.
Florida	X								Do.
									From ident. interchanges: rural-1 mi. (2 lane) & 3 mi. (4 lane); urban-1 mi. on X-rds. w/ 12' lanes. Carriers must petition if terminals outside above limits.
Georgia	X			X					From identified designated interchanges.
Hawaii	X							X	
Idaho	X							X	
Illinois	X					X			State highways, local roads by permission.
Indiana	X							X	All US and State routes.
Iowa	X								1) 5 mi. from I System. 2) All rds. & streets within cities served by I or other designated routes & 3–10 mi. outside of cities depending on population.
Kansas	X								
Kentucky	X			X				X	All US and State routes.
Louisiana	X				X				
Maine		X							
Maryland	X								Shortest practical route to terminals, etc.
Massachusetts		X							
Michigan	X					X			
Minnesota	X								Determined on a needs basis.
Mississippi	X							X	
Missouri	X						X		
Montana	X							X	
Nebraska	X							X	All US and State routes.
Nevada	X							X	Permit required for width.
New Hampshire	X								By permit only.
New Jersey	X								Do.
New Mexico		X							Interim instructions issued for Interstate only.
New York	X								Permit required beyond 1500 feet.
North Carolina		X			X				For food, fuel, rest & lodging.
North Dakota		X					X		Draft has been prepared.
Ohio	X							X	All US and State routes.
Oklahoma	X								Very reasonable access.
Oregon	X								Limited to designated system.
Pennsylvania	X								.2 mile from designated system.
Puerto Rico		X							
Rhode Island		X							
South Carolina		X							Legislation being considered.
South Dakota	X							X	Access roads can be designated by local jurisdiction.
Tennessee	X							X	Shortest reasonable route.
Texas	X							X	Unless otherwise posted.
Utah	X							X	
Vermont	X								.5 mi. on designated interchanges; permit on others and greater distance.

STATUS OF REASONABLE ACCESS PROVISIONS—Continued

State	Access policy	Under discussion	½ mile	1 mile	3 miles	5 miles	10 miles	Unlimited	Comments
Virginia	X		X						Permit req'd beyond .5 mi. Permission must be obtained within towns, cities & Henrico & Arlington Co.
Washington	X							X	
West Virginia	X								Within 2 miles of designated routes.
Wisconsin	X					X			
Wyoming	X						X		

Regulatory Impact

The FHWA has considered the impacts of this proposal and has determined that it is a major rulemaking action within the meaning of Executive Order 12291 and a significant rule under regulatory policies and procedures of the Department of Transportation (DOT). The agency's determination that this rule is major and significant is based primarily on the substantial savings in transport costs expected to result from implementation of the rule and on the controversy regarding route designations in selected locations. A Final Regulatory Impact Analysis, Final Regulatory Flexibility Analysis and a Finding of No Significant Impact (FONSI) determination have been prepared and are available for inspection in the headquarters office of FHWA, 400 Seventh Street SW., Washington, D.C.

With regard to the assessment of the impact this rule will have on small entities pursuant to the Regulatory Flexibility Act (P.L. 96–354), the reasons for, objectives, and legal basis for this action have been previously explained in this notice. This rule does not impose any additional reporting, recordkeeping, or other compliance requirements on small entities and does not duplicate, overlap, or conflict with any other Federal rules. This rule does not appear to have an adverse effect on a substantial number of small entities.

This rule will provide the opportunity for many carriers and shippers to increase productivity through the use of the larger vehicles, but some docket comments indicate that some small business entities may be adversely affected because they are not served by routes on the National Network established by this final rule. However, the small number of comments received did not indicate that this would result in a significant economic impact on a substantial number of small entities. This determination of no significant impact is further supported by the fact that the regulations included in this final rule will allow small entities to seek additions to or deletions from the National Network. Similarly, because of this flexibility, the final rule is not expected to have a significant adverse effect on small governmental jurisdictions.

The FHWA has determined that this rule will allow the motor carrier industry to realize substantial productivity gains. These gains are expected to provide benefits to truckers, shippers, receivers, and consumers. In recognition of the fact that this regulation provides a mechanism for deletion of potentially unsafe segments from the National Network, the FHWA does not believe that there will be significant safety effects from this action. The safety issue is addressed further in the final regulatory analysis.

The Congress in enacting the STAA of 1982 set statutory deadlines for rulemaking in order to facilitate the realization of increased productivity for the commercial motor carrier industry and corresponding lower transportation costs to consumers. Since the statutory deadlines have passed and in order to minimize any further delay, the FHWA finds good cause to waive the 30-day delay in effective date. Therefore, this final rule is effective upon publication. It is emphasized that the final network in 50 States, the District of Columbia and Puerto Rico is available for immediate use. Further, the rules govening truck size on the National Network and weight on the Interstate System are effective immediately.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation and Federal programs and activities apply to this program.)

List of Subjects in Part 658

Grant programs—transportation, Highways and roads, Motor carriers—size and weight.

Issued on: May 31,1984.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

In consideration of the foregoing and under the authority of Section 133, 411, 412, 413, and 416 of the Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97–424, 96 Stat. 2097; 23 U.S.C. 315; and 49 CFR 1.48, the FHWA hereby amends Chapter I of Title 23, Code of Federal Regulations, by revising Part 658 to read as set forth below.

PART 658—TRUCK SIZE AND WEIGHT. ROUTE DESIGNATIONS—LENGTH, WIDTH AND WEIGHT LIMITATIONS

Sec.

658.1 Purpose.
658.3 Policy statement.
658.5 Definitions.
658.7 Applicability.
658.9 National Network Criteria.
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658.13 Length.
658.15 Width.
658.17 Weight.
658.19 Reasonable access.
658.21 Identification of National Network.
Appendix A—The National Network.

Authority: Secs. 133, 411, 412, 413 and 416 of Pub. L. 97–424, 96 Stat. 2097, as amended by Pub. L. 98–17, 97 Stat. 59; 23 U.S.C. 315; and 49 CFR 1.48.

§ 658.1 Purpose.

The purpose of this Part is to identify a National Network of highways available to vehicles authorized by provisions of the Surface Transportation Assistance Act of 1982 (STAA) (Public Law 97–424, 96 Stat. 2097), as amended by Public Law 98–17, 97 Stat. 59, and to prescribe national policies that govern truck size and weight.

§ 658.3 Policy statement.

The Federal Highway Administration's (FHWA) policy is to provide a safe and efficient National Network of highways that can safely and efficiently accommodate the large vehicles authorized by the STAA. This network includes the Interstate System plus other qualifying Federal-aid Primary System Highways.

§ 658.5 Definitions.

(a) *Bridge Gross Weight Formula*—the standard specifying the relationship between axle (or groups of axles) spacing and the gross weight that (those) axle(s) may carry expressed by the formula:

$$W=500\left(\frac{LN}{N-1}+12N+36\right)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in the group under consideration.

(b) *Commercial Motor Vehicle.* For purposes of this regulation a motor vehicle designed or regularly used for carrying freight, merchandise, or more than ten passengers, whether loaded or empty, including buses, but not including vehicles used for vanpools.

(c) *Federal-Aid Primary System.* The Federal-aid Highway System of rural arterials and their extensions into or through urban areas as described in subsection (b) of Section 103 of Title 23, U.S.C.

(d) *Interstate System.* The National System of Interstate and Defense Highways described in Sections 103(e) and 139(a) of Title 23, U.S.C. For the purpose of this regulation this system includes toll roads designated as Interstate.

(e) *Length Exclusive Devices.* For purposes of this regulation all appurtenances at the front or rear of a commercial motor vehicle semitrailer, or trailer, whose function is related to the safe and efficient operation of the semitrailer or trailer. No device excluded from length determination shall be designed or used for carrying cargo.

(f) *National Network.* The composite of the individual network of highways from each State on which vehicles authorized by the provisions of the STAA are allowed to operate. The network in each State includes the Interstate System and those portions of the Federal-Aid Primary System set out by the FHWA in the Appendix to this Part.

(g) *Safety Devices—Width Exclusion.* Federally approved safety devices accorded width exclusion status include rear-view mirrors, turn signal lamps, hand-holds for cab entry/egress and splash and spray suppressant devices. Although not normally considered a safety device, load-induced tire bulge is also excluded from consideration in determining vehicle width.

(h) *Single Axle Weight.* The total weight transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. The Federal single axle weight limit on the Interstate System is 20,000 pounds.

(i) *Special Mobile Equipment.* Every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including military equipment, farm equipment, implements of husbandry, road construction or maintenance machinery, and emergency apparatus which includes fire and police emergency equipment. This list is partial and not exclusive of such other vehicles as may fall within the general terms of this definition.

(j) *Tandem Axle Weight.* The total weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle. The Federal tandem axle weight limit on the Interstate System is 34,000 pounds.

(k) *Tractor or Truck Tractor.* The noncargo carrying power unit that operates in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

§ 658.7 Applicability.

Except as limited in § 658.17(a) the provisions of this Part are applicable to the National Network and reasonable access thereto. However, nothing in this regulation shall be construed to prevent any State from applying any weight and size limits to other highways, except when such limits would deny reasonable access to the National Network.

§ 658.9 The National Network Criteria.

(a) The National Network listed in the Appendix to this Part is available for use by commerical motor vehicles of the dimensions and configurations described in §§ 658.13 and 658.15.

(b) For those States with detailed lists of individual routes in the Appendix, the routes have been designated on the basis of their general adherence to the following criteria.

(1) The route is a geometrically typical component of the Federal-Aid Primary System, serving to link principal cities and densely developed portions of the States.

(2) The route is a high volume route utilized extensively by large vehicles for interstate commerce.

(3) The route does not have any restrictions precluding use by conventional combination vehicles.

(4) The route has adequate geometrics to support safe operations, considering sight distance, severity and length of grades, pavement width, horizontal curvature, shoulder width, bridge clearances and load limits, traffic volumes and vehicle mix, and intersection geometry.

(5) The route consists of lanes designed to be a width of 12 feet or more.

(6) The route does not have any unusual characteristics causing current or anticipated safety problems.

(c) For those States where State law provides that STAA authorized vehicles may use all or most of the Federal-Aid Primary system, the National Network is no more restrictive than such law. The Appendix contains a narrative summary of the National Network in those States.

§658.11 Additions, deletions, exceptions, and restrictions.

To ensure that the National Network remains substantially intact, FHWA retains the authority to rule upon all requested additions to and deletions from the National Network as well as requests for the imposition of certain restrictions. FHWA approval or disapproval will constitute the final decision of the U.S. Department of Transportation.

(a) *Additions*—Requests for additions to the National Network, including justification, shall be submitted in writing to the appropriate FHWA Division Office. Routes proposed for addition to the National Network shall be assessed on the basis of the criteria of § 658.9. FHWA proposals for additions will be published at least once per year in the **Federal Register** as a Notice of Proposed Rulemaking.

(b) *Deletions*—Changed conditions or additional information may require the deletion of a designated route or a portion thereof. The deletion of any route or route segment shall require FHWA approval. Requests for deletion of routes from the National Network, including the reason(s) for the deletion, shall be submitted in writing to the appropriate FHWA Division Office. These requests shall be assessed on the basis of the criteria of § 658.9. FHWA proposed deletions will be published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM).

(c) *Emergency Deletions*—FHWA has the authority to delete any route from the National Network, on an emergency basis, for safety considerations. Emergency deletions are not considered final, and will be published in the **Federal Register** for notice and comment.

(d) *Requests for Deletion*—Requests for deletion should include the following information, where appropriate:

(1) Did the route segment prior to designation carry combination vehicles or 102-inch buses?

(2) Were truck restrictions in effect on the segment on January 6, 1983? If so, what types of restrictions?

(3) What is the safety record of the segment, including current or anticipated safety problems? Specifically, is the route experiencing above normal accident rates and/or accident severities? Does analysis of the accident problem indicate that the addition of larger trucks have aggravated existing accident problems?

(4) What are the geometric, structural or traffic operations features that might preclude safe, efficient operation? Specifically describe lane widths, sight distance, severity and length of grades, horizontal curvature, shoulder width, narrow bridges, bridge clearances and load limits, traffic volumes and vehicle mix, intersection geometrics and vulnerability of roadside hardware.

(5) Is there a reasonable alternate route available?

(6) Are there operational restrictions that might be implemented in lieu of deletion?

(e) *Exceptions.* Those portions of the Interstate System where all commercial motor vehicles were banned on January 6, 1983, are not included in the National Network.

(f) *Restrictions.* Reasonable restrictions on the use of routes on the National Network by STAA authorized vehicles may be imposed during certain peak hours of travel or on specific travel lanes of multi-lane facilities. Restrictions related to construction zones, seasonal operation, adverse weather conditions or structural or clearance deficiencies may be imposed. States may restrict urban Interstate usage by vehicles authorized under the STAA by imposing detours to circumferential or bypass routes for vehicles not destined to locations within the area to be bypassed. All restrictions imposing urban Interstate detours, and on the use of the National Network based on hours of use by vehicles authorized by the STAA require prior FHWA approval. Requests for such restrictions on the National Network shall be submitted in writing to the appropriate FHWA Division Office. Approval of requests for restrictions will be contingent on the ability to justify significant negative impact on safety, the environment and/or operational efficiency.

§ 658.13 Length.

(a) The length provisions of the STAA apply only to the following types of vehicle combinations:

(1) Truck tractor-semitrailer

(2) Truck tractor-semitrailer-trailer.

The length provisions apply only when these combinations are in use on the National Network or in transit between these highways and terminals or service locations pursuant to § 658.19.

(b) The length provisions referred to in paragraph (a) of this section include the following:

(1) No State shall impose a length limitation of less than 48 feet on a semitrailer operating in a truck tractor-semitrailer combination.

(2) No State shall impose a length limitation of less than 28 feet on any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination.

(3) Except as noted in paragraph (c)(1) and (c)(2) of this section, no State shall impose an overall length limitation on commercial vehicles operating in truck tractor-semitrailer or truck tractor-semitrailer-trailer combinations.

(4) No State shall prohibit commercial motor vehicles operating in truck tractor-semitrailer-trailer combinations.

(5) No State shall prohibit the operation of semitrailers or trailers which are 28½ feet long when operating in a truck tractor-semitrailer-trailer combination if such a trailer or semitrailer was in actual and lawful operation on December 1, 1982, and such combination had an overall length not exceeding 65 feet.

(c) State maximum length limits for semitrailers operating in a truck tractor-semitrailer combination and semitrailers and trailers operating in a truck tractor-semitrailer-trailer combination are subject to the following:

(1) If on December 1, 1982, State length limitations for the conditions described in paragraphs (b)(1) and (b)(2) of this section, were greater than 48 and 28 feet, respectively, that State shall not adopt lesser limits than those in effect on that date. However, if the State imposed overall length limits on that date, it may continue to impose the same overall length limitation on vehicles with semitrailers and trailers longer than 48 and 28 feet respectively.

(2) If on December 1, 1982, State length limitations applied only to the overall length of the vehicle combinations described in paragraph (a) of this section, that State shall not adopt a semitrailer or trailer length limit less than the length of equipment that legally operated in that State without special permit on December 1, 1982.

(3) If on December 1, 1982, State length limitations on a semitrailer were described in terms of the distance from the kingpin to rearmost axle, or end of semitrailer, the operation of any semitrailer that complies with that limitation must be allowed.

(d) Specialized Equipment—Automobile Transporters.

(1) Automobile transporters are considered specialized equipment. No State shall impose an overall length limit less than 65 feet on automobile transporters. All longer dimensions legally operating on December 1, 1982, are grandfathered and continued operation must be allowed.

(2) All length provisions regarding automobile transporters are exclusive of front and rear overhang. Further, no State shall impose a front overhang limitation of less than three (3) feet nor a rearmost overhang limitation of less than four (4) feet.

(3) Saddlemount and fullmount mechanisms are defined as specialized equipment. No State shall impose an overall length limit less than 65 feet on saddlemount and fullmount mechanisms.

(e) The length limitations described in this section shall not include the length exclusive devices defined in § 658.5(e), or which the Secretary may interpret as necessary for safe and efficient operation of commercial motor vehicles, except that no excluded device shall be designed or used for carrying cargo.

(f) Truck tractors containing a dromedary box in legal operation on December 1, 1982, shall be permitted to continue to operate, notwithstanding their cargo carrying capacity, throughout their useful life. Proof of such legal operation on December 1, 1982, shall rest upon the operator of the equipment.

