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Monday
June 25, 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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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2, Amdt. 37]

Delegations of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Administrator has approved an increase of the dollar amount limitation of authority delegated the Small Business Administration's District and Regional Office Claims Review Committees. Compromise settlements by these committees is an Agency method of recovering funds still owed by borrowers even after liquidation of their loan. The delegated authority, which includes the determination of committee membership and dollar amount limitations which can be settled, differ at district, region, and Central Office levels. Consequently, debt amounts exceeding each committee's authority level are passed on to the next highest committee for action.

The Agency has experienced increased claims compromise activity in recent years involving greater recoverable debt amounts. More cases are being received in the Central Office after having been reviewed and commented upon by District and Regional Claims Review Committees.

The delegation of authority increase to field Claims Review Committees will allow an increased number of settlement procedures in those offices and, correspondingly, reduce the time and manpower loss of cases formerly reviewed but not settled by these offices.

EFFECTIVE DATE: June 25, 1984.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Information Resources Management Branch, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. Telephone No. (202) 653–8538.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 are not required and this amendment to Part 101 is adopted without resort to those procedures.

List of Subjects in 13 CFR Part 101

Authority delegations (Government agencies), Administrative practice and procedures, Organization and functions (Government agencies).

PART 101—[AMENDED]

For the reasons set forth in the preamble and pursuant to authority in section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, 13 CFR 101.3–2 is amended as set forth below:

§ 101.3-2 [Amended]

1. Part V, Section A, paragraph 1, subparagraphs a through d are revised as follows:

a. Claims not in excess of $100,000 (excluding interest) upon *majority* vote of the Committee.

b. Claims not in excess of $150,000 (excluding interest) upon *unanimous* vote of the Committee.

c. Claims in excess of $150,000 (excluding interest) when the amount offered represents the full principal balance due thereby forgiving only the interest upon *unanimous* vote of the Committee.

d. Settlement offers on claims of any size may be declined upon majority vote of the Committee.

2. Part V, Section A, paragraph 2, subparagraphs a through c are revised as follows:

a. Claims not in excess of $200,000 (excluding interest) upon *majority* vote of the Committee.

b. Claims in excess of $200,000 but not exceeding $300,000 (excluding interest) upon *unanimous* vote of the Committee.

c. Settlement offers on claims of any size may be declined upon majority vote of the Committee.

Dated: June 19, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-16878 Filed 6-22-84; 8:45 am]
BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9155]

Great Lakes Chemical Corp., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: This consent order requires the leading producer of elemental bromine and brominated flame retardents in the U.S., to grant PPG Industries, Inc. (PPG), according to a prescribed non-exclusive licensing agreement, all the latest technology and know-how on brominated flame retardents acquired from Velsicol Chemical Corp. The order requires Great Lakes to enter into other agreements that would govern the operation and ownership rights of Arkansas Chemicals, Inc. (ACI), a joint bromine production venture between Great Lakes and PPG. The agreements would, among other things, eliminate certain restrictions on PPG's use of bromine purchased from ACI; permit PPG to sell elemental bromine in the merchant market; allow PPG to use ACI bromine in the production of all brominated compounds, including flame retardents; and require Great Lakes to purchase a specified amount of bromine from ACI annually. In addition to specific record keeping and reporting requirements, the order prohibits Great Lakes from acquiring any concern engaged in the production of elemental bromine or brominated flame retardents without prior Commission approval for a period of 10 years.

The Commission, under separate order dismissed the proceedings against Northwest Industries, Inc. and Velsicol Chemical Corp.

DATE: Complaint issued June 23, 1981. Decision and Order issued May 23, 1984.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-2, John V. Lacci, Washington, D.C. 20580. (202) 254–8644.

SUPPLEMENTARY INFORMATION: On Monday, March 12,, 1984, there was published in the **Federal Register**, 49 FR

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

9220, a proposed consent agreement with analysis In the Matter of Great Lakes Chemical Corporation, a corporation, Northwest Industries Inc., a corporation, and Velsicol Chemical Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; § 13.5–20 Federal Trade Commission Act. Subpart—Correction Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–43 Grant license(s); § 13.533–45 Maintain records; § 13.533–60 Release of general, specific, or contractual constrictions, requirements, or retraints.

List of Subjects in 16 CFR Part 13

Flame retardents, Trade practices.

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

Emily H. Rock,

Secretary.

[FR Doc. 84-16655 Filed 6-22-84; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 31

Fees for Leverage Commodity Registration

AGENCY: Commodity Futures Trading Commission.

ACTION: Final schedule of fees.

SUMMARY: The Commission recently proposed to establish a $7,500 fee for leverage commodity registration applications. 49 FR 3878 (Jan. 31, 1984). After further reviewing its projected costs in light of the actual or anticipated applications for registration, and upon considering the concerns expressed by several commenters, the Commission is now adopting the fee in final form at a level of $3,500 per application. It is anticipated that this fee will recover a substantial portion of the actual costs to the Commission in reviewing applications for registration of leverage commodities.

EFFECTIVE DATE: July 25, 1984.

FOR FURTHER INFORMATION CONTACT: Daniel S. Goodman, Esquire, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–9880.

SUPPLEMENTARY INFORMATION:

I. Introduction

Commission rule 31.6, 17 CFR 31.6 (1984), provides that the Commission must register each leverage commodity upon which a leverage transaction merchant offers a leverage contract for sale. The Commission's staff will spend a substantial amount of time analyzing each application to register a leverage commodity. This analysis will include both studying the underlying cash market for the commodity and scrutinizing the terms and conditions of the proposed contract.

On January 31, 1984, the Commission published for comment in the **Federal Register** a proposed fee of $7,500 for each application for registration of a leverage commodity. 49 FR 3878. The $7,500 figure was based on an estimate that, on average, it would take at least three-fourths as much staff time to process an application for a leverage commodity registration as it takes to process an application for designation as a futures contract market, for which the Commission currently charges a $10,000 fee. *See* 17 CFR Part 5, Appendix B (1984); 48 FR 38214 (Aug. 23, 1983) (final schedule of fees).

After reviewing the comments submitted by five firms, at least four of which have applied or intend to apply for registration as a leverage transaction merchant,[1] and the list of proposed commodities for which the firms have filed or intend to file registration applications, the Commission developed a more precise estimate of the costs involved in analyzing each application for a leverage commodity registration. The revised estimate, $3,750 per application, was based upon the Commission's knowledge of how many and what kinds of leverage commodity registration applications it had received or was likely to receive in the near future.

[1] The five commenters were: First National Monetary Corporation (comments submitted by its general counsel, Simon, Deitch, Siefman, Tucker and Friedman), Monex International, Ltd., American Coin Exchange, Investment Metals International, Inc., and International Precious Metals Corporation.

II. Comments on Proposed Fee

The great bulk of the comments received on the proposed $7,500 fee dealt with its size and the way in which it was computed. Without exception, the commenters thought that the proposed fee was excessive. Some felt that the proposed fee was so high as to be anticompetitive. Other commenters suggested that it was improper to compare the proposed fee to the Commission's fee for contract market designation applications.

The Commission believes that all of these comments have largely been answered by its decision to slice the proposed fee by more than half. The $3,500 figure includes compensation and benefit costs of the staff and supervisory time devoted to scrutiny of the terms and conditions of the proposed leverage commodity contracts and analysis of the underlying cash markets. It also includes travel costs, the costs of support personnel, and a 32% overhead figure, which represents the Commission's actual overhead percentage for space, supplies, utilities, etc. The Commission feels confident that its estimated cost of $3,750 per leverage commodity registration application, which was rounded down to $3,500, is a very conservative figure.

Some commenters noted that they would be submitting applications for registration of several similar leverage commodities. For instance, a firm might submit one application for registration of a 2,000 oz. silver bullion contract and another application for registration of a 1,000 oz. silver bullion contract. These commenters thought it would be inequitable to charge the same fee for several similar leverage commodity registration applications.

The Commission agrees that there are economies of scale in analyzing similar applications submitted by the same firm. There are also economies involved in considering applications submitted by different firms for the registration of similar or identical leverage commodities. The Commission took these economies of scale into account in arriving at its $3,500 fee. The $3,500 figure represents a conservative estimate of the average cost of considering an application for registration of a leverage commodity. In this regard, the Commission believes that it is far more equitable to charge every firm the same fee than, for example, to charge the first firm submitting a gold coin application a very high fee and all subsequent firms submitting gold coin applications a much lower fee.

One commenter expressed its belief that the Commission lacks statutory authority to compel the registration of leverage commodities and argued that, *a fortiori*, the Commission lacks authority to impose fees on applications for leverage commodity registration. The Commission finds no support for that position. In 1982, Congress added language to Section 19 of the Commodity Exchange Act requiring the Commission to regulate leverage transactions "under such terms and conditions as the commission shall prescribe * * *." 7 U.S.C. 23(c). The registration of leverage commodities is a vital part of the Commission's regulatory scheme for the leverage industry and is clearly within the scope of the Commission's broad Congressional mandate.

Another commenter stated that the Independent Offices Appropriation Act of 1952 ("IOAA"), *see* 31 USCA 9701, requires that fees be charged only for a service which benefits the recipient of the service. The commenter contended that the Commission's registration of leverage commodities will not benefit leverage transaction merchants. This argument is contradicted by the case law interpreting the IOAA. *See National Cable Television Association* v. *FCC*, 554 F.2d 1094 (D.C. Cir. 1976) (*"NCTA"*) (annual cable television authorization fee); *Mississippi Power and Light Co.* v. *United States Nuclear Regulatory Commission*, 601 F.2d 223 (5th Cir. 1979), *cert. denied*, 444 U.S. 1102 (1980) (application, permit, and license fees for nuclear power facilities); *Nevada Power Co.* v. *Watt*, 711 F.2d 913 (10th Cir. 1983) (application fees for rights of way under the Federal Land Policy and Management act of 1976). The discussion in *NCTA* is particularly appropriate:

> In arguing that there is no justification for an annual fee against any cable operator, petitioners attempt to make much of the fact that it was not nessessary * * * for the Commission to assume this regulatory authority * * * and thus that the agency in truth renders no "service" or "benefit" to them. Unlike * * * other industries, it is argued, the cable television industry could have developed better without FCC regulation * * *. All that may be true, but * * * [t]he fact is that the FCC has undertaken to regulate this industry * * * with the result that a certificate of compliance *has* become a necessary and therefore valuable license.

554 F.2d at 1101–02 (footnotes omitted). In any event, it should be noted that in addition to its reliance upon the IOAA in promulgating this fee, the commission also bases its legal authority on the relevant portions of the commodity exchange Act, as amended, and the Futures Trading Act of 1978, as amended.

The same commenter expressed the view that it would be inappropriate for the commission to charge a fee for leverage commodity registration applications based upon only an estimate of the costs involved in considering such applications. The Commission is mindful of its statutory obligation not to charge fees for an activity which exceed the actual cost thereof. 7 U.S.C. 16a(c). Therefore, the commission believes that it is fully appropriate to set a leverage commodity registration fee initially at a figure based upon a conservative estimate of the costs to be incurred. Of course, the commission will review the $3,500 figure in subsequent fiscal years, when actual Commission cost data become available, to be sure that the fee does not exceed the Commission's actual costs.

When it published the proposed leverage commodity registration fee in January, the Commision stated that it had "determined that should it decide to adopt the proposed fee schedule as a final fee schedule, good cause would exist for making the fee schedule effective prior to the registration of any leverage commodity under [17 CFR] 31.6. *See* 5 U.S.C. 553(d)(3)." 49 FR 3879. The Commission received no comments on this aspect of its proposal and reaffirms its decision to make the fee applicable to all pending applications for leverage commodity registration. In order to avoid subjecting any firm to the fee involuntarily, however, the Commission has determined to provide a firm with a pending application an opportunity to withdraw that application without prejudice. Accordingly, any application for leverage commodity registration will be considered withdrawn without prejudice if the Commission does not receive the $3,500 fee within 10 days of the effective date of this fee schedule. Any application for leverage commodity registration received after this fee schedule takes effect will be returned if not accompanied by the $3,500 fee. The Commission will not refund any fees which it receives.

III. Regulatory Flexibility Act

The Commission has previously determined that leverage transaction merchants are not "small entities" for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, 49 FR 20646 (May 16, 1984). Thus, the requirements of the Regulatory Flexibility Act do not apply to leverage transaction merchants. While one commenter expressed disagreement with this determination, it is difficult to see how a firm which must by regulation maintain a minimum base adjusted net capitalization of $2,500,000 can be considered small. *See* 17 CFR 31.9 (1984). Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the rule promulgated herein will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 31

Applications for leverage commodity registration, Fees, Commodity futures.

Adding Appendix A to Part 31 of Title 17 CFR

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular in Sections 5, 5a, 8a(5), and 19, 7 U.S.C. 7, 7a, 12a(5), and 23; in Section 26 of the Futures Trading Act of 1978, as amended by Section 237 of the Futures Trading Act of 1982, 7 U.S.C. 16a; and in the Independent Offices Appropriation Act of 1952, as amended by Pub. L. 97–258, 96 Stat. 1051 (Sept. 13, 1982) (*see* 31 USCA 9701), the Commission hereby amends Part 31 of Chapter 1 of Title 17 of the Code of Federal Regulations by adding Appendix A. In taking this action, the Commission has considered the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

PART 31—REGULATION OF LEVERAGE TRANSACTIONS

Appendix A is added to Part 31 to read as follows:

Appendix A—Schedule of Fees for Registration of Leverage Commodities

(a) Each application for registration of a leverage commodity must be accompanied by a check or money order in the amount of $3,500 made payable to the Commodity Futures Trading Commission.

(b) Checks or money orders should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. No checks or money orders may be accepted by personnel other than those in the Office of the Secretariat.

(c) Failure to submit the fee with an application for registration of a leverage commodity will result in the return of the application. Fees will not be returned after receipt.

(d) Any firm with an application for registration of a leverage commodity pending on the date that this fee schedule becomes effective must submit its application fee within 10 days of that date. Otherwise, the application shall be deemed withdrawn without prejudice and shall be returned to the applicant.

Issued in Washington, D.C., on June 19, 1984, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-16811 Filed 6-22-84; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

[T.D. 84-130]

Amorphous Silicas: Change of Tariff Classification

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document gives notice that Customs is changing its current established and uniform practice of classifying imported synthetically produced amorphous silicas as "silica", free of duty. After reviewing comments received in response to the notice proposing this change, Customs will now classify that merchandise under the tariff provision for "other inorganic compounds", at the appropriate rate of duty.

EFFECTIVE DATE: This change of practice will be effective as to merchandise entered for consumption, or withdrawn from warehouse for consumption, on or after September 24, 1984.

FOR FURTHER INFORMATION CONTACT: John G. Hurley, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to an established and uniform practice, based on Treasury Decision 68-29(14) and subsequent importations, Customs has classified highly dispersed, synthetically produced amorphous silicas, including silica gel, under the provision for silica, not specially provided for, in item 523.11, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

However, information has been developed by Customs to indicate that the merchandise in question, being synthetically produced, has significantly different physical and chemical properties from mineral silica and does not have the same use(s) as the natural substance. In addition, it appears that synthetic amorphous silicas are not used in the trade or commerce as substitutes for the mineral silica.

Change of Practice

On the basis of the above information, Customs has determined that the established and uniform practice of classifying synthetically produced amorphous silicas as (mineral) silica, in item 523.11, TSUS, is clearly wrong. It is Customs position that synthetic amorphous silicas, including the silica gel in question, a highly dispersed silica produced by the pyrogenic method from silicon tetrachloride, which is an anhydride of silicic acid, is properly classifiable under the provision for other inorganic compounds, in item 423.00, TSUS, and is dutiable. A notice proposing this change of practice was published in the **Federal Register** on April 29, 1983 (48 FR 19395).

Discussion of Comments

Four comments were received in response to the notice, all opposed. It was the commenters' contention that synthetic amorphous silicas, including silica gel, are a form of the mineral silica. Silica gel is said to be a polymerized colloidal silica. Synthetic amorphous silicas are said to be technically described as substantially dehydrated polymerized silica. It is argued that item 523.11, TSUS, silica, not specially provided for, is an *eo nomine* provision, and, therefore, includes the synthetic forms. In support of their position the commenters submitted several brochures in which synthetic amorphous silicas and silica gel were referred to as forms of silica.

A common definition of a synthetic mineral is a substance having the same chemical composition, crystalline form and other physical properties of the naturally occurring mineral. In other cases concerning the identification of the synthetic material as the natural for tariff purposes, the court has said that the term "rubber" as used in the tariff schedules includes rubber produced by artificial means, provided it is the same substance or possesses the essential characteristics and qualities of the material known as rubber. Synthetic rubber tires were known in the trade as rubber tires and there was no difference between the natural rubber tire and the synthetic rubber tire. *A. M. Deringer* v. *United States*, (C.D. 1882). The court also stated that synthetic diamond particles possess many of the chemical, mineralogical and physical properties of natural diamonds and are considered by scientists and the industrial diamond trade to be diamonds, and have the same end uses. *Christensen Diamond Product* v. *United States* (C.D. 2537).

Thus, the criteria to be met in order to identify the synthetic material as the natural for tariff purposes is whether the synthetic material has the same chemical, mineralogical and physical properties as the natural, considered by scientists and the trade to be the same, and has the same end uses.

In this case, as to the synthetic amorphous silicas, the physical and chemical properties are different from the mineral silica. The mineral is crystalline in structure, while the synthetic amorphous form is described as a form of dehydrated polymerized silica. While the mineral silica is an abrasive and toxic, the synthetic amorphous silicas are not abrasive and not toxic, to the extent that many forms are used in foods.

Thus, the principal thing that the mineral and synthetic amorphous silicas have in common is that they are called "silica," apparently because they contain the element silicon. However, the synthetic amorphous form is not a substitute for the mineral, since it is not used for the same purposes as is the mineral form. Although it may be referred to as silica, it is not identified with the mineral by technical experts.

Rather than being a synthetic form of the mineral, synthetic amorphous silicas are manufactured items which bear little similarity to the mineral, having separate and distinct properties and uses totally different from the mineral form.

Change of Practice

After careful analysis of the comments and further review of the matter, synthetically produced amorphous silicas, including "silica gel", will be classifiable under the provision for other inorganic compounds in item 423.00, TSUS, subject to the appropriate rate of duty.

This change of practice revokes T.D. 68-29(14) and any other existing Treasury or Customs Decisions, or other administrative rulings, to the extent that they are inconsistent with the new practice.

Drafting Information

The principal author of this document was Glen E. Vereb, 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 in 19 CFR Part 177

Administrative practice and procedure, Customs duties and inspection, Government procurement.

Dated: June 19, 1984.

William von Raab,

Commissioner of Customs.

[FR Doc. 84-16821 Filed 6-22-84; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 621

[General Administration Letters Nos. 5-84 and 10-84]

Procedures for Processing Applications for Certification of Temporary Employment in Nonagricultural Occupations in the United States

AGENCY: Employment and Training Administration, Labor.

ACTION: Rule-related notice.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) has issued two directives explaining the procedures for processing applications for certification of the temporary employment of nonimmigrant aliens in nonagricultural occupations in the United States. They are being published in the Federal Register for the information of the general public.

DATES: General Administration Letter (GAL) No. 5-84 was issued on December 1, 1983, and GAL No. 10-84 was issued on April 23, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas M. Bruening. Telephone: 202-376-6728.

SUPPLEMENTARY INFORMATION: Whether to grant or deny an employer's petition to import a nonimmigrant alien to the United States for the purpose of temporary employment is solely the decision of the Attorney General and his designee, the Commissioner of the Immigration and Naturalization Service (INS). 8 U.S.C. 1101(a)(15)(H)(ii) and 1184 (a) and (c). Pursuant to the requirement that the Attorney General consult with appropriate agencies of the government concerning the importation of nonimmigrant (so-called "H-2") workers, INS has determined that prior to granting or denying such petitions it first will request DOL to advise INS on the availability of qualified U.S. workers for the jobs offered to the H-2 aliens, and whether the wages and working conditions attached to such job offers will adversely affect similarly employed U.S. workers. 8 U.S.C. 1184(c); 8 CFR 214.2(h)(3)(i).

Pursuant to the INS regulations, DOL has published regulations at 20 CFR Part 621 for the certification of temporary employment of nonimmigrant aliens in nonagricultural employment in the United States. The Employment and Training Administration (ETA) of DOL administers those regulations and has issued two directives to ETA regional offices and State employment security agencies outlining general processing standards for temporary alien nonagricultural labor certification applications. General Administration Letter (GAL) No. 5-84 (December 1, 1983) sets forth procedures for temporary alien labor certification applications for employment in the entertainment industry. GAL No. 10-84 (April 23, 1984) sets forth the procedures for processing applications for temporary alien labor certifications in other nonagricultural occupations.

GAL Nos. 5-84 and 10-84 are reprinted below for the information of the general public.

Signed at Washington, D.C., this 19th day of June, 1984.

Patrick J. O'Keefe,

Deputy Assistant Secretary for Employment and Training.

Dated: December 1, 1983.

Directive: General Administration Letter No. 5-84

To: All State Employment Security Agencies

From: Royal S. Dellinger, Acting Assistant Secretary of Labor

Subject: Procedures for Temporary Labor Certifications in the Entertainment Industry

1. *Purpose.* To transmit subject procedure.

2. *Reference.* 20 CFR Parts 621 and 655.

3. *Background.* On May 6, 1983, all regions were provided interim processing and recruitment procedures for temporary applications in the entertainment industry. The attached procedures replace those interim procedures.

4. *Action Required.* Administrators are requested to:

a. Provide attached procedures to appropriate staff.

b. Instruct staff to provide application forms and advise employers of procedures for filing temporary labor certification applications in the entertainment industry.

5. *Inquires.* Direct questions to the appropriate regional office.

6. *Attachments.*

a. Procedures for temporary labor certification in the entertainment industry.

b. List of responsible regional and State Job Service Offices.

c. Map of OSEs and areas covered.

d. List of unions in the entertainment industry.

Expiration date: December 31, 1984.

Procedures for Temporary Labor Certifications in the Entertainment Industry

I. Background.

The Department has been addressing the issue of nonimmigrant aliens coming to the United States for temporary employment in the entertainment industry while high levels of unemployment among U.S. workers in the industry still persist.

The following procedures completely centralize temporary labor certification authority in the entertainment industry in three regions; clarify processing requirements; and ensure uniformity among the responsible regions.

II. Operating Guidelines

A. Decisions on applications by employers seeking temporary admission of nonimmigrant aliens for temporary employment in entertainment occupations require special considerations, such as:

1. An assessment of requirements of the role or the act to be performed.

2. The need to keep the unity of a group or company and support personnel.

3. The role of labor unions in this highly unionized field and their impact on employment opportunities.

4. The willingness of available U.S. workers to fulfill the employer's prescribed itinerary.

B. Based on factors, such as the need to develop expertise, the concentration of activities for requests for aliens in entertainment, and the proximity to sources that know about the availability of U.S. performers in various entertainment fields, regional certifying officers in New York City, Dallas, and San Francisco are designated as the appropriate officials for issuing determinations on applications for temporary employment of aliens in the entertainment industry.

C. Offices of the State job services in New York City, Austin and Los Angeles are designated as Offices Specializing in Entertainment (OSEs). These offices shall receive temporary applications in the entertainment industry directly from employers within their jurisdiction for processing. Permanent applications in the entertainment industry, however, are processed by each State agency and the 10 regional offices.

The jurisdictional breakdown is as follows (Also see attached map):

Region	OSE	States served by
New York	New York City	Region I.
	Alien Employment Certification Office.	Region II.
		Region III.
		Region IV.
Dallas	Texas Employment Commission.	Region V.
		Region VI.
	Austin Alien Labor Certification Unit.	Region VII.
San Francisco	Los Angeles Alien Certification Office.	Region VIII.
		Region IX.
		Region X.

D. Canadian musicians who enter the U.S. to perform within a 50-mile area adjacent to the Canadian border for a period of 30 days or less are precertified and not subject to these procedures.

E. Pub. L. 97–271 limits temporary employment of entertainers in the Virgin Islands to periods not to exceed 45 days. Therefore, the period of labor certification for such applications may not exceed 45 days.

F. Occupations in the entertainment industry shall include performers and all technical and support personnel involved with a performance.

G. When a job offer contains requirements or conditions which preclude effective recruitment of U.S. workers, i.e., there is no employer in the U.S., the OSE shall disregard recruitment procedures below and shall immediately send the application to the certifying officer for determination.

III. Procedures

A. Temporary Labor Certification Applications for Aliens in the entertainment industry shall be filed by employers with the OSE serving the area of intended employment (see map of OSE jurisdictions). Note: When the job opportunity requires the work to be performed in more than one OSE jurisdiction, the application should be filed with the OSE having jurisdiction over the area where the employment will begin.

B. To allow for enough recruitment of U.S. workers and to give OSEs and regional offices enough processing time, employers should be advised to file their applications at least 45 calendar days before the labor certification is needed. The Department of Labor cannot assure a timely determination if the employers provides less time.

C. When filed, the temporary application should include:

1. A completed ETA–750, Part A, the offer of employment portion of the application for Alien Employment Certification form signed by the employer.

2. An itinerary of locations and duration of work in each location when there is more than one worksite.

3. Documentation of the employer's efforts, if any, to recruit U.S. workers, and the results.

D. The OSE shall review the application for completeness and determine the prevailing wage, guided by standards in regulations at 20 CFR Part 656.40. The wage survey should be done by telephone contact with unions, associations, or any other appropriate sources and the prevailing wage should be computed on a daily or weekly basis.

E. The employer must specify a wage which meets or exceeds the daily or weekly rate and covers each day of the work week that the alien is in the United States for the duration of the employment regardless of hours worked.

F. The employer shall advertise the job opportunity before or after filing the application in a national publication that is likely to bring responses from U.S. workers. The advertisement shall:

1. Identify the employer's name, address, and the location of the employment, if other than the employer's location;

2. Describe the job opportunity in detail,

3. State the rate of pay, which shall not be below the prevailing wage for the occupation;

4. Offer prevailing working conditions.

5. State the employer's minimum job requirements;

6. Offer wages, terms, and conditions of employment which are no less favorable than those offered to the alien.

G. The OSE shall write to the appropriate national union(s) (listing enclosed) for availability information and confirmation of the prevailing wage. The following procedures and conditions shall apply to union contacts:

1. The letter to the union shall not identify the employer, but shall describe the type of establishment, the job duties, location and dates of employment, hours of work, wages, and working conditions.

2. From the date the letter to the union is mailed, 10 working days should be allowed to receive a written response. If no response is received after 10 working days, the union should be contacted by telephone to verify if the request was received. If there is availability, 5 additional work days should be allowed for a written response before making a determination based on available information in the application file.

3. Acceptable availability information from unions shall include names, addresses, and telephone numbers of U.S. workers who meet the employer's requirements for the job opportunity.

4. If the union(s) provide names of qualified U.S. workers, the OSE shall refer the list to the employer for direct contact with the applicants.

5. The name of the union, the union representative contacted, and the date of contact must be included on the transmittal form to the regional office for each application.

H. The employer may be required to recruit through other sources which are appropriate for the occupation and customary in the industry, such as talent agencies, agents, and casting directors.

I. A recruitment or information source which asserts the availability of qualified U.S. workers must provide specific information on the U.S. workers, including their names, addresses, and telephone numbers so that the employer may contact them.

J. If the certifying officer finds that the employer has adequately recruited U.S. workers in the previous six weeks before filing the application, the prescribed recruitment through the OSE may be waived. The employer may make a written request for a waiver of recruitment through the OSE. The OSE will send the request along with the application to the certifying officer for evaluation.

K. The employer must provide the OSE a copy of the advertisement showing the name of the publication and the dates published and written results of all recruitment which must:

1. Identify each recruitment source by name;

2. State the name, address, and telephone number of each U.S. worker who applied for the job; and

3. Explain the lawful job-related reasons for not hiring each U.S. worker.

L. When recruitment through all sources is completed, the OSE shall send the application, together with all pertinent information, to the appropriate regional certifying officer in New York, Dallas, or San Francisco.

IV. Determinations

A. The certifying officer shall consider circumstances unique to the entertainment industry and determine whether to grant or to deny the temporary labor certification, or to issue a notice that the required determination cannot be made based on whether or not:

1. U.S. workers are available for the temporary employment opportunity:

a. The certifying officer, in judging if a U.S. worker is available for the temporary employment opportunity, shall determine from documented results of the employer and local office recruitment efforts if there are other

appropriate sources of workers, where the employer should have recruited or may recruit U.S. workers. If further recruitment is required, the application should be returned to the OSE with specific instructions for the additional recruitment.

b. To determine if a U.S. worker is available, the certifying officer shall consider U.S. workers living or working in the area of intended employment, and may also consider U.S. workers who are willing to move from elsewhere to take the job at their own expense, or at the employer's expense if the prevailing practice among employers who employ workers in the occupation is to pay such relocation expenses.

c. To determine if U.S. workers are available for job opportunities that will be performed in more than one location, workers must be available in each location on dates specified by the employer.

2. The employment of the alien will adversely affect wages and working conditions of U.S. workers similarly employed. To determine this, the certifying officer shall consider such things as labor market information, special circumstances of the industry, organization, and/or occupation, the prevailing wage rate for the occupation in the area of intended employment, and prevailing working conditions, such as hours in the occupation.

3. The job opportunity contains requirements or conditions which preclude consideration of U.S. workers or which otherwise prevent their effective recruitment, e.g., there is no employer in the U.S. Such applications shall be denied on the basis that U.S. workers are generally available for employment in the entertainment industry and it was not shown that the employer made reasonable efforts to obtain U.S. workers for the job. Under these circumstances, the Department must assume that U.S. workers are available.

B. Dates on the temporary labor certification shall be the beginning and ending dates of the actual employment not to exceed 12 months, and the date certification was granted. The beginning date of certified employment may not be earlier than the date certification was granted.

C. A denial of certification or a notice that certification cannot be made shall not be reviewed by the Department of Labor, but may be appealed to the Immigration and Naturalization Service (INS). The petitioner may attach the decision to the nonimmigrant visa petition and present countervailing evidence that qualified persons in the United States are not available and that the employment policies of the Department of Labor were observed. The INS will consider all such evidence in adjudicating the petition.

TEMPORARY LABOR CERTIFICATION APPLICATIONS IN THE ENTERTAINMENT INDUSTRY

Regional offices that make determinations	Offices specializing in entertainment (OSE)	States served
Bette Roy, Certifying Officer, Labor Certification Unit, Employment and Training Administration, 1515 Broadway, New York, New York 10036, Tel: (FTS) 265-3265, (212) 944-3265 (outside).	Joanne Palmeiri, Supervisor, Alien Employment Certification Office, N.Y. State Department of Labor, 2 World Trade Center, Rm. 51-75, New York, New York 10047, Tel: (212) 488-2394.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Alabama, Florida, Georgia, Kentucky, New York, New Jersey, Puerto Rico, Virgin Islands, South Carolina, Tennessee, Mississippi, North Carolina, Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
Max Loveland, Certifying Officer, U.S. Department of Labor, ETA, 555 Griffin Square Building, Griffin and Young Streets, Dallas, Texas 75202, Tel: (FTS) 729-4975, (214) 767-4975 (outside).	Richard Hatton, Supervisor, Alien Labor Certification Unit, Texas Employment Commission, TEC Building, Austin, Texas 78778, Tel: (512) 397-4814.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Iowa, Kansas, Missouri, Nebraska.
Certifying Officer, Labor Certification Unit, Employment and Training Administration, 450 Golden Gate Avenue, San Francisco, California 94102, Tel: (FTS) 556-5994, (415) 556-5994 (outside).	Manager, Los Angeles Alien Certification Office, California Employment Development Department, 156 West 14th Street, Los Angeles, California 90015, Tel: (213) 744-2105, 744-2085.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming, Arizona, California, Guam, Hawaii, Nevada, Alaska, Idaho, Oregon, Washington.

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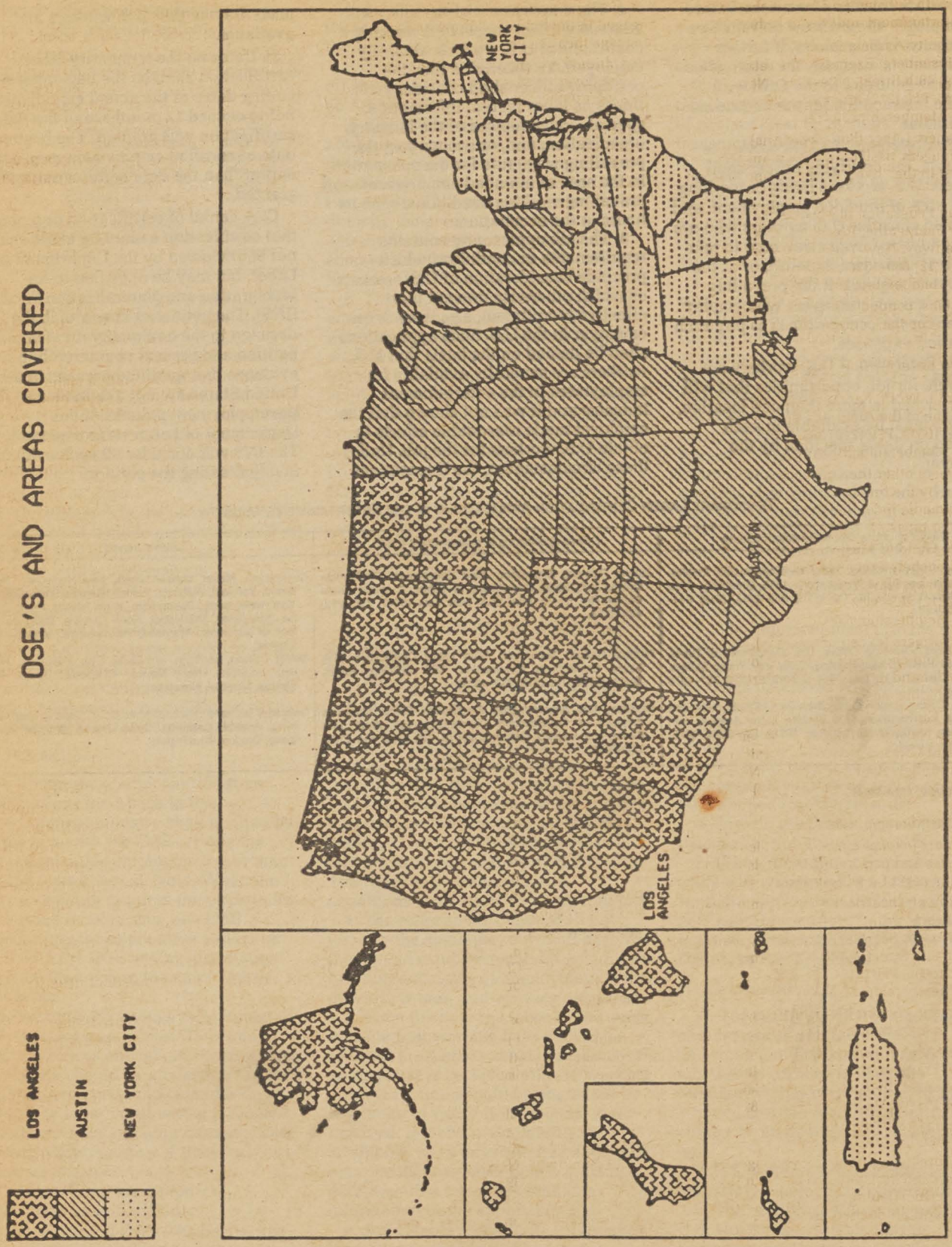
OSE 'S AND AREAS COVERED



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Unions With Substantial Membership in the Arts, Entertainment and Media Industry

Actors Equity Association
Alan Eisenberg, Executive Secretary, 165 West 46th Street, New York, New York 10036, PH: (212) 869–8530
Approx. Membership: 30,000

Performers (other than musicians), stagemanagers, assistant stage managers employed in the "live", dramatic and musical theater.

American Federation of Musicians
Victor Fuentealba, President, 1500 Broadway, New York, New York 10036, PH: (212) 869–1330
Approx. Membership: 299,133

Musicians, conductors, music librarians, arrangers, copyists, singers (night club and cabarets).

American Federation of Television and Radio Artists
Sanford I. Wolff, Executive Secretary, 1350 Avenue of the Americas, New York, New York 10019, PH: (212) 265–700
Approx. Membership: 51,000

Performers other than musicians who are employed by the broadcasting, cable and/or recorded media including disc and videoaudio tapes.

American Guild of Musical Artists
Gene Boucher, Executive Secretary, 1841 Broadway, New York, New York 10023, PH: (212) 265–3687
Approx. Membership: 5,000

All performers (except musicians), stage managers and choreographers employed in opera, ballet and dance, also, concert (solo) artists including musicians.

American Guild of Variety Artists
Alan Jan Nelson, Executive President, Vincent Griesi, Asst. to the President, Comptroller, 184 Fifth Avenue, New York, New York 10010, PH: (212) 675–1003
Approx. Membership: 4,865

Performers (except musicians) in ice shows and circuses and performing in hotels and cabarets as part of a variety show.

Association of Theatrical Press Agents and Managers
Dick Weaver, Secretary-Treasurer, 165 West 46th Street, #1200, New York, New York 10036, PH: (212) 719–3666
Approx. Membership: 600

Theatre and concert hall managers, company managers and press agents.

Director's Guild of America
Michael Franklin, Executive Secretary, 7950 Sunset Blvd., Hollywood, California 90046, PH: (213) 656–1220 (212) 581–0370 (New York Office)
Approx. Membership: 6,500

In film, directors, production managers, and first and second assistant directors. In tape, directors, associate directors, stage managers, and production assistants.

Hebrew Actors Union
Jack Rechtzeit, President, 31 E. 7th Street, New York, New York 10003, PH: (212) 674–1923
Approx. Membership: 200

Performers (except musicians) who are engaged in the field of Hebrew or Yiddish language theatre.

International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada
Walter F. Diehl, President, 1515 Broadway, New York, New York 10036, PH: (212) 730–1770
Approx. Membership: 65,000

All craft and technical occupations associated with motion picture production, television broadcasting, sound and video recording, cable, legitimate theatre and audio visual materials.

International Brotherhood of Electrical Workers
Jack Kain, Director, Broadcasting & Recording Dept., 1125 15th Street, NW., Washington, D.C. 20005, PH: (202) 833–7000
Approx. Membership: 1,041,408

Technical and craft personnel employed in broadcasting, television, cable operations, sound and video recording, and program production.

Italian Actors Union
Sal Carollo, Executive Secretary, 1540 Broadway, New York, New York 10036, PH: (212) 765–0800
Approx. Membership: 43

Performers (except musicians) who are engaged in the field of Italian language theater.

National Association of Broadcast Employees and Technicians
Edward Lynch, President, 7101 Wisconsin Avenue, N.W., Bethesda, Maryland 20814, PH: (301) 657–8420
Approx. Membership: 9,900

Technical and craft personnel employed in broadcasting, telecasting, recording, filming and allied industries.

Screen Actors Guild
Ken Orsatti, National Executive Secretary, 7750 Sunset Blvd., Hollywood, California 90046, PH: (213) 876–3030
Approx. Membership: 47,123

Performers (other than musicians) employed in the production of motion pictures, television, videotape or video disc.

Screen Extras Guild
Leonard Chassman, National Executive Secretary, 3629 Chauenga Blvd., West, Hollywod, California 90029, PH (213) 851–4301
Approx. Membership: 4,800

Performers (except musicians) employed in the production of motion pictures, television, videotape or video disc as "extras" (non-speaking).

Society of Stage Directors and Choreographers
A Harrison Cramer, Executive Secretary, 1501 Broadway, New York, New York 10036, PH: (212) 391–1070
Approx. Membership: 950

Directors and Choreographers in the professional theatre.

United Scenic Artists
John VanEyck, Bus. Rep., 1540 Broadway, New York, New York 10036, PH: (212) 575–5120
Approx. Membership: 1,200

Professional scenic designers, scenic artists, costume and lighting designers, diarama and display workers, and mural artists employed by television, theatre, commercial producers, and motion picture studios.

Writers Guild of America, West
Naomi Gurian, Exec. Director, 8955 Beverly Blvd., Los Angeles, California 90048, PH: (213) 550–1000
Approx. Membership: 5,900

Writers in the fields of motion pictures, television, and radio in areas west of the Mississippi.

Writers Guild, East
Leonard Wasser, Exec. Dir., 55 West 5th Street, New York, New York 10019, PH: (212) 245–6180
Approx. Membership: 2,400

Writers in the field of motion picture, television and radio in areas east of the Mississippi.

Dated: April 23, 1984.

Directive: General Administration Letter No. 10–84
To: All State Employment Security Agencies
From: Bert Lewis, Administrator for Regional Management
Subject: Procedures for Temporary Labor Certifications in Nonagricultural Occupations

1. *Purpose.* To transmit procedures for processing temporary labor certification applications in nonagricultural occupations.

2. *References.* 20 CFR Parts 621, 652 and 655.

3. *Background.* The attached procedures are designed to clarify processing requirements and to achieve uniform processing for applications under 20 CFR Part 621. They help to fill in the broad outline in those regulations and to direct agency staff to appropriate labor certification and Job Service policies.

4. *Action Required.* Administrators are requested to:

a. Provide attached procedures to appropriate staff.

b. Instruct staff to follow these procedures in processing temporary labor certification requests in nonagricultural occupations, except those in the entertainment industry and professional team sports.

c. Advise staff that attached procedures remain in effect after the expiration of this transmittal memorandum.

5. *Inquiries.* Direct questions to the appropriate regional office.

6. *Attachments*

a. Procedures for temporary labor certifications in nonagricultural occupations.

b. Final determination Form, ETA 7145T

Rescissions: GAL 23–82.

Expiration date: April 30, 1985.

Procedures for Temporary Labor Certifications in Nonagricultural Occupations

I. Background

The regulations at 20 CFR Part 621 govern the labor certification process for the temporary employment of nonimmigrant aliens in the United States in occupations other than in agriculture and logging. Occupations on Guam are treated separately under other regulations. The policies in Part 655—Labor Certification Process for the Temporary Employment of Aliens in the United States, and Part 652—Establishment and Functioning of State Employment Services are followed in processing and making determinations on temporary nonagricultural applications.

This document replaces all previous instructions and outlines general processing standards for temporary nonagricultural applications, except for professional athletes in team sports and employment in the entertainment industry.

Professional sports applications are processed by the National Office according to policies and procedures which evolved from negotiations with the INS, major and minor leagues, player organizations, and exports in the industry. Procedures for temporary applications in the entertainment industry are included in General Administration Letter No. 5–84.

II. Guidelines for Determining the Temporary or Permanent Nature of a Job Offer

To determine an alien's eligibility for admission on an H–2 visa, INS requires a Department of Labor certification based on adverse effect as well as availability *before* they rule on the temporary or permanent nature of the employment.

Because the availability test of U.S. workers in a given occupation can vary considerably depending on whether a job is permanent or temporary, the Department of Labor must consider whether in its judgment the job offered to an alien is, in fact, temporary or not. The guidelines below will help staff make this judgment:

A. Tests for determining the temporary or permanent nature of the employment are related to the job and job duties to be performed—not the person who will perform the duties; in other words, whether specific duties which the alien(s) will perform are needed for a temporary period or on a continuing basis—regardless of who will perform them.

The work must be above and beyond the employer's normal level of operation and not expected to become a part of the employer's future operations. Staff can consider the employer's "peakload" requirements, when temporary additions to permanent staff in an occupation are required due to seasonal or short-term demand, e.g., in resort establishments.

B. Answers to the following questions will help to determine the temporary or permanent nature of the job offered the alien(s):

1. Is the job included in the employer's regular business operation? If yes, are duties to be performed significantly different from the normal or regular operation? Is the equipment similar? Is the work of the same general skill and knowledge level?

2. Is the period for which the alien is requested reasonable in terms of the job to be done?

3. Are the number of aliens requested reasonable in terms of the job to be done and the time requested? Sometimes employers give "ball park" estimates which can be made more precise to avoid situations which would lead to less than full-time employment for U.S. workers and aliens alike.

4. Is this a request for an extension or does the employer often or repeatedly request temporary aliens? If yes, refer to item F.

5. Is there another way that the employer might reasonably be expected to meet his/her needs?

C. Temporary employment should not be confused with part-time employment which does not qualify for temporary labor certification. Part-time concerns work hours, days, and weeks less than those normal for the occupation in the employment area.

D. INS has the ultimate authority to reject the Department of Labor's advice on temporary alien employment. However, if the Department of Labor is convinced that a job is not temporary and INS plans to or does admit the aliens as nonimmigrants, DOL will still not issue a certification.

E. If the Department of Labor learns that an employer for whom a permanent certification was issued, also applies for a temporary certification for the same job (generally because of visa problems), a notice should be issued to the employer that certification cannot be made and an appropriate explanation of the reasons.

F. Some employers request extensions, sometimes several, for jobs represented as temporary. Others repeatedly request approval to bring in temporary workers. In such cases, State agencies and regional offices will assure that the employer is not evading its responsibility to obtain an adequate domestic work force; or—as stated earlier—an effort to substitute nonimmigrants when visa quotas cause delays in admitting immigrants. To help staff decide, they should consider the following:

1. Were previous extensions granted, and if so does the period covered exceed reasonable grounds for temporary work?

2. What reason does the employer give for incorrect time estimate(s)?

3. Has the availability picture or the prevailing wage changed?

4. Depending on the skill level and training time for the occupation and the industry practice on training, is it possible to train available workers?

5. If it is a higher skilled job, what, consistent with industry practice, is being done to upgrade current employed lower skilled workers and fill in behind them from the local work force?

6. What, consistent with industry practice, is being done to cross-train the present work force to handle peak demands?

7. If an apprenticable trade is involved, does the employer have, consistent with industry practice, the accepted ratio of apprentices to journeymen?

G. Repeated applications from the same employer should be subject to very close scrutiny and satisfactory answers to the same type of questioning as listed above. Also, the employer should be asked to document or explain in writing what is being done to overcome reliance on alien workers before a new certification is issued.

H. If a job for which a temporary alien worker is sought is not *truly* temporary in nature, decline to issue a certification even though U.S. workers are not available and wages being offered are prevailing.

III. Filing Instructions

A. An employer who wants to use foreign workers for temporary employment must file a temporary labor certification application (OMB Approval No. 1205–0015) with a local office of the State job service.

B. Every temporary application should include:

1. ETA 750, Part A, the offer of employment portion of the Application for Alien Employment Certification form signed by the employer. Note: Part B, Statement of Qualifications of Alien is not required.

2. Documentation clearly showing the employer's efforts to recruit U.S. workers.

3. A statement explaining why the job opportunity cannot be performed by a permanent worker on a continuing basis.

C. To allow for enough recruitment of U.S. workers and enough processing time by State and regional offices, the local office shall advise employers to file requests for temporary labor certification at least 45 days before the labor certification is needed in order to receive a timely determination.

D. Unless the Certifying Officer specifies otherwise, the local office should return to employers' requests for temporary labor certification filed more than 120 days before the worker is needed and advise them to refile the application no more than 120 days before the worker is needed. This is necessary since the supply and availability of temporary U.S. workers change over short periods of time and an adequate test of the labor market cannot be made for a longer period.

E. More than one alien may be requested on an application if they are to do the same type of services in the same occupation, in the same area of employment during the same period. However, the number requested may not exceed the actual number of job openings.

F. If the employer's agent files the application, the employer must sign the statement on the Application for Alien Employment Certification which authorizes the agent to act on the employer's behalf. The employer is fully responsible for the accuracy of all representations made by the agent on the employer's behalf. An attorney must file a Notice of Appearance (Form G–28) naming the attorney's client(s).

G. Requests for temporary labor certification may be filed for employment up to, but not exceeding 12 months. If the original intended duration of the temporary employment requires nonimmigrant aliens for a finite period not exceeding 3 years, or if unforeseen circumstances require an extension of an approved certification, a new application must be submitted each period beyond 1 year. This allows the Department of Labor to make a current determination of the availability of and adverse effect on U.S. workers. The period (including extensions) for which a particular job may be certified for temporary alien(s) employment may not exceed 3 consecutive years, except for recurring peakload or seasonal employment.

H. When the job opportunity requires the work to be done in more than one area of employment, the application must include the itinerary or locations and duration of work in each location. Such applications will be filed with the local State Job Service office having jurisdiction over the area where the employment will begin.

IV. State Job Service Processing

A. Upon receiving a request for temporary labor certification, the local office shall review the job offer for completeness. A job offer containing a wage below the prevailing wage for such employment in the local area is inappropriate and would adversely affect the wages of similarly employed U.S. workers. The local office shall determine the prevailing wage, guided by the regulations at 20 CFR 656.40.

B. If qualified U.S workers are registered with the local office, a job order should be prepared, using the information on the application, and placed into the regular ES system for 10 days. During this period, the local office should refer qualified applicants who walk-in and those in its active files.

C. The employer shall advertise the job opportunity, before or after filing the application, in a newspaper of general circulation for 3 consecutive days or in a professional, trade, or ethnic publication, whichever is most appropriate for the occupation and most likely to bring responses from U.S. workers. The advertisement shall:

1. Identify the employer's name, address, and location of the employment (except ads for aerospace engineers which shall be placed over the name of the local Job Service office) if other than the employer's location;

2. Describe the job opportunity with particularity;

3. State the rate of pay, which shall not be below the prevailing wage for the occupation;

4. Offer prevailing working conditions;

5. State the employer's minimum job requirements;

6. Offer wages, terms, and conditions of employment which are not less favorable than those offered to the alien.

D. The employer shall document that unions and other recruitment sources, appropriate for the occupation and customary in the industry, were unable to refer qualified U.S. workers.

E. The employer must provide the local office a copy of the advertisement showing the name of the publication and the dates published and written results of all recruitment which must:

1. Identify each recruitment source by name;

2. State the name, address, and telephone number and provide resumes (if submitted to the employer) of each U.S. worker who applied for the job; and

3. Explain the lawful job-related reasons for not hiring each U.S. worker.

F. After the recruitment period, the local office shall send the application, results of recruitment, prevailing wage findings, and other appropriate information to the State office for additional data and comments and transmission to the regional office.

V. Temporary Labor Certification Determinations

A. The certifying officer shall determine whether to grant or to deny the temporary labor certification, or to issue a notice that the required determination cannot be made based on whether or not:

1. U.S. workers are available for the temporary employment opportunity:

a. The certifying officer, in judging if a U.S. worker is available for the temporary employment opportunity, shall determine from documented results of the employer and local office recruitment efforts if there are other appropriate sources of workers, where the employer shall have recruited or may recruit U.S. workers. If further recruitment is required, the application should be returned to the State Job Service Office with specific instructions for the additional recruitment.

b. To determine if a U.S. worker is available, the certifying officer shall consider U.S. workers living or working in the area of intended employment, and may also consider U.S. workers who are willing to move from elsewhere to take the job at their own expense, or at the employer's expense, if the prevailing practice among employers who employ workers in the occupation is to pay such relocation expenses.

c. The certifying officer shall consider a U.S. worker able and qualified for the job opportunity if the worker, by education, training, experience, or a combination thereof, can perform the duties involved in the occupation as customarily performed by other U.S. workers similarly employed and is willing to accept the specific job opportunity.

d. To determine if U.S. workers are available for job opportunities that will be performed in more than one location, workers must be available in each location on dates specified by the employer.

2. The employment of the alien will adversely affect wages and working conditions of U.S. workers similarly employed. To determine this, the certifying officer shall consider such things as labor market information, special circumstances of the industry, organization, and/or occupation, the

prevailing wage rate for the occupation in the area of intended employment, and prevailing working conditions, such as hours in the occupation.

3. The job opportunity contains requirement on conditions which preclude consideration of U.S. workers or which otherwise prevent their effective recruitment, such as:

a. The employment opportunity is represented as temporary and the Department of Labor believes it can and should be offered to U.S. workers on a permanent basis.

b. The job opportunity is vacant because the former occupant is on strike or locked out in the course of a labor dispute involving a work stoppage or the job is at issue in a labor dispute involving a work stoppage.

c. The job opportunity's terms, conditions, and/or occupational environment are contrary to Federal, State, or local law.

d. The employer has no location within the United States to which U.S. workers can be referred and hired for employment.

e. The employer will not pay a wage or salary for the job to be performed.

f. The job's requirements are unduly restrictive.

g. The employer refuses to recruit U.S. workers according to DOL policies and procedures.

Such applications shall be denied on the basis that U.S. workers may be available for employment in the occupation and it was not shown that the employer made reasonable efforts to obtain U.S. workers for the job.

B. A temporary labor certification may be issued for the duration of the temporary employment opportunity, not to exceed twelve (12) months. If the temporary job opportunity extends beyond 12 months, the employer must file a new application; however, temporary certifications may not be granted for the same job opportunity for a total period (including extensions) of more than 3 years, except in applications for recurring seasonal employment.

C. Dates on the temporary labor certification shall be the beginning and ending dates of certified employment and the date certification was granted. The beginning date of certified employment may not be earlier than the date certification was granted.

VI. Document Transmittal

A. After making a temporary labor certification determination, the certifying officer shall notify the employer, in writing, of the determination.

B. If the labor certification is granted, the certifying officer shall send the certified application containing the official temporary labor certification stamp, supporting documents, and completed Temporary Determination Form to the employer or, if appropriate, the employer's agent or attorney. The Temporary Determination Form shall indicate that the employer should submit all documents together with the employer's petition to the appropriate INS office.

C. If the labor certification is denied or a notice is issued that certification cannot be made, the certifying officer shall return one copy of the Application for Alien Employment Certification form, supporting documents, and completed Temporary Determination Form to the employer, or, if appropriate, to the employer's agent or attorney. The Temporary Determination Form shall indicate specific bases on which the decision was made not to issue a temporary labor certification, and shall advise the employer of the right to appeal to the INS.

VII. Appeal of a Denial or Notice That a Certification Cannot Be Made

A. The granting or denial of a temporary labor certification by the certifying officer, or a finding that a certification cannot be made, is the final decision of the Secretary of Labor. Administrative appeal is made to INS, as set forth below.

B. Under the Act and regulations of the Immigration and Naturalization Service, the Department of Labor's role is only advisory. The Attorney General has the sole authority for the final approval or denial of a petition for temporary alien employment. The employer can submit countervailing evidence to the Immigration and Naturalization Service, according to 8 CFR 214.2(h)(3)(i), that qualified persons in the United States are not available, that wages and working conditions of U.S. workers will not be adversely affected, and that the Department of Labor's employment policies were observed.

VIII. Validity of Temporary Labor Certifications

A. A temporary labor certification is valid only for the number of alien workers, the occupation, the area of employment, the specific activity, the period of time, and the employer specified in the certification.

B. A temporary labor certification is limited to one employer's specific job opportunity; it may not be transferred from one employer to another.

IX. Applications Requiring Special Processing

A. *Aerospace Engineers*

1. Take a job order on all aerospace engineer certification requests.

2. Ensure that the employer advertises in a newspaper or appropriate engineering publication. Advertisements shall describe wages, terms, and conditions of employment, and shall not identify the employer, but shall direct applicants to send resumes to the local Job Service for referral to the employer. Results of ads must be documented. Advertising copy should indicate the same wages, education, working conditions, and location of work as that in the application for alien employment and on the order taken by the local office.

3. Require employers to offer laid-off engineers reemployment before applying for labor certification.

4. Ensure that all ETA 750, Part A from contract engineering firms identify the user aerospace company and specify where the alien will work.

Certification requests for temporary engineer jobs from contract engineering firms may be accepted without aliens' names. The application, however, must be accompanied by a letter from the user aerospace company. The letter will authorize a request for an unnamed alien, state the number and type of employees required, and specify where the alien will work.

5. Ensure that a copy of the contract for negotiation with alien accompanies all contract engineering firm certification requests.

6. Place into interstate clearance all alien certification job orders for aerospace engineers and related occupations.

Use procedures for placing alien certification job orders in nonagricultural interstate clearance.

7. Process the application according to Parts II, III and IV of these procedures, as appropriate.

B. Construction Workers

1. *General.* a. Unions representing construction workers in the same or substantially equivalent job classification as those for which labor certification is requested shall be contacted to determine availability of U.S. workers when local offices receive requests for 10 or more workers in the same occupation for the same employer at any one time or within a 6-month period.

The Human Resources Development Institute (HRDI) is the employment and training arm of the AFL–CIO; it serves as a centralized liaison between the Department of Labor and individual

unions in providing labor market information in skilled trades in order to make an informed labor certification determination.

2. *Procedures.* a. The local office should process the application according to Parts II, III and IV of these procedures.

b. The local office shall advise the employer to obtain, from the union local, a letter describing the availability of qualified U.S. workers for the position offered to aliens.

c. Before making a determination, certifying officers should contact, in writing the Executive Director, Human Resources Development, 815 16th Street, NW., Washington, D.C. 20006, and send the following information for each application:

(1) Name and address of company requesting certification;

(2) Location of work site;

(3) Local number and name of the union, if known;

(4) Dates of any prior certifications requested by company;

(5) Total number of aliens requested;

(6) Duration of employment of aliens;

(7) Job classification, special qualifications and wage offered;

(8) Assistance offered to aliens (subsistence, housing, other); and

(9) Reasons for requesting alien labor.

If HRDI knows of available U.S. workers, they will provide this information to the certifying officer, along with the name of the appropriate local for the employer to contact. If no response is received within three weeks of the request, a determination will be made on information in the file.

C. Machinists and Aerospace Workers

1. The local office should process the application according to Parts II, III and IV of these procedures.

2. Before making a determination, the certifying officer should send to the Executive Director of the International Association of Machinists and Aerospace Workers, Machinists Building, Room 911, 1200 Connecticut Avenue, NW., Washington, D.C. 20036, the following information for each application:

a. Name and address of company requesting certification;

b. Location of work site;

c. Local number of IAM union, if known;

d. Total number of aliens requested;

e. Duration of employment of alien;

f. Job classification, including information on wages and special qualifications;

g. Assistance offered to aliens (subsistence, housing, other); and

h. Reason for requesting alien labor.

If the IAM knows of qualified U.S. workers, available for the position, they will give the certifying officer the name of the appropriate local for the employer to contact. If the IAM does not respond within 3 weeks, a determination should be made from the information provided by the local office.

U.S. DEPARTMENT OF LABOR

Employment and Training Administration

Final Determination

No. of Aliens and Occupation _____

_____

Period of Certification

From: _____

To: _____

The Department of Labor has made a determination on your temporary application for alien employment certification pursuant to Title 20, Code of Federal Regulations, Part 621. Final action has been taken as follows:

☐ 1. Form ETA 750 has been certified and is enclosed with the supporting documents. All enclosures should be submitted to the Immigration and Naturalization Service District Office for consideration with your petition (Form I–129B).

☐ 2. Form ETA 750 has not been certified and is being returned. A certification cannot be issued as required by Immigration and Naturalization Service regulations at 8 CFR 214.2(h)(3)(i) on the basis of information available for the following reasons (See details below):

☐ a. There are qualified U.S. workers who are available for the job.

☐ b. The employment of aliens would have an adverse effect on wages and/or working conditions of U.S. workers similarly employed.

☐ c. A certification cannot be made under Department of Labor policies and procedures.

Details:

Certifying Officer

cc: State ES Agency

A denial of certification or a notice that certification cannot be made is not reviewable by the Department of Labor, but may be appealed to the Immigration and Naturalization Service (INS). The petitioner may attach the decision to the nonimmigrant visa petition and present countervailing evidence that qualified persons in the United States are not available and that the employment policies of the Department of Labor have been observed. The INS will consider all such evidence in adjudicating the petition.

[FR Doc. 84–16865 Filed 6–22–84; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, and 442

[Docket No. 84N–0162]

Antibiotic Drugs; Ceforanide for Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, ceforanide for injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective June 25, 1984; comments, notice of participation, and request for hearing by July 25, 1984; data, information, and analyses to justify a hearing by August 24, 1984.

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

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics (HFN–140)) (HFN–815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new antibiotic drug, ceforanide for injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 442 (21 CFR Parts 430, 436, and 442) to provide for the inclusion of accepted standards for the product.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or culmulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 430

Administrative practice and procedure, Antibiotics.

21 CFR Part 436

Antibiotics.

21 CFR Part 442

Antibiotics, cepha.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 430, 436, and 442 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.5 by adding new paragraphs (a)(81) and (b)(83) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(81) *Ceforanide.* The term "ceforanide master standard" means a specific lot of ceforanide that is designated by the Commissioner as the standard of comparison in determining the potency of the ceforanide working standard.

(b) * * *

(83) *Ceforanide.* The term "ceforanide working standard" means a specific lot of a homogeneous preparation of ceforanide.

b. In § 430.6 by adding new paragraph (b)(83) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(83) *Ceforanide.* The term "microgram" applied to ceforanide means the ceforanide activity (potency) contained in 1.005 micrograms of the ceforanide master standard.

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

2. Part 436 is amended:

a. In § 436.20 by adding new paragraph (d)(7) to read as follows:

§ 436.20 Sterility test methods and procedures.

* * * * *

(d) * * *

(7) *Diluting fluid G.* To each liter of sterile diluting fluid A and 10 grams of sterile *L*-lysine.

* * * * *

b. By adding new § 436.348 to read as follows:

§ 436.348 High-pressure liquid chromatographic assay for ceforanide.

(a) *Equipment.* A suitable high-pressure liquid chromatograph equipped with:

(1) A low dead volume cell 8 to 20 microliters;

(2) A light path length of 1 centimeter;

(3) A suitable ultraviolet detection system operating at a wavelength of 254 nanometers;

(4) A suitable recorder of at least 25.4-centimeter deflection;

(5) A suitable integrator; and

(6) A 30-centimeter column having an inside diameter of 4.0 millimeters and packed wth octadecyl silane chemically bonded to porous silica or ceramic microparticles, 5 micrometers to 10 micrometers in diameter, U.S.P. XX. A particular column used for analysis of ceforanide should not be used for the analysis of other drugs.

(b) *Mobile phase.* Mix 18.0 milliliters of 10 percent aqueous tetrabutylammonium hydroxide and 8.56 milliliters of concentrated potassium hydroxide. Add the mixture to approximately 700 milliliters of distilled water. Add 200 milliliters of reagent grade methanol. Adjust the pH of the mixture to pH 7.0 with concentrated phosphoric acid and dilute to 1,000 milliliters with distilled water. Prepare fresh daily. Filter the mobile phase through a suitable glass fiber filter or equivalent which is capable of removing particulate contamination to 1 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph pumping system.

(c) *Operating conditions.* Perform the assay at ambient temperature with a typical flow rate of 1 milliliter per minute. Use a detector sensitivity setting that gives a peak height for the working standard that is at least 50 percent of scale.

(d) *Preparation of working standard and sample solutions)*—(1) *Preparation of working standard solution.* Prepare a solution containing 1,000 micrograms of ceforanide activity per milliliter in mobile phase. Inject working standard solution within 5 minutes after dissolution.

(2) *Preparation of sample solution.* Prepare the sample solution as directed in the individual monograph for the drug being tested. Inject sample solution within 5 minutes after dissolution.

(e) *Procedure.* Use the equipment, mobile phase, operating conditions, and working standard and sample solutions described in paragraphs (a), (b), (c), and (d) of this section, and proceed as directed in paragraph (e)(1) of this section.

(1) *System suitability test.* Equilibrate and condition the column by passage of about 10 to 15 void volumes of mobile phase followed by three replicate injections of 10 microliters each of the working standard solution. Allow an elution time sufficient to obtain satisfactory separation of expected components after each injection. Record the peak responses and calculate the tailing factor, efficiency of the column, coefficient of variation, and capacity factor as described for system suitability tests in the U.S.P. XX General Chapter 621 chromatography. Proceed as directed in paragraph (e)(2) of this section if the following minimum performance requirements have been met:

(i) *Tailing factor.* The tailing factor is satisfactory if it is not more than 1.2;

(ii) *Efficiency of the column.* The efficiency of the column is satisfactory if it is greater than 1,900 theoretical plates;

(iii) *Coefficient of variation.* The coefficient of variation of at least three replicate injections is satisfactory if it is not more than 1.5 percent; and

(iv) *Capacity factor.* The capacity factor is satisfactory if it is not less than 1.8 and not more than 5.

If the minimum performance requirements are not met, adjustments must be made to the system to obtain satisfactory operation before proceeding as described in paragraph (e)(2) of this section.

(2) *Determination of the chromatogram.* Inject 10 microliters of the working standard solution into the chromatograph. Allow an elution time sufficient to obtain satisfactory separation of the expected components. After separation of the working standard solution has been completed, inject 10 microliters of the sample solution into the chromatograph and repeat the procedure described for the working standard solution.

(f) *Calculations.* Calculate the ceforanide content as directed in the individual monograph for the drug being tested.

c. By adding new §436.349 to read as follows:

§436.349 High-pressure liquid chromatographic assay for L-lysine in ceforanide for injection.

(a) *Equipment.* A suitable high-pressure liquid chromatograph equipped with:

(1) A suitable pump capable of reproducibly delivering a liquid to a pressure of 5,000 pounds per square inch;

(2) A suitable ultraviolet detection system operating at a wavelength of 254 nanometers;

(3) A suitable recorder;

(4) A suitable integrator; and

(5) A 25-centimeter column having an inside diameter of 4.6 millimeters and packed with octadecyl silane chemically bonded to porous silica or ceramic microparticles, 5 micrometers to 10 micrometers in diameter, U.S.P. XX.

(b) *Reagents*—(1) 2,4-Dinitrofluorobenzene solution. Weigh accurately approximately 760 milligrams of 2,4-dinitrofluorobenzene into a 50-milliliter volumetric flask. Dissolve and dilute to volume with absolute ethyl alcohol.

(2) Tris (hydroxymethyl) aminomethane (THAM) solution. Weigh accurately approximately 1.44 grams of THAM into a 100-milliliter volumetric flask. Dissolve and dilute to volume with distilled water.

(c) *Mobile phase.* Mix methanol and water (62:38), and adjust to pH 3.0 with glacial acetic acid.

(d) *Operating conditions.* Perform the assay at ambient temperature with a typical flow rate of 1.5 milliliters per minute. Use a detector sensitivity setting that gives a peak height for the standard that is at least 50 percent of scale with a typical chart speed of 0.2 inch per minute.

(e) *Preparation of standard and sample solutions*—(1) *Preparation of standard solution.* Weigh accurately approximately 36 milligrams of *L*-lysine used as the standard into a 100-milliliter volumetric flask. Dissolve and dilute to volume with distilled water. Transfer 2.0 milliliters of the *L*-lysine solution into a 10-milliliter volumetric flask, add 2.0 milliliters of THAM solution and 3.0 milliliters of 2,4-dinitrofluorobenzene solution. Cap tightly and mix well. Place the flask in a 50° C water bath for 30 minutes. Remove from water bath, allow the flask to cool to room temperature, and dilute to volume with methanol. Mix well.

(2) *Preparation of sample solution.* Weigh accurately approximately 150 milligrams of the sample, ceforanide for injection, into a 100-milliliter volumetric flask. Dissolve and dilute to volume with distilled water. Transfer 2.0 milliliters of the sample solution into a 10-milliliter volumetric flask, add 2.0 milliliters of THAM solution and 3.0 milliliters of 2,4-dinitrofluorobenzene solution. Cap tightly and mix well. Place the flask in a 50° water bath for 30 minutes. Remove from water bath, allow the flask to cool to room temperature, and dilute to volume with methanol. Mix well.

(f) *Procedure.* Use the equipment, reagents, mobile phase, operating conditions, and standard and sample solutions described in paragraphs (a), (b), (c), (d), and (e) of this section, and proceed as directed in paragraph (f)(1) of this section.

(1) *System suitability test.* Equilibrate and condition the column by passage of about 10 to 15 void volumes of mobile phase followed by three replicate injections of 20 microliters each of the standard solution. Allow an elution time sufficient to obtain satisfactory separation of the expected components after each injection. Record the peak responses and calculate the resolution factor, tailing factor, efficiency of the column, coefficient of variation, and capacity factor as described for system suitability tests in the U.S.P. XX General Chapter 621 chromatography. Proceed as directed in paragraph (f)(2) of this section if the following minimum performance requirements have been met:

(i) *Resolution factor.* The resolution factor between the peak for derivatized *L*-lysine and from the peak for the dinitrofluorobenzene derivatizing reagent is satisfactory if it is not less than 4.5;

(ii) *Tailing factor.* The tailing factor is satisfactory if it is not more than 1.3;

(iii) *Efficiency of the column.* The efficiency of the column is satisfactory if it is greater than 1,500 theoretical plates;

(iv) *Coefficient of variation.* The coefficient of variation of at least three replicate injections is satisfactory if it is not more than 1.5 percent; and

(v) *Capacity factor.* The capacity factor is satisfactory if it is not less than 4 and not more than 6.

If the minimum performance requirements are not met, adjustments must be made to the system to obtain satisfactory operation before proceeding as described in paragraph (f)(2) of this section.

(2) *Determination of the chromatogram.* Inject 20 microliters of the standard solution into the chromatograph. Allow an elution time sufficient to obtain satisfactory separation of the expected components. After separation of the standard solution is completed, inject 20 microliters of the sample solution into the chromatograph and repeat the procedure described for the standard solution.

(g) *Calculations.* Calculate the micrograms of *L*-lysine per milligram of ceforanide for injection as follows:

$$\text{Percent of } L\text{-lysine} = \frac{A_u \times P_s}{A_s \times C_u \times 10}$$

A_u = Area of the *L*-lysine peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the *L*-lysine peak in the chromatogram of the *L*-lysine standard;

P_s = *L*-lysine content in the *L*-lysine standard solution in micrograms per milliliter; and

C_u = Milligrams of sample per millilter of sample solution.

PART 442—CEPHA ANTIBIOTIC DRUGS

3. Part 442 is amended:

a. By adding new § 442.50a to read as follows:

§ 442.50a Sterile ceforanide.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ceforanide is 5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, 7-[[[2-[amino-methyl)phenyl]acetyl]amino]-3-[[[1-(carboxymethyl-1*H*-tetrazol-5-yl]-thio]methyl]-8-oxo-,(6*R-trans*),-. It is a white to off-white powder. It is so purified and dried that:

(i) Its ceforanide content is not less than 900 micrograms and not more than 1,050 micrograms of ceforanide per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) Its moisture content is not more than 5.0 percent.

(v) Its pH in an aqueous suspension containing 50 milligrams per milliliter is not less than 2.5 and not more than 4.5.

(vi) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for ceforanide content, sterility, pyrogens, moisture, pH, and identity.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: One package containing approximately 6 grams of a composite sample.

(b) *Tests and methods of assay*—(1) *Ceforanide content.* Proceed as directed in § 436.348 of this chapter, preparing the sample and calculating the ceforanide content as follows:

(i) *Preparation of sample solution.* Prepare a solution containing 1.0 milligram per milliliter in mobile phase. Inject each sample within 5 minutes after dissolution.

(ii) *Calculations.* Calculate the micrograms of ceforanide per milligram of sample as follows:

$$\text{Micrograms of ceforanide per milligram} = \frac{A_u \times P_s \times 100}{A_s \times C_u \times (100\text{-}L)}$$

where:

A_u = Area of the ceforanide peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the ceforanide peak in the chromatogram of the ceforanide working standard;

P_s = Ceforanide activity in the ceforanide working standard solution in micrograms per milliliter; and

C_u = Milligrams of sample per milliliter of sample solution.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except:

(i) In paragraph (e)(1)(i)(*a*) of that section, use diluting fluid G in lieu of diluting fluid A; and

(ii) In lieu of three 100-milliliter quantities of diluting fluid A in paragraph (e)(2) of that section, filter three 100-milliliter quantities of diluting fluid D followed by a 100-milliliter quantity of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, except suspend 1 gram of sterile ceforanide in 12.5 milliliters of pyrogen-free water (diluent 1). Add 320 milligrams of pyrogen-free *L*-lysine base, shake to dissolve the mixture. If the mixture is not dissolved, add an amount of *L*-lysine necessary to obtain a solution. The test sample should contain not more than a total of 340 milligrams of *L*-lysine. Dilute the resulting solution to 20 milliliters. Use a test dose of 1 milliliter of the 50 milligrams per milliliter test solution per kilogram of rabbit weight.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous suspension containing 50 milligrams per milliliter.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation as described in paragraph (b)(2) of that section.

b. By adding new § 442.250 to read as follows:

§ 442.250 Ceforanide for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ceforanide for injection is a dry mixture of ceforanide and *L*-lysine. Each milligram of ceforanide for injection contains not less than 900 micrograms and not more than 1,050 micrograms of ceforanide when corrected for *L*-lysine content. Its ceforanide content is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of ceforanide that it is represented to contain. It is sterile. It is nonpyrogenic. Its moisture content is not more than 3.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.5 and not more than 8.5. The ceforanide used conforms to the standards prescribed by § 442.50a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sterile ceforanide used in making the batch for ceforanide content, moisture, pH, and identity.

(*b*) The batch for ceforanide content, sterility, pyrogens, moisture, and pH.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) The ceforanide used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Ceforanide content.* Determine both micrograms of ceforanide per milligram of sample and milligrams of ceforanide per container. Proceed as directed in § 436.348 of this chapter, preparing the sample solution and calculating the ceforanide content as follows:

(i) *Preparation of sample solution.* Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i) (*a*) and (*b*) of this section.

(*a*) *Micrograms of ceforanide per milligram.* Prepare a solution containing 1.25 milligrams per milliliter in mobile phase. Inject each sample within 5 minutes after dissolution.

(*b*) *Milligrams of ceforanide per container.* Reconstitute the sample with distilled water as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of ceforanide content in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with mobile phase to obtain a stock solution containing 10.0 milligrams per milliliter (estimated). Immediately dilute an aliquot of the stock solution with mobile phase to a concentration of 1.25 milligrams of ceforanide per milliliter (estimated). Inject within 5 minutes, after preparation.

(ii) *Calculations*—(*a*) *Micrograms of ceforanide per milligram.* Calculate the micrograms of ceforanide per milligram of sample as follows:

$$\text{Micrograms of ceforanide per milligram} = \frac{A_u \times P_s}{A_s \times C_u}$$

where:

A_u = Area of the ceforanide sample peak (at a retention time equal to that observed for the standard);

A_s = Area of the ceforanide peak in the chromatogram of the ceforamide working standard;

P_s = Ceforanide activity in the ceforanide working standard solution in micrograms per milliliter;

C_u = Milligrams of sample per milliliter of sample solution; and

L = Percent lysine content of the sample. (Determined as described in § 436.349 of this chapter.)

(*b*) *Milligrams of ceforanide per vial.* Calculate the ceforanide content of the vial as follows:

$$\text{Milligrams of ceforanide per vial} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000}$$

where:

A_u = Area of the ceforanide sample peak (at a retention time equal to that observed for the standard);

A_s = Area of the ceforanide peak in the chromatogram of the ceforamide working standard;

P_s = Ceforanide activity in the ceforanide working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except reconstitute the vials with approximately 3.0 milliliters of diluting fluid A per each gram of antibiotic activity. Transfer approximately 1 milliliter from each of 20 vials into a sterile 500-milliliter Erlenmeyer flask containing 200 milliliters of diluting fluid A. Filter as described in paragraph (e)(1)(ii) of this section, except in lieu of filtering with three 100-milliliter quantities of diluting fluid A, rinse the filter membrane with three 100-milliliter portions of diluting fluid D followed by a final rinse with 100-milliliters of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of ceforanide per milliliter.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution obtained when the product is reconstituted as directed in the labeling.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective June 25, 1984. Interested persons may, however, on or before July 25, 1984, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before July 25, 1984, a written notice of participation and request for hearing, and (2) on or before August 24, 1984, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective June 25, 1984.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: June 13, 1984.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 84-16788 Filed 6-22-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Alfentanil in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: This is a final rule issued by the Administrator of the Drug Enforcement Administration placing alfentanil into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action is required in order for the United States to discharge its obligations under the Single Convention on Narcotic Drugs, 1961.

EFFECTIVE DATE: August 24, 1984 except as otherwise provided in the **SUPPLEMENTARY INFORMATION** Section of this Rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: 202–633–1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

By a letter dated March 27, 1984, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs has decided that the narcotic drug, alfentanil, be added to Schedule I of the Single Convention on Narcotic Drugs, 1961.

Section 201(d)(1) of the CSA (21 U.S.C. 811(d)) states that, if control of a substance is required by United States obligations under the Single Convention on Narcotic Drugs, 1961, "the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings and procedures required by section 201 (a) and (b) (21 U.S.C. 811 (a) and (b)) and section 202(b) (21 U.S.C. 812(b)) of the Act." This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR 0.100).

In order to meet the obligations of the United States as a Party to the Single Convention on Narcotic Drugs, 1961, and because alfentanil has no currently accepted medical use in the United

States, the Administrator of the Drug Enforcement Administration has determined that alfentanil should be placed into Schedule I of the CSA.

Effective Dates

1. *Registration.* Any person who manufactures, distributes, imports, exports, engages in research, or conducts instructional activities with respect to alfentanil, or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations on or before August 24, 1984.

2. *Security.* Alfentanil must be manufactured, distributed and stored in accordance with §§ 1301.71–1301.76 of Title 21 of the Code of Federal Regulations on or before September 24, 1984. In the event that the effective date should pose special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time submitted to it on or before the required date of compliance.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of alfentanil, packaged after August 24, 1984, shall comply with the requirements of §§ 1302.03–1302.05 and 1302.07–1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any "manufacturer," as defined in section 102(14) of the CSA (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified requests for extensions of time submitted to it on or before the required date of compliance.

4. *Quotas.* All persons required to obtain quotas for alfentanil shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations on or before August 24, 1984.