§ 658.15 Width.

(a) No State shall impose a width limitation of more or less than 102 inches, or its approximate metric equivalent, 2.6 meters (102.36 inches) on a vehicle operating on the National Network, except for the State of Hawaii, which is allowed to keep the State's 108-inch width maximum by virtue of Section 416(a) of the STAA.

(b) The provisions of paragraph (a) of this section do not apply to special mobile equipment as defined in § 658.5(i).

(c) Safety devices, as defined in § 658.5(g) or as determined by the States as necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of width. Safety devices not specifically enumerated in § 658.5(g) may not extend beyond 3 inches on each side of a

vehicle. No device included in this subsection shall have, by its design or use, the capability to carry cargo.

(d) Notwithstanding the provisions of this section or any other provision of law, a State may grant special use permits to motor vehicles, including manufactured housing, that exceed 102 inches in width.

§ 658.17 Weight.

(a) The provisions of the section are applicable to the National System of Interstate and Defense Highways and reasonable access thereto.

(b) The maximum gross vehicle weight shall be 80,000 pounds except where lower gross vehicle weight is dictated by the bridge formula.

(c) The maximum gross weight upon any one axle, including any one axle of a group of axles, or a vehicle is 20,000 pounds.

(d) The maximum gross weight on tandem axles is 34,000 pounds.

(e) No vehicle or combination of vehicles shall be moved or operated on any Interstate highway when the gross weight on two or more consecutive axles exceeds the limitations prescribed by the following formula, referred to as the Bridge Gross Weight Formula:

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axle is 36 feet or more. In no case shall the total gross weight of a vehicle exceed 80,000 pounds.

(f) The weights in paragraphs (b), (c), (d), and (e), of this section shall be inclusive of all tolerances, enforcement or otherwise, with the exception of a scale allowance factor when using portable scales (wheel-load weighers). The current accuracy of such sales is generally within 2 or 3 percent of actual weight, but in no case should an allowance in excess of 5 percent be applied. Penalty or fine schedules which impose no fine up to a specified threshold, i.e., 1,000 pounds, will be considered as tolerance provisions not authorized by 23 U.S.C. 127.

(g) States may issue special permits without regard to the axle, gross, or formula requirements for vehicles and loads which cannot be dismantled or divided (non-divisible loads) without incurring substantial cost or delay. All permits for vehicles carrying divisible loads in excess of 80,000 pounds must conform to either Federal or grandfathered axle and bridge spacing requirements as approved by the FHWA.

(h) The provisions of paragraphs (b), (c), and (d) of this section shall not apply to single, or tandem axle weights, or gross weights legally authorized under State law on July 1, 1956. The group of axles requirements established in this section shall not apply to vehicles legally grandfather under State groups of axles tables or formulas on January 4, 1975.

§ 658.19 Reasonable access.

(a) All States must allow vehicles with dimensions authorized by the STAA reasonable access between the National Network described in the regulation and terminals, and facilities for food, fuel, repairs, and rest. For household goods carriers, the length and width provisions require reasonable access to points of loading and unloading in addition to terminals and facilities as listed above.

(b) All States shall make available to commercial motor vehicle operators information regarding their reasonable access provisions to and from the National Network.

§ 658.21 Identification of National Network.

(a) To identify the National Network, a State may sign the routes or provide maps of lists of highways describing the National Network.

(b) Exceptional local conditions on the National Network shall be signed. All signs shall conform to the Manual on Uniform Traffic Control Devices. Exceptional conditions shall include but not be limited to:

(1) Operational restrictions designed to maximize the efficiency of the total traffic flow, such as time of day prohibitions, or lane use controls.

(2) Geometric and structural restrictions, such as vertical clearances, posted weight limits on bridges, or restrictions caused by construction operations.

(3) Detours from urban Interstate routes to bypass of circumferential routes for commercial motor vehicles not destined for the urban area to be bypassed.

APPENDIX A—THE NATIONAL NETWORK

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways.]

Posted route No.	From	To
Alabama		
US 431	AL 210 in Dothan	US 431/AL 173 in Headland.
US 431	I-20 Anniston	I-59 Gadsden.
US 431	AL 77 Attalla	AL 79 near Columbus City in Marshall County.
US 431	Co Rd 8 near New Hope in Madison County.	Tennessee St. Line.
US 72	Mississippi St. Line	Jackson County Road 33, near Hollywood.
US 31	AL 152 Montgomery	AL 14 north of Prattville.
US 31	End of I-65 north of Birmingham.	I-65 north of Kimberly.
US 78	Beginning of four-lane west of AL 5 at Jasper in Walker County.	I-59 Birmingham.
US 78	End of I-20 in Irondale.	I-20 west of Leeds.
US 82	Coker (west of Northport).	Eoline (west of Brent).
US 82	AL 206 Prattville	US 31 Prattville.
US 80	AL 14 west of Selma	AL 152 Montgomery.
US 84	AL 92 (east of Daleville).	AL 210 Dothan.
US 84	AL 210 Dothan	End of four-lane east of Dothan.
US 43	I-65 north of Mobile	Sunflower in Washington Co.
US 43	AL 5 near Russellville.	US 72 Tuscumbia.
US 43	US 72 Florence	Tennessee St. Line.
US 29	Fairfax	Georgia St. Line.
AL 20	US 72 Tuscumbia	US 231 Huntsville.
AL 21	US 31 at Atmore	I-65 north of Atmore.
AL 21	US 431 Anniston	Jacksonville.
US 280	US 31 Mountain Brook.	AL 22 at Alexander City.
US 280	I-85 Opelika	Georgia St. Line
US 98	I-10 Daphne	End of four-lane near Fairhope.
US 231	Florida St. Line	AL 210 Dothan.
US 231	AL 210 Dothan	AL 152 Montgomery.
US 231	AL 152 Montgomery	End of 4-lane north of Wetumpka.
US 231	Arab	US 431 Huntsville.
AL 67	I-65 near Priceville	AL 20 west of Decatur.
AL 77	I-59 Gadsden	US 431 Attalla.
AL 79	I-59 Birmingham	Pinson.
AL 152	US 31 (north of Montgomery).	I-65 north of Montgomery.
AL 210	Dothan Circle (Beltway around Dothan).	
AL 248	US 84 Enterprise	Ft. Rucker.
AL 249	Ft. Rucker	US 231.
For vehicles transporting cargo that is prohibited from using the George C. Wallace Tunnel on Interstate Route 10 in the City of Mobile:		
Water Street	I-10	Telegraph Road (US-43).
Telegraph Road (US-43).	Water Street	Bay Bridge Road (Alt. US-90).
Bay Bridge Road (Alt. US-90).	Telegraph Road (US-43).	I-10.
Alaska		
AK 1	Anchorage	Palmer.
AK 2	Fairbanks	Delta Jct.
AK 3	Palmer at Jct. AK 1	Fairbanks at Jct. AK 2.
Arizona		
AZ 360	I-10 Phoenix	AZ 87 Mesa.
US 60	I-10 Brenda	I-17 Phoenix.
US 60	AZ 87 Mesa	Globe.
AZ 69	US 89 Prescott	I-17.
US 70	US 60 Globe	New Mexico St. Line.
US 80	AZ 92 Bisbee	New Mexico St. Line.
AZ 84	I-10 Picacho	AZ 87.
AZ 85	I-8 Gila Bend	I-10.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
AZ 85	I-10 Avondale	I-17.
AZ 87	AZ 84 Picacho	AZ 387.
AZ 87	AZ 93 Chandler	US 60.
AZ 93	I-10	AZ 87 Chandler.
AZ 187	I-10	AZ 387.
AZ 287	AZ 87 Coolidge	US 89 Florence.
AZ 387	AZ 187	AZ 87.
US 89	I-10 Tucson	US 60.
US 89	AZ 69 Prescott	I-40.
US 89	I-40	Utah St. Line.
AZ 90	I-10	AZ 92 Sierra Vista.
AZ 92	AZ 90 Sierra Vista	US 80 Bisbee.
US 95	Mexican Border	I-8 Yuma.
US 160	US 89 Tuba City	New Mexico St. Line.
AZ 169	AZ 69 Dewey	I-17.
AZ 189	Mexican Border	I-19 Nogales.
AZ 504	US 160	New Mexico St. Line.
US 666	I-10	US 70 Safford.
US 666	US 60	I-40.
US B-666	Mexican Border	US 80 Douglas.
US 163	US 160 Kayenta	Utah St. Line.
AZ 77	US 60	I-40.
US 60	Show Low	New Mexico St. Line.

Arkansas

Under Arkansas State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982, with the following exceptions:

AR 22	I-540 Fort Smith	US 64.
US 64	AR 255	AR 22.
AR 59	I-40 Van Buren	Main Street Van Buren.
US 71	US 271	AR 22.

In addition Arkansas has made available all Federal-aid secondary routes subject to weight and speed limit restrictions with the following exception:

AR 88	AR 8 Mena	Oklahoma St. Line.
AR 159	US 65	AR 144.

California

CA 2	I-5	I-210 in Los Angeles.
San Bernardino Freeway (CA 10).	US 101	I-5 in Los Angeles.
CA 110	I-10	US 101 in Los Angeles.
CA 15	I-5	I-805 in San Diego.
CA 22	I-405 in Seal Beach	CA 55 in Orange.
CA 24	I-580 in Oakland	I-680 in Walnut Creek.
CA 52	I-5	I-805 in San Diego.
CA 55	I-405 in Costa Mesa	CA 91 in Anaheim.
CA 57	I-5 in Santa Ana	I-210 in Pomona.
CA 60	I-10 in Los Angeles	I-10 in Beaumont.
CA 71	I-210	CA 60 in Pomona.
CA 78	I-5 in Carlsbad	I-15 in Escondido.
Bus I-80	US 50/CA 99 in Sacramento.	I-80 Near Watt Ave.
CA 85	I-280 near San Jose	CA 101 in Mountain View.
CA 91	I-110 in Los Angeles	CA 60/I-215 in Riverside.
CA 92	I-280 Near San Mateo.	CA 17 (I-880) in Hayward.
CA 94	I-5	CA 125 in San Diego.
CA 99	I-5 Near Wheeler Ridge.	US 50 in Sacramento.
US 101	I-5 in Los Angeles	I-80 in San Francisco.
CA 117	I-5	I-805 in San Diego.
CA 118	I-405 in Los Angeles	I-210 in San Fernando.
CA 125	CA 94	I-8 in La Mesa.
CA 133	I-405	I-5 Near El Toro.
CA 134	US 101 in Los Angeles.	I-210 in Pasadena.
CA 163	I-8	I-15 in San Diego.
CA 170	US 101	I-5 in Los Angeles.
CA 215	I-15 Near Temecula	CA 60 Near Riverside.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
CA 14	I-5 Near San Fernando.	US 395 Near Ridgecrest.
CA 58	CA 99 in Bakersfield	I-15 in Barstow.
CA 198	I-5 Coalinga	CA 99 Visalia.
US 395	I-15 Near Victorville	Nevada St. Line.
US 95	I-40 Near Needles	Nevada St. Line.
US 6	US 395 Bishop	Nevada St. Line.
US 50	Bus I-80/CA 99 in Sacramento.	Sly Park Rd. Interchange in Pollock Pines.

NOTE.—The Richmond-San Rafael Bridge (Toll) is a completed section of I-580. However, the section connecting to I-80 on the east is not completed, and US 101 on the west is not on the designated National Network. Therefore, the bridge is not available for through truck traffic by the larger vehicles allowed by the STAA. Information relative to access to terminals along CA 17 between I-80 and the bridge may be obtained by contacting the California Department of Transportation, 1120 N Street, Sacramento, California 95814, telephone (916) 445-5851.

The following routes were approved as part of the Interstate System as follows: I-710 (CA 7) from CA 1 to I-10 on September 28, 1983, I-880 (CA 17) from I-280 to I-80 and I-238 (CA 238) from I-580 to CA 17 on May 18, 1983.

Colorado

Under Colorado State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982 with the following exceptions.

US 40	Jct. I-70 Near Empire	Winter Park.
US 550	Jct. CO 110 Silverton	Jct. CO 361 Ouray.

In addition Colorado has made available all other US and State numbered routes with the following exceptions:

CO 116	Jct. CO 89	Kansas St. Line.
CO 7	CO 72	Jct. US 36.
CO 72	Jct. CO 7	Jct. CO 119.
CO 119	Jct. US 6	Jct. CO 7.
CO 6	Jct. I-70 Near Dillion	Jct. I-70 Near Silver Plume.
CO 82	Aspen	Jct. US 24.
CO 133	Jct. CO 92 Hotchkiss	Jct. CO 82 Carbondale.
CO 92	Jct. US 50 Sapinero	Jct. CO 133 Hotchkiss.
CO 149	US 160 Near South Fork.	Jct. US 50.
CO 470	Jct. US 85	Jct. I-25.
CO 65	Jct. CO 92	Jct. CO 330.
CO 114	Jct. US 50	Jct. US 285.
CO 131	Jct. CO 134 at Toponas.	Jct. US 6 at Wolcott.
CO 83	Jct. CO 86 at Franktown.	Jct. I-25 North of Colo. Spgs.

Connecticut

CT 2	Columbus Blvd., Hartford.	I-395 Norwich.
CT 8	I-95 Bridgeport	Jct. I-84 Waterbury.
CT 9	I-95 Old Saybrook	Jct. I-91 Cromwell.
CT 20	Jct. CT 401 (Bradley International Airport, Windsor Locks).	I-91 Windsor.
CT 401	Jct. CT 20 Windsor Locks.	Bradley International Airport Access Rd., Windsor Locks.
CT 8	I-84 Waterbury	US 44 Winstead.

NOTE.—I-395 (CT 52) was approved as part of the Interstate System on April 18, 1983.

Delaware

US 13	Jct. with I-495, South of Wilmington.	Maryland St. Line.
US 301	Jct. US 13 at Boyd's Corner.	Maryland St. Line.
US 113	Jct. US 13 at Dover	Maryland St. Line.
US 40	Jct. US 13 at State Road.	Maryland St. Line.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
District of Columbia		
Anacostia Freeway/ Kenilworth Ave.	I-295	Maryland St. Line.
Florida		
US 27	Fla. Turnpike Extension.	FL 84 at Andytown.
US 27	South Bay	Leesburg.
US 27/US 441.	Leesburg	Belleview.
US 27/US 301.	Belleview	Ocala.
US 27	US 301 in Ocala	I-75.
US 301	SR 24 in Waldo	I-10.
FL 24	SR 331 in Gainesville	US 301 in Waldo.
FL 263	US 90 West of Tallahassee.	I-10.
FL 331	I-75 (South of Gainesville).	FL 24.
US 41	Big Bend Road (CR 672) near Adamsville.	I-4 Tampa.
CR 672 (Big Bend Road).	US 41 near Adamsville.	I-75 near Adamsville.
FL 202	In Jacksonville from I-95.	FL A-1-A.
Florida Tpk	South end of Homestead Extension.	I-75 at Wildwood.
FL 528/FL 407.	I-4 at Orlando	Cape Canaveral.
20th Street Expressway.	In Jacksonville at I-95.	Adams Street.
FL 397	Entrance Eglin AFB	FL 85 Valparaiso.
FL 85	FL 397 Valparaiso	I-10 near Crestview.

NOTE.—Alligator Alley (FL 84) from Golden Gate to Andytown is a designated part of the Interstate system but is unsigned. Access from I-95 to the Golden Gate Toll Plaza will not be available until late 1984.

CR 672—This is not an FAP route. However, this route has been identified by the Florida Department of Transportation as available to the larger vehicles on a temporary basis pending the completion of I-75.