5. *Inventory.* Every registrant required to keep records, who possesses any quantity of alfentanil, shall take an inventory, pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of alfentanil on hand on August 24, 1984.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on alfentanil commencing on the date on which the inventories of these substances are taken.

7. *Reports.* All registrants required to submit reports on alfentanil to the Drug Enforcement Administration pursuant to §§ 1304.37–1304.41 of Title 21 of the Code of Federal Regulations shall report on the inventory taken under paragraph 5 above and on all subsequent transactions.

8. *Order Forms.* Each distribution of alfentanil on or after August 24, 1984, shall utilize an order form pursuant to Part 1305 of Title 21 of the Code of Federal Regulations.

9. *Importation and Exportation.* All importation and exportation of alfentanil on and after August 24, 1984, shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to alfentanil not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted August 24, 1984, shall be unlawful, except that any person who is not now registered to handle alfentanil but who is entitled to registration under such Acts may continue to conduct normal business or professional practice with alfentanil between the date on which this rule is published and the date which he (she) obtains or is denied registration; provided, that the application for such registration is submitted on or before August 24, 1984.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of alfentanil into Schedule I of the CSA will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). This action involves the initial control of a substance with no legitimate medical use in the United States and must be carried out in order to fulfill United States international treaty obligations, in any event.

In accordance with the provisions of 21 U.S.C. 812(d)(1), this scheduling action is a formal rulemaking that is required by United States obligations under international convention, that is, the Single Convention on Narcotic Drugs, 1961. Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12991 (46 FR 13193).

Dated: June 15, 1984.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

PART 1308—[AMENDED]

Therefore, under the authority vested in the Attorney General by Section 201(d)(1) of the CSA (21 U.S.C. 812(d)) and delegated to the Administrator of the Drug Enforcement Administration pursuant to 28 CFR 0.100, the Administrator hereby orders that:

(1) 21 CFR 1308.11(b)(2)–(45) is redesignated as 21 CFR 1308.11(b)(3)–(46); and

(2) A new § 1308.11(b)(2) is added to read as follows:

§1308.11 Schedule I.

* * * * *

(b) * * *

(2) Alfentanil	9737

* * * * *

[FR Doc. 84–16835 Filed 6–22–84; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R–84–1137; FR–1864]

Section 8—Fair Market Rents for New Construction and Substantial Rehabilitation

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule amends the Section 8 Fair Market Rents (FMRs) applicable to New Construction and Substantial Rehabilitation for the State of Georgia, as well as for market areas within the States of New York, Ohio, and Texas. Section 8(c)(1) of the U.S. Housing Act of 1937 requires HUD to publish revised FMRs annually in the **Federal Register**. HUD published the last annual revision of the FMRs for New Construction and Substantial Rehabilitation on February 8, 1984 as an Interim Rule for effect on March 21, 1984. Many of the changes made in this rule are in response to comments submitted with respect to that annual revision. This rule revises FMR schedules for several of the nine market areas in the State of Georgia; it consolidates two market areas into one in the State of Texas; and it provides FMRs for efficiency (zero bedroom) units in eight other market areas in the States of New York and Ohio.

EFFECTIVE DATE: September 13, 1984.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support

Division, Office of Insured Multifamily Housing Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755–5743. (This is not a toll free number)

SUPPLEMENTARY INFORMATION: On February 8, 1984 HUD published in the **Federal Register** (49 FR 4892) an interim rule constituting its latest annual revision of the Section 8 Fair Market Rents (FMRs) applicable to New Construction and Substantial Rehabilitation for all market areas, as required by Section 8(c)(1) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f(c)(1)). The interim rule solicited public comments on the FMR schedules for a 30-day period ending March 9, 1984. HUD received 12 comments from the public and 4 comments from HUD Field Offices during the comment period.

Since HUD wished to make the revised FMRs effective as soon as possible after the close of the comment period, it made the rule effective for all market areas on March 21, 1984, stating its intention to continue its evaluation of all comments received and to publish any needed revisions of the FMR schedules for particular market areas at a future date. Each public comment was forwarded to the appropriate Field Office for review. These Offices determined that the documentation submitted did not warrant any changes in the Fair Market Rent.

This rule also makes some additions to the FMR schedules which have been suggested by four HUD Field Offices. First, since any proposal for housing for the elderly includes a requirement for at least 25 percent efficiency units, efficiency (zero bedroom) unit FMRs have been added to the schedules for eight market areas which did not previously contain them. Second, the FMR schedules for two market areas in Texas have been consolidated into one market area. This rule reflects rents for the consolidated Dallas/Fort Worth market area which are the same as those rents proviously identified for the Dallas market area. Third, in order to correct an imbalance in the FMRs for the State of Georgia market areas that were below those of other states within HUD's Region IV, selected FMR schedules for the State of Georgia were raised to permit processing of proposals in these areas.

In total, this Final Rule modifies the FMR schedules for 18 market areas: Texas, Dallas/Fort Worth market area; Georgia, market areas of Atlanta, Albany, Augusta, Brunswick, Columbus, Macon, Rome, Savannah, and Valdosta; Ohio, market areas of Cleveland, Akron, Findlay, Lorain, Mansfield, Toledo, and Youngstown; New York, market area of Poughkeepsie.

Proposals involving combinations of structural types and unit sizes by bedroom count for which Fair Market Rent are not provided or are not in effect may not be approved until the applicable Fair Market Rents have been published and have become effective.

Fair Market Rent schedules in effect on the date that the proposal or application for Section 202/Section 8 assistance is accepted for processing by HUD (by FmHA in the case of assistance under Part 884 (by the State Agency in the case of assistance under Part 883) shall apply, except as follows:

1. For all projects where the Fair Market Rents are revised upward after the date that a processing stage is completed, the revised Fair Market Rents shall apply to all subsequent processing in reviewing contract rents and utilities.

2. For all projects where the Fair Market Rents are revised downward after the completion date of a processing stage, the applicable Fair Market Rent shall be the higher of:

(a) the Fair Market Rent set forth in Schedule A of Part 888 as revised or added by this rule, or

(b) the Fair Market Rent set forth in the schedule published on April 15, 1983 (48 FR 16424) or any interim revision of that schedule.

An explanatory note to Schedule A of Part 888 was published with the last annual revision of the Fair Market Rents (49 FR 4892), and this note remains in effect. This note applies both to the Fair Market Rents revised or added by this rule, as well as to the rents contained in the last annual revision.

HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, provide for categorical exclusions from their requirements for the actions, activities, and programs specified in § 50.20. Since the amendments made by this rule fall within the categorical exclusion set forth in paragraph (l) of § 50.20, no environmental finding is needed for this rule and none has been prepared.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15902), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. While the changes made by this rule will have an effect on developers of Section 8 projects, some of whom may constitute small entities, it is not expected that the economic impact on them will be substantial.

The Catalog of Federal Domestic Assistance Program number and title is 14.156, Lower Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 888

Rent subsidies.

PART 24—[AMENDED]

Accordingly, Schedule A of Part 888 is amended by revising the rent schedules for the 18 market areas indicated below in Regions 2, 4, 5, and 6, so that the rent schedules for those market areas will read as set forth below.

Authority: Sec. 8(c)(1) of the U.S. Housing Act of 1937, 42 U.S.C. 1437f(c)(1); sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: June 15, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

Structure type	Number of bedrooms				
	0	1	2	3	4+
Region 2—New York, New York Area Office					
MARKET: POUGHKEEPSIE					
Detached			645	753	860
Semidetached/row	400	471	561	645	708
Walkup	376	449	559	599	665
Elevator 2–4 story	571	667	768		
Elevator 5+ story	598	693	830		
Manufactured home					

Effective date: Oct. 1, 1983.
Trended date: Oct. 1, 1985.
Prepared on May 2, 1984.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)—Continued

Structure type	Number of bedrooms				
	0	1	2	3	4+
Region 4—Atlanta, Ga., Area Office					
MARKET: ATLANTA					
Detached			531	619	663
Semidetached/row	432	471	520	608	652
Walkup	421	460	545		
Elevator 2-4 story	445	484	603		
Elevator 5+ story	504	542			
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: ALBANY					
Detached			452	526	555
Semidetached/row	303	341	402	476	520
Walkup	292	330	391	464	510
Elevator 2-4 story	317	355	416		
Elevator 5+ story	367	405	466		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: AUGUSTA					
Detached			485	562	585
Semidetached/row	331	370	432	514	549
Walkup	320	359	421	503	538
Elevator 2-4 story	348	386	449		
Elevator 5+ story	403	441	504		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: BRUNSWICK					
Detached			458	563	596
Semidetached/row	323	358	417	508	553
Walkup	312	347	402	497	541
Elevator 2-4 story	338	373	429		
Elevator 5+ story	399	434	481		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: COLUMBUS					
Detached			416	508	548
Semidetached/row	300	334	374	479	515
Walkup	288	322	362	467	503
Elevator 2-4 story	313	348	387		
Elevator 5+ story	365	401	437		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: MACON					
Detached			459	576	611
Semidetached/row	344	376	405	525	569
Walkup	330	365	394	514	558
Elevator 2-4 story	355	391	419		
Elevator 5+ story	413	448	482		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: ROME					
Detached			383	446	480
Semidetached/row	250	288	329	396	440
Walkup	239	277	329	385	429
Elevator 2-4 story	264	302	354		
Elevator 5+ story	314	352	404		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)—Continued

Structure type	Number of bedrooms				
	0	1	2	3	4+
MARKET: SAVANNAH					
Detached			473	549	586
Semidetached/row	332	366	440	499	546
Walkup	320	354	428	487	535
Elevator 2-4 story	347	383	453		
Elevator 5+ story	405	448	503		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: VALDOSTA					
Detached			452	514	547
Semidetached/row	290	330	397	459	511
Walkup	279	319	386	448	492
Elevator 2-4 story	305	344	411		
Elevator 5+ story	362	402	481		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985. Prepared on May 2, 1984.					
Region 5—Cleveland, OH, Service Office					
MARKET: CLEVELAND					
Detached			723	783	845
Semidetached/row	422	481	550	621	667
Walkup	345	415	482	559	606
Elevator 2-4 story	354	420	527		
Elevator 5+ story	417	428	536		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: AKRON					
Detached			700	774	829
Semidetached/row	416	471	546	624	657
Walkup	340	392	477	559	602
Elevator 2-4 story	342	397	530		
Elevator 5+ story	345	405	539		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: FINDLAY					
Detached			602	688	753
Semidetached/row	379	431	487	595	633
Walkup	331	364	429	532	574
Elevator 2-4 story	344	391	481		
Elevator 5+ story	356	411	515		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: LORAIN					
Detached			614	702	766
Semidetached/row	359	416	494	568	631
Walkup	308	340	407	500	540
Elevator 2-4 story	328	345	410		
Elevator 5+ story	345	350	427		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: MANSFIELD					
Detached			583	660	726
Semidetached/row	365	419	476	551	613
Walkup	325	358	395	503	535
Elevator 2-4 story	335	368	441		
Elevator 5+ story	341	392	450		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)—Continued

Structure type	Number of bedrooms				
	0	1	2	3	4+
MARKET: TOLEDO					
Detached			644	728	792
Semidetached/row	408	467	523	599	661
Walkup	355	389	438	533	563
Elevator 2-4 story	361	393	454		
Elevator 5+ story	396	401	463		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985.					
MARKET: YOUNGSTOWN					
Detached			618	698	745
Semidetached/row	407	463	494	569	604
Walkup	340	370	426	510	552
Elevator 2-4 story	355	374	442		
Elevator 5+ story	363	382	451		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985. Prepared on May 2, 1984.					
Region 6—Dallas, TX, Area Office					
MARKET: DALLAS/FORT WORTH					
Detached			551	643	686
Semidetached/row	364	401	507	598	649
Walkup	313	376	482	556	632
Elevator 2-4 story	330	415	523		
Elevator 5+ story	463	525	675		
Manufactured home					
Effective date: Oct. 1, 1983. Trended date: Oct. 1, 1985. Prepared on May 2, 1984.					

[FR Doc. 84-16767 Filed 6-22-84; 8:45 am]
BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Rocky Mountain National Park, Colorado; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule designates locations in Rocky Mountain National Park where snowmobiles may be used for recreational purposes to provide the public the opportunity for snowmobile access to certain areas of the park and the adjacent Arapaho National Forest. These regulations have been designed to provide for increased recreational use and enjoyment of park resources as well as to provide for the preservation of the park in a way that is consistent with the general snowmobile policy of the

National Park Service and the off-road vehicle policy of the Department of the Interior.

EFFECTIVE DATE: July 25, 1984.

FOR FURTHER INFORMATION CONTACT: David J. Essex, Chief Park Ranger, Rocky Mountain National Park, Estes Park, Colorado 80517, Telephone: (303) 586–2371.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (use of Off-Road Vehicles on the Public Lands) issued in 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harrassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural and aesthetic values.

In response to Executive Order 11644, the Secretary of the Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated regulations on April 1, 1974, currently codified at Title 36, Code of Federal Regulations (CFR), § 2.18, that closed all National Park System areas to snowmobile use except those specifically designated as open by **Federal Register** notice or special regulation.

In order to comply with the requirements of Executive Order 11644 and 36 CFR regulations, the National Park Service developed a Servicewide policy revision which was published in the **Federal Register** on August 13, 1979, (44 FR 47412). This policy provides for the use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunity for visitors to see, sense, and enjoy the special qualities of the park in the winter. Snowmobiling must be consistent with a park's natural, cultural, scenic and aesthetic values; safety considerations; park management objectives and protection of wildlife and other park resources.

The policy further provides that, where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations. This regulation is necessary to comply with Servicewide policy.

The Superintendent of Rocky Mountain National Park, in response to Executive Order 11644, prepared an environmental assessment of snowmobile use. Public meetings were held at Grand Lake, Colorado on October 24, 1973, and February 28, 1974, to discuss routes and areas of proposed snowmobile use on lands administered by the National Park Service, including the former Shadow Mountain Recreation Area. On April 12, 1975, a meeting attended by the Grand County commissioners, Grand Lake Chamber of Commerce directors and snowmobile club officers was held to hear proposals to open routes in addition to those proposed in a **Federal Register** notice of February 14, 1975 (40 FR 6797). The final notice was published in the **Federal Register** of January 13, 1976 (41 FR 1933) adopting the proposed routes plus an additional access trail to United States Forest Service land. The route designations were: (a) Green Ridge Snowmobile Trail (now under U.S. Forest Service jurisdiction), (b) Summerland Park Snowmobile Trail, (c) Supply Creek Access Snowmobile Trail, (d) Trail Ridge Road (partial), and (e) Bowen Gulch Access Trail.

This regulation, designating routes is necessary to comply with Servicewide policy and regulations codified at 36 CFR 2.18(c). These routes are as follows: (1) Summerland Park Route, a .5 mile unplowed roadway lying in Sections 32 and 33, T4N, R75W, just north of Grand Lake. The route is a continuation of a public road maintained by the Town of Grand Lake to service its water system, designated as a town snowmobile route. (2) Supply Creek Access Route, consisting of two spur access routes of about 2.2 miles connecting Grand Lake to "Supply Creek Road," for access to U.S. Forest Service trails designated as snowmobile routes. (3) Trail Ridge Road, specifically the 17 mile stretch from the West Unit Visitor Center to Milner Pass, of which the lower 9.7 miles from Timber Lake Trailhead to the visitor center would be plowed and open to dual-use with other motorized vehicles. (4) Bowen Creek Access Trail, a .8 mile unplowed roadway leading from Trail Ridge Road to the Bowen Gulch Trail on Forest Service lands.

With the exception of the Trail Ridge Road route, the designated snowmobile routes are short-distance corridors or spurs leading to primary snowmobile use outside park boundaries. The 9.7 miles of dual-use on the Trail Ridge Road route, as well as a portion of the Supply Creek Access route, represent a significant exception to the National Park Service's snowmobile policy by allowing snowmobilers on roads simultaneously with other motorized vehicles. The final regulations include operating restrictions to ensure snowmobile safety on dual-use roads. Brief stretches of abandoned roadway and open land are used in the Supply Creek Access route to permit snowmobiles to reach routes on adjacent U.S. Forest Service lands. These, too, represent an exception to the Servicewide snowmobile policy.

The Act of October 11, 1978 (Pub. L. 95–450; 92 Stat. 1095), created the Arapaho National Recreation Area, transferring the former Shadow Mountain Recreation Area to the U.S. Forest Service. Certain National Park Service designated snowmobile routes were, therefore, transferred to the U.S. Forest Service to manage. House Report 95–1460, accompanying Pub. L. 95–450, instructed the National Park Service to address the possibility of designating a snowmobile route along the east shore of Shadow Mountain Lake, located in Rocky Mountain National Park, to connect with the Arapaho National Recreation Area.

Subsequently, the Act of December 22, 1980, (Pub. L. 95–560; 94 Stat. 3265), revising the boundaries of Rocky Mountain National Park, authorized the East Shore Trail along Shadow Mountain Lake for snowmobile use, provided that studies show there will be no significant adverse impact on wildlife. Present information, based on incomplete studies, indicates that snowmobile activity along open water feeding areas, could adversely affect the bald eagle's wintering on Shadow Mountain Reservoir. Until more conclusive evidence is available, the East Shore Trail will not be proposed as a designated route.

Public Participation

The Superintendent initiated action to prepare another environmental assessment in the winter of 1979–1980. The purpose of this environmental assessment was to re-analyze permitted snowmobile use in Rocky Mountain National Park (West Unit), along with environmental impacts expected to be associated with alternative courses of action addressed, prior to promulgation of special regulations. This second environmental assessment involved continued public involvement through written responses, telephone contact, and re-contacting representatives from most all agencies and organizations contacted in the past and listed below:

U.S. Bureau of Reclamation
U.S. Forest Service

Colorado Division of Wildlife
Grand County Commissioners
Grand County Sheriff's Department
Town of Grand Lake (Mayor, Marshal, Town Council)
Grand Lake Metropolitan Recreation District
Grand Lake Chamber of Commerce
Trailblazers Snowmobile Club

In reviewing the old assessment, addressing new proposals, and identifying other environmental concerns, additional contacts were made with representatives from U.S. Fish and Wildlife Service, National Wildlife Federation (Boulder) and Sierra Club (Denver).

Separate contact was made with private inholders and "use and occupancy" residents on the question of plowing the lower portion of Trail Ridge Road which has been open to dual use of snowmobiles and wheeled vehicles since 1973.

The Environmental Assessment was completed and approved by the Acting Regional Director on April 4, 1980. Two public meetings were held on May 20 and 21, 1980, at Denver and Granby, Colorado, respectively. Written comments were received on the assessment until June 30, 1980.

A "Record of Decision" on the alternatives was prepared on September 16, 1980, along with a "Finding of No Significant Impact", for the purposes of the National Environmental Policy Act (42 U.S.C. 4332). Both documents are available from the Superintendent, Rocky Mountain National Park.

This final rule, with the exception of a few minor editorial changes, remains unchanged from the proposed rule published June 16, 1983, in the **Federal Register** (48 FR 27553). The public comment period was open for 30 days, closing on July 18, 1983. Public comment was received in the form of one written letter from an organization expressing approval of the proposed rule.

Drafting Information

The following persons participated in the writing of these regulations: David J. Essex, Chief Park Ranger; Darrell C. Grossman, Supervisory Park Ranger, both of Rocky Mountain National Park.

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. 3501 *et seq.*

Compliance With Other Laws

As required by the National Environmental Policy Act (42 U.S.C. 4332 *et seq.*), the Service has prepared an environmental assessment and a finding of no significant impact on this final regulation which are available at the address noted above.

The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexiblity Act (5 U.S.C. 601 *et seq.*), nor does this rulemaking require the preparation of a regulatory analysis. This conclusion is based on the finding that snowmobile use of the park now ranges from 2,500–3,000 snowmobilers annually. While most snowmobiling occurs on adjacent lands outside the park, the proposed rule will contribute to the local tourism economy of Grand Lake, Colorado, by ensuring the continued availability of snowmobiling opportunities in Rocky Mountain National Park.

List of Subjects in 36 CFR Part 7

National parks.

Authority

The Service's authority for promulgating this regulation is 16 U.S.C. 1 and 3.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, 36 CFR Chapter 1 is amended as follows:

1. In § 7.7 add a new paragraph (i) as follows:

§ 7.7 Rocky Mountain National Park.

* * * * *

(i) *Snowmobiles.* (1) Designated routes open to snowmobile use: The Summerland Park Snowmobile Trail, the Supply Creek Access Snowmobile Trail, the plowed portion of the Trail Ridge Road between the West Unit Visitor Center and the Timber Lake Trailhead, the unplowed portion and the Trail Ridge Road between the Timber Lake Trailhead and Milner Pass, and the Bowen Gulch Access Trail. These routes will be marked by signs, snow poles or other appropriate means.

(2) Detailed descriptions of designated routes and appropriate maps are available at Park Headquarters, the West Unit Office and the Grand Lake Entrance Station.

(3) The maximum speed limit is 35 m.p.h. unless changed by the posting of appropriate signs. On routes open to dual use of both motor vehicles and snowmobiles, the maximum snowmobile speed limit is 25 m.p.h. All posted speed limits are subject to further limitation as required under § 4.14 of this chapter. No person shall operate a snowmobile at a speed in excess of the maximum limits so posted.

(4) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed to all other motor vehicle use by the public except on the dual use routes described in paragraph (i)(5).

(5) Routes open to dual use of both motor vehicles and snowmobiles: that portion of the Supply Creek Access Snowmobile Trail which extends along the plowed Trail Ridge Road from the Grand Lake Lodge Road junction to the Sun Valley Road junction, then along the plowed Sun Valley Road to the park boundary where it intersects with a plowed Grand County road; that portion of the plowed Trail Ridge Road between the West Unit Visitor Center and the Timber Lake Trailhead. On such dual use routes, the operation of snowmobiles is permitted only along the far right portion of the plowed roadway and in single-file manner. Dual use routes will be marked with appropriate signs and snow poles. The maximum snowmobile speed limit on such dual use routes is 25 m.p.h.

(6) The Superintendent shall determine the opening and closing dates for use of designated snowmobile routes each year, taking into consideration the location of wintering wildlife, road plowing schedules and other factors that may relate to public safety. The Superintendent shall notify the public of such dates through normal news media channels. Temporary closure of dual-use routes for public safety reasons will be initiated through the posting of appropriate signs and/or barriers when road plowing operations are taking place. Routes will be open to snowmobile travel when they are considered to be safe for travel but not necessarily free of safety hazards. Snowmobilers may travel these routes with the permission of the Superintendent, but at their own risk.

Dated: May 25, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-16824 Filed 6-22-84; 8:45 am]
BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[OSWER-FRL-2614-2]

Maryland; Phase II, Components B and C, Interim Authorization of the State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act of 1976 (RCRA) provisions, the State of Maryland has applied for Interim Authorization Phase II, Components B and C. The Environmental Protection Agency (EPA) has reviewed Maryland's application for Phase II, Components B and C, Interim Authorization, and has determined that Maryland's hazardous waste program is substantially equivalent to the Federal program.

The State of Maryland is hereby granted Interim Authorization for Phase II, Components B and C to operate the State's hazardous waste program in lieu of the Federal program for facilities which incinerate hazardous wastes or dispose of hazardous wastes on land.

DATES: These regulations shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on July 9, 1984. These regulations shall become effective on July 9, 1984.

FOR FURTHER INFORMATION CONTACT: Anthony J. Donatoni, Chief, State Programs Section, Waste Management Branch, U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, PA 19106 (215) 597-7937.

SUPPLEMENTARY INFORMATION:

Background

In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which became effective November 19, 1980 were provisions for a transitional stage in which States would be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program has taken effect. Phase I of the Federal program, published in the May 19, 1980 **Federal Register** (45 FR 33063), includes regulations pertaining to the identification and listing of hazardous wastes; standards applicable to generators and transporters of hazardous waste, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities. The State of Maryland received Interim Authorization for Phase I on July 8, 1981.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions of the second phase of Interim Authorization. Phase II of the Federal program includes permitting procedures and standards for hazardous waste management facilities. EPA made the second phase of Interim Authorization available in components in order to authorize State programs as expeditiously as possible and because some of the standards for hazardous waste treatment, storage, and disposal facilities (40 CFR Part 264) have been promulgated at different times. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments, and waste piles. The State of Maryland received Interim Authorization of Phase II, Component A, on November 23, 1983.

Component B, published in the **Federal Register** January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators. Component C, published in the **Federal Register** July 26, 1982 (47 FR 32274), contains standards for permitting surface impoundments, waste piles, land treatment facilities and landfills. These Component C standards for permitting surface impoundments and waste piles superseded the Component A standards for permitting storage and treatment in surface impoundments and waste piles published on January 12, 1981. The State of Maryland applied for Phase II, Components B and C, Interim Authorization to enable the State to permit the incineration and land disposal of hazardous wastes in lieu of the Federal program.

On February 10, 1984, EPA published a notice in the **Federal Register** inviting the public to comment on Maryland's application for Interim Authorization, Phase II, Components B and C, at a public hearing on March 12, 1984. This notice also invited the public to submit written comments on Maryland's application to Region III by March 19, 1984. Notice was also published in seven major daily newspapers in Maryland and mailed to persons on both the State and EPA mailing lists.

Discussion

The State of Maryland submitted its complete application for Phase II, Components B and C, Interim Authorization on January 30, 1984. EPA reviewed the State's application and prepared comments. The issues which EPA identified for the State to address included: (1) Discussions in the Program Description to clarify a difference between EPA's and the State's correction factor for measuring particulate emissions from incinerators, and the applicability of groundwater monitoring requirements to *all* disposal facilities; (2) commitments in the Memorandum of Agreement so the State requests certain permit information from permit applicants, so State reporting to EPA is consistent with RCRA grant guidance, and to insert two, more current procedural provisions; (3) a certification from the Attorney General regarding the State's adoption of federal regulations by reference, and (4) a commitment in the Authorization Plan to correct numerous regulatory inaccuracies.

In a letter dated April 25, 1984 and through subsequent responses, the State of Maryland submitted amendments to its application for Phase II, Components B and C, Interim Authorization and satisfactorily responded to the issues raised by EPA. In those responses, the State provided amendments to the Program Description which described that the State's correction factor that is applied when measuring particulate emissions from hazardous waste incinerators is at least as stringent as EPA's especially when considering the State's emission standard itself is more stringent than EPA's. Thirdly, Maryland explains it is utilizing State permit provisions to impose groundwater monitoring programs at facilities where regulatory applicability is unclear.

The Memorandum of Agreement has been modified as requested by EPA and certain permit application information will be required by the State in order to properly process permit applications. Additionally, procedural provisions were added as EPA requested, including State reporting requirements that are consistent with RCRA grant guidance.

An amendment to the Attorney General's Statement certifies that unless specifically noted, when federal regulations are referenced in Maryland's regulations, the State is only adopting the text of the federal regulations in existence on the date Maryland proposes its regulations.

Lastly, the Authorization Plan was amended describing a procedure by

which EPA regulatory comments would be addressed by the State for Final Authorization. A specific schedule for a State regulation proposal and adoption procedure to make the necessary regulatory amendments is presented. Minor regulatory errors will be corrected through an errata.

The State of Maryland has provided the necessary amendments to its application and has adequately addressed EPA's comments. The State's program is substantially equivalent to the Federal program.

Responsiveness Summary

Region III held a public hearing on Maryland's application for Phase II, Components B and C, Interim Authorization on March 12, 1984, in Baltimore, MD. Six (6) members of the public attended, in addition to Region III and State agency representatives. No testimony was provided at the public hearing on the State's application and no written comments were received by the Agency. The public comment period closed March 19, 1984.

Decision

I have determined that the State of Maryland's program is substantially equivalent to the Federal program for Phase II, Components B and C, Interim Authorization, as defined in 40 CFR Part 271, Subpart B. In accordance with Section 3006(c) of RCRA, the State of Maryland is hereby granted Interim Authorization to operate its hazardous waste program in lieu of Phase II, Components B and C of the Federal hazardous waste program.

Compliance with Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

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

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental regulations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: May 31, 1984.

Thomas P. Eichler,

Regional Administrator.

[FR Doc. 84-16818 Filed 6-22-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 712

[OPTS-82004Q; FRL TSH-2595-4]

Amendment Adding Chemicals Recommended by the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule adds 17 chemical substances to the list of chemicals subject to the Preliminary Assessment Information Rule—Manufacturer Reporting (PAI Rule) (40 CFR Part 712), under the authority of section 8(a) of the Toxic Substances Control Act (TSCA). These chemicals were recommended for testing consideration in the Eleventh Report of the Interagency Testing Committee (ITC), as published in the **Federal Register** of December 2, 1982 (47 FR 54624). Manufacturing firms which produce these subject chemicals are required to submit production, use, and exposure data to EPA, in a manner specified in the PAI Rule. The Agency will use the reported data to evaluate risks associated with the chemicals. EPA also will use the information to determine whether the chemicals should be subject to testing under section 4 of TSCA, or to verify test/no test decisions which already have been made.

DATES: This regulation shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on July 9, 1984. This regulation becomes effective on August 8, 1984.

FOR FURTHER INFORMATION CONTACT: For further information on this rule or to obtain copies of the Manufacturer's Report Form, contact: Edward A. Klein, Director, TSCA Assistance 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.: (554-1404), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number: 2000-0420.

I. Background

Under the authority of TSCA section 4(e), the ITC issues reports which recommend certain chemicals for priority testing consideration by EPA. The ITC recommendations may take one of two forms:

1. The ITC may designate a chemical for consideration and response by EPA within 12 months of the date of recommendation. This type of recommendation requires EPA to initiate work on a section 4 test rule (or equivalent action) before the 12-month deadline, or issue a notice for publication in the **Federal Register** explaining why such action is not being taken. For convenience, this rule will refer to chemicals subject to this type of recommendation as designated chemicals.

2. The ITC may recommend a chemical for testing consideration, but not designate a deadline for Agency response. For convenience, this rule will refer to chemicals subject to this type of recommendation as non-designated chemicals.

EPA must evaluate all chemicals that the ITC recommends for testing consideration, regardless of whether they are designated or non-designated.

The PAI Rule (40 CFR Part 712), issued under the authority of TSCA section 8(a), requires manufacturers of certain chemicals to report general production, use, and exposure information using the Preliminary Assessment Information Manufacturer's Report Form (EPA Form 7710-35). The EPA Administrator has the authority to amend the list of chemicals subject to the rule when necessary to collect information on additional chemicals. The Administrator has delegated this authority to the Assistant Administrator for Pesticides and Toxic Substances (for amendments involving ITC-recommended chemicals only). The Assistant Administrator has redelegated this authority to the Director of the Office of Toxic Substances.

II. Content of the Rule

This rule amends the list of chemicals subject to the PAI Rule by adding the 17 chemicals recommended in the ITC's Eleventh Report to the list of subject chemicals. Eleven of these chemicals are designated and six are non-designated. Manufacturers (including importers) of all 17 of the chemical substances listed in this rule are subject to the reporting requirements of the PAI Rule. This addition to the PAI Rule was proposed for public comment in the **Federal Register** of May 19, 1983 (48 FR 22697).

The 11 designated chemical substances recommended in the ITC's Eleventh Report are listed by CAS number below:

77–58–7 Stannane, dibutylbis [(1-oxododecyl)oxy]-
140–66–9 Phenol, 4-(1,1,3,3-tetramethylbutyl)-
646–06–0 1,3-Dioxolane
1185–81–5 Stannane, dibutylbis(dodecylthio)-
3319–31–1 1,2,4-Benzenetricarboxylic acid, tris(2-ethylhexyl) ester
6422–86–2 1,4-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
25168–21–2 2-Butenoic acid, 4,4'-[(dibutylstannylene)=bis(oxy)]bis[(4-oxo-, diisooctyl ester, (Z,Z)-
25168–24–5 Acetic acid, 2,2',-[(dibutylstannylene)bis(thio)]bis-, diisooctyl ester
25852–70–4 Acetic acid, 2,2'-[(butylstannylidyne)-tris(thio)]tris-, triisooctyl ester
26636–01–1 Acetic acid, 2,2'-[(dimethylstannylene)bis(thio)]bis-, diisooctyl ester
54849–38–6 Acetic acid, 2,2',2''-[(methylstannylidyne)-tris(thio)]tris-, triisooctyl ester

Three of the non-designated chemical substances listed in the ITC's Eleventh Report are known as carbofuran intermediates. This rule refers to these chemicals by their CAS preferred names:

13414–54–5 Benzene, 1-[(2-methyl-2-propenyl)oxy]-2-nitro-
13414–55–6 Benzofuran, 2,3-dihydro-2,2-dimethyl-7-nitro-
68298–46–4 7-Benzofuranamine, 2,3-dihydro-2,2-dimethyl-

This rule also requires reporting on three additional nondesignated chemicals which were recommended for testing consideration in the Eleventh Report. These chemicals are known as trimethylbenzenes, and are listed by CAS number below:

108–67–8 Benzene, 1,3,5-trimethyl-
526–73–8 Benzene, 1,2,3-trimethyl-
25551–13–7 Benzene, trimethyl-

(Another member of the group, 1,2,4-Trimethylbenzene (CAS No. 95–63–6), was recommended in the Tenth Report and designated for consideration and response within 12 months. This chemical is not dealt with in this rule because it was included on the list of chemicals subject to the original PAI Rule.)

EPA will use the data obtained with this rule to evaluate risks associated with the subject chemicals, and to determine whether certain of these chemicals should be included in future test rules promulgated under the authority of TSCA section 4. In those cases where EPA already has decided not to require testing, the Agency will use the information reported under this rule to verify the data on which the earlier testing decisions were made.

III. Who Must Report

All persons who manufacture or import chemicals listed in this rule are subject to the requirements of the PAI Rule with regard to those chemicals, unless they are specifically exempted from those requirements. The types of persons subject to the PAI Rule are specified at 40 CFR 712.20 and 712.25. Potential respondents to this rule should refer to the **Federal Register** of June 22, 1982 (47 FR 26992) for a complete description of the type of person who must report data on the chemicals listed in this rule.

Generally, manufacturers (including importers) must submit a Preliminary Assessment Information Manufacturer's Report Form for each chemical listed in this rule that they produce (or import). If a manufacturing firm produces a subject chemical at more than one plant site, the firm would submit a separate form for each site.

EPA received two public comments on the proposed version of this rule; both comments dealt with the question of who must report. The two commenters are chemical manufacturers, and their comments were limited to specific chemicals that they produce.

One commenter objected to the inclusion of carbofuran intermediates in the rule. The firm based its objection on the fact that it has already submitted Preliminary Assessment Information Manufacturer's Report Forms, on a voluntary basis, for those compounds.

EPA has verified this fact, and agrees that the commenter does not have to report for this rule. This response conforms with conditions described in the PAI Rule (40 CFR 712.30(a)(3)(i)), and summarized as follows: If, prior to the effective date of this rule, a company has complied fully and voluntarily with the reporting requirements of the rule (i.e., the company has correctly completed a Report Form for a chemical subject to the rule), that company need not submit any additional data to the Agency. Note that compliance is dependent upon the company's full completion of an official Report Form. Note also that the company is required to provide the Agency with written notification, during the reporting period, of the earlier submission. The notification letter should certify under oath that the data on the Report Form are current (no more than three years old), accurate, and complete. The letter should state that there have been no major changes in the production volume of the subject chemical or in the chemical production process for the chemical.

If a firm has not provided information previously to EPA with regard to its production of a subject chemical at a particular plant site, or has provided data in a manner other than on a Manufacturer's Report Form, the firm must comply with this rule for that chemical and site. The Agency is maintaining this requirement to ensure that its exposure-related data on the 17 subject chemicals will be reported in a uniform manner, to facilitate EPA's processing and analysis of the data. Moreover, the information submitted in response to this rule will be used to support the Agency's overall risk assessment program for these chemicals. EPA therefore wishes to ensure that it will receive complete data on a plant site and industry-wide basis; the Agency then can be sure that it has a comprehensive measure of the potential exposure risk posed by each of the 17 subject chemicals.

EPA continues to encourage voluntary reporting, with or without the use of a Report Form. However, the Form must be used in order for a voluntary submission to satisfy any subsequent section 8(a) reporting requirements.

With regard to the first commenter's broader request that carbofuran intermediates be removed from the list of chemicals subject to this rule, the Agency responds that these compounds are ITC-recommended chemicals which may be produced by other firms for commercial use. EPA wishes to have comprehensive information, covering the entire chemical industry, on each ITC chemical, in order to be able to perform a complete assessment of its potential risk. Thus, the Agency is seeking data on the production activities of any other firms which manufacture or import carbofuran intermediates.

The second commenter on the proposed rule is a manufacturer of trimethylbenzenes as components of gasoline. The company does not separate these compounds from the petroleum product for commercial sale or use. With regard to its production activities and reporting obligations under this amendment of the PAI Rule, the firm interpreted that rule as follows: Reporting is not required on chemicals which are not marketed for commercial sale as section 8(a) subject chemicals, but simply are part of a larger product stream. EPA agrees with this interpretation of the PAI Rule; for the purposes of this amendment to the PAI

rule, the company is a non-reporting manufacturer of trimethylbenzenes. See the **Federal Register** of June 22, 1982 (47 FR 26993, 26999).

IV. Exemptions From Reporting

Under the terms of the PAI Rule, a manufacturer of any chemical listed in this amendment is exempt from reporting on the production of that chemical at an individual plant site if the site produced less than 500 kilograms of the listed substance during the reporting period.

A manufacturing firm also is exempt from reporting under this rule if it qualifies as a small manufacturer, as defined by EPA in the PAI Rule at 40 CFR 712.25. The small manufacturer definition is as follows: A manufacturer of a chemical listed in this rule will be exempt from reporting on that chemical if the total annual sales revenue of all plant sites that it owns or controls (or which are owned or controlled by its foreign or domestic parent company, if any) is less than $30 million. However, if a manufacturer with total annual sales of less than $30 million produces (annually) over 45,400 kilograms (100,000 pounds) of a listed chemical at a particular plant site, then that manufacturer will not qualify as small with regard to that chemical at that site. Manufacturers must use records from their latest complete corporate fiscal year as of the effective date of this rule when determining their exemption status under this definition.

V. Reporting Deadline

This rule requires manufacturers of the 17 subject chemicals to submit reports within 60 days of the effective date of the rule (i.e., within 104 days of the date publication of the rule in the **Federal Register**. EPA believes this to be a reasonable amount of time for compliance with the rule. The Agency estimates that no plant site will be required to submit more than five reports, with most firms submitting one or two reports per site.

VI. Release of Aggregate Data

The Agency will follow procedures for the release of aggregate statistics as prescribed in a Rule Related Notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Included in the Notice are procedures for requesting exemptions from the release of aggregate data. Exemption requests concerning the release of aggregate data on any chemical substance must be received by EPA no later than 60 days after the effective date of this rule.