Georgia

GA 400	I-285, near Atlanta	GA 60.
GA 365	I-85	US 441 near Cornelia.
US 411/US 41.	US 27 at Rome	I-75 near Emerson.
US 129	I-16	North to Gray.
GA 25 Spur	US 17/US 84, near Brunswick.	Northerly to I-95.
US 280	Alabama St. Line	Fort Benning.
US 82	Dawson	I-75 Tifton.
GA 300	US 82 Albany	I-75 near Cordele.
US 25	I-16	North of Statesboro.
GA 316	I-85 easterly	near Lawrenceville (5 miles).
GA 21	I-95 Monteith	GA 204 Savannah.
GA 14 Spur	I-85/I-285 Interchange.	East to Welcome All Road.
GA 410	Valleybrook Rd.	SR 10.
GA 411	End of I-185	South to US 280 near Columbus.
GA 85	I-85	Fayetteville.
GA 2	US 27	I-75.
US 76	I-75	US 411.
GA 85	GA 411	Ellerslie.
US 41	I-75	Near Barnsville.
US 19	US 82	Near Pelham.
GA 247/US 129.	I-75	Warner Robins.
US 84	Waycross	I-95.
US 78/US 29.	GA 138	GA 8 near Athens.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
GA 138	I-20	US 78.
GA 53	Rome	I-75 Calhoun.
Hawaii		
61	Vineyard Boulevard	Kawainui Bridge in Kailua.
63	Nimitz Highway	Kahekili Highway (83).
64	Sand Island Park	Nimitz Highway (92).
72	Kailua-Waimanalo Junction (61).	Ainakoa.
83	Weed Junction	Kalanianaole Highway (61).
92	Pearl Harbor-Main Gate.	Kalakaua Avenue.
93	Beginning of Route H-1.	Makaha Bridge.
95	Route H-1	Campbell Harbor.
99	Pearl Harbor Interchange.	Weed Junction.
78	Route H-1 at Middle Street.	Kamehameha Highway (99) in Aiea.
Idaho		
US 2	Dover	Sundpoint, Jct. US 95.
US 2	Jct. US 95, Bonners Ferry.	Montana State Line.
I-15B	S. Idaho Falls, I.C.	Broadway I.C.
ID 16	Jct. ID 44	Emmett.
ID 19	Jct. US 95, Wilder	Jct. US 30, Caldwell.
US 20	Oregon Line	Jct. I-84, Broadway I.C.
US 20	Mountain Home, Jct. I-84.	Montana Line.
ID 22	Jct. ID 33	Jct. I-15, Dubois.
ID 24	Jct. I-84, Heyburn I.C.	Shoshone, Jct. US 93.
ID 25	Jct. I-84, W. Jermone.	Jct. I-84, Declco I.C.
US 26	Jct. I-84, Bliss	Jct. US 93, Shoshone.
US 26	Jct. US 20, (AEC Jct.).	Blackfoot, Jct. I-15.
ID 27	Oakley	Jct. ID 25, Paul.
ID 28	Jct. ID 33, Mud Lake	Jct. US 93, Salmon.
US 30	Jct. US 95, Fruitland	Jct. I-84, New Plymouth.
US 30	Jct. I-84, Caldwell	Jct. I-84, E. Nampa I.C.
US 30	Bliss	Jct. I-84, Heyburn I.C.
US 30	Jct. I-15, McCammon	Wyoming Line.
ID 33	Jct. US 20/26 East Arco.	Wyoming Line.
ID 34	Utah Line	Conda.
ID 39	American Falls, Jct. I-86.	Jct. US 26, Moreland.
ID 40	Jct. I-15	Downey, Jct. US 91.
ID 41	Jct. I-90, Post Falls	Newport, Washington US 2.
ID 44	Jct. I-84	Boise, Jct. US 20.
ID 46	Jct. I-84, Wendell	Jct. US 20, E. Fairfield.
ID 48	Jct. I-15, Roberts	Jct. US 20, Rigby.
ID 50	Jct. US 30, east Twin Falls.	Jct. ID 25.
ID 51	Nevada Line	Mountain Home.
ID 53	Washington Line	Jct. US-95, Garwood.
ID 55	Jct. US 95, Marsing	Nampa, Jct. I-84.
ID 55	Jct. US 20	Eagle, Jct. ID 44.
ID 62 (was ID 64).	Craigmont	Nez Perce.
ID 67	Mountain Home AFB	Mountain Home.
ID 74	Jct. US 93	Twin Falls.
ID 75	Shoshone	Ketchum.
ID 77	Declo, Jct. ID 81	Jct. I-84.
ID 78	Marsing, Jct. ID 55	ID 51.
ID 79	Jermone, Jct. ID 25	Jct. I-84.
ID 81	Malta	Burley, Jct. US 30.
I-84B	W. Mountain Home I.C.	E. Mountain Home I.C.
ID 87	Jct. US 20	Montana Line.
US 89	Utah Line	Montpelier.
US 91	Utah Line	Jct. I-15, Virginia I.C.
US 91	Pocatello, Jct. I-86	I-15B, S. Idaho Falls.
US 93	Nevada Line	Arco.
US 95	Oregon Line	Weiser.
US 95	Grangeville	Moscow.
US 95	Coeur d'Alene, Jct. I-90.	Jct. US 2, Bonners Ferry.
Illinois		
IL Toll Highways.	All Routes	
IL 5	I-80	US 30.
IL 6	I-74	IL 88.
US 20	Bsn. US 20 west of Rockford.	I-90.
US 36	North of Winchester	I-55.
US 50	East of Lawrenceville	Indiana St. Line.
US 51	Bsn. US 51 south of Decatur.	I-72.
US 51	IL 5	US 20.
IL 53	Army Trail Rd	IL 68.
IL 92	I-280	US 67.
IL 336	IL 57	US 24.
IL 394	IL 1	I-80.
IL 1	IL 146	US 24.
IL 2	US 30	US 20.
IL 3	I-57	I-55.
IL 3	I-55	US 67.
IL 4	IL 13/127	I-55.
IL 5	I-74	I-80.
US 6	IL 7	I-80/94.
US 6	IL 47	I-55.
IL 7	IL 53	US 6.
IL 9	US 67	IL 41.
IL 9	IL 78	IL 121.
IL 10	I-55	US 51.
US 12	IL 120	I-290.
US 12	I-55	Indiana St. Line.
IL 13	IL 15	Harrisburg.
US 14	Wisconsin St. Line	IL 22.
US 14	IL 53	I-94.
IL 14	US 51	Indiana St. Line.
IL 15	I-55	East junction IL 13.
IL 16	IL 267	US 67.
IL 16	I-55	IL 1.
IL 17	I-55	IL 114.
IL 18	US 51	IL 23.
IL 19	IL 50	I-90/94.
US 20	Iowa St. Line	Bsn. US 20 west of Rockford.
US 20	US 51 east of Rockford.	I-290.
Bus. US 20	IL 31	US 20 (east of Elgin).
IL 21	US 14	IL 120.
IL 22	US 14	US 12.
IL 23	IL 18	Wisconsin St. Line.
US 24	Missouri St. Line	Indiana St. Line.
IL 26	IL 5	IL 2.
IL 26	IL 64	US 20.
IL 29	US 51	I-180.
US 30	Iowa St. Line	IL 5 west of Rock Falls.
US 30	IL 5 east of Rock Falls.	IL 53.
US 30	IL 43	IL 50.
US 30	IL 394	Indiana St. Line.
IL 31	Bsn. US 20	Wisconsin St. Line.
IL 33	I-57	IL 1.
US 34	Iowa St. Line	IL 86.
US 34	IL 71	IL 59.
US 34	IL 53	I-294.
IL 34	I-57	IL 13.
US 36	Missouri St. Line	North of Winchester.
US 36	I-72 west of Decatur	Indiana St. Line.
IL 38	IL 47	I-294.
US 41	I-94 near Northbrook	I-94 near the Wisconsin St. Line.
IL 41	IL 9	IL 116.
IL 43	US 30	IL 60.
US 45	I-24 E of Metropolis	I-70.
US 45	I-80	I-55.
US 45	I-290	North junction with IL 21.
US 45	IL 173	Wisconsin St. Line.
IL 47	US 136	US 14.
IL 48	I-55	US 51.
US 50	Missouri St. Line	IL 3.
US 50	I-64	East of Lawrenceville.
IL 50	US 30	IL 19.
US 51	IL 146	Bsn. US 51 south of Decatur.
US 51	I-72	I-74.
US 51	I-55	IL 5.
US 51	I-90	Wisconsin St. Line.
IL 53	I-80	Army Trail Rd.
US 54	Missouri St. Line	US 36.
I-55 Bsn. Loop.	Around Bloomington	
IL 56	IL 47	IL 5.
IL 57	US 36	US 24.
IL 58	IL 59	US 45.
IL 59	I-55	IL 22.
IL 60	IL 43	US 41.
IL 64	IL 26	US 51.
IL 64	IL 23	IL 50.
US 67	Missouri St. Line	Iowa St. Line.
IL 68	US 12	I-94.
IL 71	I-80	US 34.
IL 72	IL 59	US 45.
IL 78	US 67	IL 125.
IL 78	IL 9	I-80.
IL 78	IL 5	IL 64.
IL 78	US 20	Wisconsin St. Line.
IL 83	US 30	Torrence Ave.
IL 83	15 9th St.	I-94.
IL 83	US 45	US 12.
IL 88	US 34	I-5.
IL 92	US 67	I-74.
IL 97	IL 125	IL 29.
IL 100	US 36	IL 104.
IL 104	US 24	US 67.
IL 108	US 267	IL 4.
IL 111	US 67	I-55.
IL 114	IL 17	Indiana St. Line.
IL 116	IL 41	I-474.
IL 116	I-74	I-55.
IL 117	I-74	IL 116.
IL 119	IL 1	Indiana St. Line.
IL 120	IL 31	IL 131.
IL 121	I-74	I-72.
IL 121	US 36	IL 16.
IL 125	US 67	IL 97.
IL 127	IL 13	IL 16.
IL 130	IL 1	IL 33.
US 136	US 24	IL 1.
IL 140	IL 111	I-55.
IL 141	US 45	Indiana St. Line.
IL 146	Missouri St. Line	I-24.
IL 146	Elizabethtown	IL 1.
IL 149	IL 3	IL 13.
US 150	IL 1	Indiana St. Line.
IL 150	Missouri St. Line	IL 4.
IL 152	IL 13	US 51.
IL 159	IL 3	IL 15.
IL 171	IL 7	IL 83.
IL 173	IL 251	US 41.
IL 176	US 20	IL 47.
IL 251	US 20	IL 75.
IL 336	US 336	IL 57.
IL Stoney Island Ave.	I-94	US 12/20.
Glenwood-Dyer.	IL 394	IL 83.

NOTE.—The first 12 route descriptions (IL Toll highways through IL 394) are classified by current Illinois law as Class I and open to all commercial vehicles defined by the STAA for 1982. The remaining route descriptions are classified by Illinois as Class II and are restricted. Illinois law restricts Class II higways to a maximum allowable wheelbase of 55 feet for a tractor-semitrailer combination and 65 feet for a tractor-semitrailer-trailer combinationen.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
Indiana		
Under Indiana State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982. Some local restrictions may apply. In addition Indiana has made available all other public roads to the STAA authorized vehicles. Local restrictions may apply.		
Iowa		
IA 1	North Jct. IA 16	West Jct. IA 78.
IA 1	North Jct. IA 92	IA 22.
IA 1	North Jct. US 6 & US 218.	I-80.
IA 1	SCL Martelle	Jct. US 151.
IA 2	Missouri River Bridge	Jct. IA 25.
IA 2	Decatur Co. Line	Mississippi River Bridge.
IA 3	South Dakota	North Jct. IA 12.
IA 3	Jct. US 75	Jct. IA 7.
IA 3	East Jct. IA 17	West Jct. IA 13.
IA 4	Jct. IA 3	East Jct. US 18.
IA 4	SCL Wallingford	IA 9.
IA 5	Jct. IA 2	Jct. I-35.
US 6	Nebraska	Jct. I-80.
US 6	Jct. IA 4B	South Jct. US 71.
US 6	I-80 (Dexter)	I-80 (Altoona).
US 6	IA 14	I-80 (Cedar Co.).
US 6	Jct. IA 130	Jct. I-74.
IA 7	Jct. IA 3	North Jct. US 71.
IA 7	Barnum Road	US 20.
IA 8	US 63	US 218.
IA 9	IA 60	North Jct. US 69.
IA 9	South Jct. US 69	IA 26.
IA 10	East Jct. US 59	ECL Sutherland.
IA 12	US 20	NCL Sioux City.
IA 13	US 30	US 52.
IA 14	IA 92 and IA 5	NCL Newton.
IA 14	US 30	West Jct. IA 175.
IA 14	East Jct. IA 175	IA 57.
IA 15	East Jct. US 18	West Jct. IA 9.
IA 16	NCL Eldon	North Jct. IA 1.
IA 16	Denmark	US 61.
IA 17	IA 141	East Jct. US 20.
IA 17	West Jct. US 20	East Jct. IA 3.
US 18	WCL Rock Valley	North Jct. US 71.
US 18	South Jct. US 71	North Jct. US 218.
US 18	South Jct. US 218	North Jct. US 63.
US 18	South Jct. US 63	Wisconsin.
US 20	I-29	Illinois.
IA 21	SCL What Cheer	West Jct. US 6.
IA 21	East Jct. US 6	East Jct. IA 8.
IA 21	West Jct. IA 8	IA 412.
IA 22	WCL Wellman	West Jct. IA 70.
IA 23	Jct. US 63	Jct. IA 137.
IA 25	IA 2	IA 92.
IA 25	West Jct. IA 925	IA 44.
IA 26	IA 9	New Albin.
IA 28	IA 92	East Jct IA 5.
IA 28	West Jct. IA 5	US 6.
US 30	Missouri River Bridge	Illinois.
IA 31	SCL Correctionville	US 59
US 34	Missouri River Bridge	South Jct. IA 25.
US 34	North Jct. IA 25	Illinois.
IA 37	WCL Earling	US 59.
IA 38	US 61	I-80.
IA 38	SCL Tipton	East Jct. US 30.
IA 39	US 59	Deloit.
IA 40	Begin Route	IA 2.
IA 44	US 71	IA 141.
IA 46	IA 5	IA 163.
IA 48	US 59	NCL Essex.
IA 48	US 34	US 6.
IA 49	SCL Lenox	US 34.
IA 51	US 18	IA 9.
US 52	North Jct. US 61	North Jct. IA 386.
US 52	West Jct. IA 3	East Jct. US 18.
US 52	ECL Calmar	Burr Oak.
IA 55	Begin Route	IA 2.
IA 57	IA 14	US 20.
US 59	IA 2	IA 184.
US 59	IA 92	North Jct. US 6.
US 59	IA 83	South Jct. US 30.
US 59	West Jct. US 20	IA 3.
US 59	East Jct. IA 10	East Jct. US 18.
IA 60	US 75	Minnesota.
US 61	Des Moines River Bridge.	South Jct. IA 2.
US 61	East Jct. IA 2	Wisconsin.
IA 62	US 61	US 52.
US 63	Missouri	West Jct. IA 2.
US 63	East Jct. IA 2	East Jct. US 34.
US 63	West Jct. US 34	IA 146.
US 63	I-80	East Jct. US 6.
US 63	West Jct. US 6	NCL Chester.
IA 64	US 151	US 61.
US 65	North Jct. US 34	West Jct. US 6.
US 65	I-80	IA 117.
US 65	US 30	South Jct. US 20
US 65	North Jct. US 20	Sheffield.
US 65	SCL Mason City	IA 105.
US 67	Mississippi River	South Jct. US 30.
US 67	East Jct. US 30	4.64 miles North of Clinton.
US 69	SCL Lamoni	I-35.
US 69	North Jct. US 65	IA 105.
IA 70	Begin Route	West Jct. IA 22.
US 71	Missouri	Est Jct. IA 2.
US 71	East Jct. IA 2	IA 196.
US 71	North Jct. US 20	West Jct. IA 9.
US 71	East Jct. IA 9	Minnesota.
US 75	North Jct. I-29	E. Junction IA 9.
US 77	Nebraska	I-29.
IA 77	IA 92	Keota.
IA 78	IA 149	North Jct. US 218.
IA 78	South Jct. US 218	IA 249.
IA 78	WCL Morning Sun	US 61.
IA 83	US 59	West Jct. US 8.
IA 85	US 63	IA 21.
IA 86	US 71	IA9.
IA 92	Nebraska	IA 48.
IA 92	WCL Fontanelle	West Jct. IA 5.
IA 92	East Jct. IA 5	North Jct. IA 1.
IA 92	South Jct. IA 1	Cotter.
IA 93	WCL Sumner	IA 150.
IA 94	Palo	I-380.
IA 95	Carbon	IA 148.
IA 96	Gladbrook	US 63.
IA 99	Toolesboro	Wapello.
IA 101	US 218	IA 150.
IA 103	US 218	US 61.
IA 105	US 69	218.
IA 107	SCL Thornton	US 18.
IA 110	US 20	IA 7.
IA 111	US 18	Woden.
IA 117	IA 163	US 65.
IA 127	South Jct. IA 183	US 30.
IA 130	US 67	I-80.
IA 133	US 30	Nevada.
US 136	East Jct. US 61	Mississippi River Bridge.
IA 136	ECL Delmar	WCL Lost Nation.
IA 136	SCL Worthington	IA 3.
IA 137	IA 5	IA 23.
IA 141	I-29	North Jct. US 30.
IA 141	WCL Manning	West Jct. US 71.
IA 141	East Jct. US 71	West Jct. IA 161.
IA 141	IA 141	US 169.
IA 141	IA 210	I-35.
IA 144	IA 141	NCL Dana
IA 145	I-35	ECL Thurman.
IA 146	US 63	Dunbar.
IA 148	West Jct. IA 2	US 34.
IA 148	IA 95	I-80.
IA 149	US 63	IA 78.
IA 149	SCL Williamsburg	West Jct. US 6.
IA 149	East Jct. US 6	US 30.
IA 150	IA 151	IA 283.
IA 150	North Jct. US 20	South Jct. IA 3.
IA 150	North Jct. IA 3	US 18.
US 151	US 30	South Jct. US 61.
IA 157	US 63	Lime Springs.
IA 160	IA 415	I-35.
IA 161	West Jct. IA 141	SCL Dedham.
IA 163	US 65	IA 92.
US 169	SCL Arispe	West Jct. US 34.
US 169	East Jct. US 34	South Jct. IA 92.
US 169	SCL DeSoto	I-80.
US 169	US 6	IA 141.
US 169	West Jct. US 30	IA 3.
US 169	US 18	West Jct. IA 9.
IA 173	IA 83	I-80.
IA 175	Nebraska	ECL Onawa.
IA 175	South Jct. US 71	ECL Lake City.
IA 175	Gowrie	West Jct. US 169.
IA 175	East Jct. US 169	ECL Dayton.
IA 175	WCL Stratford	South Jct. IA 17.
IA 175	North Jct. IA 17	South Jct. US 69.
IA 175	North Jct. US 69	ECL Radcliffe.
IA 175	North Jct. US 65	US 63.
IA 181	Dallas	IA 5.
IA 183	North Jct. IA 127	NCL Pisgah.
IA 184	WCL Randolph	US 59.
IA 188	SCL Clarksville	US 63.
IA 191	NCL Council Bluffs	NCL Neola.
IA 192	I-29	East Jct. US 6.
IA 192	West Jct. US 6	I-29.
IA 196	US 71	US 20.
IA 205	US 65	Milo.
IA 210	IA 141	NCL Woodward.
IA 210	North Jct. IA 17	ECL Slater.
IA 214	IA 175	Wellsburg.
IA 215	Union	IA 175.
US 218	US 136	South Jct. US 61.
US 218	North Jct. US 61	IA 92.
US 218	Relocation IA 22	I-380.
US 218	I-80	East Jct. US 30.
US 218	Est Jct. US 30	IA 227.
IA 220	US 6	IA 149.
IA 221	I-35	Roland.
IA 227	US 218	Stacyville.
IA 236	IA 141	Templeton.
IA 244	I-80	IA 191.
IA 249	IA 78	Winfield.
IA 272	Elma	US 63.
IA273	WCL Drakesville	US 63.
IA276	US 71	IA 327.
IA279	US 30	Atkins.
IA281	WCL Fairbank	IA 150.
IA283	Brandon	IA 150.
IA287	US 30	Newhall.
IA299	New Providence	IA 175.
IA300	Modale	I-29.
IA301	I-29	Little Sioux.
IA316	IA 5	NCL Runnells.
IA325	Spillville	US 52.
IA330	US 65	US 30.
IA363	IA 101	Urbana.
IA383	US 69	Randall.
IA386	South Jct. US 52	North Jct. US 52.
IA401	US 6	Johnston.
IA404	US 61	Montrose.
IA405	Lone Tree	IA 22.
IA406	US 34	US 61.
IA415	US 6	NCL Polk City.
IA927	IA 38	I-260.
IA928	West Jct. US 20	East Jct. US 20.
IA930	US 30	Ames.
IA939	IA 150	IA 187.
IA964	IA 5	IA 975.
IA967	US 20	Farley.
IA970	Monona Co.	US 75.
IA975	IA 5	IA 964.
Kansas		
Under Kansas State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982. In addition Kansas has made availsble all other U.S. and State numbered routes.		
Kentucky		
Jackson Purchase Pkwy.	Tennessee St. Line W. of Fulton.	US 45 Bypass.
US 45B	Jackson Purchase Pkwy W. of Mayfield.	Jackson Purchase Pkwy N. of Mayfield.
Jackson Purchase Pkwy.	US 45 Bypass	I-24 in Marshall County.
Western Kentucky Pkwy.	I-24 S. of Eddyville	US 31W in Hardin County.
Blue Grass Pkwy.	I-65	US 60 near Versailles.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
Green River Pkwy.	I-65	US 60 Bypass in Owensboro.
Mountain Pkwy.	I-64 E. of Winchester	Ky 15 N. of Campton.
KY 4	Entire Circle of Lexington.	
Pennyrile Pkwy.	US 41A S. City limits of Hopkinsville.	US 41 S. of Nortonville.
US 41	Pennyrile Pkwy near Western Kentucky, Pkwy.	Pennyrile Pkwy at Madisonville.
Pennyrile Pkwy.	US 41 near N. City limits of Madisonville.	US 41 in Henderson.
US 41	Pennyrile Pkwy	Indiana St. Line.
Audubon Pkwy.	Pennyrile Pkwy in Henderson.	US 60 Bypass in Owensboro.
Cumberland Pkwy.	I-65 at Warren County Line.	US 27 W. of Somerset.
I-471 Connector.	US 27	I-471.
KY 841	Taylorsville Rd. (KY 155).	US 42.
KY 10	New Construction 4.21 miles E. of Bracken County line (MP 4.21).	US 62-68 at Maysville (MP 10.12).
KY 11	KY 3170 at Lewisburg.	US 62 and US 68 in Maysville.
KY 15	Mountain Pkwy at Campton.	US 119 in Whitesburg.
KY 18	KY 338 at Burlington	US 25 in Florence.
KY 21	I-75 near Berea	US 25 in Berea (US 25 S.).
US 23	Ohio St. Line	US 119 N. of Pikeville.
US 23	US 119 near Jenkins	Virginia St. Line.
US 23 Spur	Ohio River Bridge at Ashland.	
US 25	US 421 S. of Richmond.	KY 876 in Richmond.
US 25	KY 418	Nandino Blvd., in Lexington (via KY 4).
US 25	US 42 in Florence	Ohio St. Line.
US 25E	Virginia St. Line	I-75 N. of Corbin.
US 27	Tennessee St. Line	Ohio St. Line (via KY 4 in Lexington).
US 31W	Tennessee St. Line	KY 255 at Park City (via US 31W. Bypass in Bowling Green).
US 31W	US 31 W. Bypass in Elizabethtown.	I-264.
US 31W Bypass.	Western Kentucky Pkwy.	US 31W in Elizabethtown.
KY 32	I-64	US 60 at Morehead.
KY 35	US 127 at Bromley	I-71.
KY 36	I-64	US 60 at Owingsville.
KY 36	US 42 in Carrollton	KY 227.
US 41	US 68 (Main Street) Hopkinsville.	US 68 (McLean Ave.) Hopkinsville.
US 41A	Tennessee St. Line	Pennyrile Pkwy S. City Limits Hopkinsville.
US 41A	KY 112 in Earlington	KY 281 and KY 1751 Madisonville.
US 42	I-264	Oldham County Line.
US 42	KY 55 at Carrollton	KY 47 at Ghent.
US 45	US 45 Bypass N. of Mayfield.	US 62 in Paducah.
KY 52	KY 876 in Richmond	KY 499 at Irvine.
KY 55	Cumberland Pkwy in Columbia.	US 150 at Springfield.
US 60	US 60 Bypass W. of Owensboro.	KY 69 Hawesville.
US 60	I-264	KY 1531 at Eastwood.
US 60	US 421 at Frankfort	I-75 near Lexington (via Versailles and KY 4 in Lexington).
US 60	Junction of KY 180 near Cannonsburg.	US 23 in Ashland.
US 60	KY 444 in Meade County.	US 31W at Ft. Knox.
US 60 Bypass.	US 60 W. of Owensboro.	US 60 E. of Owensboro.
KY 61	Tennessee St. Line	KY 90 at Burkesville.
US 62	I-24 at Paducah	Western Kentucky Pkwy.
US 62	KY 245 at Bardstown	US 150 at Bardstown.
US 62	KY 353	US 27 at Cynthiana.
US 68	I-24 in Trigg County	Green River Pkwy at Bowling Green.
US 68	US 27 at Paris	Ohio St. Line at Maysville (via Paris Bypass).
KY 69	US 60 at Hawesville	Indiana St. Line.
KY 79	KY 1051 in Brandenburg.	Indiana St. Line.
KY 80	US 27 at Somerset	US 25 N. of London.
KY 80	KY 15 at Hazard	US 23 at Allen.
KY 90	I-65	Cumberland Pkwy at Glasgow.
KY 90	KY 61 at Burkesville	US 27 at Burnside.
KY 114	US 460 E. of Salyersville.	US 23-460 at Prestonsburg.
KY 118	Daniel Boone Pkwy	US 421 and KY 80 NW of Hyden.
US 119	KY 15 at Whitesburg	US 23 at Jenkins.
US 119	US 25E. S. of Pineville.	US 421 at Harlan.
US 119	US 23 at Pikeville	KY 1441.
US 127	Tennessee St. Line	US 60 in Frankfort (via Danville & Lawrenceburg Bypasses).
US 127	US 460 in Frankfort	I-71.
US 127 Bypass.	US 127 S. of Danville	US 127 N. of Danville.
US 127 Bypass.	US 127 S. of Lawrenceburg.	US 127 N. of Lawrenceburg.
KY 144	KY 448	US 60.
US 150	US 31E at Bardstown	US 27 N. City Limits of Stanford (via Danville Bypass).
US 79	Tennessee St. Line	US 68 Russellville.
KY 151	US 127 near Lawrenceburg.	I-64 near Graefenburg.
KY 180	I-64 Interchange near Cannonsburg (MP O.63).	Junction US 60 and KY 180 at Cannonsburg.
KY 192	I-75 S. of London	Daniel Boone Pkwy E. of London.
KY 205	Mountain Pkwy at Helechawa.	US 460 W. of Index.
KY 212	KY 20	Greater Cincinnati Airport.
KY 227	KY 355 near Worthwhile.	KY 36 at Carrollton.
US 231	US 60 Bypass in Owensboro.	Indiana St. Line.
US 231	I-65	US 31W Bypass at Bowling Green.
KY 236	KY 212	US 25 at Erlanger.
KY 237	KY 18	I-275 Boone County.
KY 245	I-65	US 62 at Bardstown.
KY 255	US 31W at Park City	I-65.
KY 259	Western Kentucky Pkwy.	US 62 in Leithchfield.
KY 281	US 41A	US 41 in Madisonville.
KY 341	US 421 near Midway	I-64 near Midway.
KY 348	Jackson Purchase Pkwy W. of Benton.	US 641 in Benton.
KY 418	US 25 S. of Lexington.	I-75 S. of Lexington.
US 421	US 119	0.1 mile S. of Harlan Appalachian Regional Hospital.
US 421 & KY 60.	Daniel Boone Pkwy	2nd Street in Manchester.
US 421	KY 4 in Lexington	KY 341 near Midway.
US 421	US 460 in Frankfort	Broadway at railroad bridge.
US 431	US 60 Bypass in Owensboro.	US 60 (4th Street) Owensboro.
KY 446	US 31W NW of Bowling Green.	I-65.
KY 448	KY 1051 at Brandenburg.	KY 144.
US 460	I-64	KY 686 N. of Mt. Sterling.
US 460	Mountain Pkwy Extension.	US 23 near Paintsville.
KY 555	US 150 at Springfield	Bluegrass Pkwy.
US 641	Tennessee St. Line	KY 348 in Benton.
KY 676	US 127 in Frankfort	US 60.
KY 686	KY 11 S. of Mt. Sterling.	US 460 N. of Mt. Sterling.
KY 876	I-75 at Richmond	KY 52 E. of Richmond.
KY 922	KY 4 in Lexington	I-64 and I-75.
KY 1051	KY 448 S. of Brandenburg.	KY 79.
KY 1682	US 68 W. of Hopkinsville.	Pennyrile Pkwy N. City Limits of Hopkinsville.
KY 1958	KY 627 S. of Winchester.	I-64 at Winchester.
KY 1998	US 27 at Cold Springs.	KY 9.
Daniel Boone Pkwy.	US 25 N. of London	KY 15 N. of Hazard.
Mountain Pkwy Extension.	End of Mountain Pkwy at Campton.	US 460 at Salyersville.
KY 859/KY 57.	I-64	Lexington-Bluegrass Depot.

Louisiana

Under Louisiana State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982. In addition Louisiana has made available the following routes:

La 1	US 190 West of Baton Rouge.	Southwest of Morganza.
La 10	I-49 at Beggs	US 71 at LaBeau.
La 20	US 90 at Gibson	La 24 near Thibodeaux.
La 30	La 42 in Baton Rouge.	La 73 in Baton Rouge.
La 46	La 39 in New Orleans.	La 47 in Chalmette.
La 47	La 46 in Chalmette	La 39 in Chalmette.
La 48	US 90 near New Orleans.	Williams Blvd. in Kenner.
La 67	La 408 in Baton Rouge.	Baker.
US 80	La 72 in Bossier City	I-20 in Minden.
La 83	US 90 near Baldwin	La 182 in Baldwin.
US 90	La 20 at Gibson	La 3052 near Raceland.
La 108	La 27 in Sulphur	I-10 in Maplewood.
La 137	I-20 near Rayville	US 80 in Rayville.
US 190	US 61 in Baton Rouge.	La 1032 in Denham Springs.
US 190	I-55 in Hammond	La 443 in Hammond.
La 408	US 61 in Baton Rouge.	La 67 in Baton Rouge.
La 433	I-10 in Slidell	US 11 in Slidell.
La 526	La 3132 in Shreveport.	I-20 in Shreveport.
La 3021	La 39 in New Orleans.	US 90 in New Orleans.
La 3032	La 1 in Shreveport	US 71 in Bossier City.
La 3040	The Houma Tunnel	La 24 in Houma.
La 3064	La 427 in Baton Rouge.	La 73 in Baton Rouge.
La 3105	US 71 in Bossier City	US 80 in Bossier City.
La 3211	US 90 near Franklin	La 182 near Franklin.

Maine

Scarboro Connector.	I-295 South Portland	US 1 Scarborough.
South Portland Spur.	I-95 South Portland	US 1 South Portland.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
Maine Turnpike.	I-95 Portland	I-95 near Gardiner.
US 1	I-95 Yarmouth	I-95 Freeport.
US 1	I-95 Brunswick	Old US 1 (vicinity of Congress St.) Bath.
Maryland		
MD 3	US 50/301 Bowie	I-695 near Glen Burnie.
MD 4	US 301 at Upper Marlboro.	I-95 Forestville.
MD 10	MD 648 in Glen Burnie.	MD 695 Glen Burnie.
MD 100	MD 607 at Jacobsville.	MD 3.
MD 201 (Kenilworth Avenue).	D.C. Line	US 50 Cheverly.
MD 295	I-695 Linthicum	I-95 in Baltimore.
MD 695	I-695 at MD 3 near Glen Burnie.	I-695 at I-95 near Kenwood.
MD 702	MD 695 E. of Baltimore.	Old Eastern Avenue.
US 13	Virginia St. Line	Delaware St. Line.
US 15	US 340 in Frederick	MD 26 N. of Frederick.
US 40	MD 639 at Cumberland.	I-70 at Hancock.
US 40	US 340 in Frederick	I-70 in Frederick.
US 48	West Virginia St. Line	MD 639 at Cumberland.
US 50	MD 201 Kenilworth Ave., Cheverly.	US 13 (bypass) Salisbury.
US 301	Virginia St. Line	Delaware St. Line.
US 340	MD 67 at Weaverton	US 40 at Frederick.