VII. Economic Impact

The estimated costs of manufacturer compliance with this rule are based on estimates used in the final PAI Rule. However, in order to account for price inflation that has occurred since the development of the original rule, EPA has increased its cost estimates for this rule by 23.3 percent over those contained in the PAI Rule.

The cost estimates in this analysis are current as of the fourth quarter of 1982. Although EPA does not expect the reporting requirements of this rule to be in effect until mid-1984, the Agency is utilizing the 1982 economic data because of a moderation in the rate of inflation during the past year and a half. The Agency does not expect the actual compliance costs of this rule to be significantly different from the 1982 values for per-chemical reporting costs.

EPA has identified the following categories of compliance costs per company for this rule:

1. A fixed cost of $590 for a site to become familiar with the regulation and identify the chemicals on which to report.

2. A variable cost of $520 per report for a site to determine whether information should be claimed as confidential and to complete the form and certification requirements.

EPA estimates that 26 plant sites operated by 22 companies will submit 43 reports under this rule. This figure excludes plant sites which are exempted by the small business cutoff. Total reporting costs for the 17 chemicals listed in this amendment are estimated to be $37,700. (For a discussion of reporting costs, see Economic Impact and Small Business Definition Analysis for the final TSCA Section 8(a) Preliminary Assessment Information Rule, prepared by ICF, Inc., 1981. This document is contained in the public record for the PAI Rule.)

VIII. Public Record

The public record for this rulemaking is a continuation of the record for the PAI Rule published in the **Federal Register** of June 22, 1982 (47 FR 26992). All documents, including the index to this public record, are available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m. on working days (Rm. E-107, 401 M Street, SW., Washington, D.C., 20460). This record includes the following types of basic information considered by the Agency in developing this rule:

1. The Proposed Rule (48 FR 22697, May 19, 1983).

2. Written comments received in response to the Proposed Rule.

3. All relevant support documents and studies.

4. Records of all communications between EPA personnel and persons outside the Agency pertaining to the development of this rule. (This does not include inter- or intra-agency memoranda unless specifically noted in the index of the rulemaking record.)

5. Minutes, summaries, or transcripts of any public meetings held to develop this rule.

6. Any factual information considered by the Agency in developing the rule.

EPA requests that, between the date of this notice and the effective date of this rule, persons identify any perceived errors or omissions in the record.

IX. Regulatory Assessment Requirements

A. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., authorizes the Director of the Office of Management and Budget to review certain information collection requests by Federal agencies. OMB approved the reporting provisions contained in this request and issued OMB control number 2000-0420 for this rule.

The rule requires manufacturers of the 17 chemicals to complete the Preliminary Assessment Information Manufacturer's Report Form. The information to be submitted will be used by EPA to evaluate risks associated with the chemicals, as well as to determine whether the chemicals should be subject to TSCA section 4 testing.

B. Regulatory Flexibility Act

This amendment is consistent with the objectives of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because it will not have a significant economic impact on a substantial number of small entities. EPA's determination of the probable economic impact of this rule takes into account the fact that the rule contains a reporting exemption for small chemical manufacturers.

C. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this regulation is not major because it does not have an effect of $100 million or more on the economy. It is expected to have a one time cost of about $37,700. It will not have a significant effect on competition, costs, or prices.

The reporting provisions in this regulation have been submitted to the

Office of Management and Budget as required by Executive Order 12291.

XII. Judicial Review

Judicial review of this final rule may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which the person seeking review resides or has its principal place of business. To provide all interested persons an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA has decided to promulgate this rule for purposes of judicial review two weeks after publication in the **Federal Register**, as reflected in "DATES" in this notice. The effective date has, in turn, been calculated from the promulgation date.

List of Subjects in 40 CFR Part 712

Chemicals, Environmental protection, Reporting and recordkeeping requirements.

(Sec. 8(a), Pub. L. 94-469, 90 Stat. 2027, (15 U.S.C. 2607(a)))

Dated: May 8, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

PART 712—[AMENDED]

Therefore, Part 712 of Chapter 1 of 40 CFR is amended by adding paragraph (g) to § 712.30 to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(g) A Preliminary Assessment Information Manufacturer's Report must be submitted by October 8, 1984, for each chemical substance listed below.

CAS No. and Chemical Name

77-58-7 Stannane, dibutylbis[(1-oxododecyl)oxy]-
108-67-8 Benzene, 1,3,5-trimethyl-
140-66-9 Phenol, 4-(1,1,3,3-tetramethylbutyl)-
526-73-8 Benzene, 1,2,3-trimethyl-
646-06-0 1,3-Dioxolane
1185-81-5 Stannane, dibutylbis(dodecylthio)-
3319-31-1 1,2,4-Benzenetricarboxylic acid, tris (2-ethylhexyl) ester
6422-86-2 1,4-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
13414-54-5 Benzene, 1-[(2-methyl-2-propenyl)oxy]-2-nitro-
13414-55-6 Benzofuran, 2,3-dihydro-2,2-dimethyl-7-nitro-
25168-21-2 2-Butenoic acid, 4,4'-[(dibutylstannylene)=bis(oxy)] bis [(4-oxo-, diisooctyl ester, (Z,Z)-
25168-24-5 Acetic acid, 2,2'-[(dibutylstannylene)bis(thio)]bis-,diisooctyl ester
25551-13-7 Benzene, trimethyl-
25852-70-4 Acetic acid, 2,2',2"-[(butylstannylidyne)=tris(thio)]tris-, triisooctyl ester
26636-01-1 Acetic acid, 2,2'-[(dimethylstannylene)bis(thio)]bis-,diisooctyl ester
54849-38-6 Acetic acid, 2,2',2"-[(methylstannylidyne)=tris(thio)]tris-, triisooctyl ester
68298-46-4 7-Benzofuranamine, 2,3-dihydro-2,2-dimethyl-

(Approved by the Office of Management and Budget under Control Number 2000-0420)

* * * * *

[FR Doc. 84-16939 Filed 6-22-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 712

[OPTS-82004R; TSH FRL 2595-5]

Amendment Adding Mesityl Oxide to List of Chemicals Subject to Preliminary Assessment Information Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule adds mesityl oxide to the list of chemicals subject to the Preliminary Assessment Information Rule—Manufacturer Reporting (40 CFR Part 712), under the authority of section 8(a) of the Toxic Substances Control Act (TSCA). The Interagency Testing Committee (ITC) has recommended this chemical as a candidate for testing under TSCA section 4. EPA did not include the chemical in the initial Preliminary assessment Information Rule (PAI Rule), but is adding it to the list of subject chemicals at this time. Manufacturing firms which produce mesityl oxide are required to provide EPA with production, use, and exposure data on the chemical, in a manner specified in the AI Rule. The Agency will use the reported data to evaluate potential risks associated with mesityl oxide, and to further support its final test rule decision concerning that chemical.

DATES: This regulation shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on July 9, 1984. This regulation becomes effective on August 8, 1984.

FOR FURTHER INFORMATION CONTACT: For further information on this rule or to obtain copies of the Manufacturer's Report Form, contact: Edward A. Klein, Director, TSCA Assistance 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.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number: 2000-0420.

I. Legal Authority

The PAI Rule, issued under the authority of section 8(a) of TSCA, established standardized reporting requirements for all manufacturers of chemicals listed in the rule. It required manufacturers of approximately 250 chemicals to report general production, use, and exposure information using the Preliminary Assessment Information Manufacturer's Report Form (EPA Form 7710-35). EPA has the authority to add chemical substances to the list of chemicals subject to the rule in order to gather exposure-related data for use in assessing the potential risks posed by those chemicals.

II. Reporting Requirements

This rule amends the PAI rule by adding mesityl oxide (CAS No. 141-79-7) to the list of chemicals subject to that model rule. This amendment of the PAI Rule was proposed for public comment in the **Federal Register** of January 12, 1984 (49 FR 1536). The Agency did not receive any comments.

The effect of this rule is to require manufacturers (including importers) of mesityl oxide to provide EPA with Preliminary Assessment Information Reports on that chemical, unless they are specifically exempted from doing so. A manufacturing firm must submit a separate Manufacturer's Report Form for each plant site at which mesityl oxide is produced (or imported). Manufacturers of mesityl oxide are required to submit their completed Report Forms within 60 days of the effective date of this final rule (i.e., within 104 days of the date of publication of the rule in the **Federal Register**). Any firm submitting data under this rule can, at its discretion, specify that EPA is to treat the data as Confidential Business Information (CBI).

Additional details of the reporting requirements, including the types of persons subject to the reporting requirements and exemptions of the PAI Rule, are described in that rule at 40 CFR Part 712. "Small" manufacturers of mesityl oxide, as defined in 40 CFR 712.25, are exempt from the requirements of the PAI Rule. A more detailed description of the reporting requirements is set forth in the preamble to the PAI Rule, which was published in the **Federal Register** of June 22, 1982 (47 FR 26992).

EPA wishes to clarify a possible point of confusion concerning the identification of manufacturers subject to this rule. Manufacturers of mesityl oxide are subject to the PAI rule if they produce that chemical for commercial purposes (as defined at 40 CFR 712.3(h)), and if their production of the chemical qualifies as a TSCA-regulable activity (involving a chemical substance as defined in TSCA section 3(2)). If the mesityl oxide is used as an intermediate in the manufacture of a pesticide, or if the chemical is an inert component of the pesticide, the production of the mesityl oxide is a TSCA-regulable act. In such a case, the mesityl oxide itself is not a pesticide as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136), but rather is a non-active ingredient in the production of the pesticide. As such, the mesityl oxide is a chemical substance produced for commercial purposes and is subject to TSCA regulations, including this section 8(a) rule.

III. Agency Rationale and Objectives

The ITC included mesityl oxide in its Fourth Report of chemical substances recommended for test rule consideration under TSCA section 4(a), which was published in the **Federal Register** of June 1, 1979 (44 FR 31866). In response to that recommendation, EPA has issued a rule proposing the establishment of testing requirements for mesityl oxide. That proposed rule was published in the **Federl Register** of July 5, 1983 (48 FR 30699).

EPA did not include mesityl oxide in the initial list of chemicals subject to the section 8(a) PAI Rule. However, the Agency now is adding mesityl oxide to that list of subject chemicals in order to obtain production, use, and exposure data on the chemical. Although EPA already has made a tentative decision to require testing on mesityl oxide, the Agency is seeking exposure-related information on the chemical at this time to support its final testing decision. In addition, EPA will use the reported data to determine, in a definitive manner, the identity of all current manufacturers and importers of mesityl oxide, and the current volume of production or importation. This information will enable the Agency to better analyze the potential risks posed by that chemical, as part of EPA's ongoing risk assessment program.

IV. Release of Aggregate Data

The Agency will follow procedures for the release of aggregate statistics as prescribed in a Rule Related Notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Included in the Notice are procedures for requesting exemptions from the release of aggregate data. Exemption requests concerning the release of aggregate data on any chemical substance must be received by EPA no later than 60 days after the effective date of the final rule.

V. Economic Impact

EPA's cost estimates for manufacturer compliance with the requirements of this rule are based on estimates used in the PAI Rule. These cost estimates were updated to reflect inflationary trends through the latter part of 1982. Although EPA does not expect the reporting requirements of this rule to be in effect until mid-1984, the Agency is utilizing the 1982 economic data in estimating the cost of manufacturer reporting on mesityl oxide. With the recent moderation in the inflation rate, EPA does not expect the compliance costs of this rule to be significantly different from the 1982 values for per-chemical reporting costs.

EPA has identified the following categories of compliance costs for this rule:

1. A fixed cost of approximately $590 for a manufacturing plant site to become familiar with the regulation and to determine whether it is required to report on its production of mesityl oxide.

2. A variable cost of approximately $520 per report for the plant site to complete the Manufacturer's Report Form, meet all certification requirements, and determine whether reported information should be claimed confidential.

Based on non-confidential data at EPA's disposal, the Agency estimates that four plant sites operated by four companies will submit reports under this rule. Each of these sites will submit a single report on mesityl oxide. This estimate excludes manufacturers of mesityl oxide that need not report because they qualify for the small manufacturer exemption. The total reporting cost of the mesityl oxide amendment is estimated by EPA to be $4,440.

For a more detailed discussion of reporting costs, see the Economic Impact and Small Business Definition Analysis For the Final TSCA Section 8(a) Preliminary Assessment Information Rule, prepared in 1981 by ICF, Inc. This document is contained in the public record for the PAI Rule (OPTS–82004).

VI. Rulemaking Record

The public record for this rule is a continuation of the record for the PAI Rule and is identified with document control number OPTS–82004R. All documents, including the index to this public record, are available for inspection in the OTS Reading Room from 8:00 a.m. to 4:00 p.m. on work days (Rm. E–107, 401 M St., SW., Washington, D.C. 20460). This record includes the following types of information considered by the Agency in developing this rule:

1. The Proposed Rule (49 FR 1536, January 12, 1984).

2. All relevant support documents and studies.

3. Records of all communications between EPA personnel and persons outside the Agency pertaining to the development of this rule. (This does not include inter- or intra-agency memoranda unless specifically noted in the index of the rulemaking record.)

4. Minutes, summaries, or transcripts of any public meetings held to develop this rule.

5. Any factual information considered by the Agency in developing the rule.

EPA requests that, between the date of this notice and the effective date of this rule, persons identify any perceived errors or omissions in the record.

VII. Regulatory Assessment Requirements—Paperwork Reduction Act, Regulatory Flexibility Act, Executive Order 12291

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, authorizes the Director of the Office of Management and Budget (OMB) to review certain information collection requests by Federal agencies. The final section 8(a) PAI Rule has been reviewed and approved by OMB. The OMB control number for that rule is 2000–0420.

EPA also has determined that, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the addition of mesityl oxide to the list of chemicals subject to the PAI Rule will not have a significant economic impact on a substantial number of small entities. EPA expects only four companies to report under this rule, well within Regulatory Flexibility Act guidelines. In addition, "small" manufacturers (as defined in 40 CFR 712.25) will be exempt from reporting on mesityl oxide.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and should be subject to a Regulatory Impact Analysis. EPA has determined that this regulation is not major because it is not expected to have a compliance cost of $100 million or more. Rather, as noted above, this rule is expected to have a one-time cost of approximately $4,440. The rule therefore

will not have a significant effect on competition, costs, or prices.

The reporting provisions in this regulation have been submitted to OMB as required by Executive Order 12291.

Judicial Review

Judicial review of this final rule may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which the person seeking review resides or has its principal place of business. To provide all interested persons an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA has decided to promulgate this rule for purposes of judicial review two weeks after publication in the **Federal Register**, as reflected in "DATES" in this notice. The effective date has, in turn, been calculated from the promulgation date.

List of Subjects in 40 CFR Part 712

Chemicals, Environmental protection, Recordkeeping and reporting requirements.

(Sec. 8(a), Pub. L. 94–469, 90 Stat. 2003 [15 U.S.C. 2607(a)])

Dated: May 8, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

PART 712—[AMENDED]

Therefore, 40 CFR 712.30 is amended by adding paragraph (i) to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(i) Manufacturers of the chemical substance listed below must submit a Preliminary Assessment Information Manufacturer's Report on that chemical substance by October 8, 1984:

Mesityl Oxide, CAS No. 141–79–7

(Approved by the Office of Management and Budget under Control Number 2000–0420.)

* * * * *

[FR Doc. 84–16940 Filed 6–22–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Arizona, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brain R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood–prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Federal Insurance Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 1229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67.

Flood Insurance, Flood Plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
Arizona	Cochise County (unincorporated areas) (FEMA–6592)	Babocomari River	150 feet downstream of State Highway 90	*4,266
		Greenbrush Draw	75 feet upstream of Bisbee Naco Highway	*4,567
		Line 1	80 feet upstream of confluence with Greenbush Draw	*4,555
		Line 2	40 feet upstream of 4th Street	*4,591
		Line 3	10 feet upstream of Southern Pacific Railroad	*4,578
		Palm Groove Wash	120 feet upstream of Southern Pacific Railroad	*3,960
		Whitewater Draw	100 feet upstream of U.S. Highway 80	*3,919
		Stream 1	10 feet upstream of U.S. Highway 666	*3,942
		San Pedro River	Intersection of San Pedro River and center of Interstate 10.	*3,510
		Stream E	50 feet upstream of El Camino Rancho	*4,548
		Stream E Tributary	50 feet upstream of El Camino Rancho	*4,570
		Stream J	20 feet upstream of State Highway 92	*4,598
		Stream J Tributary	350 feet upstream of confluence with Stream J	*4,692

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
Maps available for inspection at County Engineering Department, Cochise County Courthouse, Bisbee, Arizona.				
Arizona	Graham County (unincorporated areas) (FEMA-6592)	Black Rock Wash	50 feet upstream of Southern Pacific Railroad	*2,718
		Cottonwood Wash	50 feet upstream of Southern Pacific Railroad	*2,854
		Mud Hollow Creek	At intersection with Cluff Ranch Road	#2
		Ash Creek	At intersection with Dodge-Nevada Canal	#1
		Gila River	100 feet downstream of North Eighth Avenue	*2,895
		Frye Creek	300 feet downstream of confluence with Frye Creek Tributary.	*3,070
		Frye Creek Tributary	1,500 feet upstream of confluence with Frye Creek	*3,089
		Cactus Flat	100 feet upstream of U.S. Highway 666	*3,110
		San Simon River	At intersection with upper Solomonville Road	*2,980
		Jacobson Creek Tributary	100 feet downward of intersection with Mohawk Drive	*3,274
		Jacobson Creek	600 feet upstream of confluence with Marijilda Wash	*3,098
		Marijilda Wash	At intersection with Roadrunner Street	*3,155
Maps available for inspection at the Engineering Department, Graham County, Courthouse, Safford, Arizona.				
Colorado	Florence (town), Fremont County (FEMA-6592)	Arkansas River	Intersection of Santa Fe Avenue and West Seventh Street.	*5,150
		Coal Creek	Intersection of East Fourth Street and Petroleum Avenue.	*5,161
		Coal Creek East Overflow	Intersection of East Main Street (Colorado Highway 115) and Robinson Avenue.	*5,173
		Coal Creek West Overflow	Intersection of Santa Fe Avenue and West Main Street.	*5,175
		Oak Creek	Intersection of Houston Avenue and West Second Street.	*5,190
Maps available for inspection at Town Hall, 300 W. Main, Florence, Colorado.				
Colorado	Limon (Town), Lincoln County (FEMA-6586)	Main Tributary	At the center of U.S. Highway 40 crossing	*5,353
		East Tributary	50 feet upstream from the center of 7th Street	*5,355
		Middle Tributary	60 feet upstream from the center of 8th Street	*5,357
		West Tributary	50 feet upstream from the center of E Avenue	*5,357
		Big Sandy Creek	At center of Chicago-Rock Island and Pacific Railroad (Abandoned) crossing.	*5,352
Maps are available for inspection at Town Manager's Office, Town Hall, 2nd & F Avenue, Limon, Colorado.				
Connecticut	Danielson, Borough, Windham County (FEMA Docket No. 6592).	Quinebaug River	Downstream corporate limits	*169
			Upstream of dam	*194
			Upstream corporate limits	*196
		Five Mile River	Confluence with Quinebaug River	*183
			Upstream of dam	*224
			Upstream corporate limits	*224
Maps available for inspection at the Community Development Office, 13 Center Street, Danielson, Connecticut.				
Connecticut	Putnam, City, Windham County (FEMA Docket No. 6592).	Little River	Confluence with Quinebaug River	*231
			Upstream of dam	*243
			Approximately 1,000 feet upstream of corporate limits	*271
		Quinebaug River	Downstream corporate limits	*226
			Upstream of dam located approximately 450 feet downstream of Providence Street.	*278
			Upstream corporate limits	*293
Maps available for inspection at the Office of the City Clerk, City Hall, Hall, Putnam, Connecticut.				
Connecticut	Thompson, Town, Windham County (FEMA Docket No. 6586).	French River	Confluence with Quinebaug River	*295
			Upstream State Route 193	*310
			Downstream Blain Road	*326
			Approximately 1,400 feet upstream of Buckley Hill Road.	*358
		Quinebaug River	Downstream corporate limits	*293
			Confluence of French River	*295
			Just upstream of Fabyan Road	*346
			Approximately 150 feet upstream of upstream corporate limits.	*357
		North Grosvenordale Pond	Entire shoreline within community	*374
		Langers Pond	Entire shoreline within community	*385
		Quaddick Reservoir	Entire shoreline within community	*406
Maps available for inspection at the Office of the Building Official, Town Hall, Thompson, Connecticut.				
Connecticut	Woodstock, Town, Windham County (FEMA Docket No. 6592).	English Neighborhood Brook	Approximately 260 feet upstream of State Route 197 (downstream crossing).	*356
			Upstream State Route 169	*391
			Upstream of dam	*459
			Approximately .7 mile upstream of upstream crossing of State Route 197.	*471
		Mill Brook	Upstream of New Sweden Road	*571
			Confluence with Mascraft Brook	*571
		Mascraft Brook	Confluence with Mill Brook	*571
			Confluence with Taylor Brook	*582
		Taylor Brook	Confluence with Mascraft Brook	*582
			Approximately .3 mile upstream of State Route 171	*583
		Bungee Brook	Brockway Road (extended)	*535
			Downstream of State Route 171	*557
		Little River	Downstream corporate limits	*266
			Upstream of dam	*290
			Upstream State Route 171	*294
			Downstream of Stone Bridge Road	*294

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
		Peake Brook	Confluence with Little River	*294
			Upstream of Peake Brook Road	*296
			Downstream of Butts Road	*325
Maps available for inspection at the Office of the First Selectman, Town Hall, Woodstock, Connecticut.				
Florida	City of Mascotte, Lake County (FEMA-6592)	Little Bluff Lake	Entire Shoreline	*100
		Dukes Lake	Entire Shoreline	*100
		Gallows Lake	Entire Shoreline	*105
Maps available for inspection at City Hall, 122 North Sunset Avenue, Mascotte, Florida 32753.				
Florida	Town of Montverde, Lake County (FEMA-6592)	Lake Apopka	Entire Shoreline	*69
		Lake Apopka Area (J-1-1)	Entire Shoreline	*75
		Lake Florence	Entire Shoreline	*85
Maps available for inspection at Town Hall, 904 Seventh Street, Montverde, Florida 32756.				
Georgia	City of Toccoa, Stephens County (FEMA-6586)	Eastanollee Creek	Just downstream of Davis Avenue	*940
			Just upstream of Collins Road	*931
		Tributary A	Just downstream of Morgan Road	*934
		Toccoa Creek	Approximately 50 feet downstream of Scenic Drive	*789
Maps available for inspection at City Hall, 203 North Alexander Street, Toccoa, Georgia 30577.				
Idaho	Horseshoe Bend (city), Boise County (FEMA-6592)	Payette River	50 feet uptstream from the center of State Highway 55.	*2597
		Shafer Creek	200 feet east of the center of intersection of Main Street and Fourth Street.	*2611
Maps available for inspection at City Hall, Horseshoe Bend, Idaho.				
Idaho	Salmon (city), Lemhi County (FEMA-6592)	Lemhi River	Intersection of Confederate Drive and North Charles Street.	*3929
		Salmon River	Intersection of Salmon River and center of U.S. Highway 93.	*3933
Maps available for inspection at City Hall, Salmon, Idaho.				
Idaho	Twin Falls (city), Twin Falls County (FEMA-6586)	Rock Creek	200 feet upstream from the center of Addison Avenue West.	*3632
			150 feet downstream from the center of Orchard Drive	*3727
		Perrine Coulee	50 feet upstream from center of Pole Line Road	*3630
			At the intersection of Heyburn Avenue and Madrona Street.	*3715
			Area 500 feet northwest of the intersection of Grant Avenue and Filmore Street.	#2
Maps available for inspection at City Engineer's Office, 321 2nd Avenue East, Twin Falls, Idaho.				
Illinois	Unincorporated Areas of Bureau County (Docket No. FEMA-6592).	Illinois River	About 1.7 miles downstream of State Route 26	*463
			About 2.0 miles upstream of State Route 89	*466
		Walnut Creek	About 3,700 feet downstream of Main Street	*672
			Just downstream of County Route 8	*705
Maps available for inspection at the County Highway Building, Rt. 34 E., Princeton, Illinois.				
Illinois	City of Byron, Ogle County (Docket No. FEMA-6592)	Rock River	About 1 mile downstream of State Route 72	*684
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*686
Maps available for inspection at the Clerk's Office, City Hall, 120 N. Union Street, Byron, Illinois.				
Illinois	Village of Dalton City, Moultrie County (Docket No. FEMA-6586).	Dalton City Drain	About 700 feet downstream of Old Route 121	*683
				687
			Just downstream of State Route 128	*687
		Lateral B	Mouth at Dalton City Drain	*663
			About 450 feet upstream of State Route 128	*684
Maps available for inspection at the Village Hall, Dalton City, Illinois.				
Illinois	Unincorporated Areas of Macon County (Docket No. FEMA-6599).	Spring Creek	At mouth	*620
			About 500 feet downstream of Neeley Avenue	*645
			Just upstream of Hickory Point Road	*667
			Just downstream of Forsyth-Oreana Road	*680
		South Spring Creek	At mouth	*608
			Just downstream of Moorwood Drive	*624
			About 100 feet upstream of Heritage Road	*660
			Just downstream of County Highway 30	*686
		Stevens Creek	At mouth	*604
			About 300 feet downstream of Mound Road	*630
			Just upstream of Warrensburg-Forsyth Road	*659
			Just downstream of Hampshire Road	*687
		Friends Creek	At confluence with Sangamon River	*625
			Just upstream of State Routes 47 and 48	*645
			About 3300 feet upstream of Washington Street Road	*678
		Sangamon River	At downstream County Boundary	*574
			About 1100 feet upstream of River Drive	*596
			About 1200 feet upstream of State Route 48	*608
			About 2.4 miles upstream of confluence of Friends Creek.	*628
		Long Creek (East of Big Creek)	At mouth	*630
			Just downstream of U.S. Route 36	*647
			Just downstream of Ocean Trail Road	*657

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
			Just downstream of State Route 105	*677
		Friends Creek Ditch	At confluence with Friends Creek	*660
			Just downstream of Briggs Road	*675
		Independence Branch	At confluence with Spring Creek	*670
			Just downstream of Forsyth-Oreana Road	*675
		Long Creek	Just upstream of Baltimore Avenue	*619
			Just upstream of Twin Bridge Road	*630
		Big Creek	Just upstream of Twin Bridge Road	*630
			Just upstream of Salem School Road	*645
			Just upstream of County Route 60	*675
		Long Creek Tributary	About 1200 feet upstream of mouth	*621
			About 5700 feet upstream of mouth	*638
		Stevens Creek Tributary A	At confluence with Stevens Creek	*620
			About 5500 feet upstream of confluence with Stevens Creek.	*634
		Stevens Creek Tributary B	At mouth	*631
			About 2040 feet upstream of mouth	*640
		Spring Creek Tributary	About 190 feet upstream of mouth	*656
			About 1600 feet upstream of mouth	*660
Maps available for inspection at Macon County Board Office, Macon County Building, Decatur, Illinois.				
Illinois	Village of Pulaski, Pulaski County (Docket No. FEMA-6592).	Mississippi River	Within community	*337
Maps available for inspection at the Heilig Fertilizer Service, Pulaski, Illinois.				
Illinois	Unincorporated Areas of Putnam County (Docket No. FEMA-6592).	Illinois River	About 0.5 mile downstream of State Route 18	*461
			About 1.9 mile upstream of State Route 89	*466
Maps available for inspection at the Zoning Office, County Courthouse, Hennepin, Illinois.				
Indiana	Town of Brookville, Franklin County (Docket No. FEMA-6592).	Whitewater River	About 0.75 mile downstream of Seventh Street	*622
			About 0.42 mile upstream of Seventh Street	*630
		East Fork Whitewater River	Just downstream of U.S. Route 52	*622
			Just downstream of State Route 101	*624
Maps available for inspection at the Municipal Building, 634 Main Street, Brookville, Indiana.				
Indiana	Town of Geneva, Adams County (Docket No. FEMA-6586).	Wabash River	About 1.2 miles downstream of confluence of Loblolly Creek.	*831
			At confluence Loblolly Creek	*832
		Loblolly Creek	Just downstream of Conrail	*832
			About 2000 feet upstream of U.S. Route 27	*833
Maps available for inspection at the Town Hall, Geneva, Indiana.				
Kansas	City of Greeley, Anderson County (Docket No. FEMA-6592.	South Fork Pottawatomie Creek	About 1.1 mile downstream of Missouri Pacific Railroad.	*888
			Just downstream of Missouri Pacific Railroad	*889
			Just upstream of Missouri Pacific Railroad	*894
			Just downstream of U.S. Route 169	*895
Maps available for inspection at City Hall, Greeley, Kansas.				
Maine	Yarmouth, Town, Cumberland County (FEMA Docket No. 6592).	Royal River	At confluence with Casco Bay	*10
			East Main Street (upstream side)	*14
			At U.S. Route 1	*43
			Downstream of dam immediately downstream of North Elm Street.	*65
			Approximately .22 mile upstream of Maine Central Railroad.	*82
		Casco By	Entire shoreline of Cousins River	*10
			Shoreline at Vails Road extended	*12
			Shoreline at Blaney Point on Cousins Island	*12
			Shoreline at Sunset Point Road extended	*10
			Shoreline at Sea Spray Reach extended	*13
			Shoreline at Hillcrest Avenue extended (Cousins Island).	*10
			Shoreline at Wharf Road (Cousins Island)	*15
			Shoreline at northern tip of Lanes Island	*13
Maps available for inspection at the Office of Harold Hutchinson, Town Engineer, Yarmouth, Maine.				
Maryland	Chesapeake Beach, Town, Calvert County (FEMA Docket No. 6592).	Chesapeake Bay	Entire shoreline within community	*9
Maps available for inspection at the Town Hall, Chesapeake Beach, Maryland.				
Maryland	St. Michael's, Town, Talbot County (FEMA Docket No. 6586).	Miles River	Entire shoreline within community	*6
		San Domingo Creek	Entire shoreline within community	*6
Maps available for inspection at the Town Hall, St. Michael's, Maryland.				
Massachusetts	Sandisfield, Town, Berkshire County (Docket No. FEMA-6527).	West Branch of the Farmington River.	Downstream corporate limits	*725
			Upstream Old Route 8	*750
			Downstream Private Drive	*774
			Downstream Routes 57 & 8	*838
			Approximately 5,000 feet upstream Routes 57 & 8	*910
			Approximately 6,600 feet downstream of Alan Road	*980
			Approximately 2,460 feet downstream Alan Road	*1,045
			Upstream Alan Road	*1,095
			Upstream corporate limits	*1,110
		Clam River	Confluence with West Branch of the Farmington River	*786
			Downstream Route 57	*838

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
			Upstream Beech Plain Road	*884
			Approximately 1,740 feet upstream confluence of the Buck River.	*913
		Buck River	Confluence with Clam River	*891
			Approximately 1,350 feet downstream first upstream crossing of Route 57.	*940
			Upstream Route 57	*976
			Second upstream footbridge	*1,034
			Approximately 1,220 feet downstream third upstream footbridge.	*1,090
			Upstream third upstream footbridge	*1,120
			Upstream second upstream crossing Route 57	*1,178
			Approximately 950 feet upstream Route 57	*1,210
			Approximately 2,090 feet upstream Route 57	*1,241
Maps available for inspection at the Town Office, Sandisfield, Massachusetts.				
Michigan	Township of Eureka, Montcalm County (Docket No. FEMA-6592).	Flat River	Just upstream of county boundary	*778
			Just downstream of River Road	*791
			Just downstream of Wise Road	*821
Maps available for inspection at the Town Hall, 9322 Greenville Road, Greenville, Michigan.				
Michigan	Village of Holly, Oakland County (Docket No. FEMA-6599).	Holly-Patterson Drain	About 150 feet downstream of Marion Street	*912
			At Bush Lake outlet	*915
		Shiawassee River	About 1250 feet downstream of Grand Trunk Western Railroad.	*916
			About 1700 feet upstream of Le Grand Road	*920
		Bevins Lake	At shoreline	*912
		Bush Lake	At shoreline	*915
		Mill Pond	At shoreline	*927
Maps available for inspection at the Village Offices, 201 Elm Street, Holly, Michigan.				
Michigan	City of Hudsonville, Ottawa County (Docket No. FEMA-6592).	Rush Creek	Just upstream of Chessie System	*610
			At confluence of Buttermilk Creek	*616
		Buttermilk Creek	Just downstream of Van Buren Street	*626
			About 2150 feet upstream of New Holland Street	*651
Maps available for inspection at City Hall, 5713 Balson Drive, Hudsonville, Michigan.				
Missouri	City of Chamois, Osage County (Docket No. FEMA-6592).	Missouri River	Within Community	*534
Maps available for inspection at City Hall, Chamois, Missouri.				
Missouri	City of Ironton, Iron County (Docket No. FEMA-6592)	Knob Creek	At confluence with Stouts Creek	*882
			Just upstream of Polk Street	*900
			At confluence of West Branch Knob Creek	*934
		West Branch Knob Creek	Within corporate limits	*934
		Lateral B	About 320 feet downstream of Lake Drive	*944
			About 925 feet upstream of Lake Drive (at Gravel Road).	*970
		Stouts Creek	At confluence of Knob Creek	*882
			About 800 feet upstream of Main Street	*902
			At confluence of Shepherds Mountain Lake Outflow	*952
			About 0.4 mile upstream of confluence of Shepherds Mountain Lake Outflow (at western corporate limits).	*967
Maps available for inspection at City Hall, 123 N. Main, Ironton, Missouri.				
Missouri	City of Miami, Saline County (Docket No. FEMA-6599).	Missouri River	At M 262.2	*655
			At M 263.35	*658
Maps available for inspection at P.O. Box 37, Miami, Missouri.				
Missouri	Village of Wooldridge, Copper County (Docket No. FEMA-6599).	Missouri River	Within Corporate limits	*587
Maps available for inspection at the Community Center, Wooldridge, Missouri.				
New Jersey	Garfield, City, Bergen County (FEMA Docket No. 6592).	Passaic River	Confluence with Saddle River	*19
			Monroe Street (upstream side)	*20
			Downstream of Outwater Lane	*21
			Downstream of Dundee dam	*22
			Upstream corporate limits	*33
		Saddle River	Midland Avenue	*19
			Upstream corporate limits	*21
Maps available for inspection at the City Administrator's Office, City Hall, Outwater Lane, Garfield, New Jersey.				
New Jersey	Lodi, Borough, Bergen County (Docket No. FEMA-6592).	Saddle River	Downstream corporate limits	*20
			Passaic Avenue (upstream side)	*26
			U.S. Route 46 (upstream side)	*31
			Upstream corporate limits	*40
Maps available for inspection at the Borough Hall, 1 Memorial Drive, Lodi, New Jersey.				
New York	Castleton-on-Hudson, Village, Rensselaer County (FEMA Docket No 6576).	Hudson River	Downstream corporate limits	*18
			Upstream corporate limits	*19
		Moordener Kill	Downstream corporate limits	*19
			Downstream dam (upstream side)	*89
			Upstream dam (upstream side) loacated upstream of State Route 150.	*143

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
			Upstream corporate limits	*149
		Vlockie Kill	Entire length within corporate limits	*18
Maps available for inspection at the Village Hall, Castleton, New York.				
New York	Elmira, City, Chemung County (Docket No. FEMA-6592).	Chemung River	Downstream corporate limits	*847
			Madison Avenue upstream	*852
			Upstream corporate limits	*859
		Left Bank: Newtown Creek (before levee overtopping).	Confluence with Chemung River	*849
			East Avenue upstream	*856
			Industrial Park Boulevard upstream	*863
			Upstream corporate limits	*863
		Right Bank: Newton, Creek (after levee overtopping).	Confluence with Chemung River	*849
			East Avenue upstream	*855
			Industrial Park Boulevard	*861
			Upstream corporate limits	*861
		Diven Creek	Entire stream within community	*863
		McCann's Tributary	Entire stream within commuinity	*863
Maps available for inspection at City Hall, Church Street, Elmira, New York.				
New York	Norwich, Town, Chenango County (FEMA Docket No. 6586).	Chenango River	Downstream corporate limits	*984
			Thompson Road (upstream side)	*995
			State Route 23 (upstream side)	*1,001
			Upstream corporate limits	*1,010
		Unadilla River	Downstream corporate limits	*1,037
			Upstream corporate limits	*1,050
		Canasawacta Creek	Confluence with Chenango River	*992
			West Main Street (upstream side)	*1,018
			State Route 23 (upstream side)	*1,039
			Upstream corporate limits	*1,069
Maps available for inspection at the Town Hall, Norwich, New York.				
New York	Olive, Town, Ulster County (FEMA Docket No. 6592)	Esopus Creek	Approximately 535 feet downstream of Conrail	*614
			Upstream of State Route 28A bridge	*638
			Approximately .29 mile upstream of Nissen Road bridge.	*662
Maps available for inspection at the Town Clerk's Office, Supervisor's Office, and the Town Library, Olive, New York.				
North Carolina	City of Bryson City, Swain County (Docket No. FEMA-6599).	Tuckasegee River	About 0.5 mile downstream of Southern Railway	*1,718
			About 1.5 miles upstream of Everett Street	*1,753
		Deep Creek	Mouth at Tuckasegee River	*1,741
			About 0.36 miles upstream of Deep Creek Road	*1,744
Maps available for inspection at City Hall, Bryson City, North Carolina.				
North Carolina	Town of Newland, Avery County (Docket No. FEMA-6599).	North Toe River	About 0.75 mile downstream of State Highway 194	*3,576
			Just upstream of State Highway 181	*3,589
			About 0.07 mile downstream of Watauga Street	*3,603
			About 0.01 mile upstream of Watauga Street	*3,621
		Kentucky Creek	Just upstream of confluence with North Toe River	*3,586
			About 0.08 mile upstream of Private Drive	*3,596
Maps available for inspection at the Town Hall, Newland, North Carolina.				
Ohio	City of Findlay, Hancock County (Docket No. FEMA-6586).	Blanchard River	About 0.36 mile downstream of Interstate 75	*744
			About 0.04 mile upstream of the confluence of Rush Creek.	*783
		Howard Run	At mouth	*775
			About 0.5 mile upstream of Conrail	*795
		Lyle Creek	Within community	*780
		Rush Creek	At mouth	*783
			About 0.21 mile upstream of Greendale Avenue	*789
		Eagle Creek	At mouth	*780
			About 0.16 mile upstream of U.S. Route 68 Bypass	*795
Maps available for inspection at the City Engineer's Office, Municipal Building, 119 Court Place, Findlay, Ohio.				
Ohio	Village of Harrison, Hamilton County (Docket No. FEMA-6592).	Whitewater River	About 10,400 feet downstream of Indiana-Ohio State boundary.	*503
			About 9,200 feet upstream of Indiana-Ohio State boundary.	*517
		Dry Fork of Whitewater River	Within community	*544
Maps available for inspection at the Buliding Commissioner's Office, Harrison, Ohio.				
Oregon	Coos County (unincorporated areas) (FEMA-6592)	Coquille River at Coquille	Intersection of Coquille River and center of State Highway 425.	*21
		Coquille River at Riverton	400 feet upstream of confluence Coquille River and Iowa Slough.	*19
		Coquille River at Arago	Intersection of Hall Creek and River Road	*28
		South Fork Coquille River at Myrtle Point.	225 feet upstream of Spruce St. Bridge	*40
		Millicoma River	Confluence of Woodruff Creek and Millicoma River	*33
		East Fork Millicoma River	Confluence of East Fork Millicoma River and Marlow Creek.	*34
		West Fork Millicoma River	Intersection of West Fork Millicoma River and center of Coos River Highway 241.	*34
		Tenmile Creek	50 feet upstream of U.S. Highway 101	*18
		Pacific Ocean South of Coos Bay Entrance.	Pacific Ocean at the mouth of Coos Bay	*13