NOTE.—Width and Tandem Trailer restrictions may be enforced on I-895 Harbor Tunnel Thruway. Alternate routing is available via MD 695 and the Francis Scott Key Bridge. For specific information, contact the Harbor Tunnel Thruway, Post Office Box 3432, Baltimore, MD 21225, telephone (301) 355-3500.

Massachusetts

MA 2	I-190 Leominister	I-495 Littleton.
US 3	I-95 Burlington	New Hampshire St. Line.
MA 24	I-195 Fall River	I-93 Randolph.
MA 140	I-195 New Bedford	MA 24 Taunton.

NOTE.—I-395 (MA 52) was approved as part of the Interstate system on April 18, 1983.

Through traffic may be routed via I-495 around Boston and via I-91 around Holyoke.

For traffic destined within the Boston and Holyoke areas restrictions will apply for the following routes: I-95 (MA 128) from I-93 Canton to US 1, South Lynnfield; I-93 from I-95 Canton to I-95 Reading; I-391 from I-91 Chicopee to High and Maple Streets in Holyoke; and US 1 from I-95 S. Lynnfield to I-95 West Peabody.

For specific information contact this address: Chief Engineer, Massachusetts Department of Public Works, 10 Park Plaza, Room 3140, Boston, Massachusetts 02116, Telephone (617) 973-7830.

Michigan

MI 1	US 10BR & I-75BL: Pontiac.	Adams Street, Detroit.
US 2	Wisconsin St. Line, Ironwood.	Wisconsin St. Line, Crystal Falls.
US 2	Wisconsin St. Line, Iron Mountain.	International Boundary.
MI 3	Clark Street, I-75 in Detroit.	MI-29 & I-94.
MI 4	US 24	Orchard Lake Road.
MI 5	MI 102 Oakland-Wayne County Line.	I-96 at Schaffer Road.
US 8	US 2, Iron Mountain	Wisconsin St. Line.
US 10	Ludington	Jct I-375, Detroit.
US 10BR	South Jct. US 10, Pontiac.	MI 1, Pontiac.
US 12	Indiana St. Line	Jefferson Ave, Detroit.
MI 13	I-69, Lennon	US 23, Standish.
MI 14	I-94	I-275.
MI 15	US 10, Clarkston	MI 25, Bay City.
MI 18	US 10	MI 61, Gladwin.
MI 20	US 31 New Era	MI 37, White Cloud.
MI 20	US 27, Mt. Pleasant	US 10, Midland.
MI 21	I-96 near Grand Rapids.	MI 25, Port Huron.
US 23	Ohio St. Line	Mackinaw Bridge.
MI 24	I-75 Connector near Lake Orion.	MI 21, Lapeer.
MI 24	MI 46	MI 81, Caro.
US 24	Ohio St. Line	US 10BR, Pontiac.
MI 26	US 45	MI 38.
MI 27	I-75	US 23, Cheboygan.
US 27	Indiana St. Line	I-75, N. Higgins Lake.
MI 28	US 2, Wakefield	I-75.
US 31	Indiana St. Line	S. Approach Mackinac Bridge.
MI 32	Hillman	Alpena.
MI 33	Mio	Fairview.
US 33	Indiana St. Line	I-196.
MI 35	US 2 & US 41, Escanaba.	US 2 US & 41, Gladstone.
MI 36	US 127, Mason	Dansville.
MI 37	MI 55	US 31 & MI 72, Traverse City.
MI 37	I-96, Grand Rapids	MI 46, Kent City.
MI 38	US 45	US 41, Baraga.
MI 39	Lafayette St/Lincoln Park, Detroit.	US 10.
MI 40	Allegan	US 31BR & I-196BL, Holland.
US 41	Wisconsin St. Line	Houghton.
MI 43	MI 37, Hastings	US 127, Lansing.
US 45	Wisconsin St. Line	Rockland.
MI 46	Cedar Springs	Port Sanilac.
MI 47	MI 46	US 10.
MI 50	MI 43 & MI 66, Woodbury.	Eaton Rapids.
MI 50	N. Jct. US 127	I-94.
MI 50	S. Jct. US 127	I-75.
MI 51	Niles	I-94.
MI 52	Ohio St. Line	US 12.
MI 52	I-96	MI 46.
MI 53	MI 3, Detroit	MI 25, Port Austin.
MI 55	US 31, Manistee	US 131, Cadillac.
MI 55	US 131, Cadillac	I-75.
MI 55	MI 65	Tawas City.
MI 56	MI 13 & MI 21	MI 54BR.
MI 57	US 131	US 27.
MI 57	MI 52	I-75.
MI 59	US 10BR, Pontiac	I-94.
MI 60	MI 62, Cassopolis	I-69 & US 27.
MI 61	MI 115	US 27, Harrison.
MI 61	MI 18, Gladwin	US 23, Standish.
MI 62	Indiana St. Line	US 12.
MI 64	US 2, Marenisco	US 2.
MI 64	MI 28, Merriweather	MI 28, Bergland.
MI 65	US 23, Omer	MI 55.
MI 65	MI 72	MI 32.
MI 65	Posen	US 23, North of Posen.
MI 66	Indiana St. Line	US 12.
MI 66	Battle Creek	MI 78.
MI 66	MI 43	MI 46.
MI 66	US 131, Mancelon	US 131, Kalkaska.
MI 67	US 41, Trenary	MI 94, Chatham.
MI 68	US 31 & US 131, Petoskey.	US 23, Rogers City.
MI 69	US 2 & US 141, Crystal Falls.	MI 95, Sagola.
MI 72	US 31, Acme	I-75, Grayling.
MI 72	I-75	US 23, Harrisville.
MI 77	US 2	MI 28.
MI 78	MI 66	I-69.
MI 81	MI 24, Caro	MI 53.
MI 82	MI 37	US 131.
MI 83	Frankenmuth	I-75.
MI 84	I-75	MI 25.
MI 85	I-75, Woodhaven	I-75, Detroit.
MI 89	Allegan	US 131.
MI 90	MI 53	MI 53, Burnside.
MI 94	US 41	MI 28.
MI 95	US 2	US 41 & MI 28.
MI 97	MI 102	MI 59.
MI 102	I-96 & I-696	I-94.
MI 103	Indiana St. Line	US 12.
MI 104	US 31	I-96.
MI 115	US 27	MI 22.
MI 117	US 2	MI 28.
MI 123	I-75	MI 28.
US 127	Ohio St. Line	US 27.
US 131	Indiana St. Line	US 31, Petoskey.
US 141	Wisconsin St. Line South of Crystal Falls.	US 41, & MI 28.
MI 142	MI 25 near Bayport	MI 53.
MI 205	Indiana St. Line	US 12.
US 223	US 23	US 12.
I-75 Conn	US 10BR, Pontiac	I-75.
Minnesota		
MN 1	No. Oak. St. Line	MN 32 at Thief River Falls.
US 2	North Dakota St. Line, E. Grand Forks.	I-35 at Duluth.
MN 3	MN 110 at Inver Grove Heights.	I-94 at St. Paul.
MN 5	MN 22 at Gaylord	W. Jct. TH 212.
MN 5	I-35E in St. Paul	Kellogg Blvd. in St. Paul.
MN 5	I-494 at Bloomington	I-35E at St. Paul.
MN 7	US 75 near Odessa	US 59 at Montevideo.
MN 7	US 59 at Montevideo	MN 100 at St. Louis Park.
MN 9	US 12 at Benson	US 59 at Morris.
US 10	Clay County State Aid Highway 11, E. of Moorhead.	I-694 at Arden Hills.
MN 11	MN 32 at Greenbush	MN 72 at Baudette.
US 12	MN 59	MN 29 at Benson.
US 12	MN 280 in St. Paul	I-94 in St. Paul.
US 12	MN 9 at Benson	I-94 at Minneapolis.
US 12	I-694 at Woodbury	Wisconsin St. Line.
MN 13	I-90	MN 14 at Waseca.
MN 13	MN 101 at Savage	I-35W at Barnesville.
US 14	US 75 at Lake Benton.	I-35 at Owatonna.
US 14	US 218 near Owatonna.	I-35 at Owatonna.
US 14	MN 218 SE of Owatonna.	MN 57 in Kasson.
US 14	MN 57 in Kasson	N. Jct. MN 52 in Rochester.
MN 15	I-90 N. of Fairmont	S. Jct. MN 60.
MN 15	MN 14 at New Ulm	MN 19 at Winthrop.
MN 19	MN 59 at Marshall	MN 22 at Gaylord.
MN 22	MN 109 at Wells	MN 60 at Mankato.
MN 22	MN 212 at Glencoe	MN 7 at Hutchinson.
MN 22	MN 7 N.W. of Hutchinson.	MN 12 at Litchfield.
MN 23	MN 30 at Pipestone	Cottonwood.
MN 23	Cottonwood	MN 71 at Wilmar.
MN 23	US 12 at Willmar	I-35 near Hinckley.
MN 24	I-94 at Clearwater	MN 10 at Clear Lake.
MN 25	I-94 at Monticello	MN 10 at Big Lake.
MN 27	N. Jct. MN 29 at Alexandria.	MN 127 at Osakis.
MN 27	US 71 at Long Prairie	US 10 at Little Falls.
MN 28	South Dakota St. Line at Browns Valley.	I-94 at Sauk Centre.
MN 29	I-94 at Alexandria	N. Jct. MN 27 at Alexandria.
MN 30	MN 75 at Pipestone	MN 59 at Slayton.
MN 32	MN 1 at Thief River Falls.	MN 11 at Greenbush.
MN 33	I-35 near Cloquet	US 53 at Independence.
MN 34	MN 71 at Park Rapids.	MN 371 at Walker.
MN 36	I-35W at Roseville	MN 95 at Oak Park Heights.
MN 41	US 212 near Chaska	US 169 near Chaska.
MN 43	I-90 at Wilson	US 61 at Winona.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
MN 47	MN 65 in Mpls	MN 10 in Coon Rapids.
MN 51	MN 5 at St. Paul	I-694 at Arden Hills.
US 52	I-90S. of Rochester	MN 63 at Rochester.
US 52	MN 110 in Inver Grove Heights.	Plato Blvd. (St. Paul).
US 52	Plato Blvd	I-35E-St. Paul.
US 52	US 63 at Rochester	MN 110 at Inver Grove Heights.
US 53	I-35 at Duluth	S. Jct. US 169 at Virginia.
MN 55	MN 28 at Glenwood	7th St. N in Minneapolis.
MN 55	E. Jct. I-94 in Minneapolis.	MN 3 at Inver Grove Heights.
MN 56	US 52 at Inver Grove Heights.	MN 3 at St. Paul.
US 59	I-90 at Worthington	MN 30 at Slayton.
US 59	I-94 at Fergus Falls	US 2 at Erskine.
US 59	MN 7 at Appleton	MN 12 N. of Holloway.
US 59	MN 2 at Erskine	MN 175 N. of Lake Bronson.
MN 60	Iowa St. Line at Bigelow.	N. Jct. US 169 at Mankato.
US 61	MN 55 at Hastings	I-94 in St. Paul.
US 61	Wisconsin St. Line	I-90 at LaCrescent.
US 61	I-90 at Dakota	MN 60 at Wabasha.
US 61	Jct. I-35 at Mesaba in Duluth.	Two Harbors (Jct. CSAA 2).
US 63	MN 58 at Red Wing	Wisconsin St. Line.
US 63	I-90	US 52 at Rochester.
MN 65	MN 23 at Mora	I-694 at Fridley.
MN 68	MN 75 at Canby	MN 19 at Marshall.
US 71	I-90 at Jackson	E. Jct. TH 212.
US 71	W. Jct. MN 212	MN 12 at Willmar.
US 71	N. Jct. MN 23 N. of Willmar.	I-94 at Sauk Center.
US 71	MN 27 at Long Prairie.	MN 10 at Wadena.
US 71	MN 10 at Wadena	MN 34 at Park Rapids.
US 71	Iowa St. Line	I-90 at Jackson.
US 71	I-94 at Sauk Centre	MN 27 at Long Prairie.
US 75	MN 7 near Odessa	I-94 at Moorhead.
US 75	I-90	MN 7 at Odessa.
US 75	I-94 at Moorhead	MN 2 at Crookston.
US 75	MN 175 at Hallock	International Border.
US 77	I-35E at Eagan	I-494 at Bloomington.
MN 100	I-494 at Boomington	I-694 at Brooklyn Center.
MN 101	US 169 at Shakopee	MN 13 at Savage.
MN 101	I-94 at Rogers	MN 10 at Elk River.
MN 109	I-90 at Alden	M 22 at Wells.
MN 110	MN 55 at Mendota Heights.	US 52 at Inver Grove Heights.
MN 127	MN 27 at Osakis	I-94 at Osakis.
US 169	I-90 N. of Blue Earth	MN 60 at Mankato.
US 169	MN 101 at Shakopee	MN 212 at Chanhassen.
US 169	I-94 at Brooklyn Park	MN 152 at Osseo.
US 169	MN 152 at Osseo	MN 10 at Anoka.
US 169	95 at Princeton	MN 23 at Milaca.
US 169	N. Jct. MN 60 at Mankato.	MN 101 at Shakopee.
US 169	MN 95 at Princeton	US 10 at Elk River.
US 169	US at Grand Rapids	S. Jct. US 53 at Virginia.
US 169	I-494 at Eden Prairie	MN 100 at Edina.
US 169	MN 100 at Robbinsdale.	I-94 at Brooklyn Park.
MN 175	MN 75 at Hallock	MN 59.
MN 210	MN 169	I-35 West of Cerlton.
MN 210	North Dakota St. Line at Breckenridge.	MN 59 at Fergus Falls.
MN 210	US 10 at Motley	US 169 NE of Aitkin.
US 212	South Dakota St. Line.	I-494 at Eden Prairie.
US 218	I-90 at Austin	US 14 E. of Owatonna.
MN 280	I-94 in St. Paul	I-35W in Roseville.
MN 371	US 10 at Little Falls	E. Jct. MN 210 at Brainerd.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
MN 371	W. Jct. MN 210 Brainerd.	US 2 at Cass Lake.

NOTE.—In addition Minnesota has made available all public roads to 102 inch wide vehicles (subject to local ordinance).

Mississippi

Under Mississippi State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982. In addition Mississippi has made available all other U.S. and State numbered routes in the State.

Missouri

US 36	Kansas St. Line	Illinois St. Line.
US 40	I-70 St. Charles County.	I-55/70 St. Louis.
US 169	I-29 at Kansas City	MO 152 at Kansas City.
MO 725	US 40 at St. Louis	St. Louis Co. Route D.
US 67	Arkansas St. Line	Exit 174 on I-55.
US 61	I-70 St. Charles County.	Iowa St. Line.
US 63	Arkansas St. Line	Iowa St. Line.
US 65	Arkansas St. Line	Iowa St. Line.
US 71	Arkansas St. Line	I-435 Kansas City.
US 71	Exit 53 on I-29	US 136 Maryville.
Alt. US 71	I-44	US 71 Carthage.
US 136	Nebraska St. Line	Exit 110 on I-29.
US 54	South Junction US BR 54 at Lake Ozark.	Illinois St. Line.
US 60	MO 37 Monett	US 63 Cabool.
US 24	I-435 Kansas City	US 65 Waverly.
MO 7	US 71 Harrisonville	MO 13 Clinton.
MO 13	I-44 Springfield	US 24 Lexington.
US 50	Exit 7 I-470 Kansas City.	Exit 247 on I-44.
US 60	Oklahoma St. Line	US 71.
US 67	MO 367	Illinois St. Line.
US 412	Arkansas St. Line	Exit 19 on I-55.
MO 84	Arkansas St. Line	US 412 near Kennett.
MO 25	US 412 near Kennett	US 60 at Dexter.
MO 5	Arkansas St. Line	US 60.
MO 47	US 50 at Union	MO 100 at Washington.
MO 100	MO 47 at Washington.	I-44.
MO 367	I-270	US 67.
US 166	Kansas St. Line	I-44.
MO 171	Kansas St. Line at KS 57.	US 71 at Webb City.
US 60	2 mi. E. of E. Jct. MO 21.	I-55/57 near Sikeston.
US 24	US 61 Taylor	Illinois St. Line.
MO 37	MO 76 Cassville	US 60 Monett.
US 59	Kansas St. Line	I-229 St. Joseph.
US 24	East Junction US 24 and US 36 in Marion County.	South Junction of US 24 and US 61 west of Hannibal.

Montana

Under Montana State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982 (STAA) with the following exceptions:

MT 84	US 287 Norris	US 191 near Bozeman, Hot Springs.
US 87	Mile post 79.3	Mile Post 82.5.
Main Street	Lewistown	Lewistown.

NOTE.—At the request of the State of Montana, we are publishing the following Federal-aid Primary Routes that are available to commercial vehicles with the dimensions authorized by the STAA at 1982:

US 2	Idaho St. Line	North Dakota St. Line.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
US 12	Idaho St. Line	North Dakota St. Line.
US 89	Canadian Border	Wyoming St. Line.
US 310	Wyoming St. Line	Laurel.
MT 200	Idaho St. Line	North Dakota St. Line.
US 93	Idaho St. Line	Canadian Border.
US 287	Wyoming St. Line	Choteau.
US 87	Wyoming St. Line	Havre.
US 20	Targhee Pass	West Yellowstone.
MT 87	Raynolds Pass	US 287.
MT 117	Fork Peck	Nashua.
MT 22	Miles City	Jordon.
MT 15	Conrad	Conrad.
MT 5	Scobey	North Dakota St. Line.
MT 59	Miles City	Wyoming St. Line.
MT 23	Sidney	North Dakota St. Line.
MT 7	Ekalaka	Wibaux.
US 10	North Dakota St. Line	Idaho St. Line.
MT 24	Canadian Border	MT 200.
MT 13	Circle	Canadian Border.
MT 37	Libby	Eureka.
MT 135	St. Regis	Paradise.
MT 28	Plains	Elmo.
US 212	Crow Agency	Wyoming St. Line.
MT 40	Whitefish	Columbia Falls.
MT 39	Lame Deer	Forsyth.
MT 141	Avon	MT 200.
MT 44	US 89	I-15.
US 191	West Yellowstone	Malta.
MT 43	Idaho St. Line	I-15.
MT 48	Anaconda	Warm Springs.
MT 47	Hardin	Custer.
MT 41	Dillon	US 10.
MT 16	Canadian Border	Glendive.
MT 35	Polson	US 2.
MT 3	Billings	Lavina.
MT 55	MT 41 Whitehall	Whitehall.
MT 56	MT 200	US 2.
MT 64	US 191	Mountain Village.
MT 66	US 191	Fork Belknap.
MT 67	US 2 in Shelby	I-15.
MT 69	Whitehall	Boulder.
MT 90	I-90 Missoula	Missoula.
MT 72	Wyoming St. Line	US 310.
MT 73	I-90 Lodge Grass	US 87.
MT 74	I-90	I-90 Wyola.
MT 77	MT 28 Hot Springs	Hot Springs.
MT 78	Red Lodge	Columbus.
MT 80	Fort Benton	Stanford.
MT 81	MT 80	US 191.
MT 82	Somers	MT 35 Big Fork.
MT 83	MT 200	MT 35 Big Fork.
MT 85	US 191/I-90	Belgrade.
MT 86	Bozeman	US 89.
MT 12	I-90 Garrison	Near I-90.
MT 89	Dillon	I-15.
US 212	Wyoming St. Line	US 310.
MT 287	Ennis	Twin Bridges.
MT 19	MT 200 Grassrange	US 191 near Roy.
MT 200S	Circle	Glendive.
US 10A	I-90	Drummond.
MT 40	I-94	Terry.
MT 79	I-94	Hysham.

Nebraska

Under Nebraska State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982, with the following exceptions: US 159 from the junction with US 73 in Falls City east to Missouri; State Highway 2 from the junction with US 73/75 in Nebraska City east to Iowa; US 34 from the junction with L-13G in Plattsmouth east to Iowa; and US 30 from the east junction with US 73 in the City of Blair east to Iowa.

In addition Nebraska has made available all other U.S. and State numbered routes.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
Nevada		
Under Nevada State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982 (STAA) with the following exceptions:		
NV 28	US 50 Glenbrook	California St. Line
NV 88	US 395 Minden	California St. Line
US 93	Boulder City	Arizona St. Line
NOTE.—At the request of the State of Nevada, we are publishing the following Federal-aid Primary Routes that are available to commercial vehicles with the dimension authorized by the STAA of 1982:		
US 395	California St. Line	California St. Line.
US 50	California St. Line	US 395, Stewart.
US 50	US 395, Carson	Utah St. Line
US 95	California St. Line	I-80
US 95	I-80	Oregon St. Line
US 6	California St. Line	US 95 Coaldale
US 6	US 95 Tonopah	US 50 Ely.
US 93	Buchanan Blvd. Boulder City.	US 95.
US 93	I-15	US 50.
US 93	US 50	Idaho St. Line.
US 95 Alt.	US 95 Schurz	I-80.
US 50 Alt.	I-80	US 50.
US 93 Alt.	US 93	I-80 Wendover.
New Hampshire		
US 3	Masachusetts St. Line.	101A Nashua.
Everett Turnpike.	101A Nashua	I-293 Bedford.
US 4 and Spaulding Turnpike.	I-95 Portsmouth Exit 6.	NH 125 Rochester Exit 12.
US 3	I-93 North Woodstock.	I-93 near Franconia.
NH 18	I-93 Littleton	Vermont St. Line.
New Jersey		
Atlantic City Expressway.	Baltic Avenue in Atlantic City.	NJ 42 Turnersville.
NJ 42	Atlantic City Expressway at NJ 168 Washington.	I-295 Bellmawr.
US 322	Pennsylvania St. Line	US 130 Bridgeport.
US 130	US 322 Bridgeport	I-295 Logan Township.
US 130	NJ 44 West Deptford	I-295 West Deptford.
New Jersey Turnpike.	I-295 Deepwater	Exit 6 Mansfield.
NJ 440	I-95 Edison	New York St. Line at Outerbridge Crossing.
NJ 81	I-95 Elizabeth	US 1 Elizabeth.
The following two sections of the New Jersey Turnpike were added to the Interstate System on March 3, 1983, and are not signed as Interstate. The route segments are listed since the public may be unaware of this designation.		
Pennsylvania Turnpike Connector.	Pennsylvania St. Line	Exit 6 Mansfield.
New Jersey Turnpike.	Exit 6 Mansfield	Exit 10 Edison.
New Mexico		
US 56	I-25 Springer	Oklahoma St. Line.
US 62	US 285 Carlsbad East.	Texas St. Line.
US 70	I-10 Las Cruces	US 54 Tularosa.
US 70	US 285 Roswell	US 84 Clovis.
US 84	I-40 Santa Rosa	Texas St. Line.
US 87	US 56 Clayton	Texas St. Line.
US 285	Texas St. Line	Colorado St. Line.
US 550	US 666 Shiprock	Colorado St. Line.
US 666	I-40 Gallup	Colorado St. Line.
US 60	Arizona St. Line	I-25 Socorro.
US 84	I-40	Colorado St. Line.
US 70	Arizona St. Line	Lordsburg.
US 80	Arizona St. Line	I-10.
NM 504	Arizona St. Line	US 666 Shiprock.
US 160	Arizona St. Line	Colorado St. Line.
New York		
NY 17	Exit 24 Allegany	I-87 Thruway Exit 16 at Harriman.
US 219	NY 39 Springville	I-90 Thruway Exit 55.
NY 400	I-90 Thruway Exit 54	NY 16 South Wales.
NY 198	I-190 Thruway Exit N11.	NY 33 Buffalo.
NY 33	Michigan Avenue Buffalo.	Greater Buffalo International Airport.
NY 179	NY 5 Windom	I-90 Windom.
Walden Avenue.	I-90 Thruway Exit 52	NY 277, Cheektowaga.
NY 390	I-490 Rochester	NY 18 North Greece.
NY 590	I-490 Rochester	NY 104 Irondequoit.
Inner Loop	I-490 Rochester	I-490 Rochester.
NY 690	I-90 Lakeland	NY 370 Baldwinsville.
NY 481	I-81 North Syracuse	NY 3 Fulton.
NY 695	NY 5 Fairmont	I-690 Solvay.
NY 5	Maple Avenue Camillus.	West Genessee Street Fairmont.
US 15	Interchange in Presho.	NY 17 Corning.
NY 12	I-790 near I-90 Utica	Putnam Road Trenton.
NY 8	County Road 9 Sauguoit.	I-790 Utica.
NY 365	I-90 Thruway Exit 33	NY 49 Rome.
NY 49	NY 365 Rome	NY 291 near Oriskany.
NY 254	I-87 Glen Falls	0.3 miles East of US 9.
Berkshire Thruway.	I-87 Thruway Exit 21A.	I-90 Thruway Exit B1.
US 9	0.6 miles South of NY 254.	0.5 miles north of NY 254.
NY 7	Schenectady-Albany County Line.	I-87 Colonie.
NY 5	East City Line of Schenectady.	I-87 Colonie.
NY 17	New Jersey St. Line	I-87 Suffern.
NY 104	Maplewood Drive Rochester.	Monroe-Wayne County Line.
NY 5	NY 179 Windom	NY 75 Mount Vernon.
US 20	NY 75 Mount Vernon	Howard Road Mount Vernon.

NOTE.—I-495 (NY 495) from I-295 Clearview Expressway to NY 25 at Exit 73 Riverside Suffolk was added to the Interstate System on Oct. 25, 1983.

The following Interstate routes in New York City are available to through traffic with operating limitations during the morning and evening peak traffic periods: I-95, from N.J. line to Westchester County Line; I-87, from I-95 to Westchester County Line; I-295, from I-95 to I-495; and I-495, from I-295 to Nassau County Line.

Permits may be required for all other Interstates in New York City.

For specific information contact the following: New York City Department of Transportation Traffic Council, Room 412, 51 Chambers Street, New York, New York 11007, Telephone (212) 566-3610.

I-495, from New York City line to NY 25 at Exit 73 is available to through traffic with operating limitations during the morning and evening peak traffic periods.

For specific information contact the following: New York Department of Transportation, State Office Campus, 1220 Washington Ave., Albany, New York 12232, (518) 457-1155.

North Carolina		
US 19	US 64 near Ranger	US 19A near Bryson City.
US 19A	US 19 near Bryson City.	US 19 near Lake Junaluska.
US 25	South Carolina St. Line.	I-26 near East Flat Rock.
US 221	Rutherfordton	I-40 near Marion.
US 1	US 74 at Rockingham.	I-85 near Henderson.
US 15	US 401 near Laurinburg.	US 1 Aberdeen.
US 15	US 1 Northview	US 64 Pittsboro.
US 401	South Carolina St. Line.	I-40 Raleigh.
US 17	South Carolina St. Line.	Jct. US 74/76 West of Wilmington.
US 17	SR 1409	Virginia St. Line.
US 76	Jct. US 17/74 West of Wilmington.	SR 1409.
SR 1409 (Truck Rt.).	US 76	US 17.
US 64	Tennessee St. Line	Jct. US 19/129 near Ranger.
US 64	US 1/70/401 Raleigh	US 17 Williamston.
US 64	US 29 Lexington	US 15 Pittsboro.
US 258	NC 24 near Richlands.	US 64 Tarboro.
US 601	South Carolina St. Line.	US 74 near Monroe.
US 74	US 221 Rutherfordton.	I-85 near Kings Mountain.
US 220	US 74 in Rockingham.	Virginia St. Line.
NC 49	I-85 Charlotte	US 52 Richfield.
NC 18	I-40 near Morganton	US 321 near Lenoir.
US 321	I-40 near Hickory	NC 90 near Lenoir.
US 321	South Carolina St. Line.	I-85 near Gastonia.
US 52	NC 24/27 Albemarle	Virginia St. Line.
NC 87	NC 24/27 Spout Springs.	US 1 Sanford.
US 158	I-40 Winston-Salem	US 29 Reidsville.
US 158	I-85 Henderson	US 258 Murfreesboro.
I-40 Conn.	US 19 near Lake Junaluska.	I-40 West of Clyde.
US 70	US 70A near Smithfield.	I-85 Durham.
US 70A	US 70 near Princeton.	US 70 near Smithfield.
I-95 Bus	Kenly	Gold Rock.
US 74	I-277, Charlotte	US 17 near Wilmington.
US 23	US 19A Dillsboro	US 441 Franklin.
US 29	US 52 Lexington	I-85 Greensboro.
US 258	US 158 Murfreesboro	Virginia St. Line.
US 521	South Carolina St. Line.	I-77.
NC 24	US 74 Charlotte	US 52 Albemarle.
US 29	I-85 Greensboro	Virginia St. Line.
US 264	US 17 Washington	US 64 near Zebulon.
NC 11	US 70 Kinston	US 264 Greenville.
SR 1728	US 1 Raleigh	I-40.
SR 1959-2028.	US 70 Bethesda	I-40.
I-85 Connector (SR 1007).	I-85 Salisbury	US 29-601 Salisbury.
US 70	US 29-601 Salisbury	I-77 Statesville.
US 421	Kure Beach	I-95 Dunn.
US 421	US 1 Sanford	US 64 Siler City.
US 421	I-40 Winston-Salem	Wilkesboro.
NC 24	US 70 Mansfield	US 421 Clinton.
NC 24	I-95, Fayetteville	Spout Springs.
US 70	Beaufort	US 70A near Princeton.
US 19	I-240 Asheville	Jct. US 19-23 near Mars Hill.
US 25-70	US 19-23 at Weaverville.	US 25-70 Bypass at Marshall.
I-95 Bus	I-95 N. of Fayetteville.	I-95 S. of Fayetteville.
NC 49	US 52 at Richfield	US 64 at Asheboro.
US 158-421 (Existing I-40).	US 421 W. of Winston-Salem.	SR 2007 W. of NC 68.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
North Dakota		
US 85	South Dakota St. Line.	Canadian Border.
US 83	South Dakota St. Line.	I-94 Jct.
US 83	I-94 Jct./Bismarck	Canadian Border.
US 281	South Dakota St. Line.	I-94 Jct./Jamestown.
US 52/281	I-94 Jct./Jamestown	Carrington.
US 281	Carrington	Canadian Border.
US 81	I-29 Jct./Manvel	I-29 Jct./Joliette.
US 2	Montana Border	US 85 Jct./Williston.
US 2	US-85 Jct	Minnesota St. Line.
US 52	Carrington	US 2 Jct./Minot.
US 52	US 2 Jct./Burlington	Canadian Border.
US 12	Montana Border	South Dakota St. Line.
US 10	I-94 Jct.	Minnesota St. Line.
ND 68	Montana St. Line	US 85.
ND 13	I-29/Mooreton	Minnesota St. Line.
ND 13	ND 1/S. Jct	I-29/Mooreton.
ND 11	US 281 Jct./ Ellendale E.	ND 1/Ludden.
ND 1	ND 11 Jct./Ludden	ND 13 Jct.
ND 5	Montana St. Line	West Junction of U.S. 85.
ND 200	Montana St. Line	U.S. 85.
Ohio		

Under Ohio State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982 except where posted or within certain municipalities where there are restrictions.

In addition, Ohio has made available all other public highways, except where posted or within certain municipalities where there are restrictions.

Oklahoma

Under Oklahoma State statute, all Federal-aid Primary Routes with minor exceptions are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act (STAA) of 1982. In addition, Oklahoma has made other routes available.