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
		Coos Bay	At Cape Arago Highway	*8
			Intersection of Horsefall Road and U.S. Highway 101 and State Highway 9.	*9
			Intersection of Catching Slough Road and U.S. Highway 241.	*9
Maps available for inspection at Planning Department, Coos County Courthouse, Coquille, Oregon.				
Pennsylvania	Atglen, Borough, Chester County (Docket No. FEMA-6592).	Valley Creek	Downstream corporate limits	*455
			Newport Pike (upstream side)	*454
			Upstream corporate limits	*461
		Officers Run	Confluence with Valley Creek	*455
			State Route 41 (upstream side)	*461
			Conrail (upstream side)	*482
			Upstream corporate limits	*516
Maps available for inspection at the Borough Building, Atglen, Pennsylvania.				
Pennsylvania	Charlestown, Township, Chester County (Docket No. FEMA-6592).	Pickering Creek	Downstream corporate limits	*133
			Upstream of Phoenixville Pike (State Route 29)	*153
			Approximately 200' downstream of Charlestown Road	*186
Maps available for inspection at the Secretary's Office, Charlestown Elementary School, Charlestown, Pennsylvania.				
Rhode Island	Cranston, City, Providence County (FEMA Docket No. 6333).	Pawtuxet River	Broad Street (upstream side)	*16
			AMTRAK (downstream side)	*18
			Approximately 75 feet upstream of Elmwood Avenue	*21
			At confluence of Pocasset River	*23
			State Route 37 (eastbound)	*24
			Approximately 3,500 feet upstream State Route 37 (eastbound).	*26
			Upstream corporate limits	*28
		Furnace Hill Brook	At confluence with Meshanticut Brook	*55
			Furnace Hill Road (upstream side)	*72
			Phenix Avenue (upstream side)	*147
			Private Drive (upstream side)	*263
			Pippin Orchard Road (downstream side)	*322
		Furnace Hill Brook Tributary	At confluence with Furnace Hill Brook	*147
			Approximately 3,700 feet upstream of confluence with Furnace Hill Brook.	*247
		Pocasset River	At confluence with Pawtuxet River	*23
			Approximately 150 feet upstream of Reservoir Avenue	*35
			Approximately 100 feet upstream of Park Avenue	*48
			Print Works Pond Dam (upstream side)	*72
			Access Road (upstream side)	*74
			At upstream corporate limits	*81
		Meshanticut Brook	At downstream corporate limits	*40
			AMTRAK bridge (upstream side)	*45
			Wilbur Avenue	*51
			Lakeview Drive dam (upstream side)	*62
			Scituate Avenue (upstream side)	*123
Maps available for inspection at the Office of the City Planner, Cranston, Rhode Island.				
Rhode Island	Narragansett, Town, Washington County (FEMA Docket No. 6592).	Narragansett Bay	Shoreline at northern corporate limits	*15
			Shoreline at Nassau Avenue (extended)	*17
			Shoreline at Namcock Road (extended)	*23
			Shoreline at Bonnet Point Road (extended)	*27
			Shoreline at Bonnet Point	*20
			Shoreline at Anawan Drive (extended)	*19
			Shoreline at Whale Rock Road (extended)	*23
		Rhode Island Sound	Shoreline at Comorant Point	*19
			Shoreline at Wood Avenue (extended)	*18
			Shoreline at Narragansett Avenue (extended)	*20
			Shoreline at Hazard Avenue (extended)	*32
			Shoreline at Newton Avenue (extended)	*21
			Shoreline at Pennsylvania Avenue (extended)	*23
			Shoreline at Point Judith	*19
		Block Island Sound	Shoreline at Ocean Road (extended)	*18
			Shoreline at Jupeter Street (extended)	*28
			Shoreline at western corporate limits	*17
		Pettaquamscutt River	Shoreline at Middle Bridge Road	*11
			Shoreline at Star Drive West (extended)	*16
		Point Judith Pond	Shoreline at Harbour Island Road (extended)	*12
			Shoreline at Barnacle Road (extended)	*11
Maps available for inspection at the Town Hall, 5th Avenue, Narragansett, Rhode Island.				
Texas	Fort Bend County, Municipal Utility District No. 2 (FEMA-6592).	Keegans Bayou	At Harris-Fort Bend County Line (Approximately 600 feet downstream of Belknap Road).	*84
Maps available for inspection at Vinson and Elkins, Law Firm, 2837 First City Tower, Houston, Texas 77002-6760.				
Texas	Kennedale, City, Tarrant County (FEMA Docket No. 6586).	Village Creek	Downstream corporate limits	*567
			Upstream of Mansfield Highway	*573
			Upstream of New Orleans (Southern Pacific) Railroad	*577
		Stream VC-3	Confluence with Village Creek	*568
			Downstream of Kennedale-Bowan Springs Road	*570
			Downstream of Kennedale-Sublett Road	*617
		Stream VC-4	Confluence with Village Creek	*571
			Upstream of New Orleans (Southern Pacific) Railroad	*584
			Upstream of Averett Road	*600

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
			Upstream corporate limits	*613
		Stream VC-4A	Confluence with Stream VC-4	*611
			Approximately .3 mile upstream of Kennedale-New Hope Road.	*630
Maps available for inspection at the Kennedale City Hall, Kennedale, Texas.				
West Virginia	Beckley, City, Raleigh County (FEMA Docket No. 6592).	Whitestick Creek	Downstream corporate limits	*2,220
			Just downstream 1st crossing Chessie System	*2,263
			Upstream 3rd crossing Chessie System	*2,273
			Upstream City Avenue	*2,284
		Tributary to Whitestick Creek	Approximately 1,500 feet upstream confluence with Whitestick Creek.	*2,294
			Approximately 4,100 feet upstream confluence with Whitestick Creek.	*2,324
Maps available for inspection at the Building Inspector's Office, Beckley, West Virginia.				
West Virginia	Mingo County (FEMA Docket No. 6592)	Tug Fork	Downstream County boundary	*622
			Upstream Norfolk and Western Railway, 2nd crossing	*629
			Confluence of Parsley Big Branch	*635
			Confluence of Pigeon Creek	*641
			Confluence of Road Branch	*648
			Upstream County Route 52/19	*653
			Confluence of Buffalo Creek	*660
			Approximately 1.5 miles upstream of confluence of Sugartree Creek at County boundary.	*664
			Approximately .8 mile downstream of confluence of Lick Creek at County boundary.	*674
			Confluence of Murphy Branch	*678
			Upstream Norfolk and Western Railway, 4the crossing	*687
			Upstream of confluence of Ferrell Branch	*692
			Confluence of Little Blackberry Creek	*705
			Confluence of Thacker Creek	*712
			Upstream State Route 49	*723
			Confluence of Sand Branch	*733
			Confluence of Scarberry Branch	*742
			At upstream Norfolk and Western Railway, 9th crossing.	*759
			Confluence of Grant Branch	*772
			Downstream of confluence of Laurel Branch	*781
			Confluence of Alum Creek	*797
			Confluence of Ben Creek	*822
			Approximately 1.5 miles upstream of confluence of Ben Creek.	*846
			Confluence of Turkey Creek	*876
			Approximately 1.7 miles upstream of confluence of Turkey Creek.	*900
			At upstream County boundary	*920
		Marrowbone Creek	At downstream County boundary	*623
			Upstream of Private Road and confluence of Cane Branch.	*637
			At confluence of Picklетwo Branch	*649
			At confluence of Barkcamp Branch	*678
			Upstream of County Route 2/2	*705
			Approximately .8 mile upstream of confluence of Little Laurel Branch.	*749
		Pigeon Creek	At confluence with Tug Fork	*641
			At confluence of Old House Branch	*642
			Upstream State Route 65, 2nd crossing	*656
			Upstream Norfolk and Western Railway, 3rd crossing	*661
			Upstream County Route 65/16	*673
			Confluence of Hell Creek	*689
			Downstream of confluence of Elk Creek	*716
			Approximately .8 mile upstream of confluence of Pigeonroost Creek.	*740
			Approximately 0.1 mile downstream of County Route 49/1.	*777
			Confluence of Evans Ferrell Branch	*826
			Upstream County Route 9	*862
			Approximately 1.0 mile upstream of County Route 9	*890
			Approximately 1.7 miles upstream of County Route 9	*922
			upstream County Route 52/24	*952
			Upstream County Route 52/25	*986
			Approximately 0.9 mile upstream of County Route 52/25.	*1,021
			Approximately 0.2 mile upstream of confluence of Spice Branch.	*1,055
			Confluence of Longtail Lick Branch	*1,094
			Approximately 0.1 mile downstream of confluence of Rover Branch.	*1,127
			Upstream County Route 52/26	*1,158
			Confluence of Little Muncy Branch	*1,192
			Approximately 200 feet upstream of confluence of Grant Branch.	*1,232
		Laurel Fork	Confluence of Pigeon Creek	*641
			Confluence of Right Fork	*646
			Upstream of sixth crossing of County Route 3/5	*676
			Confluence of Toms Branch	*700
			Upstream of County Route 3	*723

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
			Approximately 0.2 mile upstream of confluence of Lick Branch.	*756
			Upstream of Laurel Lake Dam	*789
			Confluence of Laurel Branch	*804
			Approximately 0.1 mile upstream of confluence of Paw Paw Branch.	*830
			Approximately 0.8 mile upstream of confluence of Paw Paw Branch.	*857
		Trace Fork	Confluence with Pigeon Creek	*660
			Upstream State Route 65, 2nd crossing	*716
			Approximately 0.1 mile upstream of confluence of Duncan Fork.	*731
		Rockhouse Fork	Approximately 0.1 mile downstream of County boundary.	*764
			Upstream County Route 65/5, 2nd crossing	*794
			Confluence of Upper Curry Branch	*825
			Approximately 0.7 mile downstream of County Route 65/15.	*858
			Upstream County Route 65/15	*891
			Approximately 0.1 mile upstream of most upstream private road.	*938
		Buffalo Creek	Confluence with Tug Fork	*660
			Approximately 50 feet upstream of County Route 14/2	*687
		Mate Creek	Upstream County boundary at Matewan	*708
			Approximately 0.2 mile upstream of County Route 9 second crossing.	*739
			Upstream of County Route 9/11	*770
			Upstream of County Route 6, third crossing	*811
			Approximately 0.8 mile upstream of County Route 6, 3rd crossing.	*846
			Approximately 1.4 miles upstream of County Route 6, 3rd crossing.	*881
			Confluence of Chafin Branch	*919
			Approximately 0.2 mile upstream of County Route 6, 4th crossing.	*948
			Approximately 0.6 mile upstream of County Route 6, 4th crossing.	*978
			Confluence of Marks Branch	*1,008
			Approximately 160 feet upstream of confluence of Double Camp Fork.	*1,032
		Guyandotte River	Downstream County boundary	*759
			Confluence of Harrys Branch	*801
			Upstream County Route 52/4	*846
			Upstream of abandoned railroad bridge	*863
			At most upstream County boundary	*889
		Gilbert Creek	Downstream County boundary	*872
			Confluence of Axe Branch	*900
			Upstream of footbridge and confluence of Big Fork	*937
			Approximately 0.4 mile upstream of Norfolk and Western Railway.	*972
			Approximately 0.6 mile downstream of confluence of Old House Branch.	*1,007
			Confluence of Old House Branch	*1,042
			Approximately 106 feet upstream of County Route 13/2.	*1,150
		Horsepen Creek	Confluence with Gilbert Creek	*881
			Approximately 0.8 mile upstream of County Route 13	*906
			Confluence of Browning Fork	*932
			Approximately 0.7 mile upstream of confluence of Browning Fork.	*973
			Confluence of Smith Branch	*1,016
			Approximately 320 feet upstream of confluence of Coon Branch.	*1,106
		West Fork Twelvepole Creek	Approximately 0.1 mile downstream of confluence of Shaft Branch.	*925
			Confluence of Camp Branch	*954
			Approximately 0.5 mile upstream County Route 3/2, 1st crossing.	*993
			Approximately 85 feet upstream of most upstream crossing of County Route 3/2.	*1,028
		Moses Fork	Confluence with West Fork Twelvepole Creek	*1,028
			Approximately 300 feet upstream of County Route 3/2	*1,063
			Approximately 0.3 mile upstream of County Route 3/2, 2nd crossing.	*1,093
			Approximately 1.1 miles upstream of confluence with West Fork Twelvepole Creek.	*1,129
Maps available for inspection in the basement of the Mingo County Courthouse, East 2nd Avenue, Williamson, West Virginia.				
Wisconsin	City of Hartford, Washington County (Docket No. FEMA-6586).	Rubicon River	At western corporate limit (about 2,500 feet downstream of Treatment Plant Road).	*953
			About 100 feet downstream of Rural Street	*964
			About 100 feet downstream of Mill Pond Dam	*974
			Just upstream of Mill Pond Dam	*981
			About 4,800 feet upstream of Wisconsin Southern Railroad.	*992
Maps available for inspection at the City Engineer's Office, City Hall, 109 N. Main Street, Hartford, Wisconsin.				
Wisconsin	City of Lodi, Columbia County (Docket No. FEMA-6592).	Spring Creek	About 0.6 mile downstream of Fair Street	*805
			Just downstream of Portage Street	*816

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
			Just upstream of Main Street	*823
			Just upstream of Riddle Road	*833

Maps available for inspection at the Mayor's Office, City Hall, 113 S. Main Street, Lodi, Wisconsin.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Scottsdale, City, Maricopa County (Docket No. FEMA-6492).	Indian Bend Wash	At downstream corporate limits	*1,189
			Upstream of Thomas Road	*1,226
			Upstream of Camelback Road	*1,244
			Upstream of Indian Bend Road	*1,284
			At upstream corporate limits	*1,299
			Approximately 700 feet upstream of upstream corporate limits.	*1,302
		Granite Reef Wash	At downstream corporate limits	*1,194
			Upstream of McDowell Road	*1,213
			At upstream corporate limits	*1,227
		Wash B	Approximately 6,100 feet downstream of 124th Street	*1,446
			Just downstream of Granite Reef Aqueduct (approximately 1,100 feet downstream of 124th Street).	*1,506

Maps available for inspection at the Office of the Director of Engineering Services, City Hall, 3939 Civic Center Plaza, Scottsdale, Arizona.

Connecticut	Westport, Town, Fairfield County (Docket No. FEMA-6553).	Saugatuck River	At dam 1,125 feet upstream of Canal Street	*11
			Downstream of Merritt Parkway	*26
			Upstream corporate limits	*45
		West Branch Saugatuck River	At confluence with Saugatuck River	*31
			Upstream of Cavalry Road	*67
			Upstream corporate limits	*91
		Aspetuck River	At confluence with Saugatuck River	*36
			Upstream of North Avenue	*70
			Upstream of Bayberry Lane	*91
			Upstram corporate limits	*120
		Stony Brook	750 feet upstream of confluence with Saugatuck River	*11
			Upstream of Nash Pond Dam	*61
			Upstream corporate limits	*94
		Dead Man's Brook	300 feet downstream of Post Road East	*11
			Upstream side of Evergreen Avenue	*34
			Upstream side of Lost Lodge Road	*94
			Upstream side of Pumpkin Hill Road	*166
			1,450 feet upstream of Highland Road	*219
		Muddy Brook	Upstream of Sherwood Island Connector	*14
			Upstream of Long Lots Road	*66
			6,900 feet upstream of Highpoint Road	*145
		Sasco Creek	200 feet downstream of Post Road East	*11
			Upstream of Old Road	*42
			At Long Lots Road	*62
		Poplar Plains Brook	At confluence with Saugatuck River	*26
			Downstream side of Wilton Road	*50
		Willow Brook	At confluence with Saugatuck River	*12
			860 feet upstream of Carriage Lane	*25
		Long Island Sound	At Saymour Point	*17
			At Harbour Road extended	*14
			At Stony Point	*14
			At Hendricks Point	*17
			At Sherwood Point	*17
			At Frost Point	*17

Maps available for inspection at the Town Hall, Westport, Connecticut.

Florida	Gulfport (city), Pinellas County (FEMA-6333)	Boca Ciega Bay	Intersection of 31st Avenue South and 58th Street South.	*11

Maps available for inspection at Engineering Department, 2401 53rd Street, South, Gulfport, Florida.

Florida	South Pasadena (city), Pinellas County (FEMA-6333)	Boca Ciega Bay	Intersection of Shore Drive and Pasadena Avenue (State Highway 690).	*12

Maps available for inspection at Building Department, 7047 Sunset Drive, South Pasadena, Florida.

New Jersey	Princeton, Township, Mercer County (Docket No. (FEMA-6550).	Millstone River	Downstream corporate limits	*54
			Upstream side of Carnegie Lake Dam	*57
			Confluence of Stony Brook (upstream corporate limits)	*58
		Stony Brook	Confluence with Millstone River	*58
			Upstream side of Alexander Road	*61
			Upstream side of Princeton Pike	*75
			Upstream of Rosedale Road	*88
			Upstream corporate limits	*115
		Mountain Brook	Confluence with Stony Brook	*88
			Upstream side of Great Road East	*99

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Mountain Lake—entire shoreline	*124
			100 feet upstream of upstream crossing of Gread Road East culvert.	*188
		Mountain Brook Branch 2	Confluence with Mountain Brook	*109
			Upstream side of Private Road located approximately 1,300 feet upstream of confluence with Mountain Brook.	*117
			Approximately 350 feet downstream of Cherry Hill Road.	*132
		Van Horn Brook	Downstream corporate limits	*134
			Upstream side of U.S. Route 206	*175
			100 feet upstream of Arrenton Road	*204
		Cherry Run	Downstream corporate limits	*194
			Upstream side of Cherry Hill Road	*221
		Tributary to Van Horn Brook	Downstream corporate limits	*138
			Upstream side of Herrontown Road	*172
		Harrys Brook	Confluence with Millstone River	*57
			Upstream side of Roper Road	*79
			Upstream side of dam just upstream of Locust Lane	*87
			Upstream side of Snowden Lane	*105
		Harrys Brook Branch 1	Confluence with Harrys Brook	*60
			Upstream side of Shadybrook Lane	*83
			Approximately 70 feet upstream side of Bertrand Drive	*113
		Harrys Brook Branch 2	Confluence with Harrys Brook	*69
			Upstream side of Shadybrook Lane	*87
			Upstream side of Snowden Lane	*108
			Upstream side of Terhune Road	*129
			Upstream side of Thanet Road	*155
			Upstream side of Harrison Street	*171
		Harrys Brook Branch 2-1	Confluence with Harrys Brook Branch 2	*108
			Upstream side of Van Dyke Road	*126
		Harrys Brook Branch 2-2	Confluence with Harrys Brook Branch 2	*115
			Upstream side of Grover Avenue	*142
Maps available for inspection at the Municipal Building, 369 Witherspoon Street, Princeton, New Jersey.				
South Carolina	Unincorporated Areas of Beaufort County (FEMA-6581).	Atlantic Ocean/Broad River	Intersection of State Highway 3 and Interstate Highway 17.	*8
		Atlantic Ocean/Beaufort River	Intersection of Central Drive and Brickyard Road	*11
		Atlantic Ocean/New River	At Seaboard Coast Line Railroad	*11
		Atlantic Ocean/St. Helena Sound	Intersection of State Highway 77 and Interstate Highway 21.	*12
		Atlantic Ocean	Intersection of State Highway 195 and Seaside Road	*14
			Intersection of South Sea Pines and Gulf Point Road	*14
			Intersection of Queens Folly Road and Sea Lane	*15
			Intersection of State Highway 335 and State Highway 434.	*15
			Intersection of Piper Street and North Forest Beach Drive.	*16
			Porpoise Drive extended to Atlantic Ocean	*19
			Pope Avenue extended to Atlantic Ocean	*20
		Atlantic Ocean/Cooper River	Confluence of Bull Creek & Hoophole Creek	*13
		Atlantic Ocean/Calibogue Sound	Intersection of South Calibogue Cay Road and North Calibogue Cay Road.	*14
		Atlantic Ocean/May River	Confluence of Rose Dew Creek and May River	*11
		Atlantic Ocean/Colleton River	Confluence of Colleton River and Okatee River	*16
		Atlantic Ocean/Skull Creek	Intersection of Gumtree Road and Squire Pope Road	*12
		Atlantic Ocean/Port Royal Sound	Intersection of North Port Royal Drive and Fort Walker Drive.	*13
		Atlantic Ocean/Coosaw River	Confluence with Morgan Back Creek	*16
		Atlantic Ocean/Combahee River	Confluence of Briars Creek and Wimbee Creek	*11
Maps available for inspection at the Arthur Horne Building, 999 Ribaut Road, Beaufort, South Carolina 29902 and at the County Courthouse Annex, Hiltonhead Island, South Carolina 29925.				
Texas	City of Beaumont, Jefferson County (FEMA-6278)	Janes Gully	Just downstream of Langham Road	*16
			Just upstream of Montrose Street	*23
			Just downstream of U.S. Highway 90 (College Street)	*27
		Hillebrandt Bayou	Just upstream of Atchison Topeka and Sante Fe Railway.	*14
			Just downstream of Washington Boulevard	*15
			Just upstream of Calder Avenue	*20
			Just downstream of Folsom Drive	*26
		Hillebrandt Oxbow	Just upstream of 23rd Street	*16
		Walker Branch	Just downstream of Tram Road	*24
			Just downstream of LNVA Canal	*25
		Walker Branch Tributary	Approximately 200 feet downstream of Tram Road	*22
		Neches River	Just upstream of Kansas City Southern Railroad	*10
			Just upstream of Interstate 10 and U.S. Highway 90	*11
		Pine Island Bayou	Just downstream of Atchison Topeka and Santa Fe Railroad.	*16
			Just downstream of U.S. Highway 60, 96 and 287	*17
		Willow Marsh Bayou	Just downstream of Tyrrell Park Road	*13
			Approximately 1200 feet upstream of Interstate Highway 10.	*17
		Keith Ditch	Just upstream of Dowlen Road	*23
			Just downstream of Evangeline Lane	*27
		Amelia Cut-Off	Approximately 400 feet downstream of Port Arthur Fresh Water Canal.	*20
			Just upstream of Southern Pacific Railroad	*22
		Walker Branch Relief Ditch	Approximately 200 feet downstream of FM 3120	*24

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at City Hall, 801 Main Street, Beaumont, Texas 77704.				
Texas	Brookside Village, City, Brazoria County (FEMA Docket No. 6539).	Clear Creek	Upstream of Mykawa Road	*48
			At upstream corporate limits	*51
Maps available for inspection at the City Hall, Brookside Village, Texas.				
Texas	City of Rosenberg, Fort Bend County (FEMA-6122)	North Branch of Dry Creek	Just downstrean of Laurel Avenue	*98
			Just upstream of Laurel Avenue	*99
		Dry Creek	Approximately 250 feet upstream of Louise Avenue	*98
			Approximately 200 feet downstream of Fourth Street	*99
			Just downstream of State Highway 36	*99
		Seabourne Creek	Just downstream of Bernard Avenue extended	*97
		Brazos River	Just upstream of 6th Street extended	*93
Maps available for insepction at City Hall, 2110 South Fourth Street, Rosenberg, Texas 77471.				

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

Issued: June 13, 1984.

Jeffrey S. Bragg,

Federal Insurance Administrator, Federal Insurance Administration.

[FR Doc. 84-16680 Filed 6-22-84; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

[GSAR AC-84-2]

Implementation of the Department of Labor's (DOL) Revised Regulations on Labor Standards for Federal Service Contracts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This General Services Administration Acquisition Regulation (GSAR) Acquisition Circular (AC) temporarily implements and supplements the guidance contained in Federal Acquisition Circular (FAC) 84–1, April 1, 1984, of the Federal Acquisition Regulation (FAR) concerning the Department of Labor's revised Service Contract Act (SCA) regulations. This Circular highlights the significant changes in the DOL regulations and amends the GSAR Subpart 522.10 and 552.222 consistent with the revised DOL regulations and FAC 84–1.

EFFECTIVE DATE: June 14, 1984.

FOR FURTHER INFORMATION CONTACT: Edward J. McAndrew, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, GSA (202) 566–1224.

SUPPLEMENTARY INFORMATION: 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 (GSA) certifies, under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), that this document implementing the revised DOL Service Contract Act regulations in GSA procurements of services will have a significant beneficial economic impact on many small entities. The GSA certification is based on DOL's final regulatory impact and flexibility analysis on its revised regulations at 48 FR 49758, October 27, 1983. All of the information collection requirements contained in the Acquisition Circular stem from DOL requirements which have been approved by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.).

Authority: 40 U.S.C. 486(c).

In 48 CFR Chapter 5, the following Acquisition Circular is added to Appendix C at the end of the Chapter to read as follows:

GSAR AC–84–2

To: All GSA contracting activities

Subject: Implementation of the Department of Labor's (DOL) Revised Regulations on Labor Standards for Federal Service Contracts

1. *Purpose.* This Acquisition Circular (AC) temporarily implements and supplements Item VII, Service Contract Act of 1965, in the Federal Acquisition Circular (FAC) 84–1 and Subpart 22.10 of the Federal Acquisition Regulation.

2. *Effective date.* June 14, 1984.

3. *Expiration date.* This Acquisition Circular expires 6 months after issuance unless canceled earlier.

4. *Background.* The Department of Labor (DOL) by regulations (29 CFR Part 4) dated October 19, 1983, (48 FR 49736–49805, October 27, 1983), revised the labor standards on Federal service contracts issued under the Service Contract Act of 1965, as amended. The effective date of the revised DOL regulations was January 27, 1984. General Services Administration's (GSA) Heads of Services and Regional Administrators, by letter of February 7, 1984, from the Assistant Administrator for Acquisition Policy, were advised of the effective date and the necessary actions required to implement the revised DOL regulations. FAC 84–1 removes the current coverage in FAR Subpart 22.10 and the related clauses and prescribes that civilian agencies, other than NASA, continue to follow the Federal Procurement Regulations (FPR) Temporary Regulation 76, February 23, 1984 (49 FR 6726, Feb. 23, 1984) and agency procedures instituted thereunder. This Acquisition Circular contains the essential elements in the FPR Temporary Regulation 76, highlights the major changes in the DOL regulations, and amends Parts 522 and 552 of the GSAR to be consistent with the revised DOL regulations and FAC 84–1.

5. *Applicability.* This Acquisition Circular applies to all GSA procurements for services subject to the Service Contract Act of 1965, as amended, for which solicitations were

issued on or after April 1, 1984, pending issuance of revised FAR Subpart 22.10 and FAR 52.222–40 through 52.222–44.

6. *Reference to regulation.* FAR Subpart 22.10, Service Contract Act of 1965, and the clauses at FAR 52.222–40 through 52.222–44 were removed by Federal Acquisition Circular 84–1, April 1, 1984, (49 FR 12972, March 30, 1984). GSAR Subpart 522.10 and 552.222–43 are amended by this Acquisition Circular and 552.222–83 through 552.222–86 are added by this Acquisition Circular.

7. *Supplementary information.* This Acquisition Circular, in addition to amending the GSAR to conform with the revised DOL regulations and FAC–84–1, highlights the signficant changes in the DOL regulation. The significant changes to the DOL regulations (29 CFR Part 4) are:

(a) Section 4.1b(b)—Limitation on section 4(c) of the Service Contract Act of 1965.

This section has been revised to provide that the rates contained in new or changed collective bargaining agreements (CBAs) consummated during the period of performance of the predecessor contract will not be effective for purposes of the successorship requirements of section 4(c) of the Act, if notification of the terms of the new CBA is received by the contracting agency: (1) in the case of a competitively advertised procurement, less than 10 days before the date of bid opening, provided the agency makes an affirmative finding that there is not a reasonable time still available to notify bidders; or (2) in the case of a negotiated procurement or execution of a renewal option or extension, after award, provided contract start of performance is written 30 days after the award, option, or extension—otherwise, the former "10 days before commencement" rule would apply.

(b) Sections 4.3, 4.4, and 4.53—Locality Basis of Wage Determinations When Place of Contract Performance is Unknown at Time of Bid Solicitation.

These sections have been revised to establish a new "two-step" procurement procedure for issuing separate wage determinations, to the extent feasible, for each of the various localities where the particular contract work might be performed in instances when the place of contract performance cannot be determined at the time of bid solicitation.

(c) Section 4.4(a)—Notice of Intention to Make a Service Contract (SF–98).

This revised section provides that contracting agencies must file SF–98's not less than 60 days (nor more than 120 days without approval) prior to invitations for bids, requests for proposals, commencement of negotiations, exercise of options or extensions, etc., in the case of recurring, known procurements; and not later than 30 days prior to such contracting actions for unplanned and/or emergency procurement actions.

(d) Section 4.5(a)(2)—Incorporation of Revised Wage Determinations.

This section provides that revisions of a wage determination received by the contracting agency later than 10 days prior to the date of bid opening (in the case of competitively advertised procurements) are not effective if the agency makes an affirmative finding that there is not reasonable time still available to notify bidders of the revision. In the case of negotiated procurements (or options or extensions of the initial contract term), revisions received after award (or execution, as appropriate) are not effective *provided* that contract start of performance is within 30 days of the award (or option or extension); if the contract does not specify a start of performance within 30 days and/or performance does not commence within the 30-day period, DOL is to be notified by the agency and any subsequent notice of a revision received by the agency not less than 10 days before commencement of the contract will be effective.

(e) Section 4.5(c)(2)—Erroneous Contracting Agency Determinations of Noncoverage.

This new subsection requires that when DOL finds that the contracting agency made an erroneous determination that the Service Contract Act of 1965 (SCA) did not apply and/or failed to include an appropriate wage determination in a covered contract, the agency must include the SCA contract stipulations and any applicable wage determination in such contract within 30 days of notification by DOL.

(f) Sections 4.6 and 4.7—Labor Standards Clauses for Federal Service Contracts.

These sections set forth the revised contract clauses discussed in paragraph 8(c) below.

(g) Section 4.6(b)(2)—Conformance of Wage Rates for Classifications of Employees Not Listed in a Wage Determination.

Revisions in the conformance procedures in this contract clause provide for an "indexing" procedure which allows a contractor to apply a specified mathematical formula to a previously conformed rate in establishing a new conformed rate, without requiring DOL approval. The indexed conformance is based upon the average percentage change between the rates listed in the current wage determination for all classifications to be used on the contract and those rates specified for the corresponding classifications in the previously applicable wage determination.

In addition, the revised procedures require that a contractor initiate the conformance action before an unlisted class of employee performs any contract work. Furthermore, except where the indexing procedure is utilized, the revised regulations require that the contractor submit information regarding the agreement or disagreement of the affected employees to the conformed rate and also require the contracting officer to promptly submit all conformance actions to DOL for review and approval. Conformed wage rates and/or fringe benefits must be paid to all employees in the conformed classification retroactive to the date such class of employees commenced any contract work.

(h) Section 4.6(1)(2)—Seniority List.

In cases of a contract performed at a Federal facility where employees may be hired/retained by a succeeding contractor, this new subsection requires the incumbent prime contractor to furnish a certified list of all service employees on the contractor's or subcontractor's payroll during the last month of the contract, together with anniversary dates of employment, to the contracting officer no later than 10 days before contract completion.

(i) Section 4.6(n) Certification of Eligibility.

This section provides a new requirement that the contractor certifies it is not a debarred person or firm and thus not ineligible to be awarded the contract, and also prohibits subcontracting to debarred persons.

(j) Sections 4.6(r) and 4.187—Disputes Concerning Labor Standards.

For clarification, a new paragraph (r) has been added to the contract clauses in 4.6 specifying that disputes involving the labor standards provisions of the contract are resolved by DOL under its regulations (29 CFR Parts 4, 6, and 8) and are not subject to the general disputes clause of the contract.

(k) Section 4.8—Notice of Awards.

Section 4.8 provides that a Standard Form 99 need not be submitted to DOL for contract awards exceeding $10,000 that are subject to the SCA if the contracting agency submits Standard Form 279, FPDS Individual Contract Action Report (or its equivalent), to the FPDS or if the contracting agency makes other arrangements with the Wage and Hour Division for notification of such contract awards. However, this action does not alter the statutory requirement

that contracting agencies incorporate the proper stipulations in all contracts exceeding $2,500.

(l) Section 4.10—Substantial Variance Proceedings Under section 4(c) of the Act.

This section provides revised procedures relative to requests for hearings under section 4(c) of the Act to determine whether the collectively bargained wages and/or fringe benefits otherwise required to be paid are "substantially at variance" with those which prevail for similar services in the locality.

(m) Section 4.11—Arm's Length Proceedings.

This section, in conjunction with revised 29 CFR Part 6, provides new hearing procedures relative to questions as to whether the wages and fringe benefits contained in a predecessor contractor's collective bargaining agreement were reached as a result of "arm's length negotiations".

(n) Section 4.12—Substantial Interest Proceedings.

This section, in conjunction with revised 29 CFR Part 6, provides new hearing procedures relative to determinations of whether persons or firms whose names appear on the ineligible bidders list pursuant to section 5 of the act have a "substantial interest" in any firm, corporation, partnership, or association other than those appearing on the ineligible list.

(o) Subpart B—Wage Determination Procedures.

This new Subpart explains DOL's overall policies and procedures concerning the issuance and review of wage determinations.

(p) Section 4.55—Review and Reconsideration of Wage Determinations.

This section provides that interested parties affected by a wage determination may obtain review and reconsideration by the Wage and Hour Administrator of the wage determination upon request.

(q) Section 4.114(b)—Liability of Prime Contractor for Violations by Subcontractors.

This section provides that the prime contractor is liable in the event its subcontractors violate the Act by failing to pay the wages and fringe benefits required under the provisions of the prime contract.

(r) Section 4.116(b) and 4.131(f)—Coverage of Contracts For Property Demolition, Dismantling, and Removal.

As provided in these revised sections, where the facts show the principal purpose of a demolition contract is the furnishing of dismantling and removal services, and no further construction is contemplated (in which case the contract would be subject to the Davis-Bacon Act), such a contract is covered by the SCA even though the contractor received salvaged materials.

(s) Section 4.117—Work Subject to the Walsh-Healey Act: Overhaul and Modification of Equipment.

This new section provides detailed guidelines for delineating when contracts for major overhaul of equipment would be considered "remanufacturing" subject to the Walsh-Healey Public Contracts Act (PCA) rather than the SCA. Contracting agencies are required to initially determine whether work to be performed under a proposed contract would involve principally "remanufacturing" work based on the guidelines, and incorporate the appropriate labor standards clauses (SCA *or* PCA) into the contract prior to soliciting bids.

(t) Sections 4.118—Contracts for Carriage Subject to Published Tariff Rates.

This section discusses application of the statutory exemption in section 7(3) of the SCA for contracts for carriage of freight or personnel subject to published tariff rates, as well as the administrative exemption provided for certain contracts where such carriage is subject to and in accordance with applicable regulations governing rates covered by section 10721 of the Interstate Commerce Act (see revised section 4.123(d)(3) of the regulation).

(u) Section 4.123(e)—Exemptions from Coverage for Contracts for Maintenance and Repair of Certain ADP, Scientific and Medical, and Office/Business Equipment.

An administrative exemption from the provisions of the Act has been granted for certain contracts for the maintenance, calibration and/or repair of: (1) Automated data processing equipment and office information/word processing systems, (2) scientific equipment and medical apparatus or equipment where the application of microelectronic circuitry or similar technology is an essential element, and (3) office/business machines where the work is performed by the manufacturer or supplier of the equipment.

(v) Section 4.130(a) and 4.131(f)—Coverage of Contracts for the Sale of Timber.

The DOL has reexamined the issue of the applicability of the SCA to timber sales contracts and has concluded that the services provided under these contracts are only incidental to the principal purpose of the contracts, which is the sale of timber. Certain contracts which in fact are principally for some purpose other than the sale of timber, such as clearing land or removal of diseased or dead timber, will continue to be subject to the SCA.

(w) Section 4.132—Coverage of Separate Contract Specifications.

Section 4.132 (and other appropriate sections) has been modified to eliminate coverage of separate bid specifications (i.e., line items for specific work in a contract) principally for services when the principal purpose of the entire contract is not for services.

(x) Section 4.133—Beneficiary of Contract Services.

This revised section provides that where the principal purpose of a Government contract is to provide services through the use of service employees, the contract is covered by the Act, regardless of the direct beneficiary of the services. However, an exemption is provided for certain kinds of concession contracts, but visitor information center services have been deleted from the terms of the exemption.

(y) Section 4.145—Extended Term Contracts.

This section has been revised to clarify that for purposes of the SCA, where such contracts are subject to annual appropriations, they are deemed newly entered into upon the contract anniversary date which occurs in each new fiscal year, rather than at the beginning of each fiscal year, if those two dates are different.

(z) Section 4.152(c)—Trainee Classifications.

This section emphasizes that conformance procedures may not be used to artificially subdivide classifications listed in the wage determination. Where the wage determination lists a series of classes within a job classification family, the lowest level listed is considered to be the entry level and establishment of lower (or intermediate) levels through conformance is not permissible. Further, conformance procedures may only be used if the work which an employee is to perform under the contract is not within the scope of any classification listed in the wage determination.

(aa) Subpart D—Compensation Standards (§§ 4.159 through 4.185).

These sections incorporate additional, updated policies regarding a contractor's compliance with the Act's minimum monetary wage and fringe benefit requirements.

(bb) Section 4.163—section 4(c) of the Act.

As set forth in revised § 4.163(i), this successorship provision applies only to successor contracts which are performed *in the same locality* as the

predecessor contract. However, wage determinations issued pursuant to section 4(c) and included in a contract will continue to apply if the successor prime contractor subsequently changes the place(s) of contract performance or subcontracts any part of the contract work to a firm in a different locality.

(cc) Subpart E—Enforcement (§§ 4.187 through 4.191).

These sections provide additional information and guidance regarding enforcement procedures for the recovery of underpayments in debarment cases.

8. *Explanation of changes to the GSAR.*

a. Section 522.1003 is revised as follows:

522.1003 Applicability.

(a) *General.* Pending the issuance of the revised Federal Acquisition Regulation (FAR) coverge of the Service Contract Act of 1965, the policies and procedures in the Federal Procurement Regulations (FPR) Subpart 1–12.9 Service Contract Act of 1965, as amended by the FPR Temporary Regulation 76, revision of labor standards for Federal service contracts, February 23, 1984, must be followed. This Subpart 522.10 contains the essential elements of the FPR Temporary Regulation 76 and includes the major changes to the Department of Labor (DOL) regulations, dated October 19, 1983.

(b) *Request for determinations and exemptions.* Request for determinations regarding the applicability of the Service Contract Act and requests for exemptions from the Act must be submitted to the Wage and Hour Administrator by the head of the contracting activity.

b. Subpart 522.10 is amended by adding a new § 522.1005, reading as follows:

522.1005 Clause for contracts of $2,500 or less.

The contracting officer must insert the clause at 552.222–83, Service Contract Act of 1965—Contracts of $2,500 or Less, in solicitations and contracts when the contract amount is expected to be $2,500 or less and the Service Contract Act of 1965 is applicable. With respect to Blanket Purchase Agreements and Basic Ordering Agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably anticipated to be placed in a 1-year period.

c. Section 522.1006 is revised to read as follows:

522.1006 Clauses for contracts over $2,500.

(a) The contracting officer must insert the clause at 522.222–84, Service Contract Act of 1965 (as amended), in solicitations and contracts when the contract is subject to the Service Contract Act of 1965 and is (i) for over $2,500 or (ii) for an indefinite dollar amount and the contracting officer expects the contract amount will exceed $2,500 during any 12-month period. With respect to Blanket Purchase Agreements and Basic Ordering Agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably anticipated to be placed in a 1-year period.

(b) Price-adjustment clauses.

(1) Except as required by paragraph (b)(2) below, the contracting officer must insert the clause at 552.222–86 Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts), in solicitations and contracts when the contract is expected to be a fixed-price service contract containing the clause at 552.222–84, Service Contract Act of 1965 (as amended), and is a multiyear contract or is a contract with options to renew.

(2) The contracting officer must insert one of the clauses at 552.222–43, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Option Contract/Multiyear Contract) as appropriate, in solicitations and contracts for building services when the contract is expected to be a fixed price service contract containing the clause at GSAR 552.222–83 or 552.222–84, Service Contract Act of 1965, and is a multiyear contract or is a contract with options to renew. The clauses at 552.222–43, must be used in building service contracts in lieu of the clause at 552.222–86 except when the contract is negotiated based on certified cost and pricing data.

(3) The contracting officer must insert the clause at 552.222–85, Fair Labor Standards Act and Service Contract Act—Price Adjustment, in solicitations and contracts when the contract is expected to be a fixed price service contract containing the clause at 552.222–84, Service Contract Act of 1965 (as amended), and is not a multiyear contract or is not a contract with options to renew.

(4) The clauses prescribed in this paragraph (b) cover situations in which revised minimum wage rates are applied to contracts by operation of law, or by revision of a wage determination before (i) exercise of a contract option or (ii) extension of a multiyear contract into a new program year. The clauses do not cover situations in which the economic price adjustment clauses prescribed in FAR 16.203(d) are used. When the coverage authorized by FAR 16.203(d) is desired, it must not conflict with, or overlap, the clauses prescribed in this paragraph (b).

d. Section 522.1007 is revised to read as follows:

522.1007 Notice of intention to make a service contract.

Requests to expedite wage determinations or to check the status of a particular request may be made by the contracting officer directly to the Wage and Hour Administrator.

e. Section 522.1008 is unchanged and is presently in the GSAR as follows:

522.1008 Wage determinations and collective bargaining agreements.

For the purposes of this subpart, the agency labor advisor will be legal counsel.

f. Section 522.1011 is revised to read as follows:

522.1011 Hearings.

Requests for hearings under 29 CFR 4.11 will be made by the contracting officer through the head of the contracting activity to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. All such requests must be coordinated with the appropriate legal counsel.

g. Section 522.222–43 is amended by revising paragraphs (a) and (b) to read as follows:

522.222–43 Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts).

(a) As prescribed in § 522.1006(b)(2), insert the following clause in solicitations and contracts for building services unless the contract is being negotiated based on certified cost and pricing data.

Fair Labor Standards Act and Service Contract Act—Price Adjustment (Option Contract) (May 1984)

* * * * *

(b) As prescribed in 522.1006(b)(2), insert the following clause in solicitations and contracts for building services unless the contract is being negotiated based on certified cost and pricing data.

Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear Contract) (May 1984)

* * * * *

h. Subpart 552.2 is amended by adding four new sections as follows:

552-222-83 Labor Standards Clause for Federal Service Contracts Not Exceeding $2,500.

As prescribed in 522.1005, insert the following clause in solicitations and contracts when the contract amount is expected to be $2,500 or less and the Service Contract Act of 1965 is applicable. With respect to Blanket Purchase Agreements and Basic Ordering Agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably anticipated to be placed in a 1-year period.

Service Contract Act (May 1984)

Except to the extent that an exemption, variation or tolerance would apply if this were a contract in excess of $2,500, the contractor and any subcontractor hereunder must pay all of his employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. Regulations and interpretations of the Service Contract Act of 1965, as amended, are contained in 29 CFR Part 4.

(End of Clause)

552.222-84 Service Contract Act of 1965 (as amended)

As prescribed in § 522.1006(a), insert the Service Contract Act of 1965 clause contained on the April 1984 edition of the GSA Form 2166 (copy attached), in solicitations and contracts when the contract is subject to the Service Contract Act of 1965 and is (a) for over $2,500 or (b) for an indefinite dollar amount and the contracting officer expects the contract amount will exceed $2,500 during any 12-month period. The GSA Form 2166 may be used or its contents repeated verbatim in solicitations and contracts. With respect to Blanket Purchase Agreements and Basic Ordering Agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably anticipated to be placed in a 1-year period.

552.222-85 Fair Labor Standards Act and Service Contract Act—Price Adjustment.

As prescribed in 522.1006(b)(3) insert the following clause in solicitations and contracts when the contract is expected to be fixed-price service contract containing the clause at 552.222-84, Service Contract Act of 1965 (as amended), and is not a multiyear contract or is not a contract with options to renew:

Fair Labor Standards Act and Service Contract Act—Price Adjustment (May 1984)

(a) The Contractor warrants that the prices in this contract do not include any allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(b) The contract price or contract unit price labor rates will be adjusted to reflect increases or decreases by the Contractor in wages or fringe benefits of employees working on this contract to comply with:

(1) An increased or decreased wage determination applied to this contract by operation of law; or

(2) An amendment to the Fair Labor Standards Act of 1938 that is enacted subsequent to award of this contract, affects the minimum wage, and becomes applicable to this contract under law.

(c) Any such adjustment will be limited to increases or decreases in wages or fringe benefits as described in paragraph (b) above, and to the concomitant increases or decreases in social security and unemployment taxes and workers' compensation insurance; it must not otherwise include any amount for general and administrative costs, overhead, or profits.

(d) The Contractor must notify the Contracting Officer of any increase claimed under this clause within 30 days after the effective date of the wage change, unless this period is extended by the Contracting Officer in writing. The Contractor must promptly notify the Contracting Officer of any decrease under this clause, but nothing in the clause must preclude the Government from asserting a claim within the period permitted by law. The notice must contain a statement of the amount claimed and any relevant supporting data that the Contracting Officer may reasonably require. Upon agreement of the parties, the contract price or contract unit price labor rates must be modified in writing. The Contractor must continue performance pending agreement on or determination of any such adjustment and its effective date.

(e) The Contracting Officer or an authorized representative must, until the expiration of 3 years after final payment under the contract, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor.

(End of clause)

552.222-86 Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts).

As prescribed in 522.1006(b)(1) insert the following clause in solicitations and contracts when the contract is expected to be a fixed-price service contract containing the clause at 552.222-84 Service Contract Act of 1965 (as amended), and is a multiyear contract or is a contract with options to renew (note that the adjustments under subparagraphs (c) (2) and (3) of the clause may apply to the base period as well as to subsequent periods):

Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts) (May 1984)

(a) The Contractor warrants that the prices in this contract do not include any allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(b) The minimum prevailing wage determination, including fringe benefits, issued under the Service Contract Act of 1965 (41 U.S.C. 351-358), by the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, current at the beginning of each renewal option period, must apply to any renewal of this contract. When no such determination has been made applicable to this contract, then the current Federal minimum wage as established by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) must apply to any renewal of this contract.

(c) The contract price or contract unit price labor rates will be adjusted to reflect increases or decreases by the Contractor in wages or fringe benefits of employees working on this contract to comply with:

(1) The Department of Labor determination of minimum prevailing wages and fringe benefits applicable at the beginning of the renewal option period;

(2) An increased or decreased wage determination otherwise applied to the contract by operation of law; or

(3) An amendment to the Fair Labor Standards Act of 1938 that is enacted subsequent to award of this contract, affects the minimum wage, and becomes applicable to this contract under law.

(d) Any such adjustment will be limited to increases or decreases in wages or fringe benefits as described in paragraph (c) above, and to the concomitant increases or decreases in social security and unemployment taxes and workers' compensation insurance; it must not otherwise include any amount for general and administrative costs, overhead, or profits.

(e) The Contractor must notify the Contracting Officer of any increase claimed under this clause within 30 days after the effective date of the wage change, unless this period is extended by the Contracting Officer in writing. The Contractor must promptly notify the Contracting Officer of any decrease under this clause, but nothing in the clause must preclude the Government from asserting a claim within the period permitted by law. The notice must contain a statement of the amount claimed and any relevant supporting data that the Contracting Officer may reasonably require. Upon agreement of the parties, the contract price or contract unit price labor rates must be modified in writing. The Contractor must continue performance pending agreement on or determination of any such adjustment and its effective date.

(f) The Contracting Officer or an authorized representative must, until the expiration of 3 years after final payment under the contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor.

(End of clause)

i. Section 552.300 is amended by adding the following to the matrix for Fixed Price Service and the Matrix for Small Purchases under the Contract

Clauses, Required-When-Applicable section:

Uniform contract format section	Provision of clause number	GSAR text reference	Title
I	552.222-83	522.1005	Service Contract Act of 1965 Contracts of $2,500 or less.
I	552.222-84	522.1006(a)	Service Contract Act of 1965 (as amended).
I	552.222-85	522.1006(b)(3)	Fair Labor Standards Act and Service Contract Act—Price adjustment.
I	552.222-86	522.1006(b)(1)	Fair Labor Standards Act and Service Contract Act—Price adjustment (multi-year and option contracts).

j. The Matrix for Fixed-Price Service in 552.300 is revised to correct the entry for clause number 552.222-43, Fair Labor Standards and Service Contract Act—Price Adjustment (Multi-year and Option Contracts), on page 5299.19. The reference to the Uniform Contract Format section is changed from "B" to "I" and the GSAR text reference is changed from 552.1006 to 522.1006(b)(2).

Dated: June 14, 1984.

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 84-16786 Filed 6-22-84; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 371

[Docket No. 40673-4073]

Fraser River Sockeye and Pink Salmon Regulations

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

ACTION: Notice of final rule.

SUMMARY: NOAA issues this notice of final rule to reprint in the Federal Register the International Pacific Salmon Fisheries Commission's 1984 regulations, which implement the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System between the United States and Canada (Convention). This notice and reprinting discharges a foreign affairs obligation of the United States. These regulations are necessary to achieve the objectives of the Convention in 1984. The intended effect of the regulations is to ensure adequate escapement of each spawning unit and the equitable division of catch between U.S. and Canadian fishermen in Convention waters. These rules do not apply to treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places, when they are fishing in accord with regulations promulgated by the Department of the Interior.

EFFECTIVE DATE: June 20, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. T. E. Kruse, Acting Regional Director, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115; telephone: 206-526-6150.

SUPPLEMENTARY INFORMATION: On February 24, 1984, the International Pacific Salmon Fisheries Commission (the Commission) forwarded proposed regulations for the 1984 commercial fishing season for sockeye in Convention Waters to the Government of the United States for approval, as required by Article VI of the Convention between the United States and Canada. The United States has provisionally approved those regulations, with the exception that the regulations would not apply to treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places. Treaty Indian fisheries are regulated by 25 CFR Part 249, published by the Department of the Interior.

Regulations for 1984 are similar to regulations adopted by the Commission in previous years to implement the Convention. The regulations for 1983 were published at 48 FR 24902 on June 3, 1983. The 1984 regulations amend the 1983 schedules of fishing by gillnets, purse seines and reef nets to 1984 calendar dates.

The 1984 regulations for sockeye salmon fishing provide for a 5-week season with one day of fishing per week for the all-citizen, or non-Indian, fishery. This pre-season schedule will undoubtedly be adjusted during the season by the Commission to meet the following paramount objectives of the Convention with Canada: (1) Conservation, i.e., properly-timed escapement through all fisheries, of adequate numbers of the various races of salmon for scheduled fisheries in Canada and for spawning purposes, and (2) equal division of Convention Waters catches between fishermen of the two nations. Such changes in the fishing schedule often occur as the season progresses because pre-season estimates of run size, catches, racial compositions of the salmon runs, migration routes (sockeye salmon may reach the mouth of the Fraser River by passing through the Straits of Juan de Fuca or through Johnstone Straits at the north end of Vancouver Island), and timing of the runs may vary substantially from actual events during the season.

These regulations for all-citizen fisheries will be effective in High Seas Convention Waters as well as in Convention Waters inside the Bonilla Point-Tatoosh Island line. These regulations are necessary to achieve the objectives of the Convention and provide for a rational fishery by U.S. fishermen.

50 CFR Part 371 gives notice of the content of regulations adopted by an international commission that are in force for the United States and its citizens under the agreements in the Convention. Reprinting the Commission's regulations in the **Federal Register** helps fulfill the United States Convention obligation to make the Commission's regulations effective and, as such, involves a foreign affairs function not subject to the requirements of 5 U.S.C. 553 (Administrative Procedure Act), E.O. 12291, or the Regulatory Flexibility Act.

List of Subjects in 50 CFR Part 371

Fish, Fishing, Fisheries, International organizations, Reporting and recordkeeping requirements.

Dated: June 18, 1984.

Carmen J. Blondin,

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

PART 371—FRASER RIVER SOCKEYE AND PINK SALMON REGULATIONS

50 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776-776f.

2. Section 371.9 and Appendix A are revised to read as follows:

§ 371.9 Commission regulations.

Appendix A sets forth regulations of the Commission for the 1984 fishing season. These regulations, as may be modified from time to time by emergency orders of the Commission and disseminated under § 371.6 of this part, are the "Regulations of the Commission," violation of which is unlawful under the Act.

Appendix A—International Pacific Salmon Fisheries Commission Regulations

1. No person shall fish for sockeye or pink salmon with nets in Puget Sound Salmon Management and Catch Reporting Areas 4B, 5, 6, 6A, 6C, 7, 7A, and 7D from the 24th day of June, 1984, to the 21st day of July, 1984, both dates inclusive.

2. (1) No person shall fish for sockeye or pink salmon with purse seines in Puget Sound Salmon Management and Catch Reporting Areas 4B, 5, 6, 6A, 6C, 7, and 7A:

(a) From the 22nd day of July, 1984, to the 18th day of August, 1984, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday of each week; and

(b) From the 19th day of August, 1984, to the 25th day of August, 1984, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday.

(2) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 22nd day of July, 1984, to the 28th day of July, 1984, and from the 5th day of August, 1984, to the 11th day of August, 1984, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(b) From the 29th day of July, 1984, to the 4th day of August, 1984, and from the 12th day of August, 1984, to the 18th day of August, 1984, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday of each week; and

(c) From the 19th day of August, 1984, to the 25th day of August, 1984, both dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday.

(3) No person shall fish for sockeye or pink salmon with reef nets in the waters described in subsection (1) of this section:

(a) From the 22nd day of July, 1984, to the 28th day of July, 1984, and from the 5th day of August, 1984, to the 11th day of August, 1984, all dates inclusive, except from six o'clock in the forenoon to half past nine o'clock in the afternoon of Sunday of each week; and

(b) From the 29th day of July, 1984, to the 4th day of August, 1984, and from the 12th day of August, 1984, to the 18th day of August, 1984, all dates inclusive, except from half past nine o'clock in the forenoon to half past nine o'clock in the afternoon of Sunday of each week; and

(c) From the 19th day of August, 1984, to the 25th day of August, 1984, both dates inclusive, except from six o'clock in the forenoon to nine o'clock in the afternoon of Sunday.

3. No person shall fish for sockeye or pink salmon with nets in Puget Sound Salmon Management and Catch Reporting Areas 6, 6A, 7, and 7A from the 26th day of August, 1984, to the 8th day of September, 1984, both dates inclusive.

4. No person shall fish for sockeye or pink salmon in Puget Sound Salmon Management and Catch Reporting Area 7B, except for those sockeye or pink salmon taken in nets having mesh not less than 7 inches as authorized for the taking of chinook salmon by the Director of Fisheries of the State of Washington, from the 24th day of June, 1984, to the 18th day of August, 1984, both dates inclusive.

5. No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in section 3 lying westerly of a straight line drawn from the low-water range-marker in Boundary Bay on the International Boundary through the east tip of Point Roberts in the State of Washington to the East Point Light on Saturna Island in the Province of British Columbia from the 9th day of September, 1984, to the 29th day of September 1984, both dates inclusive.

6. The following Convention Waters are excluded:

(1) High Seas westerly of the Bonilla Point-Tatoosh Island Lighthouse Line.

(2) Puget Sound Salmon Management and Catch Reporting Areas 6B, 6D, and 7C.

(3) Preserves previously established by the Director of Fisheries of the State of Washington for the protection of other species of food fish.

All times hereinbefore mentioned shall be Pacific Daylight Saving Time.

[FR Doc. 84-16793 Filed 6-20-84; 11:47 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 123
Monday, June 25, 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 Parts 1007, 1093, and 1094

Milk in the Georgia, Alabama-West Florida and New Orleans-Mississippi Marketing Areas; Notice of Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain pooling provisions of the Georgia, Alabama-West Florida, and New Orleans-Mississippi Federal milk orders. The action was requested by Dairymen, Inc., which operates a fully regulated plant at Savannah, Georgia, where only aseptically processed fluid milk products are packaged for domestic distribution and for export. The cooperative claims that this action will provide partial regulation, rather than full regulation, of the Savannah plant and is necessary to enable Dairymen, Inc. to compete on an equitable basis with a Visalia, California, plant for sales of aseptically processed fluid milk products.

DATE: Comments are due not later than July 2, 1984.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would tend to ensure that Dairymen, Inc., a cooperative association of dairy farmers, would be able to compete on an equitable basis for sales of aseptically processed fluid milk products. Otherwise, disorderly marketing conditions might result.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the orders regulating the handling of milk in the Georgia, Alabama-West Florida and New Orleans-Mississippi marketing areas is being considered as early as possible through December 1985:

1. In the first sentence of § 1007.7(a), the words "other than a plant specified in paragraph (d) of this section".

2. Section 1007.7(d) in its entirety.

3. In the first sentence of § 1093.7(a)(2), the words "the lesser of a daily average of 1500 pounds or".

4. In the first sentence of § 1094.7(a)(1), the words "the lesser of a daily average of 1500 pounds or".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the **Federal Register.** The period for filing comments is limited to 7 days because of proponent's request for immediate relief.

The comments that are received will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

This proposed action would make inoperative through December 1985 the pooling provisions applicable to a distributing plant at Savannah, Georgia, which packages aseptically processed fluid milk products only. Presently, the plant is a fully regulated plant under the Georgia order. The effect of the proposed suspension would be to provide partial regulation for the plant under the Georgia order, and also under the Alabama-West Florida and New Orleans-Mississippi milk orders, under which the plant could become fully regulated if only the Georgia order provisions were suspended.

The proposed suspension was requested by Dairymen, Inc., a cooperative association of dairy farmers which supplies much of the milk needs of the area covered by this proposed action.

The cooperative said that a plant at Visalia, California, packages aseptically processed fluid milk products for sale in competition with similar products from the Dairymen, Inc., plant at Savannah, Georgia. Milk that is used in the product and distributed by the Visalia plant in the 47 contiguous States outside California is being priced, according to Dairymen, Inc., at the California regulated Class II price. The cooperative said that for March 1984, the applicable price was $12.17 per hundredweight. Dairymen, Inc., also stated that milk that is used in the product and sold by the Visalia plant outside the continental United States is priced at the California Class IV price. The cooperative said that for March 1984, the applicable price was $11.69 per hundredweight.

In contrast, Dairymen, Inc., must pay the Georgia order Class I price for milk used in aseptically processed fluid milk products that are distributed in the United States or exported overseas. The Georgia Class I price for March 1984 was $14.35 per hundredweight.

Dairymen, Inc., claims that on this basis the cooperative is at a substandial disadvantage in competing with the Visalie plant for sales of aseptically processed fluid milk products in unregulated areas or in the export market. The cooperative indicated that in the case of such sales in the continental United States, the California pricing will apply through December 1985, when such products will then be priced at the California Class I price. The cooperative stated that partial regulation, rather than full regulation, for its Savannah plant is needed to enable it to compete with the visalia plant on a more equitable basis for sales of aseptically processed milk in the unregulated areas of the United States and for export.

The cooperative said that the proposed suspension requested for the Alabama-West Florida and New

Orleans-Mississippi milk orders is necessary to preclude the possible full regulation of the Savannah plant under either of the orders. The proposed suspension for the two orders would make inoperative the 1,500-pound alternative minimum daily in-area sales provisions for pooling a distributing plant. The 10-percent in-area distribution requirement for pooling a distributing plant would remain operative in the two orders. The cooperative said that no pool plant under either order would be affected by the proposed suspension.

List of Subjects in 7 CFR Parts 1007, 1093 and 1094

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C., on: June 20, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84–16837 Filed 6–22–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR–84–6]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before August 25, 1984.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204). Petition Docket No.———, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB–10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on June 18th, 1984.

Richard C. Beitel,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
23917	Flight Resources, Inc.	*Description of Petition:* To add a new paragraph to § 11.29(a) as follows; "A statement as to the differences, if any, in any provision(s) of the proposed and any current rule, from the standards or recommended practices recognized by any Convention, Treaty, Agreement, or applicable laws and requirements of foreign countries. *Regulations Affected:* 14 CFR 11.29(a). *Petitioner's Reason for rule:* Differing from internationally recognized standards and recommended practices is clearly "substantive" rulemaking envisioned by the Administrative Procedures Act, and thus requires specific public Notice. Thus, we petition for the amendment to 14 CFR 11.29 as a matter of law and equitable democratic process.
NOTE: This petition was previously published, however, the published wording of the proposed Rule was not completely consistant with the petitioners suggested wording. The correct wording is included in this document, however, the comment close date for this proposal remains June 25, 1984.		
24072	Aerovias Colombianas, LTDA (ARCA), & Aerolineas Nationales Del Ecuador (Andes).	*Description of Petitions:* To permit the operation of four-engine noise level Stage 1 aircraft at Miami Int'l. Airport in foreign (international) air transportation up to and including December 31, 1987. *Regulation Affected:* 14 CFR 91.303. *Petitioner's Reason for Rule:* To amend § 91.303 to permit the continued operations of airlines which operate such aircraft for which there is, as yet, no adequate modification or replacement aircraft, and to prevent a serious shortage of capacity, particularly in cargo. It is also required by the public interest, the national defense, and the treaty obligations of the United States.
24070	Ass'n. of Flight Attendants.	*Description of Petition:* To amend § 121.285(c) to place the cargo in passenger seats immediately aft of a crashworthy bulkhead or divider, instead of being placed throughout the passenger cabin as now permitted. *Regulations Affected:* 14 CFR 121.285. *Petitioner's Reason for Rule:* By so limiting the placement of cargo, the FAA would minimize the risk that cargo in crashes will break loose and block exits or strike passengers and crew. Under the amendment, any cargo that breaks loose would tend to simply strike the crashworthy bulkhead or divider and come to rest.

24045	Caribbean Air Cargo, Co., Ltd., Surinam Airways, Ltd., Air Haiti, S.A., Lineas Aereas Del Caribe (LAC Airlines), & Florida West Airlines, Inc.	*Description of Petition:* To amend § 91.303 to permit the operation of four-engine noise level Stage 1 aircraft at Miami Int'l. Airport in foreign (international) air transportation up to and including December 31, 1987. *Regulations Affected:* 14 CFR 91.303. *Petitioner's Reason for Rule:* To amend § 91.303 to permit the continued operations of airlines which operate such aircraft for which there is, as yet, no adequate modification or replacement aircraft, and to prevent a serious shortage of capacity, particularly in cargo. It is also required by the public interest, the national defense, and the treaty obligations of the United States.
23910	Washington Legal Foundation.	*Description of Petition:* To promulgate a rule or rules promoting a zero-illicit drug use policy for airmen. Specifically, that the rule include a requirement that (1) present airmen provide written acknowledgment under oath that they do not and will not use illegal drugs on or off duty; (2) stricter medical and security reviews of newly hired airmen; (3) a program of mandatory random urinalysis and blood testing of airmen to detect illict drug use; and (4) a rigid dismissal policy or revocation of the airman certificate, as the case may be, for those airmen detected as illicit drug users. *Regulations Affected:* 14 CFR 11.25. *Petitioner's Reason for Rule:* Petitioner states that the public interest of safety and integrity in air transportation dictates the need for a strict and thorough policy of zero-illicit drug use by the FAA. Petitioner states that recent reports concerning abuse by air traffic control tower operators indicate an urgent need for a formal illicit drug use detection program given the grave dangers an airman under the influence of an illicit drug presents to the flying public, pilots and crew, and those on the ground where an accident may occur.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description and disposition of the rule requested
23651	H. L. Goldstock	To amend § 91.79(d) so as to require that helicopters be operated at the same higher minimum safe altitude over congested areas as other aircraft. *Denied 5/11/84.*

[FR Doc. 84-16782 Filed 6-22-84; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9155]

Great Lakes Chemical Corp., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: The Federal Trade Commission has dismissed the proceedings against Northwest Industries, Inc. and Velsicol Chemical Corp., after determing that no action is necessary against respondents who are no longer a part of the transaction.

DATE: Complaint issued June 23, 1981. Decision and Order issued May 23, 1984.*

FOR FURTHER INFORMATION CONTACT: FTC/CS-2, John V. Lacci, Washington, D.C. 20580. (202) 254-8644.

SUPPLEMENTARY INFORMATION: On Monday, March 12, 1984, there was published in the **Federal Register**, 49 FR 9220, a proposed consent agreement with analysis in the Matter of Great Lakes Chemical Corporation, a corporation, Northwest Industries, Inc., a corporation, and Velsicol Chemical Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form on order.

No comments were filed.

List of Subjects in 16 CFR Part 13

Flame retardents, Trade practices.

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

Emily H. Rock,

Secretary.

[FR Doc. 84-16672 Filed 6-22-84; 8:45 am]

BILLING CODE 6750-01-M

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

16 CFR Part 13

[Docket No. 9172]

David Porter; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Springfield, Missouri operator of retail grocery stores, among other things, to cease engaging in any concerted action to impede the collection or dissemination of comparative price information. For a period of 5 years, David Porter would be prohibited from requiring price checkers to purchase items to be priced as a condition of allowing them to price check; denying price checkers the same access to its stores as is provided to customers; or coercing any price checker, publisher or broadcaster to refrain from collecting or reporting comparative price information. Additionally the order would require David Porter to offer to reimburse TeleCable up to $1,000 for the broadcast of a comparative grocery price information program. Should the station elect to broadcast such a program, David Porter would be further required to post signs and place newspaper ads notifying the public that such a program is being broadcast.

DATE: Comments must be directed on or before August 24, 1984.

ADDRESS: Comments should be received to: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Patricia Ann Bremer, PA/752-4, Washington, D.C. 20580 (202) 724-1256.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25 of the Commission's Rules of Practice (16 CFR 3.25) notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be conducted by the Commission and will be available for inspection and copying at its principal office in accordance with

§ 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Comparative price information, Trade practices.

Before Federal Trade Commission

[Docket No. 9172]

Agreement Containing Consent Order To Cease and Desist

In the Matter of David Porter, an individual, trading and doing business as Porter's So-Lo Markets.

The Agreement herein, by and between David Porter, an individual trading and doing business as Porter's So-Lo Markets, by David Porter and his attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. David Porter, hereinafter sometimes referred to as "Porter", is an individual trading and doing business as Porter's So-Lo Markets, with his principal business office at 1475 North National, Springfield, Missouri.

2. Porter has been served with a copy of the complaint issued by the Federal Trade Commission charging him with violation Section 5 of the Federal Trade Commission Act, and has filed an answer to said complaint denying said charges.

3. Porter admits all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Porter waives:

a. Any further procedural steps;

b. The requirement that the Federal Trade Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. All rights under the Equal Access to Justice Act.

5. This agreement is for settlement purposes only and does not constitute an admission by Porter that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

6. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Federal Trade Commission. If this agreement is accepted by the Federal Trade Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Porter, in which event it will take such action as it may consider appropriate, or without further notice to Porter issue and serve its decision containing the following Order in disposition of the proceeding and make information public in respect thereto. When so issued, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time as provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agree-to Order to Porter's address as stated in this agreement shall constitute service. Porter waives any right he may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or this agreement may be used to vary or contradict the terms of the Order.

7. David Porter has read the complaint and the Order contemplated hereby. Porter understands that once the Order has been issued, Porter will be required to file one or more compliance reports showing that he has fully complied with the Order. Porter further understands that he will be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

I

For the purpose of this Order, the following definitions shall apply:

A. "Porter" means David Porter, individually and through Porter's So-Lo Markets or any other entity or corporate device, and his representatives, agents, employees, successors and assigns.

B. "Price check" or "price checking" means the collecting, from information available to customers, of retail prices of items offered for sale by any retail grocery store (SIC 5411), which is done neither by nor on behalf of a person engaged in the sale of groceries, and which information is used in price reporting.

C. "Price checker" means any person engaged in price checking.

D. "Price reporting" or "price report" means the dissemination to the public of price checking information through any medium by any person not engaged in the sale of groceries.

E. "Springfield" means the counties of Christian and Greene, Missouri.

F. "Customer" means any individual who enters a retail grocery store for the purpose of grocery shopping, whether or not that individual actually makes a purchase.

G. "Person" means individuals, corporations, partnerships, unincorporated associations, and any other business entity.

H. "Geographic area" means: (1) a Standard Metropolitan Statistical Area as defined by the Bureau of the Census, U.S. Department of Commerce, as of October 1, 1982; or (2) a county.

I. "Supermarket" means any retail grocery store (SIC 5411) with annual sales of more than one million dollars ($1,000,000.00).

II

It is further ordered that:

A. Porter shall forthwith cease and desist from taking any action in concert with any other person engaged in the sale of grocery products which has the purpose or effect of restricting, impeding, interfering with or preventing price checking or price reporting.

B. Except as provided in paragraph II.C., for five (5) years following the date on which this Order becomes final, Porter shall cease and desist from taking or threatening to take any unilateral action that would:

1. Require checkers to purchase items to be price checked as a condition of allowing them to price check; or

2. Deny price checkers the same access to Porter's supermarkets as is provided to customers; or

3. Coerce or attempt to coerce, any price checker, publisher or broadcaster into refraining from or discontinuing price checking or price reporting.

C. 1. Nothing in paragraph II.B. shall prevent Porter from adopting reasonable, non-discriminatory rules governing the number of price checkers in his supermarkets at any one time for the purpose of preventing disruption of Porter's normal business operations.

2. Nothing in subparagraph II.B.3. shall prevent Porter from publicly commenting upon or objecting to any price report in which his prices are compared to those of any other grocery retailer.

3. Whenever Porter believes that conditions exist that justify the exclusion of a price checker, he may submit to the Federal Trade Commission a sworn statement setting forth with particularity the facts that Porter believes meet such conditions. For purposes of this Order, the only conditions justifying the exclusion of a price checker are that another supermarket operator with whose prices

Porter's supermarket prices are compared in a price report has knowingly tampered with or manipulated the results of such price report for its own competitive gain either (a) by the use of information wrongfully obtained and not available to all supermarket operators whose prices are being compared, or (b) by inducing any price reporter or price checker to cause false information to be published or broadcast. Following the Federal Trade Commission's actual receipt of such statement, Porter may exclude the price checkers from his supermarkets in the geographic area(s) covered by the affected price report for so long as the conditions set forth in Porter's statement shall exist. In any civil penalty action against Porter for a violation of subparagraph II.B.2. occurring after notice to the Federal Trade Commission was given by Porter as provided in this subparagraph, Porter shall have the burden of proving, by a preponderance of the evidence, that the conditions justifying the exclusion of a price checker as set forth in this subparagraph have been met. In meeting his burden, Porter may offer evidence only for the purpose of proving the facts set forth in his statement to the Federal Trade Commission. Nothing in this subparagraph shall be construed to be an exception to the prohibitions of paragraph II.A. of this Order.

III

It is further ordered that, upon the resumption of price reporting by TeleCable of Springfield that is similar in quality and coverage to that broadcast by it prior to October 14, 1981, and that includes any Porter supermarket, and upon receipt by Porter of written request for payment from TeleCable, Porter shall reimburse TeleCable for its actual cost of obtaining a price reporting program up to the amount of two hundred fifty dollars ($250.00) per week. Porter's obligation under this Part (III) shall terminate either when he has reimbursed TeleCable in the total amount of one thousand dollars ($1,000.00) or three (3) years following the date on which this Order becomes final, whichever occurs first. Porter shall not reimburse TeleCable for costs incurred by TeleCable during any weeks for which TeleCable's costs are reimbursed by any other person.

IV

It is further ordered that, within seven (7) days following the date on which this Order becomes final, Porter shall send a letter, a copy of which is attached here as Exhibit A, together with a copy of this Order, to TeleCable of Springfield, informing TeleCable of Porter's obligations under Parts II and V of this Order, TeleCable's rights under Part III, and the notices that Porter must receive from TeleCable before certain Order provisions become binding upon Porter.

V.

It is further ordered that, if at any time during the two years following the date on which this Order becomes final, Porter is notified in writing by TeleCable of Springfield that price reporting that includes any of Porter's supermarkets has resumed in Springfield:

A. For a period of sixty (60) days following the receipt of such notice, Porter shall post signs no smaller than 30 inches by 40 inches in a front window in each of Porter's supermarkets in Springfield, stating:

Grocery Price Survey

A price survey comparing prices of selected grocery items at Porter's So-Lo Markets and other Springfield grocery supermarkets is being broadcast over cable television. This comparative price survey can be seen on channel ——— and is broadcast from ——— to ———.

B. For a period of sixty (60) days following the receipt of such notice, whenever Porter places food advertisements of one-half page or larger in any printed advertising medium with circulation of 15,000 or more copies in Springfield, which advertisements cover only his own stores, Porter shall publish an announcement as a part thereof in the same language provided in paragraph V.A. This announcement shall be no smaller than 3 inches high by 3 inches wide and shall be printed in conspicuous type. In each week in which Porter does not place a one-half page or larger food advertisement in such printed advertising medium covering only his own stores, Porter shall place this announcement as a display advertisement in those editions of any printed advertising medium with circulation of 15,000 or more copies in those areas of Springfield in which Porter's stores are located.

VI

It is further ordered that Porter shall, within seven (7) days after the date on which this Order becomes final, and once a year thereafter for three years, provide a copy of this Order to each of his supermarket managers, and secure from each such individual a signed statement acknowledging receipt of this Order.

VII

It is further ordered that Porter shall, within sixty (60) days after the date on which this Order becomes final, file with the Commission a verified written report, setting forth in detail the manner and form in which Porter has complied with this Order. Additional reports shall be filed at such other times as the Commission may by written notice require. Each compliance report shall include all information and documentation as may be required by the Commission to show compliance with this Order.

VIII

It is further ordered that Porter shall notify the Federal Trade Commission at least thirty (30) days prior to the discontinuance of his present business or employment as an individual proprietorship in the sale of groceries, or at least thirty (30) days prior to his affiliation with a new business or employment, or of any similar change which may affect compliance obligations arising out of this Order. The notice provision of this Part shall include any change in the organizational status of Porter's present business, such as incorporation, assignment or sale, resulting in the emergence of a successor entity, or any other change in Porter's business or his retail grocery operations.

Exhibit A

TeleCable of Springfield,
1553 South Enterprise, Springfield, Missouri 65801

Dear Sir or Madam: This is to notify you that I, David Porter, the owner of Porter's So-Lo Markets in Springfield, Missouri, have entered into a consent order with the Federal Trade Commission in which I have agreed that I will not interfere with efforts by independent parties such as TeleCable of Springfield to engage in price reporting or price checking in my grocery stores in Springfield. I have agreed that I will not require price checkers to purchase the items being price checked, will not deny price checkers the same access to my supermarkets as is provided to customers, and will not attempt to coerce any price checker, publisher or broadcaster into refraining from or discontinuing price checking or price reporting. The terms of and limitations of the agreement are set forth in a consent order issued by the Federal Trade Commission, a copy of which is enclosed herewith.

If TeleCable of Springfield institutes a price reporting program similar or superior in quality and coverage to the one broadcast by TeleCable in 1981, and if the program includes any of my grocery stores in Springfield, Missouri, I will reimburse TeleCable for its actual costs of obtaining price reports, up to the amount of $250 per

week, and up to $1,000 in total. I will also place notices in my Springfield grocery stores and in weekly advertisements, informing consumers of TeleCable's price surveys. The precise terms of my obligations to place such notices, and to reimburse TeleCable for certain of its costs, are set forth in the enclosed consent order.

In order to receive any funds to which you may be entitled and to effect the placement of the notices described above, please notify me in writing, c/o Porter's So-Lo Markets, 1475 North National, Springfield, Missouri 65802, stating when the program began or is scheduled to begin, the time and channel on which the survey will be broadcast, and TeleCable's costs, if any, of obtaining the surevey information.

Very truly yours,

David Porter

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from David Porter, an individual, trading and doing business as Porter's So-Lo Markets.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

A complaint was issued against David Porter, an individual, trading and doing business as Porter's So-Lo Markets (Porter), and two other Springfield, Missouri, grocery retailers on December 16, 1983, charging them with a conspiracy to prevent an independent price checking firm from collecting comparative grocery price information from their stores for broadcast to the public over the local cable television station. A fourth retailer, Dillon Companies, Inc., had previously signed a consent agreement, which became final on October 13, 1983. The complaint against Porter charges that, by agreeing with others to prevent the collection and public dissemination of comparative grocery price information, Porter has engaged in conduct that constitutes a restraint on price competition and a group boycott, and that Porter's conduct constituted an unfair method of competition or an unfair act or practice in violation of Section 5(a)(1) of the Federal Trade Commission Act. The complaint alleges that this conduct had the following anticompetitive effects: (1) Price competition among Springfield grocery retailers has been suppressed; and (2) consumers in Springfield have been deprived of price information that can be used in the selection of a grocery store.