NOTE.—At the request of the State of Oklahoma the following is a complete list of routes that are available to commercial vehicles with the dimensions authorized by the STAA of 1982:

US 56	New Mexico St. Line	Kansas St. Line.
US 54	Texas St. Line	Kansas St. Line.
US 59	US 270 Heavener	I-44 Afton.
US 59	OK 10 Welch	Kansas St. Line.
US 60	Texas St. Line	US 283 Ellis Co.
US 60	US 81 Pond Creek	Missouri St. Line.
US 62	Texas St. Line	US 281 Lawton.
US 64	US 56 Boise City	OK 8 Alfalfa County.
US 64	US 81 Enid	I-35 Noble Co.
US 64	OK 99 Pawnee County.	US 69 Muskogee.
US 66	US 69 Commerce	Kansas St. Line.
US 62	US 69 Muskogee	Arkansas St. Line.
US 70	US 81 Waurika	Arkansas St. Line.
US 81	Texas St. Line	Kansas St. Line.
US 83	OK 3 Bryan's Corner	Kansas St. Line.
US 75	Texas St. Line	Kansas St. Line.
US 169	I-244 Tulsa	Kansas St. Line.
US 177	US 70 Dickson	US 60 Ponca City.
US 69	US 75 Atoka	Kansas St. Line.
US 77	OK 11 Kildare	Kansas St. Line.
US 183	Texas St. Line	US 270 Seiling.
US 271	US 270 Wister	US 59 Poteau.
US 270	US 177 Tecumseh	Arkansas St. Line.
US 259	Texas St. Line	US 270 Leflore Co.
US 281	I-44 N. of Lawton	Kansas St. Line.
US 271	Texas St. Line	US 70 Hugo.
US 271	OK 3 Antlers	Arkansas St. Line.
US 283	Texas St. Line	Kansas St. Line.
US 287	Texas St. Line	Colorado St. Line.
OK 3	US 54 Guymon	US 177 Shawnee.
OK 3W	US 177 Asher	OK 99 Ada.
OK 3	OK 99 Ada	Arkansas St. Line.
OK 15	US 283 Shattuck	US 64 Enid.
OK 33	US 183 near Custer City.	Arkansas St. Line.
OK 34	I-40 Elk City	US 64 Harper Co.
OK 8	OK 58 Fairview	US 64 Alfalfa Co.
OK 11	US 64 Cherokee	US 77 north of Ponca City.
OK 11	OK 99 Osage County	OK 20 Skiatook.
OK 45	US 281 Woods Co.	OK 8 Alfalfa Co.
OK 51A	US 270 Watonga	OK 58 Major Co.
OK 53	OK 76 Fox	I-35 Springer.
OK 58	OK 51 A	OK 8 Fairview.
OK 5	US 183 Frederick	OK 53 Walters.
OK 67	US 75 Glenpool	US 64 Bixby.
OK 29	US 81 Marlow	I-35 near Wynnewood.
OK 76	OK 7 Ratliff City	OK 53 Fox.
OK 7	I-35 near Davis	OK 1 Johnston Co.
OK 7	US 281 Lawton	OK 76 Ratliff City.
OK 6	US 283 Greer Co.	I-40 Elk City.
OK 9	OK 44 Lone Wolf	US 177 Tecumseh.
OK 9	US 69 Pittsburg Co.	US 59 LeFlore Co.
OK 39	OK 9 Tabler	OK 3W Asher.
OK 44	US 283 Greer Co.	OK 9 Lonewolf.
OK 53	OK 5 Walters	US 81 Comanche.
OK 36	OK 5 Tilman Co	US 281 near Lawton.
OK 18	OK 51 Payne Co.	US 60 Osage Co.
OK 1	OK 12 Roff	US 270 Calvin.
OK 20	OK 11 Skiatook	US 75 Tulsa County.
OK 48	I-44 Bristow	US 64 Pawnee Co.
OK 51	I-35 Payne Co	Muskogee Turnpike.
OK 51	Muskogee Turnpike	US 62 Tahlequah.
OK 16	US 75 Preston	US 64 Jamesville.
OK 10	OK 2 Welch	US 59 Miami.
OK 2	US 60 Vinita	OK 10 Welch.
OK 2	US 271 Clayton	I-40 Warner.
OK 19	I-35 Paul's Valley	OK 3W Ada.
OK 99	US 70 Madill	OK 11 Osage Co.
OK 199	I-35 Ardmore	US 70 Oakland.
Cimarron Turnpike.	I-35 Noble Co	US 64 at OK 48.
Muskogee Turnpike.	OK 51 Broken Arrow	I-40 Webbers Falls.
Indian Nation Turnpike.	US 70 Hugo	I-40 Henryetta.
OK 9A	US 69 Pittsburg Co.	OK 9 S. of Eufaula.
OK 12	OK 7 Johnston Co.	OK 1 Roff.
Cimarron Turnpike Connection.	US 77 north of Stillwater N.E.	Cimarron Turnpike.
Oregon		
OR 99E	Portland	Salem.
OR 99W	Portland	Eugene.
US 730	I-84 Boardman	Washington St. Line.
US 30	Portland	Astoria.
US 97	Washington St. Line	California St. Line.
US 20	Bend	Idaho St. Line.
US 20	Sisters	US 97 near Bend.
US 20	Newport	Sweet Home.
OR 11	Washington St. Line	Pendelton.
US 101	Washington St. Line	US 26 Cannon Besch Jct.
US 101	OR 18 near Otis	Newport.
US 101	Florence	Port Orford.
US 101	Gold Beach	Brookings.
OR 126	Florence	Prineville.
OR 58	Eugene	US 97 near Chemult.
OR 31	La Pine	US 395 Valley Falls.
OR 62	Medford	Trail.
US 199	Grants Pass	California St. Line.
US 26	US 101 Cannon Beach Jct.	US 97 near Madras.
US 26	US 97 near Madras	Mitchell.
US 395	Umatilla	Stanfield.
US 395	Pendleton	Long Creek.
US 395	John Day	Burns.
US 395	Riley	California St. Line.
OR 8	Beaverton	Forest Grove.
OR 22	OR 18 near Willamina.	US 20 Santiam Jct.
OR 42	Coos Bay	Coquille.
OR 6	Tillamook	US 26 near Banks.
OR 18	US 101 Otis	OR 99W Dayton.
US 197	Washington St. Line	OR 216 Maupin.
OR 38	Reedsport	Anlauf.
OR 140	Klamath Falls	OR 39.
US 99E	Albany	Junction City.
OR 99	Grants Pass	I-5.
US 30	In City of Pendleton	
OR 214	Woodburn	Silverton.
OR 217	US 26	I-5.
OR 223	OR 22 near Dallas	Rickreall.
OR 224	OR 99E	I-205.
OR 99	Central Point	Ashland.
OR 34	Corvallis	Lebanon.
OR 138	Elkton	I-5.
OR 99	OR 42	I-5.
OR 99	OR 38	I-5.
US 30	In City of Cascade Lock.	
OR 206	Wasco	Condon.
OR 207	Cold Springs Jct.	Kinzua Road.
OR 78	Burns	US 95, Burns Junction.
US 95	OR 78, Burns Junction.	Nevada St. Line.
US 201	Spur US-95	Idaho St. Line.
US 30 Bus	US 201, Ontario	Idaho St. Line.
US 95 Spur	US 201	Idaho St. Line, Weiser.
US 95	OR 78	Idaho St. Line.
OR 19	I-84, Arlington	OR 206, Condon.
US 101	Brookings	California St. Line.
OR 35	I-84	Baseline Rd. MP 82.11.
OR 39	OR 140	California St. Line.
OR 47	US 26 near Davies	OR 99 W. near McMinnville.
US 101	US 26 Cannon Beach Jct.	MP 75.54 near Beaver.
OR 224	I-205	OR 212 near Rock CK corner.
OR 212	OR 224 near Rock CK Corner.	US 26 near Boring.
OR 51	Monmouth	OR 22 near Eda.
OR 82	LaGrande	Joseph.

NOTE.—I-84 (US 30) from I-205 to I-5 Portland was added to the Interstate System on March 8, 1984.

In addition Oregon has made available other routes that either have no posted route numbers or are restricted to certain size vehicles. Full information on Oregon's truck route system is available from the Oregon State Highway Division, State Highway Building, Room 140, Salem, Oregon 97310, Telephone (503) 378-2568.

Pennsylvania

US 1	New Jersey State Line.	US 13.
US 6	Conneaut Lake Borough.	Northeast of Meadville at the terminus of the 4 lane bypass roadway.
US 11	Turnpike Interchange 16.	US 15.
US 13	US 1	PA 413.
US 15	Turnpike Interchange 17.	Harrisburg Expressway.
US 15	PA 642 at West Milton.	White Deer Interchange.
US 15	I-180 in Williamsport	End of limited access near Williamsport City Line.
US 20	I-90, Interchange 12	PA 89.
US 22	W. Virginia State Line	I-79, Interchange 15.
US 22	I-78 west of Fogelsville.	New Jersey State Line.
US 30	Limited access west of Greensburg.	End of limited access east Greensburg.
US 30	PA 462 West of York	PA 462 East of Lancaster.
US 119	Limited access south of Uniontown.	US 30 (Greensburg Bypass).
US 202	Delaware State Line	I-76 Interchange 26 (King of Prussia).
US 219	Interchange w/PA 601 north of Somerset.	US 422.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
US 219	South Bradford Interchange.	New York State Line.
US 220	Turnpike Interchange 11.	King.
US 220	Junction of US 15 & I-180.	End of limited access near Linden.
US 220	PA 199 South of Athens.	New York State Line (N.Y. 17).
US 222	Turnpike Interchange 21.	US 30.
US 222/422	End of limited access in Wyomissing Borough.	Pricetown Road North of Reading.
US 322	Commodore Barry Bridge.	I-95.
US 322	I-83/I-283	US 422/PA 39 Interchange.
US 422	US 322/PA 39 Interchange.	Hockersville Road, Hershey.
US 422	Neversink Road, Reiffton.	Warren Street Bypass.
PA 3	US 202	Garrett Road, Upper Darby.
PA 9	Turnpike, Interchange 25.	I-81, Interchange 58 North of Scranton.
PA 28	PA 8	Creighton.
PA 33	US 22	I-80.
US 209	PA 33 Snydersville	I-80 Stroudsburg.
PA 42	I-80, Interchange 34	US 11.
PA 51	US 119	Monongahela River.
PA 54	I-80, Interchange 33	US 11 Danville.
PA 60/US 422	I-80, Interchange 1	1 mile east of PA 65 on US 422.
PA 60	PA 51	US 22.
PA 61	US 222 Tuckerton	I-78, Interchange 9.
PA 93	I-81, Interchange 41	PA 924 Hazelton.
PA 114	US 11 near Hogestown.	I-81 Interchange 18.
PA 132	I-95	Turnpike Interchange 28 via US 1 connection.
PA 283	I-283, Interchange 2	US 30.
PA 924	I-81, Interchange 40	PA 93 Hazelton.
Harrisburg Expressway (LR. 767).	I-83, Interchange 20	US 11/15.
Airport Access Rd. (LR 1035).	PA 283	Harrisburg International Airport.
Reading Outer Loop (LR 1035).	PA 183	US 222.

NOTE 1.—PA 147 and US 220 from I-80 Interchange 31 near Milton north and east to US 15 in Williamsport were approved as part of the Interstate System (I-180) on September 23, 1983.

NOTE 2.—Pennsylvania has a substantial number of access routes. Information on these routes may be obtained from: Pennsylvania Department of Transportation, Commonwealth Avenue, Harrisburg, Pennsylvania, 17120 Atten: Bureau of Maintenance and Operations. The following three access routes designated by Pennsylvania are being published to inform the public because they are of significant length and provide desirable connectivity:

US 22	US 219	US 220.
US 220	King	I-80 Int. 23.
PA 100	US 202	1.1 miles north of Pa. Turnpike (I-76) Int. 23.

Puerto Rico

PR 2	PR 22 San Juan	PR 1 Ponce.
PR 3	North Entrance Roosevelt Roads Navy Base.	PR 26 Carolina.
PR 52	PR 1 Ponce	PR 18 San Juan.
PR 18	PR 52 San Juan	PR 22 San Juan.
PR 22	PR 26 San Juan	PR 165 Toa Baja.
PR 165	PR 22 Toa Baja	PR-2 Toa Baja.
PR 22	PR 2 Arecibo	PR-2 Hatillo.
PR 26	PR 22 San Juan	PR 3 Carolina.
PR 1	PR 2 Ponce	PR 52 Ponce.
PR 30	PR-52 Caquas	PR 3 Humacao.

Rhode Island

RI 37	I-295 Cranston	I-95 near Lincoln Park.
RI 195	I-295 Johnston	RI 10 Providence.
RI 10	RI 195 Providence	I-95 Cranston.
RI 146	I-95 Providence	I-295 near Lime Rock.

South Carolina

US 78	Georgia St. Line	I-95 near St. George.
US 378	SC 262 Columbia	US 501 Conway.
SC 72	US 25 Bypass, Greenwood.	SC 72 Bypass, Rockhill.
SC 72 Bypass.	SC 72, Rockhill	US 21 Bus., Rockhill.
US 21 Bus	SC 72 Bypass, Rockhill.	US 21, Rockhill.
US 21	US 21 Bus., Rockhill	I-77, Rockhill.
US 123	Georgia St. Line	US 25 Greenville.
US 76	US 52, Florence	SC 576 near Marion.
SC 576	US 76 near Marion	US 501 near Marion.
US 501	SC 576, Marion	US 17, Myrtle Beach.
US 25	North Carolina St. Line.	US 25 Bypass, Greenwood.
US 25 Bypass.	US 25, N. of Greenwood.	US 25, S. of Greenwood.
US 25	US 25, S. of Greenwood.	US 78, North Augusta.
SC 121	SC 72, Whitmire	US 25, Trenton.
US 321	I-26 South of Columbia.	I-95 near Hardeeville.
US 601	North Carolina St. Line.	SC 9 Pageland.
SC 151	SC 9, Pageland	US 52 Darlington.
US 15	North Carolina St. Line.	US 52, Society Hill.
US 52	US 15, Society Hill	US 52/I-26 Connector at Goose Creek.
US 17	I-95 near Pocotaligo	US 21 Gardens Corner.
US 21	US 17, Gardens Corner.	SC 170, Beaufort.
US 17	I-26 Charleston	North Carolina St. Line.
US 276	I-85, Greenville	I-385 near Simpsonville.
SC 277	I-77 near Columbia	US 76, Columbia.
US 76	SC 277, Columbia	I-126, Columbia.
US 301	US 321, Ulmer	I-95 Santee.
US601	I-26 near Jamison	US 178/US 21 Bypass, Orangeburg.
US 178/21 Bypass.	US 601 Orangeburg	US 301 Orangeburg.
US 78	I-26 Goose Creek	US 52 Goose Creek.

NOTE 1.—On US 17 (I-26, Charleston to North Carolina State Line), use Silas Pearman Bridge only.

NOTE 2.—US 276, from I-26 north of Clinton to I-85 at Greenville was addad to the Interstate System on February 13, 1984. The route is to be numbered I-385.

South Dakota

Under South Dakota State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982. In addition, the South Dakota Department of Transportation has advised that all other roads within the State that are under the jurisdiction of the State Department of Transportation may be used by vehicles eligible to use the National Network. Additional non-National Network roads within the State are under the jurisdiction of local authorities, who may determine that roads under their jurisdiction are also eligible for use by such vehicles.

Tennessee

TN 155	I-40 in Nashville	I-65 in Nashville.
TN 137/US 23.	TN 67 Johnson City	TN 1 Kingsport.
US 51	TN 300 in Memphis	Purchase Pkwy at Kentucky St. Line.
US 45	Mississippi St. Line	US 45 Bypass in Jackson.
US 45W/45 Bypass.	Jackson	TN 3 in Union City.
US 79	Memphis near I-40	Guthrie at US 41 Kentucky St. Line.
US 641	I-40 near Natchez Trace State Park.	Kentucky St. Line near TN 140.
US 231	Alabama St. Line near Fayettville.	Kentucky St. Line near TN 52.
US 127	TN 29 in Chattanooga.	Static at Kentucky St. Line.
US 27	TN 153 in Chattanooga.	Kentucky St. Line.
US 25E	I-81	Cumberland Gap at Virginia St. Line.
US 70 Alt	Atwood at US 79	Huntingdon at TN 22.
US 70	Huntingdon at TN 22	Dickson at TN 96.
US 70	Sparta at TN 111	Crossville at US 127.
US 70 S	Murfreesboro at US 231.	Sparta at TN 111.
US 64/41	Memphis at TN 15	I-24 at Monteagle.
US 64	Cleveland near I-40	Near Belltown at North Carolina St. Line.
US 43	Near St. Joseph at Alabama St. Line.	Lawrenceburg at US 64.
US 72	Alabama St. Line	I-24.
TN 153	I-75 near Chattanooga.	US 27 in Chattanooga.
TN 96	US 70 in Dickson	I-40 near Dickson.
US 70	TN 155 in Nashville	Sparta.
TN 29	I-124 in Chattanooga	US 127 in Chattanooga.
TN 27 Spur	I-124	US 127.
US 41/70 S	US 231 Murfreesboro	TN 102 in Smyrna.
TN 20	I-40 at Jackson	US 51 at Dyersburg.
TN 300	I-40 in Memphis	US 51 in Memphis.
TN 311	I-75 near Cleveland	US 64 near Cleveland

Texas

Under Texas State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982, unless otherwise posted. In addition Texas has made available all Federal-aid secondary routes, unless otherwise posted.