The proposed order provides that Porter must: (1) Refrain from engaging in concerted action to impede the collection or dissemination of comparative grocery price information; (2) refrain for five years from taking three specific types of actions to impede the collection or dissemination of comparative grocery price information; (3) reimburse the Springfield, Missouri, cable television station up to $1,000 for the broadcast of a comparative grocery price program, if the cable station elects to broadcast such a program; (4) if the cable station elects to broadcast such a program, to post signs and place advertisements for sixty (60) days notifying the public that such a program is being broadcast; (5) notify certain of his employees of the terms of the order; (6) file periodic verified written compliance reports setting forth his compliance with the provisions of the order; and (7) provide the Federal Trade Commission at least 30 days notice prior to effecting in Porter's business or his retail grocery operations that may affect his compliance obligations arising from the order.

The proposed order, by requiring Porter to refrain from concerted and individual action to impede the collection or dissemination of comparative grocery price information, should ameliorate the anticompetitive effects resulting from the concerted action. The proposed order is intended to permit the marketplace to determine whether a comparative price survey is broadcast in Springfield, and to ensure that the development of new forms of consumer price information is not inhibited.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 84-16902 Filed 6-22-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Foreign Equipment Purchases by, and Repairs to, American-Flag Vessels

AGENCY: U.S. Customs Service, Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Customs Regulations provide procedures for the appeal of adverse decisions of the Customs Service concerning the remission or refund of duties assessed or paid on the cost of repairs made to American-flag vessels abroad, which repairs were necessitated by stress of weather or other casualty.

This document withdraws a notice which proposed to clarify the regulations by (1) stating that the protest procedures provided in the Customs Regulations are not applicable to matters involving relief sought due to circumstances involving stress of weather or other casualty, and (2) by stating that applications for relief in circumstances involving stress of weather or other casualty must be submitted within 2 years of the liquidation of a vessel repair entry.

After analysis of the comments received in response to the proposal and further review of the matter, Customs has determined that the proposal should not be adopted at this time. Any clarifying amendments will be included in a revision of the regulations relating to vessels.

DATE: Withdrawal effective June 25, 1984.

FOR FURTHER INFORMATION CONTACT: John A. Mathis, Carrier Rulings Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION: .

Background

The owners or masters of certain American vessels are required by section 466(a), Tariff Act of 1930, as amended (19 U.S.C. 1466(a)), to declare, enter, and pay a special 50 percent ad valorem duty on the cost of all repairs (including purchases of equipment, repair parts, or materials) made to the vessel outside the United States. If the owner or master disputes the decision of the appropriate Customs officer to classify an expenditure as dutiable, the owner or master may file a protest with Customs challenging the classification, rate, and amount of duties chargeable, in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514). Section 466(d), Tariff Act of 1930, as amended (19 U.S.C. 1466(d)), provides for remission or refund of the duty if: (1) The repairs or purchases were necessary to repair damage caused by stress of weather or other casualty while the vessel was in the regular course of its voyage and to secure the safety and seaworthiness of the vessel to enable it to reach its port of destination, (2) the

equipment, repair parts, or materials purchased were of American origin and installed by the vessel's crew or U.S. residents, or (3) the equipment, repair parts, or materials purchased, including the labor cost involved, were used as dunnage for cargo, or for the erection of temporary bulkheads or similar devices for the control of cargo.

The administrative procedure for remission or refund of duties when the master or vessel owner alleges that an expenditure covered by an entry is within the circumstances specified in section 466(d), is set forth in § 4.14, Customs Regulations (19 CFR 4.14).

The effect that liquidation of a vessel repair entry has on the right to appeal by the master or owner of a vessel depends on whether the appeal is based upon a question of classification (dutiability of the foreign expenditure) or remission or refund of duties due to certain circumstances. If the expenditure is alleged not to be dutiable under section 466(a), the owner of the vessel must file a protest in accord with section 514 within 90 days of liquidation of the entry to obtain further review of the claim. However, if the expenditure is alleged to warrant relief pursuant to section 466(d), because of circumstances such as stress of weather or other casualty, there is presently no specific time limit after liquidation of the entry within which a request for additional consideration of the claim must be filed. An appeal from that decision may be made at any time after liquidation of the entry.

Customs published a notice in the **Federal Register** on May 20, 1983 (48 FR 22746), proposing to amend § 4.14(f), Customs Regulations, to clarify the appeal procedures to be utilized for section 466(d) matters as opposed to those cases arising under section 466(a). The proposal stated that the normal protest procedures set forth in Part 174, Customs Regulations (19 CFR Part 174), are not applicable to relief sought under section 466(d). A two-year time limit was proposed for filing applications for relief submitted under section 466(d).

Interested parties were given until July 19, 1983, to submit written comments concerning the proposal. Only two comments were received in response to the notice, both expressing qualified support.

Action—Withdrawal of Proposal

Based upon analysis of the comments received, and upon further review of the proposal, Customs has determined that clarifying amendments such as those published in the notice are not really needed. Additionally, a complete revision of Part 4, Customs Regulations (19 CFR Part 4), is currently under consideration. Any clarifying amendments can be included in that revision. Accordingly, the notice published in the **Federal Register** on May 20, 1983 (48 FR 22746), is withdrawn.

Drafting Information

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

William Raab,

Commissioner of Customs.

Approved: June 8, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84-16822 Filed 6-22-84; 8:45 am]

BILLING CODE 4820-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 124, 144, 146, and 147

[OW-FRL-2613-7]

Underground Injection Control Program; Federally-Administered Programs; Cancellation of Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Cancellation notce.

SUMMARY: A public hearing for the Proposed Underground Injection Control Program in the State of South Carolina which was scheduled for June 26, 1984, at 1:00 p.m. and 7:30 p.m. at Midland Technical College, Building One, Conference Room 120, Airport Campus, Lexington Avenue, West Columbia, South Carolina, has been cancelled. This announcement appeared in the May 11, 1984 **Federal Register** (49 FR 20238).

FOR FURTHER INFORMATION CONTACT: David Peacock, Chief, Groundwater Section, EPA, Region IV, 345 Courtland Street, NE, Atlanta, Georgia—30365, (404) 881-3866.

Dated June 20, 1984.

John A. Little,

Acting Regional Administrator.

[FR Doc. 84-16817 Filed 6-22-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 264 and 265

[OSWER-FRL-2614-1]

Hazardous Waste Storage and Disposal Facilities; Availability of Information

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of information and request for comments.

SUMMARY: The Environmental Protection Agency today announces the availability of a draft Technical Resource Document for public comment. The document is *The Hydrologic Evaluation of Landfill Performance (HELP) Model.*

Technical Resource Documents provide state-of-the-art summaries of technologies and evaluation techniques determined by the Agency to constitute good engineering designs, practices, and procedures. The document may be used for information and guidance by owners and operators of facilities that treat, store, and dispose of hazardous or non-hazardous waste in landfills, surface impoundments, waste piles, and land treatment facilities. These Technical Resource Documents may therefore assist in the implementation of 40 CFR Parts 264 and 265 hazardous waste management regulations by helping owners/operators and permit officials to identify and evaluate technologies that can be used to prevent potential harm to human health and the environment and to comply with the regulations.

The Hydrologic Evaluation of Landfill Performance (HELP) Model was developed to facilitate rapid, economical estimation of the amounts of surface runoff, subsurface drainage, and leachate that may be expected to result from the operation of a wide variety of possible landfill designs. The model simulates hydrologic processes including precipitation, surface storage, run-off, infiltration, evapotranspiration, soil moisture storage, and lateral drainage using a quasi-two-dimensional approach. The Agency requests comments on the accuracy and completeness of the method.

DATES: Comments on the draft Technical Resource Document must be submitted on or before October 25, 1984.

ADDRESS: Comments should be addressed to Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. All communications should identify the document title and SW numbers; i.e., *The Hydrologic Evaluation of Landfill*

Performance (HELP) Model [EPA–530–SW–84–009 and EPA–530–SW–84–010].

Copies of the draft Technical Resource Document are available for reading at the EPA Library (Room 2904) and Subtitle C Docket Room (Room S212), both located at 401 M Street SW., Washington, D.C. 20460, as well as at all Regional Office Libraries, Monday through Friday during the hours of 9:00 a.m. to 4:30 p.m. A limited number of personal copies of the document may be obtained by calling the RCRA Hotline, at (800) 424–9346 (toll free) or at (202) 382–3000.

FOR FURTHER INFORMATIONA CONTACT: RCRA Hotline, at (800) 424–9346 (toll free) or at (202) 382–3000. For technical information contact Paul Cassidy, Office of Solid Waste (WH–565E), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C., 20460, at (202) 382–4682.

SUPPLEMENTARY INFORMATION: Subtitle C of the Resource Conservation and Recovery Act (RCRA), Section 3004, requires the Environmental Protection Agency (EPA) to promulgate regulations setting performace standards for owners and operators of facilities that treat, store, and dispose of hazardous wastes. 40 CFR Part 265 contains the standards applicable to owners and operators of interim status facilities, while 40 CFR Part 264 contains permitting standards for new and existing facilities.

Both 40 CFR Parts 264 and 265 prescribe facility preformance standards. In order to facilitate implementation of these standards, the EPA has developed a series of guidance documents. There are three types of documents: Technical Guidance Documents, Permit Guidance Manuals and Technical Resource Documents. The first two types of manuals are intended to provide guidance for developing or evaluating designs that generally comply with the Subtitle C facility standards. The Technical Resource Documents present state-of-the-art technologies and evaluation techniques that the EPA views as good engineering designs, practices, and procedures. Their focus is normally broad in scope and they do not specifically interpret the design requirements as set forth in the regulations.

Hydrologic Evaluation of Landfill Performance (HELP) Model is a quasi-two-dimensional computer program that simulates water movement across, into, through, and out of landfills. The model accepts climatologic, soil, and design data and uses a solution technique that accounts for the effects of surface storage, run-off, infiltration, evapotranspiration, soil moisture storage, and lateral drainage. Different landfill systems including various combinations of vegegation, cover soils, waste cells, special drainage layers, and relatively impermeable barrier soils, as well as synthetic membrane covers and liners, may be modeled. The program was developed to facilitate rapid estimation of the amounts of run-off, drainage, and leachate that may be expected to result from the operation of a wide variety of landfill designs. The model, applicable to open, partially closed and fully closed sites, is a tool for both designers and permit writers.

The final version of this Technical Resource Document will replace SW–868, *Hydrologic Simulation on Solid Waste Disposal Sites*, because the HELP model is a much more complete hydrologic evaluation tool for landfill designers and permit reviewers. The Agency will announce in the **Federal Register** when the HELP model is isused in final form.

This document has two volumes: Volume I is the User's Guide that describes how to access and run the program, and Volume II is the documentation that describes the theories and assumptions of the model, solution techniques, and computer considerations.

The Agency requests comments on the accuracy and completeness of the information presented and encourages commenters to suggest remedies and alternatives should inaccuracy or incompleteness be identified.

List of Subjects

40 CFR Part 264

Hazardous materials, Packaging and containers Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal.

40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

Dated: June 12, 1984.

Jack McGraw,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 84–16819 Filed 6–22–84; 8:45 am]

BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 49, No. 123
Monday, June 25, 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

Office of the Secretary

Food and Agricultural Sciences National Needs Graduate Fellowships Grant Committee; Intent To Establish Committee

Notice is hereby given that the Secretary of Agriculture intends to establish the Food and Agricultural Sciences National Needs Graduate Fellowships Grant Committee. The purpose of the Committee is to evaluate grant proposals submitted to the office of Higher Education Programs of the Agricultural Research Service (ARS). The Committee will provide unbiased and expert advice on the relative merits of these proposals.

The ARS office of Higher Education Programs (formerly the USDA Office of Higher Education) is authorized pursuant to section 1417(a)(3)(B) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(a)(3)(B)), to administer a program of competitive grants to colleges and universities for graduate fellowship programs to meet regional and national objectives in the food and agricultural sciences.

The committee will meet at least once each year to evaluate proposals for competitive fellowship grants which have been submitted to the ARS Higher Education Programs office.

It has been determined that the establishment of this Committee is in the public interest in connection with the work of the U.S. Department of Agriculture.

Interested parties are invited to submit written comments, views, or data concerning this proposal to K. Jane Coulter, Director, Higher Education Programs, ARS, USDA, Washington, D.C. 20250, by July 10, 1984.

Done at Washington, D.C., this 19th day of June, 1984.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 84-16838 Filed 6-22-84; 8:45 am]

BILLING CODE 3410-03-M

DEPARTMENT OF COMMERCE

Office of the Secretary

President's Commission on Industrial Competitiveness; Meetings

AGENCY: Office of Economic Affairs, Commerce.

ACTION: Notice of meetings.

SUMMARY: This notice announces the forthcoming meetings of the President's Commission on Industrial Competitiveness (Commission). The Commission was established by Executive Order 12428 on June 28, 1983 and its charter was approved on August 23, 1983. The Commission shall review means of increasing the long-term competitiveness of United States industries at home and abroad, with particular emphasis on high technology, and provide appropriate advice to the President through the Cabinet Council on Commerce and Trade and the Department of Commerce.

Time and Place

On July 9, 1984 a meeting of the Capital Resource Committee, a subcommittee of the Commission, will be held at the Los Angeles Airport Hilton, 5711 West Century Boulevard, Los Angeles, California, from 9:00 a.m. to 5:00 p.m. The agenda for the meeting will include: (1) Review of stock option proposal as action item for the President's Commission on Industrial Competitiveness; and (2) testimony by Robert Hale on flat tax and review of paper on tax alternatives.

On July 10, 1984 a meeting of the Co-Chairmen of the subcommittees of the Commission will be held at the Chicago O'Hare Hilton, O'Hare International Airport, Chicago, Illinois, from 9:00 a.m. to 5:00 p.m. The agenda for the meeting will include: (1) Review of the Strategy Committee paper; (2) review strategic framework to provide a bridge from the strategy plan to individual action items; (3) discussion of external consensus building activities; and (4) discussion of the format for the final Commission report.

Public Participation

The meetings will be open to public attendance. A limited number of seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: J. Paul Royston, President's Commission on Industrial Competitiveness, 736 Jackson Place, NW., Washington, DC 20503, telephone: 202-395-4527.

Dated: June 20, 1984.

Egils Milbergs,

Executive Director, President's Commission on Industrial Competitiveness.

[FR Doc. 84-16830 Filed 6-22-84; 8:45 am]

BILLING CODE 3510-18-M

Bureau of the Census

Voting Rights Act Amendments of 1982, Determinations Under Title III

In 1982, Congress amended the Voting Rights Act of 1965, 42 U.S.C. 1973 et seq. Among other changes, the minority language assistance provision set forth in section 203 of the Act was extended until August 6, 1992. Congress also adopted an amendment to section 203(b) which states that "the extension made by this section shall apply only to determinations made by the Director of the Census under clause (i) of section 203(b) for members of a single language minority who do not speak or understand English adequately enough to participate in the electoral process where such a determination can be made by the Director of the Census based on the 1980 and subsequent census data."

The Director of the Census has concluded that 1980 census data can be used to determine the number of members of a single language minority who do not speak English well enough to participate in the electoral process. Therefore, the Census Bureau has used these data, and other relevant 1980 census data, to determine which political subdivisions are obligated to comply with the requirements of section 203 of the Act, as amended. Those political subdivisions are listed below.

Section 203(b) also provides that "determinations of the Director of the Census under this subsection shall be effective upon publication in the **Federal Register** and shall not be subject to review in any court." Therefore, as of

this date, those jurisdictions which are listed as covered by section 203 have a legal obligation to provide the minority language assistance prescribed by section 203 of the Act. Those jurisdictions which were subject to section 203 coverage under the 1975 Amendments to the Voting Rights Act but which are not subject to coverage under the 1982 Amendments and, therefore, do not appear on the following list, are no longer obligated to comply with Section 203. However, some jurisdictions that are not on this list are still subject to the minority language requirement of section 4(f)(4) of the Act. See appendix to 28 CFR Part 55 (1983).

Dated: June 20, 1984.

John G. Keane,

Director, Bureau of the Census.

Political subdivision	Single language minority
Alaska	
Bethel Census Area	Eskimo.
Dillingham Census Area	Do.
Kobuk Census Area	Do.
Nome Census Area	Do.
North Slope Borough	Do.
Wade Hampton Census Area	Do.
Yukon-Koyukuk Census Area	American Indian (Athapascan).
Arizona	
Apache County	American Indian (Navajo).
Cochise County	Spanish.
Coconino County	American Indian (Navajo).
Graham County	Spanish.
Greenlee County	Do.
Navajo County	American Indian (Navajo).
Pinal County	Spanish.
Santa Cruz County	Do.
Yuma County	Do.
California	
Fresno County	Do.
Imperial County	Do.
Kern County	Do.
Kings County	Do.
Madera County	Do.
San Benito County	Do.
Tulare County	Do.
Colorado	
Alamosa County	Do.
Archuleta County	Do.
Bent County	Do.
Conejos County	Do.
Costilla County	Do.
Huerfano County	Do.
Las Animas County	Do.
Otero County	Do.
Pueblo County	Do.
Rio Grande County	Do.
Saguache County	Do.
Connecticut	
Bridgeport Town (Fairfield County).	Do.
Hartford Town (Hartford County).	Do.
Florida	
Dade County	Do.
Hardee County	Do.
Hawaii	
Hawaii County	Japanese.
Kauai County	Do.
Maui County	Do.
Idaho	
Minidoka County	Spanish.
Massachusetts	
Lawrence City (Essex County)	Do.
Holyoke City (Hampden County).	Do.
Chelsea City (Suffolk County)	Do.
Michigan	
Clyde Township (Allegan County).	Do.
Fennville City (Allegan County).	Do.
Grant Township (Newaygo County).	Do.
Montana	
Rosebud County	American Indian (Cheyenne).
New Jersey	
Hudson County	Spanish.
Passaic County	Do.
New Mexico	
Bernalillo County	Do.
Chaves County	Do.
Cibola County	American Indian (Keres).
Cibola County	Spanish.
Colfax County	Do.
De Baca County	Do.
Dona Ana County	Do.
Eddy County	Do.
Grant County	Do.
Guadalupe County	Do.
Harding County	Do.
Hidalgo County	Do.
Lincoln County	Do.
Luna County	Do.
McKinley County	American Indian (Navajo).
Mora County	Spanish.
Quay County	Do.
Rio Arriba County	Do.
Roosevelt County	Do.
Sandoval County	American Indian (Keres).
Sandoval County	Spanish
San Juan County	American Indian (Navajo).
San Miguel County	Spanish.
Santa Fe County	Do.
Socorro County	American Indian (Navajo).
Socorro County	Spanish.
Taos County	Do.
Torrance County	Do.
Valencia County	Do.
New York	
Bronx County	Do.
Kings County	Do.
New York County	Do.
North Dakota	
Rolette County	American Indian (Cree).
Sioux County	American Indian (Dakota).
Oklahoma	
Adair County	American Indian (Cherokee).
South Dakota	
Buffalo County	American Indian (Dakota).
Dewey County	Do.
Shannon County	Do.
Todd County	Do.
Texas	
Andrews County	Spanish.
Aransas County	Do.
Atascosa County	Do.
Bailey County	Do.
Bee County	Do.
Bexar County	Do.
Brewster County	Do.
Briscoe County	Do.
Brooks County	Do.
Caldwell County	Do.
Calhoun County	Do.
Cameron County	Do.
Castro County	Do.
Cochran County	Do.
Comal County	Do.
Concho County	Do.
Cottle County	Do.
Crane County	Do.
Crockett County	Do.
Crosby County	Do.
Culberson County	Do.
Dawson County	Do.
Deaf Smith County	Do.
De Witt County	Do.
Dickens County	Do.
Dimmit County	Do.
Duval County	Do.
Ector County	Do.
Edwards County	Do.
El Paso County	Do.
Fisher County	Do.
Floyd County	Do.
Fort Bend County	Do.
Frio County	Do.
Gaines County	Do.
Garza County	Do.
Goliad County	Do.
Gonzales County	Do.
Guadalupe County	Do.
Hale County	Do.
Hall County	Do.
Haskell County	Do.
Hays County	Do.
Hidalgo County	Do.
Hockley County	Do.
Howard County	Do.
Hudspeth County	Do.
Irion County	Do.
Jackson County	Do.
Jeff Davis County	Do.
Jim Hogg County	Do.
Jim Wells County	Do.
Jones County	Do.
Karnes County	Do.
Kenedy County	Do.
Kinney County	Do.
Kleberg County	Do.
Knox County	Do.
Lamb County	Do.
La Salle County	Do.
Live Oak County	Do.
Loving County	Do.
Lubbock County	Do.
Lynn County	Do.
McCulloch County	Do.
McMullen County	Do.
Martin County	Do.
Mason County	Do.
Matagorda County	Do.
Maverick County	Do.
Medina County	Do.
Menard County	Do.
Mitchell County	Do.
Nolan County	Do.
Nueces County	Do.
Parmer County	Do.
Pecos County	Do.
Presidio County	Do.
Reagan County	Do.
Real County	Do.
Reeves County	Do.
Refugio County	Do.
Runnels County	Do.
San Patricio County	Do.
Schleicher County	Do.
Scurry County	Do.
Starr County	Do.
Sterling County	Do.
Sutton County	Do.
Swisher County	Do.
Terrell County	Do.
Terry County	Do.
Tom Green County	Do.
Upton County	Do.
Uvalde County	Do.
Val Verde County	Do.
Victoria County	Do.
Ward County	Do.
Webb County	Do.
Wharton County	Do.
Willacy County	Do.
Wilson County	Do.
Winkler County	Do.
Yoakum County	Do.
Zapata County	Do.
Zavala County	Do.
Utah	
San Juan County	American Indian (Navajo)
Wisconsin	
Couderay Town (Sawyer County.	American Indian (Winnebago).
Komensky Town (Jackson County).	American Indian (Ojibwa).
Pine Grove Town (Portage County.	Spanish.

[FR Doc. 84-16840 Filed 6-22-84; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Export Trade Certificate of Review; Crosby Trading Co.

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Crosby Trading Company. This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certificate as "Export Trade Certificate of Review, application number 84–00002."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–377–5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202–377–0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595–10604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–15940 (April 13, 1983).

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Crosby Trading Company on January 1, 1984. The application was deemed submitted on January 1, 1984. A summary of the application was published in the **Federal Register** on January 25, 1984 (49 FR 3107–3108). Based on analysis of the application and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Crosby Trading Company meet the four standards of the Act:

Crosby Trading Company (CTC)—Application No. 84–00002.

Export Trade

Sulphate naval stores (crude sulphate turpentine and crude tall oil and products derived from them) ("Products").

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

For the purpose of formulating an export trading arrangement with Producers which CTC later will submit for certification under the Act, CTC is certified:

1. To contact separately each producer of Products ("Producer") to ascertain whether the Producer is interested in offering Products to CTC for export;

2. To discuss separately with each Producer CTC's proposed methods of operation as an exclusive export agent for various Producers, including:

a. The proposed method of allocating exports among Producers, and

b. The proposed method of setting export prices;

3. To discuss separately with each interested Producer the amount of the Producer's Products which will be available for export through CTC (subject to subsequent agreement on price), and receive from each Producer commitments for the supply of Products for export by CTC over some time horizon;

4. To notify, without further discussion or negotiation, each Producer of (a) the joint export arrangement's projected total export amount for specific Products, and (b) the individual Producer's allocation of that total;

5. To formulate and present to interested Producers, a business plan that may include:

a. List of participants;

b. Total projected export quantities and sales revenues over some time horizon;

c. Method for determining each Producer's export allocation;

d. Method for setting export prices;

e. Method for compensating CTC;

f. General terms and conditions (including membership and withdrawal);

6. To conduct one or more meetings with Producers to discuss the items in paragraph 5(c-f) (subject to Term and Condition "(a)" below) as necessary to reach final agreement on the proposed export business plan. CTC may conduct such meetings over a period no longer than thirty days from the date of the first meeting. CTC may disclose to the Producers in attendance at any such meeting(s) the list of participants, as described in paragraph 5(a), without further discussion or negotiation. If such meeting or meetings is held, CTC will observe the following procedures:

a. Legal counsel will be present,

b. Legal counsel will maintain and sign an accurate and complete record of all matters dicussed at the meeting,

c. CTC will retain the records for two years from the date of the meeting and make them available to the Department of Commerce or the Department of Justice upon request, and

d. To the extent that any Producer operates separate domestic and export sales or marketing units, CTC will meet only with personnel from that Producer's export unit.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling 202–377–3031.

Dated: June 19, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84-16783 Filed 6-22-84; 8:45 am]

BILLING CODE 3510-DR-M

[A-588-403]

Stainless Steel Woven Wire Cloth From Japan; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping investigation to determine whether stainless steel woven wire cloth from Japan is being, or is likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the merchandise are materially injuring, or threatening to materially injure, a U.S. industry. If our investigation proceeds normally, the ITC will make its preliminary determination on or before July 16, 1984, and we will make ours on or before November 7, 1984.

EFFECTIVE DATE: June 25, 1984.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–5288.

SUPPLEMENTARY INFORMATION:

Petition

On May 31, 1984, we received a petition filed in proper form from counsel for the American Wire Cloth Institute (AWCI), on behalf of the U.S. industry producing stainless steel woven wire cloth. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. Petitioner calculates United States price based on the F.A.S. prices for imports of several representative mesh sizes of the subject merchandise (derived from offer sheets, price quotations, and published price lists). Since the petitioner was unable to secure home market or third country prices for the merchandise subject to this investigation, AWCI based foreign market value on cost estimates from the U.S. Department of Commerce first-quarter 1984 trigger prices for stainless steel wire, Bank of Japan statistics of average Japanese industrial wage rates, and United States producers' costs for indirect labor and factory overhead adjusted for known cost differences in Japan. Using this comparison, petitioner showed dumping margins of approximately 35.4 to 108.8 percent.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegation of sales at less than fair value. We have examined the petition on stainless steel woven wire cloth and we have found that the petition meets those requirements. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether stainless steel woven wire cloth from Japan is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, the ITC will make its preliminary determination by July 16, 1984, and we will make ours on or before November 7, 1984.

Scope of Investigation

The merchandise covered by this investigation is "Stainless Steel Woven Wire Cloth", provided for in items 642.5200, 642.6400 and 642.7400 of the Tariff Schedules of the United States, Annotated. For a further description of this product, see the Appendix of this notice.

Notification to ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-confidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by July 16, 1984, whether there is a reasonable indication that imports of stainless steel woven wire cloth from Japan are materially injuring, or threatening to materially injure, a U.S. industry. If that determination is negative, the investigation will terminate; otherwise, the investigation will proceed according to the statutory procedures.

Dated: June 19, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

Appendix—Description of Products

For purposes of this investigation: the term *"stainless steel woven wire cloth"* covers stainless steel woven wire cloth, whether in rolls, in endless bands, or in lengths, not cut to shape; woven of simple warp and weft construction with (1) meshes not finer than 30 wires to the lineal inch in warp or filling, valued over 7.5 cents per square foot, (2) with meshes finer than 30 but not finer than 90

wires to the lineal inch in warp or filling, valued over 21.25 cents per square foot, or (3) with meshes finer than 90 wires to the lineal inch in warp or filling; as currently provided for in items 642.5200, 642.6400 and 642.7400 of the *TSUSA*. Stainless steel gauze, fabric, screen, netting or fencing are not covered by this investigation.

[FR Doc. 84-16860 Filed 6-22-84; 8:45 am]
BILLING CODE 3510-DS-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on January 5, 1984, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

Time and Place: July 12, 1984, at 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. The meeting will continue to its conclusion on July 13, 1984, in Room 3708, Herbert C. Hoover Building.

Agenda: The Committee will begin with an open meeting to invite public comments with regard to existing commodity or technology controls. The commodities and technologies that fall under the responsibilities of the Committee are those relating to the following Commodity Control List (CCL) entries:

1510	1533	1568
1516	1534	1572
1522	1541	1584
1529	1560	1585
4529	1561	1587
1531	1564	6598

Invited comments will be restricted to these or substantially related items.

In particular the Committee would like to invite public evidence of foreign available equipment (or technology) falling within the above mentioned CCL entries. Information is desired relating to equipment (or technologies) produced or available in the following country groups:

a. Proscribed countries (East Bloc Countries)

b. Non-COCOM free world countries.

Specific information is needed on:

1. Manufactures and country of origin,
2. Product's capabilities and features,
3. Product availability and price,
4. Proof of delivery of products in sufficient quantity and quality, and
5. Location where the Electronic Instrumentation Technical Advisory Committee can obtain a sample for evaluation.

The Committee is generally concerned with future regulatory levels and changes needed to existing commodity and technology regulation levels. Public comments should be formulated to support changes in either commodity or technology control level. Request specifically oriented to individual license application should not be presented at this time.

If you wish to attend this open meeting of the Electronic Instrumentation Technical Advisory Committee, please call or write Margaret Cornejo at 377-2583, U.S. Department of Commerce, 14th & Constitution Ave., NW., Washington, D.C. at least five working days in advance in order to reserve a seat as there is limited space available. With this advance notice, arrangement can be made for more space, should that be necessary.

Following the open session the Committee will meet in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: A Notice of Determination to close meeting or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217. For further information contact Mrs. Margaret A. Cornejo, 202-377-2583.

Dated: June 20, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-16864 Filed 6-22-84; 8:45 am]
BILLING CODE 3510-05-M

Decision on Application for Duty-Free Entry of Scientific Instrument; U.S. Department of Agriculture

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 84-51. Applicant: U.S. Department of Agriculture, College Station, TX 77841. Instrument: Mass Spectrometer and Data System, Model MM 7250 HF and Accessories. Manufacturer: VG Analytical Ltd., United Kingdom. Intended Use: See notice at 49 FR 3503.

Comments: None received. Decision: Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(2) of the regulations, at the time the foreign instrument was ordered (August 29, 1983). Reasons: The foreign instrument provides the needed mass range of 2600 atomic mass units (amu) at full accelerating voltage, 6000 electron volts. It is also capable of an overall mass range of 15600 amu at 1000 electron volts. The National Institutes of Health advises in its memorandum dated April 2, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic manufacturer both able and willing to provide an instrument with the required features at the time the foreign instrument was ordered.

As to the domestic availability of instruments, § 301.5(d)(2) of the regulations provides that, in determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, "the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case." This subsection also provides that, if "a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument."

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purpose of comparison with the foreign instrument. Where an applicant, as in this case, received no response to a formal request for quotation sent to the Nuclide Corporation (the only known domestic manufacturer of comparable mass spectrometers), it is apparent that the domestic manufacturer was either not able or not willing to produce an

instrument of equivalent scientific value to the foreign instrument. Accordingly, the Department of Commerce finds that no domestic manufacturer was both "able and willing" to manufacture a domestic instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-16862 Filed 6-22-84; 8:45 am]

BILLING CODE 3510-DS-M

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

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 84-76. Applicant: Louisiana State University, Baton Rouge, LA 70803. Instrument: Pressuremeter with piezometric attachment, Model PAF 76. Manufacturer: Mazier et Cie, France. Intended Use: See notice at 49 FR 10138.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides measurements of: (1) Ground horizontal stress and ground response to a cylindrical horizontal expansion, yielding stress-strain curves of soils in the case of undrained loading; (2) horizontal stress in an anisotropic field; (3) ground response to a shaft friction loading; (4) permeability and consolidation characteristics; and (5) ground response to a cylindrical torsion. The National Bureau of Standards advises in its memorandum dated June 8, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

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

[FR Doc. 84-16861 Filed 6-22-84; 8:45 am]

BILLING CODE 3510-DS-M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Princeton University, et al.

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Decision: Denied. Applicants have failed to establish that domestic instruments of equivalent scientific value to the foreign instruments for the intended purposes are not available.

Reasons: Section 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for each of the listed dockets.

Docket No.: 83-2. Applicant: Princeton University, Princeton, NJ 08544. Instrument: Excimer Laser EMG 102-E and Accessories. Date of Denial Without Prejudice to Resubmission: March 20, 1984.

Docket No.: 83-216. Applicant: Harvard University, Cambridge, MA 02138. Instrument: Apparatus for the Study of Condensable Gases at Ultra High Pressure and Low Temperatures with Accessories. Date of Denial Without Prejudice to Resubmission: March 1, 1984.

Docket No.: 83-292. Applicant: North Carolina State University, Raleigh, NC 27650. Instrument: Satellite Imagery Receiver and Data Processor. Date of Denial Without Prejudice to Resubmission: March 6, 1984.

Docket No.: 83-359. Applicant: U.S. Army Medical R & D Command, Frederick, MD 21701. Instrument: Automatic TLC Sampler I and Accessories. Date of Denial Without Prejudice to Resubmission: March 15, 1984.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-16863 Filed 6-22-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit; Washington Department of Game

On April 11, 1984, Notice was published in the **Federal Register** (49 FR 14415), that an application had been filed with the National Marine Fisheries Service by the Washington Department of Game to take 10,000 harbor seals (*Phoca vitulina*), 2,500 California sea lions (*Zalophus californianus*), and 2,500 northern sea lions (*Eumetopias jubatus*) by unintentional harassment during population assessment surveys; to take by capture 750 harbor seals for tagging, marking and blood sampling; and to attach radiotelemetry packages to selected harbor seals.

Notice is hereby given that on June 15, 1984, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), to the Washington Department of Game subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices: Assistant Administrator for Fisheries, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, Northwest Region, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Dated: June 18, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-16809 Filed 6-22-84; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals Permits; Receipt of Modification; Center for Maine Studies

Notice is hereby given that Dr. Daniel P. Costa, Center for Marine Studies, University of California at Santa Cruz, Santa Cruz, California, requested a modification to Permit No. 418 issued to him under the authority of the Marine Mammal Protection Act and the Regulations Governing the Taking and

Importing of Marine Mammals (50 CFR Part 216) on June 7, 1983 (48 FR 27121).

Dr. Costa requests to take an additional fifty (50) northern sea lions by marking over a two year period.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above modification request is available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 18, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-16810 Filed 6-22-84; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Coffee, Sugar and Cocoa Exchange, Inc.; Consumer Price Index for Wage Earners and Clerical Workers, Retail New Car Sales Index, Earnings Index and Housing Starts Index Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The Coffee, Sugar and Cocoa Exchange, Inc. ("CSCE") has applied for designation as a futures contract market in the Consumer Price Index for Wage Earners and Clerical Workers ("CPI-W"), Retail New Car Sales Index, CSCE Earnings Index and Housing Starts Index. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly, making available the proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before August 24, 1984.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the particular CSCE application addressed in the comment.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-7303.

Copies of the terms and conditions of each of the CSCE's proposed futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CSCE in support of its applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1983)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8. These submissions are subject to claims of copyright and requests for confidential treatment pursuant to 17 CFR 145.9.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by the CSCE in support of the applications, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by August 24, 1984. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on June 19, 1984.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 84-16798 Filed 6-22-84; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Defense Data Network (Defensive Systems Subgroup); Advisory Committee Meeting

The Defense Science Board Task Force on Defense Data Network (Defensive Systems Subgroup) will meet in closed session on 31 July-2 August 1984 in Colorado Springs, Colorado.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 31 July-2 August 1984, the Subgroup will discuss the application of technology to systems designed to improve future U.S. air defense capabilities.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II (1976)), it has been determined that this DSB Panel meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: June 19, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-16804 Filed 6-22-84; 8:45 am]

BILLING CODE 3810-01-M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, August 7, 1984; Tuesday, August 14, 1984; Tuesday, August 21, 1984; and Tuesday, August 28, 1984 at 10:00 a.m. in

Room 1E801, The Pentagon, Washington, DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Installations and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b.(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, DC. 20301.

Dated: June 20, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–16805 Filed 6–22–84; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

USAF Scientific Advisory Board; Changed Meeting

Change of place on meeting of the USAF Scientific Advisory Board Ad Hoc Committee on the Assessment of Hazardous Materials and Toxic Wastes Management Issues published in the **Federal Register** on 6 June 1984, 49 FR 23430. It will be held in Fort Worth, TX; Austin, TX; and San Antonio, TX. Everything else remains the same. (It was previously scheduled to be in Washington, DC)

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8404.

Dated: June 13, 1984.

Harry C. Waters,

Alternate Air Force, Federal Register, Liaison Officer.

[FR Doc. 84–16831 Filed 6–22–84; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Availability of Amendments to the 1983–84 National Defense and Direct Student Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits

AGENCY: Department of Education.

ACTION: Notice of availability of amendments to the 1983–84 Directory of low-income schools for cancellation of loans for teaching service.

SUMMARY: Institutions and borrowers participating in the National Defense and National Direct Student Loan Programs and other interested persons are advised that they may obtain information regarding, or copies of, the amendments to the *1983–84 National Defense and Direct Student Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits (Directory).* The amendments identify changes in the schools that qualify for teacher cancellation benefits under each of the loan programs.

DATE: A limited number of copies of the amendments to the *Directory* will be available upon request on or after June 25, 1984.

ADDRESS: Copies of the amendments to the *Directory* may be requested from the U.S. Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus and State Grants Branch, 400 Maryland Avenue, SW., [Room 4613, ROB–3] Washington, D.C. 20202, Telephone (202) 245–9640.

FOR FURTHER INFORMATION: Inquiries concerning the amendments to the *Directory* may be made to: (1) The appropriate State educational agency, (2) individuals listed in the ten (10) regional offices of the Department of Education (see Appendix to this notice for the addresses of the regional offices), or (3) Ronald Allen, Campus and State Grants Branch, Division of Program Operations, U.S. Department of Education, 400 Maryland Avenue, SW., [Room 4613, ROB–3] Washington, D.C. 20202, Telephone (202) 245–9640.

SUPPLEMENTARY INFORMATION: The Secretary of Education published a notice in the **Federal Register** on November 1, 1983 (48 FR 50389–50390), that the *1983–84 National Defense and Direct Student Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits* was available. The Secretary has revised the *Directory* due to the openings and closings of schools, name changes, and other corrections. The amendments to the *Directory* make these changes.

The procedures for selecting schools for cancellation benefits are described in the National Defense and Direct Student Loan program regulations (34 CFR 674.53, 674.54). The Secretary has determined that for the 1983–84 academic year full-time teaching in the schools set forth in the amendments to the *Directory* qualifies for cancellation.

The Secretary is providing the amendments to the *Directory* to each institution participating in the National Direct Student Loan Program. Borrowers and other interested parties may check with their lending institution, the appropriate State Department of Education, regional offices of the Department of Education, or the Office of Student Financial Assistance of the Department of Education concerning the identity of qualifying schools for the 1983–84 academic year. The Office of Student Financial Assistance has a limited number of copies of the amendments to the *Directory* that are available upon request.