Utah

UT 214	I-15 near Spanish Fork.	US 6 Spanish Fork.
US 6	UT 214 Spanish Fork	I-70 near Green River.
US 40	I-80 Silver Creek Jct.	Colorado St. Line near Dinosaur, CO.
US 89/UT 28.	I-70 Salina Interchange.	I-15 near Nephi.
US 91	I-15 Perry-Brigham Interchange.	Idaho St. Line near Franklin, Idaho.
UT 201	I-80 Lake Point Interchange.	I-15 2100 S. Interchange, Salt Lake City.
US 50	Nevada St. Line	US 89 Salina.
US 666	Monticello	Colorado St. Line.
US 163/191	Arizona St. Line	I-70 Crescent Junction.
US 89	Arizona St. Line	Sevier.
US 89	Idaho St. Line	UT 30 Garden City.
UT 30	US 89 Garden City	Wyoming St. Line.
US 262	US 191 near Bluff	Colorado St. Line.
UT 16	UT 30, Sage Creek Jct.	Wyoming St. Line.

Vermont

VT 9	I-91 Interchange 3 north of Brattleboro.	New Hampshire St. Line.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways.]

Posted route No.	From	To
US 7	Southern Terminus of the four lane divided highway in the town of Wallingford.	US 4 Rutland City.
US 4	New York St. Line	East Limit of Rutland City.
Virginia		
US 1	Route I-95 (Spotsylvania County).	Route 17 Bypass.
VA 2/ US 17 Bus.	Route 17 (New Post)	SCL Fredricksburg.
VA 3	Route 1 By-pass (Fredericksburg).	Route 20 (Wilderness).
VA 7	Route I-81 (Winchester).	0.68 mile W. of W.C.L. Round Hill.
VA 10	Route 58 By-Pass (Suffolk).	Route 668 (1.24 miles N. of Route 258 Bus. at Smithfield).
VA 10	E.C.L. Hopewell	0.37 mile W. Route 156 in Hopewell.
VA 10	Route 1 (Chesterfield County).	Route 827 (0.56 mile W. of W.C.L. of Hopewell).
US 11	Route I-81 (Interchange 4.9 Mile North of Lexington).	0.16 Mile North Route 645 (Rockbridge County).
US 11	N. Intersection Rt. 220 Alt. (Botetourt County).	2.15 miles S. of N. Intersection Route 220 Alt.
US 11	Route 100 (Town of Dublin).	Route 643 (Pulaski County).
US 11	1.52 Miles N. Route 75.	Route 19 (Town of Abingdon).
US 13	Maryland State Line	Route I-64.
US 17	Route 134 (York County).	Route I-64 (City of Newport News).
US 17	Route I-95 (Stafford County).	Route 29 (Opal).
US 17	Route I (Spotsylvania County).	Route 2/17 Bus. (New Post).
US 19	Route I-81 via Routes 11 and 140 (Abingdon).	Temp. Route 460 (Route 720) (Bluefield).
US 20	Route I-64 (Albermarle County).	Carlton Road (City of Charlottesville).
US 23	Tennessee St. Line	Alt. Route 58 (Big Stone Gap).
US 23	0.33 Miles North Route 23 Business.	Kentucky St. Line.
US 25	Tennessee State Line.	Kentucky State Line.
US 29	North Carolina St. Line.	Route I-68 (Gainesville).
VA 30	Route I-95 (Hanover County).	Route 1.
US 33	North Carlton Street (Harrisonburg).	Route 340 (Elkton).
US 33	Route I-295 (Henrico County).	0.96 mile W. Route I-295 (Hanover County).
US 33	Route I-64 (New Kent County).	Route 30 E. Intersection (West Point).
VA 36	Route I-95 (Petersburg).	Route 156 E. Intersection (Hopewell).
VA 37	Route I-81 S. of Winchester.	Route I-81 N. of Winchester via Route 11.
VA 42	Route 257 (Bridgewater).	Route 290 (Dayton).
US 50	Route 259 (Gore)	Route 37 (Frederick County).
US 50	Route I-81 (City of Winchester).	Apple Blossom Loop Road.
VA 57	Route 220 (Bassett Forks).	Route 666 (Bassett).
Old VA 57 (Commonwealth Blvd.)	Route 57 E. (Market Street).	N. Fairy Street (City of Martinsville).
US 58	S. Fairy Street (Martinsville).	W.C.L. Emporia.
US 58	.6 mile E. of ECL Emporia.	S. Int. Route 35.
US 58	N. Int. Route 35 (Courtland).	Routes 13 & I-264 (Bowers Hill).
Alt. US 58	Route 19 (Hansonville).	Route 23 (Norton).
Alt. US 58	Route 11 (Town of Abingdon).	0.40 Mile West Route 11.
US 58 Bus	Route 58 (Starling) Ave.) (City of Martinsville).	Route 721 (Henry County).
US 60	0.03 mile W. Route 887.	Route 522 West of Powhatan.
VA 75	Route I-81 (Town of Abingdon).	Route 11.
VA 86	Route 29 (Danville)	North Carolina St. Line.
Richmond Petersburg Turnpike (I-95).	I-85 (City of Petersburg).	I-64 East (City of Richmond).
VA 100	Route I-81 (Dublin Exit Pulaski County).	Route 11 (Dublin).
VA 105	Route 60 (City of Newport News).	Route I-64.
VA 114	Route 460 (Town of Christiansburg).	0.09 Mile East Route 750 (Montgomery County).
VA 156	Route 10 (Hopewell)	Route 36 (Hopewell).
VA 199	Route 60	Route I-64 (York County).
VA 207	Route I-95 (Carolina County).	0.20 Mile South Route 619.
US 220	North Carolina St. Line.	Route I-581 (Roanoke).
US 220	Route I-81 (Botetourt County).	S.C.L. of Fincastle.
US 220 Bus	0.16 Mile N. Route 825 (Henry County).	Route 220 S. Int.
US 220 Bus	Route 220 (Basset Forks) (Henry County).	Route 58 (Starling Ave.) (City of Martinsville).
Alt. US 220	Route I-81 (Botetourt County).	Route 11.
VA 224	Route 460 (City of Lynchburg).	Route 29.-
US 250	East Int. Route 340 (Delphine Avenue).	Route 254 (City of Waynesboro).
US 250	Route I-81 (Augusta County).	Route 261 (Statler Blvd.) (City of Staunton).
US 258	North Carolina St. Line.	Route 58—Franklin By-pass.
US 258	Route 143 (Jefferson Avenue) (Newport News).	Route 10 (Benns Church).
VA 277	Route I-81 (Frederick County).	1.60 Miles East of Route I-81.
US 301	Route 301 Bus. (Bowling Green).	Maryland St. Line.
US 301	I-295 (Hanover County).	Route 1250.
VA 337	(City of Norfolk) Routes 58 EB and 460 EB (St. Paul Blvd.).	Claremont Avenue (Route 58 Interchange).
US 340	Route 7 By-Pass (Berryville).	West Virginia St. Line.
US 340	I-66 (Warren County)	2.85 miles N. of I-66.
US 360	Route I-64 (City of Richmond).	Route 627 (Village).
US 360	Route 58 (South Boston).	Route 150 (Chesterfield County).
VA 419	Route I-81 (City of Salem).	Midland Road.
US 460	Route 67 at Raven	Route 19 at Claypool Hill.
US 460	Route 720	West Virginia St. Line.
US 460	West Virginia St. Line	Routh I-81 at Christiansburg.
US 460	Route I-581 at Roanoke.	0.08 mile East Route 1512.
US 460	Route 224	1 Mile West of Route 24.
US 460	0.64 Mile East of Route 707.	Route I-85 South of Petersburg (Dinwiddie County).
US 460	Route I-95 (Petersburg).	Route 58 (Suffolk).
US 501	Route 360 S. Int. (Halifax).	Route 58 (South Boston).
US 522	Route 37 (Frederick County).	1.07 miles N. of Rt. 705 at Cross Junction.
US 522	Route 50 (Frederick County).	0.60 Mile South of Route 50.
VA 624	Route I-64 (Augusta County).	S.C.L. Waynesboro.

NOTE (1).—An access system which provides route continuity and access for the above network has been identified by Virginia. For information on the access system or designated network contact the Highway & Traffic Safety Division, Virginia Department of Highways & Transportation, 1221 E. Broad St., Richmond, VA. 23219, Telephone (804) 786-2961.

NOTE (2).—Width and length restrictions will be enforced on I-264 through the Elizabeth River Downtown Tunnel from Norfolk to Portsmouth. Alternate routing is available via I-64. For specific information on tunnel restrictions, contact the Permit Section, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, VA 23219, Telephone (804) 786-2787.

Washington

Under Washington State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982. In addition Washington has made available all other U.S. and State numbered routes.

West Virginia

US 19	Jct. I-77 Bradley	Jct. I-79 Gassaway.
US 48	I-79 Morgantown	Maryland St. Line.
US 50	I-77 Parkersburg	I-79 Clarksburg.
US 460	Virginia St. Line at Bluefield.	Virginia St. Line near Kelleysville.
WV 34	I-64 Putnam County	Jct. US 35 Winfield.
US 35	Jct. WV 34 Winfield	Ohio St. Line.

NOTE.—The Governor has established a task group composed of the Department of Highway Commissioner, the Director of the Office of Economic and Community Development and the Superintendent of the Department of Public Safety to review and evaluate additional route designations. The task group will report its findings directly to the Governor.

Wisconsin

US 2	US 53 SE of Superior	Michigan St. Line at Hurley.
US 2	Michigan St. Line W. of Florence.	Michigan St. Line E. of Florence.
US 8	US 63 in Turtle Lake	Michigan St. Line at Norway.
US 10	US 53 in Osseo	I-43 N. of Manitowoc.
WI 11	US 61/151 E. of Dubuque.	US 51 in Janesville.
WI 11	I-90 E. of Janesville	US 14-WI 89, 5 miles west of Delevan.
WI 11	WI 15 E. of Elkhorn	WI 31 in Racine.
US 12	I-94 and County Hwy EE W. of Eau Claire.	US 53 in Eau Claire.

APPENDIX A—THE NATIONAL NETWORK—Continued

[The National Network in the 50 States, the District of Columbia and Puerto Rico consists of the Interstate System and the following highways]

Posted route No.	From	To
US 12	I-90/I-94 at Lake Delton.	S. End of 4-Lane Pavement Badger Ordnance Plant South of W. Baraboo.
US 12	WI 67, 2 miles N. of Elkhorn.	Illinois St. Line at Genoa City.
WI 13	WI 21 N. of Friendship.	US 2 in Ashland.
US 14	WI 51 N. of Janesville.	I-90 at Janesville.
US 14	WI 11-89, 5 miles W. of Delavan.	WI 15 at Darien.
WI 15	I-90 at Beloit	US 45 in Greenfield.
WI 16	WI 78 at Portage	I-94 N. of Waukesha.
WI 17	US 8 in Rhinelander	US 45 in Eagle River.
US 18	Iowa St. Line at Prairie du Chien.	I-90 S.E. of Madison.
WI 20	I-94 W. of Racine	WI 31 in Racine.
WI 21	WI 27 in Sparta	US 41 at Oshkosh.
WI 23	WI 32 N. of Sheboygan Falls.	Taylor Drive in Sheboygan.
WI 26	I-94 at Johnson Creek.	WI 16 at Watertown.
WI 26	US 151 N.E. of Waupun.	US 41 S.W. of Oshkosh.
WI 27	US 14 at Westby	US 10 E. of Fairchild.
WI 28	US 41 E. of Theresa	Kewaskum.
WI 29	I-94 W. of Elk Mound	US 53 at Chippewa Falls.
WI 29	WI 124 S. of Chippewa Falls.	US 41 in Green Bay.
WI 30	US 151 in Madison	I-90 & I-94 E. of Madison.
WI 31	WI 11 in Racine	WI 20 in Racine.
WI 32	WI 29 W. of Green Bay.	Gillett.
WI 34	WI 13 in Wisconsin Rapids.	US 51 N.E. of Knowlton.
US 41	National Ave. in Milwaukee.	Garfield Ave. in Milwaukee.
US 41	107th St. in Milwaukee.	Michigan St. Line at Marinette.
WI 42	I-43 W. of Manitowoc.	WI 57 S.W. of Sturgeon Bay.
US 45	Illinois St. Line, South of Bristol.	WI 28 in Kewaskum.
US 45	WI 29 in Wittenberg	Michigan St. Line at Land O'Lakes.
WI 47	US 10 at Appleton	WI 29 in Bonduel.
WI 50	I-94 W. of Kenosha	45th Ave. in Kenosha.
US 51	South Corporate Limits of Janesville.	US 14 at Janesville.
US 51	WI 78 N. of Portage	US 2 N. of Hurley.
US 53	US 14-61 in La Crosse.	US 10 in Osseo.
US 53	I-94 S.E. of Eau Claire.	I-535 in Superior.
WI 54	WI 13 in Wisconsin Rapids.	US 51 S.E. of Plover.
WI 57	I-43 in Green Bay	Sturgeon Bay.
US 61	Iowa St. Line at Dubuque.	WI 129 S.E. of Lancaster.
US 61	WI 129 N.E. of Lancaster.	Minnesota St. Line at La Crosse.
US 63	Minnesota St. Line at Red Wing.	US 2 W. of Ashland.
WI 69	WI 11 at Monroe	County Hwy. "PB" at Paoli.
WI 73	US 51 at Plainfield	WI 54 in Wisconsin Rapids.
WI 78	I-90 & I-94 S. Portage.	US 51 N. of Portage.
WI 80	I-90 & I-94 N. of New Lisbon.	WI 13 at Pittsville.
WI 119	I-94 in Milwaukee	WI 38 in Milwaukee.
WI 124	US 53 N. of Eau Claire.	WI 29 S. of Chippewa Falls.
WI 129	US 61 S.E. of Lancaster.	US 61 N.E. of Lancaster.
WI 139	US 8 near Cavour	Long Lake.
US 141	US 41 at Abrams	US 8 in Pembine.
WI 145	Broadway in Milwaukee.	US 41-45 in Milwaukee.
US 151	Iowa St. Line at Dubuque.	US 18 E. of Dodgeville.
US 151	I-90 & I-94 in Madison.	US 41 at Fond du lac.
WI 172	US 41 in Ashwaubenon.	County Hwy. "X" S. of Green Bay.
County Hwy "PB".	WI 69 at Paoli	US 18 E. of Verona.

Wyoming

Under Wyoming State statute, all Federal-aid Primary Routes are available to commercial vehicles with the dimensions authorized by the Surface Transportation Assistance Act of 1982 except US 89 from Morari Jct. to Yellowstone Park and US 212 from the Montana St. Line through Bear Tooth Pass to the Montana St. Line. In addition Wyoming has made available all other U.S. and state number routes except all U.S. numbered routes in Yellowstone Park.

[FR Doc. 84-14986 Filed 6-1-84; 8:45 am]
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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.**

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

S. 2079 / Pub. L. 98–304

To amend the charter of AMVETS by extending eligibility for membership to individuals who qualify on or after May 8, 1975. (May 31, 1984; 98 Stat. 220) Price: $1.50

S. 422 / Pub. L. 98–305

Controlled Substance Registrant Protection Act of 1984. (May 31, 1984; 98 Stat. 221) Price: $1.50

H.R. 2751 / Pub. L. 98–306

National Foundation on the Arts and the Humanities Act Amendments of 1983. (May 31, 1984; 98 Stat. 223) Price: $1.75

S.J. Res. 94 / Pub. L. 98–307

To authorize and request the President to designate May 13, 1984, to June 17, 1984, as "Family Reunion Month". (May 31, 1984; 98 Stat. 228) Price: $1.50

S.J. Res. 211 / Pub. L. 98–308

Designating the week of November 18, 1984, through November 24, 1984, as "National Family Week". (May 31, 1984; 98 Stat. 229) Price: $1.50

S.J. Res. 239 / Pub. L. 98–309

Designating the week of October 21, 1984, through October 27, 1984, as 'Lupus Awareness Week". (May 31, 1984; 98 Stat. 230) Price: $1.50

H.J. Res. 451 / Pub. L. 98–310

Designating the month of November 1984 as "National Alzheimer's Disease Month". (May 31, 1984; 98 Stat. 231) Price: $1.50

H.J. Res. 487 / Pub. L. 98–311

To designate June 6, 1984, as "D-day National Remembrance". (May 31, 1984; 98 Stat. 232) Price: $1.50