(Catalog of Federal Domestic Assistance Number 84.037: National Defense/Direct Student Loan Cancellations)

Dated: June 20, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

Appendix to Notice of Availability of 1983–84 Directory of Low-Income Schools for Cancellation of Loans for Teaching Service

Department of Education Regional Offices

Mr. Ted Jones, Training and Dissemination Officer—Region I, Office of Student Financial Assistance, U.S. Department of Education, J.W. McCormack Post

Office and Court House, Boston, Massachusetts 02109, (617) 223–6895

Sister Bernadine Hayes, Training and Dissemination Officer—Region II, Office of Student Financial Assistance, U.S. Department of Education, 26 Federal Plaza, Room 3954, New York, New York 10278, (212) 264–4426

Ms. Beatrice Rosenfeld, Training and Dissemination Officer—Region III, Office of Student Financial Assistance, U.S. Department of Education, P.O. Box 13716, 3535 Market Street, Philadelphia, Pennsylvania 19101, (215) 596–0143

Ms. Judy Brantley, Assistant Regional Administrator—Region IV, Office of Student Financial Assistance, U.S. Department of Education, 101 Marietta Tower, 3rd Floor, Atlanta, Georgia 30323, (404) 221–4171

Dr. Morris Osburn, Assistant Regional Administrator—Region V, Office of Student Financial Assistance, U.S. Department of Education, 300 South Wacker Drive, 12th Floor, Chicago, Illinois 60606, (312) 353–8103

Mr. Lyndon Lee, Assistant Regional Administrator—Region VI, Office of Student Financial Assistance, U.S. Department of Education, 1200 Main Tower Building, Room 1645, Dallas, Texas 75202, (214) 767–3569

Mr. Jerry Craft, Training and Dissemination Officer—Region VII, Office of Student Financial Assistance, U.S. Department of Education, 324 East 11th Street, 9th Floor, Kansas City, Missouri 64106, (816) 374–3136

Mr. Paul Tone, Training and Dissemination Officer—Region VIII, Office of Student Financial Assistance, U.S. Department of Education, Room 398, Federal Office Building, 1961 Stout Street, 3rd Floor, Denver, Colorado 80294, (303) 837–3676

Ms. Mary Ann Faris, Training and Dissemination Officer—Region IX, Office of Student Financial Assistance, U.S. Department of Education, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–0137

Ms. Tammy Doherty, Training and Dissemination Officer—Region X, Office of Student Financial Assistance, U.S. Department of Education, 3rd and Broad Building, Mail Stop 102, 2901 3rd Avenue, Seattle, Washington 98121, (206) 442–0493

[FR Doc. 84-16859 Filed 6-22-84; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

Educational Media Research, Production, Distribution, and Training

AGENCY: Department of Education.

ACTION: Notice of Final Annual Funding Priority.

SUMMARY: The Secretary announces a fiscal year 1984 annual funding priority for new awards under the Educational Media Research, Production, Distribution, and Training program. To ensure that educational media and technology is available, is of good quality, and is used effectively, and to foster mutual growth among entities involved in the educational advancement of handicapped persons, the Secretary establishes an annual priority related to research, dissemination, and training conducted by consortia of such entities.

EFFECTIVE DATE: This priority will take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of this final annual funding priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: James S. Johnson, Technology and Marketing Branch, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3076), Washington, D.C. 20202. Telephone: (202) 732–1123.

SUPPLEMENTARY INFORMATION: Awards under the Educational Media Research, Production, Distribution, and Training program are authorized under sections 651(a)(2) and 652(b)(5) of Part F of the Education of the Handicapped Act. The purpose of this program is to promote the educational advancement of handicapped persons by providing assistance for projects which:

(a) Undertake research on the use of new, or improved advances in, educational media and technology for handicapped persons;

(b) Disseminate information about practices found effective in the use of educational media and technology; and

(c) Train persons in the use of educational media and technology for the advancement of handicapped persons.

A "Notice of Proposed Annual Funding Priority" was published in the **Federal Register** on April 4, 1984 (49 FR 13452) describing the proposed annual funding priority for the Educational Media, Research, Production, Distribution, and Training program. Two letters were received in response to the notice. These comments and the Secretary's response are summarized as follows:

Comment: One commenter felt that attention should be paid to giving teachers of the visually impaired a relatively intensive training course in the use of computers with the visually handicapped. The commenter also urged efforts to develop methods for adapting software for use by the visually handicapped.

Response: No change has been made. The priority as it is currently worded will support the type of activity proposed by the commenter. The Secretary believes that further specifying types of personnel or activities that could be included in projects proposed for these awards would be inconsistent with the purpose of this priority announcement in encouraging a broad scope of innovative activities.

Comment: The second commenter suggested that functionally illiterate black adults be included within the target population addressed by the grant projects on the premise that in some instances the psychological damage done to their sense of worth is an emotionally handicapping condition.

Response: No change has been made. Persons who are functionally illiterate may be served by projects meeting the priority if they are, in fact, handicapped as that term is used in the Education of the Handicapped Act.

Eligible applicant

Profit and nonprofit public and private agencies, organizations, and institutions are eligible to apply for awards under this program.

Priority

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(b)(2) and 75.105(c)(3)(i), the Secretary gives an absolute preference to each application which provides satisfactory assurance that the recipient will use funds made available under this program to conduct authorized activities as follows:

1. Eligible Applicants

Funds will be used to support cost-sharing projects under consortium arrangements entered into by a combination of eligible entities. A consortium arrangement is expected to foster mutual growth among parties who have interests in and complementary expertise in implementing educational media and technology innovations for

the educational advancement of handicapped persons. A consortium is also desirable since only a combination of eligible entities would have the requisite resources to accomplish the scope of the project. For guidance regarding group applications, the applicant is referred to EDGAR at 34 CFR 75.127—75.129.

Each recipient of a grant under this part must provide a share of the entire cost of the program or project. It is expected that the consortium will share the cost of the project through such means as partial funding and/or contributions and uncompensated services of individuals and organizations. A grantee must contribute to the cost of a project under this program in an amount satisfactory to the Secretary. The part of the cost to be borne by the grantee is determined by the Secretary at the time of the grant award, and generally will be not less than 10 percent of the total project cost. Each application will be reviewed on its own merits and the adequacy of each proposed cost-sharing arrangement judged on the resources available to the applicant and the scope of the proposed project activities. The purpose of such cost-sharing arrangements is to encourage continuation of project activities beyond the grant period by providing for grantee investment of fiscal resources or personnel.

2. Activities

Funds will be used to support projects which: (a) Undertake research in the use of new, or improved advances in, educational media and technology that would contribute to the advancement and education of handicapped persons; (b) disseminate information about practices found effective in the use of educational media and technology; and (c) train persons in the use of educational media and technology for the educational advancement of handicapped persons. This statement of the final priority differs slightly from the language used in 34 CFR 332.10(a)(4), (d), and (e). This change is designed to ensure a broad scope of innovative proposals for activities in both educational media and technology.

Within this priority, the Secretary particularly invites two-year cost-sharing projects that will provide for.

a. Collaborative research between institutions of higher education, profit or nonprofit agencies and organizations, and State and local educational agencies on the implementation of technological advances for the purpose of improving the education of handicapped children;

b. Development of practicum sites in local educational agencies for use by institutions of higher education to train teachers in the use of educational media and technology and to strengthen faculty capacity to improve the training programs related to the use of educational media and technology in special education; and

c. Mechanisms for participating agencies and entities to synergistically integrate research, training, and dissemination activities related to the use of educational media and technology for educating handicapped persons.

Applications that meet these three invitational priorities will not, however, receive a competitive or absolute preference over other applications that describe projects consistent with the absolute preference for projects fulfilling the three objectives described in (a), (b), and (c) above.

It is anticipated that one or more of the following will occur as a result of this program: Increased delivery of services to handicapped individuals; increased practical application of technology in special education programs; the development of model sites; and improved integration of research, training, and dissemination of applications of technology.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document provides early notification of the Department's specific plans and actions for this program.

(20 U.S.C. 1451(a)(2), 1452(b)(5))

(Catalog of Federal Domestic Assistance No. 84.026; Handicapped Media Services and Captioned Films)

Dated: June 20, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84-16868 Filed 6-22-84; 8:45 am]

BILLING CODE 4000-01-M

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Persons

AGENCY: Department of Education.

ACTION: Final funding priorities for Fiscal Year 1984.

SUMMARY: The Secretary announces final funding priorities for projects to be funded in Fiscal Year 1984 under the Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Persons program, authorized under section 311(a)(1) of the Rehabilitation Act of 1973, as amended. These final funding priorities inform potential applicants for grants and other persons interested in vocational rehabilitation services of the areas in which competition for grants will be held in Fiscal Year 1984. These funding priorities will ensure wide and effective use of Fiscal Year 1984 programs funds.

EFFECTIVE DATE: These priorities will take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Wesley Geigel, Director, Special Projects Branch, Rehabilitation Services Administration, Office of Special Education and Rehabilitation Services, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 732-1335.

SUPPLEMENTARY INFORMATION: Grants for Special Projects and Demonstrations for Severely Disabled Persons (29 U.S.C. 777a(a)(1)) are authorized by section 311(a)(1) of the Rehabilitation Act of 1973, as amended. Program regulations are established at 34 CFR Part 373. The purpose of the Special Projects and Demonstrations for Severely Disabled Persons Program is to establish programs which hold promise of expanding or improving vocational rehabilitation and other rehabilitation services to disabled persons (especially those with the most severe disabilities), irrespective of age or vocational potential.

Three Fiscal Year 1984 priorities were proposed for public comment in the **Federal Register** on March 20, 1984 (49 FR 10331). In addition, the Secretary proposed at that time that funds be set aside to support a fourth category of applications which do not specifically respond to any of the priority categories being established. An application notice establishing May 8, 1984, as the closing date for new Fiscal Year 1984 applications was also published in the **Federal Register** on March 20, 1984 (49 FR 10332). Applicants were advised that

if any substantive changes were made in the funding priorities when they were published in final form, applicants would be given the opportunity to amend or resubmit their applications.

Four letters were received in response to the notice of proposed funding priorities for Fiscal Year 1984. No changes have been made in the final funding priorities or in the plan to use approximately 25 percent of available funds to support non-priority projects which do not fall under any of the three priorities. Fiscal Year 1984 funds are expected to be divided equally among each of the three priority categories and the non-priority category.

Summary of Comments and Responses to Notice of Proposed Funding Priorities Published in the Federal Register of March 20, 1984

The Comments received in response to the Notice of Proposed Funding Priorities published in the **Federal Register** on March 20, 1984 (49 FR 10331) and the Secretary's responses to these comments are summarized below:

Priority 2: Special Projects for Community-based Programs

Comment: A commenter suggested that the identification of certain disability groups under this priority was inconsistent with the other priorities being proposed as well as with the application notice published on March 20, 1984, for the Special Projects and Demonstrations grant program. It was recommended that these references to specific disability groups be removed.

Response: No change has been made. This priority is intended to promote a community-based vocational rehabilitation service system approach as well as to identify certain disability groups who might receive the most benefit from the types of community-based programs expected to be undertaken. As such, the priority is fully consistent with the section 311(a)(1) authority which provides for a broad range of service programs and which contemplates service programming designed to meet the special needs of certain individuals with the most severe handicaps.

Comment: A commenter requested that the priority be revised to eliminate any requirement that applicants provide documentation of formal linkages with cooperating agencies.

Response: No change has been made. In order to ensure that appropriate linkages are established by projects selected for funding, it is necessary for an applicant to describe those linkages in its application.

Priority 3: Transition From School or Institution to Work

Comment: A commenter requested that transition services be made available under this priority until the handicapped individual reaches the age of 25.

Response: No change has been made. No maximum age had been proposed for Priority 3 since it is anticipated that transition services will be made available for as long as is necessary for each handicapped individual to achieve full employment. The reliance on post-secondary educational institutions in achieving a goal of full employment for the handicapped individuals to be served further indicates the intent of Priority 2 that transition services will be available beyond the traditional secondary school age.

General Comments

Comment: A commenter suggested that special attention be directed to services for mentally ill individuals under both Priority 2 and Priority 3.

Response: No change has been made. Priority 2 is intended to support community-based projects which might be expected to have a special benefit for individuals with certain disabilities which present unusual and challenging rehabilitation problems. Priority 3 is intended to support unique transition projects which would appropriately include projects providing services to mentally ill individuals as well as to handicapped individuals with other types of disabilities. Since applications in the area of mental illness may be submitted under Priority 1 and Priority 3, as well as under the non-priority category, it apears that there is an adequately broad opportunity for projects serving mentally ill individuals to be developed under the Special Projects and Demonstrations Program.

The Secretary is establishing the following final funding priorities for the Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Persons Program for Fiscal Year 1984:

Priority 1: Advanced Technology

Developments in technology offer several avenues for improving vocational rehabilitation services to severely disabled persons.

Technological developments have created the potential for both new job areas, e.g., areas requiring computer or computer-related skills; and new methods of job preparation, e.g., training severely disabled persons in the use of computer-related sensory aids.

This priority is designed to stimulate and support innovative applications of technological developments in vocational rehabilitation methods or objectives. Applicants must propose a job preparation and training program that takes advantage of technological developments and will result in specific benefits for severely disabled individuals.

Priority 2: Special Projects for Community-based Programs

This priority is designed to foster development of innovative community-based vocational programs for severely disabled persons that are severely and profoundly mentally retarded, autistic, deaf-blind, severely learning disabled, and multiple handicapped.

These programs must include coordination between the State vocational rehabilitation agency and mental retardation or developmental disabilities agencies that typically support community-based services for these individuals. Priority will be given to programs that provide services in integrated settings, and that can be expected to result in significant incomes for disabled individuals. Projects must include appropriate linkages with school districts, local case management services, and other agencies.

Priority 3: Transition From School or Institution to Work

Programs supported under this priority must include effective strategies to support transition from school or institutional services to work. Priority will be given to proposals that involve use of integrated, generic community programs such as community colleges, non-profit vocational and technical schools, non-profit private schools, and other similar agencies or institutions. Programs must provide transitional vocational services leading to full employment for individuals leaving a school or an institution.

(29 U.S.C. 777a(a)(1))

(Catalog of Federal Domestic Assistance No. 128, Rehabilitation Service Projects—Special Projects)

Dated: June 21, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84-16928 Filed 6-22-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP84-357-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

June 20, 1984.

Take notice that on April 19, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, WV 25314, filed in Docket No. CP84-357-000 a request, as supplemented May 2, 1984, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Sohio Chemical Company (Sohio Chemical) under its authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 8 billion Btu equivalent of natural gas per day for Sohio Chemical for a term of one year. Columbia states that the gas to be transported would be purchased from Sohio Petroleum Company (Sohio Petroleum) in Garvin County, Oklahoma, by Sohio Chemical and would be used as boiler fuel, feedstock, and process gas in Sohio Chemical's Lima, Ohio, plant.

Columbia states that it would receive the gas at an existing delivery point with ANR Pipeline Company in Paulding County, Ohio, and redeliver the gas to Columbia Gas of Ohio, Inc. (COH), the distribution company serving Sohio Chemical, near Lima, Ohio. Further, Columbia states that it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas or (2) Columbia's average system-wide storage, transmission and gathering costs, currently 44.93¢ per dt equivalent, exclusive of company-use and unaccounted for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16841 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-458-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

June 20, 1984.

Take notice that on June 1, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, filed in Docket No. CP84-458-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Mead Corporation (Mead) under the authorization issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposed to transport up to 2.2 billion Btu of natural gas per day for Mead for a term of one year. Columbia states that the gas to be transported would be purchased from Ohio Gas Marketing Corporation (OGMC) by Mead and would be used as process gas in Mead's Chillicothe, Ohio plant.

Columbia states that it has released certain gas supplies which Mead has purchased from OGMC and that these supplies are subject to the ceiling price provisions of Sections 103, 107 and 108 of the Natural Gas Policy Act of 1978. It is indicated that Columbia would receive up to 2.2 billion Btu of natural gas per day delivered into its pipeline system at existing interconnections in Coshocton, Meigs, Holmes, Muskingum, Gallia and Knox Counties, Ohio, and would redeliver such gas to Columbia Gas of Ohio, Inc., the distribution company serving Mead.

Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent of gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. Columbia also states that it is charging the Gas Research Institute Funding Unit.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16842 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER78-414-010]

Delmarva Power and Light Co.; Compliance Filing

June 20, 1984.

Take notice that on June 13, 1984, Delmarva Power and Light Company (Delmarva) submitted for filing its compliance report pursuant to Commission's letter order dated June 5, 1984.

Delmarva states that this compliance filing corrects three deficiencies in Delmarva's first revised compliance filing dated April 18, 1984. Item (1) Customer Information System Allocation, and Item (2) Accumulated Amortization for Transmission ROW, have been corrected and incorporated in the second revised Compliance COS. Delmarva further states that item (3) was correct in the April 18, 1984 filing.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or

before July 6, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plum,

Secretary.

[FR Doc. 84-76843 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA84-17-000]

East Tennessee Natural Gas Co.; Petition for Adjustment

June 20, 1984.

Take notice that on May 29, 1984, East Tennessee Natural Gas Company (Petitioner), P.O. Box 10245, Knoxville, Tennessee 37919, filed a petition in Docket No. SA84-17-000 for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978, wherein Petitioner seeks an exemption from the filing requirements of the essential agriculture use rule of Order No. 29, as amended (Docket No. RM79-15, issued May 2, 1979), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that the exemption is sought because the annual collection and review of essential agricultural requirements data and the annual update required by § 281.204(b)(2) of the Commission's Regulations requires substantial time and expense on the parties involved. Petitioner also states that it would be able to meet the full requirements of its customers in the near term as indicated in Petitioner's FERC Form 16 filed on April 30, 1984, and its FERC Form 15 for the year ended December 31, 1983. Therefore, Petitioner alleges that compliance with the filing requirements of section 281.204(b)(2) of the Commission's Regulations is currently unnecessary and would result in a special hardship and an unfair distribution of burdens to the Petitioner's customers, as well as to the Petitioner.

The procedures applicable to the conduct of this adjustment are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any person desiring to participate in the adjustment proceeding shall file a motion to intervene in accordance with the provisions of such Subpart K. All petitions to intervene must be filed within 15 days after publication in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16844 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-423-000]

El Paso Natural Gas Co.; Request Under Blanket Authorization

June 20, 1984.

Take notice that on May 18, 1984, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP84-423-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that El Paso proposes to construct and operate a sales meter station to permit the delivery of natural gas to the City of Deming, New Mexico (Deming), for resale to the Deming Industrial Park (Industrial Park) in Luna County, New Mexico, under the authorization issued in Docket No. CP82-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request for authorization which is on file with the Commission and open for public inspection.

El Paso states that it presently sells and delivers natural gas to Deming for distribution and resale to customers located in and about the Deming, New Mexico, area pursuant to a service agreement dated January 6, 1981 (service agreement), between El Paso and Deming.

It is further stated that El Paso has received a written request from Deming for natural gas service at a point on El Paso's existing 26-inch California Line and the 30-inch California First Loop Line in Luna County, New Mexico. El Paso has been advised by Deming that the requested quantities of natural gas would be utilized to serve the commercial space heating and firm industrial requirements of the Industrial Park which is being developed near Deming. El Paso has been further advised that firm industrial volumes would be utilized to maintain flame stabilization during the processing of certain agricultural products at the Industrial Park.

In order to accommodate the subject request for natural gas service, El Paso proposes to install two 2⅜ inch tap and valve assemblies and one American 500B positive meter at a point on El Paso's existing 26-inch California Line and 30-inch California First Loop Line. It is indicated that volumes of natural gas to be sold to Deming at the proposed meter would be delivered at a pressure of 100 psig. It is further indicated that El Paso has been advised that Deming would install other related facilities as needed for ultimate distribution of the requested quantities of natural gas to the Industrial Park.

It is estimated that the annual and maximum peak day deliveries required to serve the Industrial Park during the third full year of service are 50,000 Mcf per year and 350 Mcf per day, respectively.

El Paso states that the requested authorization would not alter Deming's approved entitlements or contractual volumes provided for under the currently effective service agreement. It is asserted that the proposal would have a negligible effect upon El Paso's peak day and annual deliveries. In addition, it is averred that the sale of natural gas as proposed in the request for authorization is permitted by and consistent with the high priority load growth provisions set forth in the General Terms and Conditions contained in El Paso's FERC Gas Tariff, First Revised Volume No. 1.

El Paso states that the estimated cost of the proposed facilities is $31,800, which would be financed by internally generated funds.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16845 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE80-66-001]

Moon Lake Electric Association; Application for Exemption

June 20, 1984.

Take notice that Moon Electric Association filed an application on April 12, 1984 for exemption from certain

requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1984 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

Copies of the application for exemption are on file with FERC and are available for public inspection.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 20 days following the date this notice is published in the **Federal Register.** Within that 20 day period, such person must also serve a copy of such comments on: Mr. Kenneth A. Winder, Moon Lake Electric Association, 188 West 2nd North, Roosevelt, Utah.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16846 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-465-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Request Under Blanket Authorization

June 20, 1984.

Take notice that on June 5, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-465-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Northern proposes to construct and operate one new delivery point, 1.8 miles of 6-inch branchline and appurtenant facilities in Renville County, Minnesota, to accommodate natural gas deliveries to Great Plains Natural Gas Company (Great Plains) under the authorization issued in Docket No. CP82-401-000 pursuant Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to construct one new delivery point, 1.8 miles of 6-inch pipeline and appurtenant facilities for Great Plains in order to provide a more economical and convenient fuel for Southern Minnesota Sugar Beet Co-op, a sugar beet processing plant.

Northern states that the volumes delivered through the proposed facilities would be served from Great Plains existing excess firm entitlement and Northern's authorized overrun service, which is available through northern's CD-1 Rate Schedule. Estimated cost of the proposed facilities is $369,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16847 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-318-005]

Philadelphia Electric Power Co., and Susquehanna Electric Co.; Refund Report

June 20, 1984.

Take notice that on June 4, 1984, Philadelphia Electric Power Company and Susquehanna Electric Company (the Companies) submitted for filing its compliance refund report pursuant to Commission's opinion No. 197 issued November 3, 1983.

The Companies state that refunds and interest payments were made to Philadelphia Electric Company on May 31, 1984 in a manner consistent with the Commission's Opinion No. 197.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 5, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16848 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF84-4061-000]

Southwestern Power Administration; Filing

June 20, 1984.

The filing company submits the following:

Take notice that the Deputy Secretary, U.S. Department of Energy, on June 8, 1984, submitted to the Commission for confirmation, approval and placement in effect on a final basis, pursuant to the authority vested in the Commission by Delegation Order No. 0204-108, an extension of the present annual rate to Tex-La Electric Cooperative, Inc., under section 2 of Contract No. 14-02-001-864 (Tex-La Contract Rate) of $523,200 for the period April 1, 1984, through May 18, 1984 and the proposed increased annual Contract Rate of $816,500, for the period May 18, 1984, through June 30, 1987.

Included in the proposed revenue increase is a monthly adjustment charge of $4,457 to recover the revenue shortfall SWPA incurred from August 19, 1983, to April 1, 1984. The existing Contract has been in effect since April 1, 1979.

The Deputy Secretary confirmed, approved and placed in effect on an interim basis under Delegation Order No. 0204-108, both the extension and increased rates for the periods requested. The Deputy Secretary has stated that the Tex-La Rate Study shows the need for a 56% increase in annual revenues from Tex-La in order to meet the costs of servicing this contract through June 30, 1987.

Any person desiring to be heard or to protest this should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR ss 385.211, 385.214). All such motions or protests should be filed on or before July 12, 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. 84-16852 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-452-000]

Texas Eastern Transmission Corp.; Request Under Blanket Authorization

June 20, 1984.

Take notice that on May 31, 1984, Texas Eastern Transmission Corporation (Texas Eastern), Post Office Box 2521, Houston, Texas 77252, filed in Docket No. CP84-452-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Texas Eastern proposes to construct and operate a new delivery point and appurtenant facilities to an existing distribution customer, National Gas and Oil Corporation (National), under the blanket authorization issued in Docket No. CP82-535-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Eastern states that it intends to construct a sales meter station (M&R Station No. 2344) on its 26-inch Line No. 1 at mile post 776.7 in Butler County, Ohio, for deliveries of natural gas to National's customer, Armco, Inc. It is explained that Texas Eastern and National are preparing to execute a new service agreement to supersede the existing February 5, 1981, agreement which would continue to provide for the delivery to National of quantities of natural gas pursuant to Texas Eastern's Rate Schedules DCQ-C and I-C and which would establish a maximum daily delivery obligation at M&R Station No. 2344 of 12,000 dt equivalent of gas. It is explained that the natural gas quantities delivered would be utilized by Armco, Inc., as a source of heating for various industrial processes at its Middletown plant. Texas Eastern states that it would be reimbursed by National for the cost of constructing M&R Station No. 2344. The cost of construction of such facility is estimated to be $234,600.

It is stated that sales of natural gas to National are performed pursuant to Texas Eastern's Rate Schedules DCQ-C and I-C, FERC Gas Tariff, Fourth Revised Volume No. 1. Texas Eastern states that its existing tariff does not prohibit the construction of M&R Station No. 2344 and that the construction of the new sales meter station would have no effect on Texas Eastern's presently authorized peak day or annual deliveries. It is indicated that total volumes covered under the current service agreement with National would not be changed. It is explained that to the extent natural gas volumes are delivered at M&R Station No. 2344 (Butler County), deliveries would be reduced at Texas Eastern's M&R Station No. 062 (Perry County). Further, Texas Eastern advises that the instant proposal would be accomplished without detriment or disadvantage to its other customers and that construction would not commence until the Ohio State Historic Preservation Officer has informed Texas Eastern that there are no environmentally sensitive listed properties in the project area.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16853 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-418-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

June 20, 1984.

Take notice that on May 17, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-288-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that United proposes to establish a new delivery point for the delivery of gas to an existing customer, Livingston Gas and Utility Company (Livingston), under the authorization issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that the new delivery point would be located on Transcontinental Gas Pipe Line Corporation's (Transco) existing pipeline located at Section 28, Township 8 South, Range 4 East, Livingston Parish, Louisiana, where Transco would deliver volumes of gas exchanged with United to Livingston. United also states that peak day deliveries would be approximately 350 Mcf and that the gas would be used to provide service to Livingston's existing residential customers. It is further stated that the proposal would not cause an increase in Livingston's contractual maximum daily quantity nor entitlements under United's effective curtailment plan.

The required facilities would be constructed, owned, and operated by Transco and are expected to cost approximately $40,000.00. United states that it would reimburse Transco for all costs incurred and that Livingston would reimburse United.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16854 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-334-000]

Placid Refining Co.; Application for Commission Certification of Qualifying Status of a Cogeneration

June 20, 1984.

On May 21, 1984, Placid Refining Company (Applicant), of 3900 Thanksgiving Tower, Dallas, Texas 75201 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cogeneration facility will be located at the Placid Refining Company's plant site (Port Allen) in

West Baton Rouge Parish, Louisiana. The primary energy source will be refinery process off gas and natural gas. The electric power production capacity will be 40 megawatts. The facility will utilize two 20 megawatts gas turbine generator units separately exhausting into two heat recovery steam boilers. The units can be operated in parallel or separately.

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. 84-16849 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-339-000]

Simplot Leasing Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration

June 20, 1984.

On May 21, 1984, Simplot Leasing Corporation, (Applicant) of P.O. Box 27, Boise, Idaho 83707 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Power County at Don, Idaho. The primary energy source will be waste heat from chemical process reactions made available to the facility as high pressure steam. Steam extracted from the turbine generator will be used in fertilizer production processes. The electric power production capacity of the facility will be 12 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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. 84-16850 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-353-000]

SNC Hydro Inc./West End Dam Associates; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 20, 1984.

On June 4, 1984, SNC Hydro Inc./West End Dam Associates (Applicant), Keith F. Corneau, Manager, of P.O. Box 786, Saratoga Springs, New York 12866, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulation. No determination has been made that the submittal constitutes a complete filing.

The 4,500 kW hydroelectric facility (P. 5800) will be located on the Black River, in the Village of Carthage, Jefferson County, New York.

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.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16851 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-351-000]

Valley View Energy Corp.—Hansford County; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 20, 1984.

On June 4, 1984, Valley View Energy Corporation (Applicant) of 4100 InterFirst One, Dallas, Texas 75202, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located near Gruver, in Hansford County, Texas. The primary energy source will be biomass in the form of cattle manure. The electric power production capacity will be approximately 52 megawatts. Supplemental coal, oil or natural gas will only be used for boiler lightoff and as a standby fuel.

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 Procedures. 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. 84-16355 Filed 6-22-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[TSH-FRL 2594-4; OPTS-41014]

Fourteenth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

Correction

In FR Doc. 84-14050 beginning on page 22389 in the issue of Tuesday, May 29, 1984, make the following corrections:

1. On page 22391, column three, line nine, "Taoxicology" should read "Toxicology"; lines eleven and twelve should read,

Committee Staff

Martin Grief, Executive Secretary

and in line nineteen, "Mational" should read "National".

2. On page 22405, column three, line fifteen, "ficient" should read "Coefficient".

BILLING CODE 1505-01-M

[OPP-240044; PH-FRL 2594-5]

State Registration of Pesticides

Correction

In FR Doc. 84-14186 beginning on page 22526 in the issue of Wednesday, May 30, 1984, make the following correction:

On page 22528, first column, Virginia line five, "(CUP)" should be removed.

BILLING CODE 1505-01-M

[PF-374; PH-FRL 2592-4]

Certain Companies; Pesticide Tolerance Petitions

Correction

In FR Doc. 84-13791 beginning on page 21795 in the issue of Wednesday, May 23, 1984, make the following correction:

On page 21796, third column, the table at the top of the page, fourth column, Parts per million (ppm), entry four, ".30" should read "0.3".

BILLING CODE 1505-01-M

[AMS-FRL-2607-2]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Federal Certification Test Results for 1984 Model Year

Correction

In FR Doc. 84-15820 beginning on page 24443 in the issue of Wednesday, June 13, 1984, make the following correction:

On page 24443, third column, line 13 in the summary, "not available." should read "now available."

BILLING CODE 1505-01-M

[OPTS-140051; TSH-FRL-2613-6]

ICF Inc. and Springborn Management Consultants, Inc.; Transfer of Data to Contractor and Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will transfer to its contractor, ICF, Inc., and its subcontractor Springborn Management Consultants, Inc., information which has been or will be submitted to EPA under section 5 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed as confidential. These firms will review this information and use it to evaluate the potential economic impacts of regulatory actions taken under section 5 of TSCA.

DATE: The transfer of the confidential data submitted to EPA will occur no sooner than 10 working days after date of publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance 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.: (554-1404). Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: Provisions including Executive Order 12291, the Regulatory Flexibility Act, and section 2(b) of TSCA, the Act's general policy statement, require EPA to consider the economic impact of proposed regulatory actions under TSCA. In evaluating the necessity of regulatory actions under TSCA in a given instance, EPA considers economic factors like characteristics of a particular market, the availability of substitutes for a substance, and potential uses that could be made of the substance. In evaluating alternative courses of regulatory action, EPA considers factors like the relative cost effectiveness and availability of various control technologies and the practicality of other regulatory options.

Under EPA Contract No. 68-02-3935, ICF, Inc. (ICF), of Washington, D.C., and its subcontractor, Springborn Management, Inc. (Springborn), of Enfield, CT, will assist the Regulatory Impacts Branch (RIB) of the Office of Toxic Substances in performing regulatory and general economic impact analyses for TSCA regulatory programs.

In accordance with 40 CFR 2.306(j), EPA has determined that ICF and Springborn employees may require access to confidential business information (CBI) submitted to EPA under section 5 of TSCA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of information under section 5 of TSCA that EPA may tranfer to these firms, on a need-to-know basis, confidential business information on specific chemicals that are under review or are subjects of possible regulatory actions. Upon completing their review of materials submitted for a specific chemical, the firm receiving confidential business information will return all such materials to EPA.

ICF and Springborn have been authorized to have access to TSCA confidential business information under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved the security plans of these two firms and conducted the required inspections of the contractors' facilities and found them to be in compliance with the provisions of the manual. Personnel from these two firms will be required to sign a non-disclosure agreement and be briefed on appropriate security procedures before they are permitted access to confidential information in accordance with the "TSCA Confidential Business Information Security Manual" and the Contractor Requirements manual.

Dated: June 14, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-16815 Filed 6-22-84; 8:45 am]

BILLING CODE 6560-50-M

Availability of Section 321 Investigation; Draft Report

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Notice of availability.

SUMMARY: On February 3, 1984, the Administrator of USEPA granted a request to conduct an investigation as authorized under Section 321 of the Clean Air Act. The purpose of the investigation is to determine what, if any, employment effects at the Peabody Coal Company, Sunnyhill Mine, in New Lexington, Ohio, are the direct result of air pollution regulations adopted pursuant to the Clean Air Act.

USEPA has completed this investigation and has prepared a draft report which is available to the public. Copies of the report can be obtained by writing or calling the contact person listed in the address section of this notice. EPA is providing 30 days to submit comments on this draft report.

DATE: Comments on the draft report are due on or before July 25, 1984.

ADDRESS: Copies of the draft report can be obtained by writing or calling: Bessie Tinsley, Regulatory Analysis Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886–6069.

Written comments on the draft report should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604.

Dated: June 14, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84–16633 Filed 6–22–84; 8:45 am]

BILLING CODE 6560–50–M

[OW-FRL-2614]

Pretreatment Implementation Review Task Force Open Meetings

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the full Pretreatment Implementation Review Task Force will be held on September 25 and 26, 1984 from 9:00 a.m. to 5:00 p.m. in Room 2409. Prior to the full Task Force meeting, there will be meetings of the three subcommittees: the Program Development and Approval Subcommittee on July 10, 1984 from 10:00 a.m. to 5:00 p.m. and July 11, 1984 from 9:00 a.m. to 4:00 p.m. in Room 3906; the Technical Implementation Subcommittee on July 31, 1984 from 9:30 a.m. to 5:00 p.m. and August 1, 1984 from 9:00 a.m. to 4:00 p.m. in Room 3906; and the Reporting and Monitoring Subcommittee on August 14, 1984 from 9:00 a.m. to 5:00 p.m. in Room 2123. All meetings will be held at Waterside Mall, 401 M Street, S.W., Washington, D.C.

The agenda for the full Task Force meeting in September involves a consideration of reports from the July and August subcommittee meetings. The Program Development and Approval Subcommittee will consider the following issues at its July 10–11 meeting: 50–50 matching grant, delegation of categorical determination, oversight guidance, state rulemaking prior to program delegation, fundamentally different factor (FDF) variance application, development and submission of National Pollutant Discharge Elimination System (NPDES) State pretreatment program, delegation of FDF and net/gross determinations, adequate funding and staffing for States, piecemeal approval of publicly owned treatment works (POTW) pretreatment programs, guidance on enforcement, and insuring adequate control of site-specific toxics of concern. The Technical Implementation Subcommittee will consider the following issues at its July 31, August 1 meeting: production-based vs. concentration-based standards, integrated facilities, examination of "50 POTW Study" and its conclusions, removal credits, examination of alternative pretreatment programs (i.e., local option, bubble), centralized waste treatment facilities, categorical standard updating (including examination of industries never assigned to receive categorical standards), changes to § 403.5, applicability of categorical pretreatment standards to research and development facilities, POTWs with non-biological treatment and the effect of the regulations on these types of facilities, and pretreatment/Resource Conservation and Recovery Act (RCRA) overlap. The Reporting and Monitoring Subcommittee will consider the following issues at its August 14 meeting: standardized and simplified reporting, guidance on enforcement, significant noncompliance, priority of guidance documents, data base requests, grab sample and slug loading definition, total toxic organics (TTO) listings, sampling (frequency/type/reason), pickle liquors, long-term averages (consistency/enforceability), need for FDF variances, program integration—RCRA and pretreatment, and 90-day periodic compliance reports.

Any member of the public wishing to make comments is invited to submit them in writing to Mr. Richard Kinch no later than October 1, 1984. All meetings will be open to the public. Any member of the public wishing additional information should contact Mr. Richard Kinch or Dr. Jerry Parker (EN–336), U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460, (202) 755–0750.

For further information contact: Dr. Jerry Parker, (202) 755–0750.

Dated: June 19, 1984.

Henry Longest II,

Acting Assistant Administrator for Water.

[FR Doc. 84–16922 Filed 6–22–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

NCNB Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

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 public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 13, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *NCNB Corporation*, Charlotte, North Carolina; to engage *de novo* through its subsidiary, NCNB Financial Services, Inc. in making or acquiring loans or other extensions of credit such as would be made by a factoring or commercial finance company, including commerical loans secured by a borrower's inventory, accounts receivable or other accounts, and servicing such loans for others.

Board of Governors of the Federal Reserve System, June 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-16784 Filed 6-22-84; 8:45 am]

BILLING CODE 6210-01-M

Tuscaloosa 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 questions 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 July 16, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Tuscaloosa Bancshares, Inc.*, Denham Springs, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Tuscaloosa Commerce Bank, Denham Springs, Louisiana.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Indcorp*, Martinsville, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Indiana Bank and Trust Company, Martinsville, Indiana.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Klein Bancshares, Inc.*, Houston, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Klein Bank, Spring, Texas.

Board of Governors of the Federal Reserve System, June 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-16785 Filed 6-22-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Geriatrics Review Committee; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the National Institutes of Health announces the establishment by the Secretary of Health and Human Services, of the Geriatrics Review Committee, National Institute on Aging.

The Geriatrics Review Committee shall provide initial scientific merit and technical review of research and training grant applications in support of clinical research and research-related activities which require geriatric or other clinical expertise and involvement, as well as research contract proposals utilizing specialized patient populations for clinical studies of aging diseases and processes. The committee shall advise the Secretary; the Assistant Secretary for Health; the Director, National Institutes of Health; and the Director of the National Institute on Aging.

Authority for this committee shall terminate on May 31, 1985, unless the Secretary, HHS, formally determines that continuance is in the public interest.

Dated: June 19, 1984.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 84-16799 Filed 6-22-84; 8:45 am]

BILLING CODE 4140-01-M

Meeting of National Advisory Dental Research Council

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on July 27, 1984, in Conference Room 6, Building 31-C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 10:00 a.m. to 10:30 a.m. for general discussion and program presentations. Attendance by the public will be limited to space available.

This special meeting has been scheduled for the purpose of reviewing only those applications that have been received in response to program announcements.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on July 27 from 10:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Nancy Walsh, Council Secretary for the National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 503, Bethesda, Maryland 20205 (phone 301-496-7723) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Cranifacial Anomalies Research, 13.843-Restorative Materials Research, 13.844-Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.878-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Dated: June 15, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84-16800 Filed 6-22-84; 8:45 am]

BILLING CODE 4140-01-M

Meeting of Environmental Health Sciences Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Environmental Health Sciences Review Committee on July 30-31, 1984, in Building 101 Conference Room, South Campus, NIEHS, Research Triangle Park, North Carolina. This meeting will be open to the public from 9:00 a.m. to

approximately 10:30 a.m. on July 30, for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 10:30 a.m., July 30, to adjournment on July 31, for the review, discussion and evaluation of individual grant applications and contract proposals. These applications and proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Carol Shreffler, Executive Secretary, Environmental Health Sciences Review Committee, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (telephone 919–541–7826), will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 133.894, Resource and Manpower Development National Institutes of Health)

Dated: June 15, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84–16802 Filed 6–22–84; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the Minority Biomedical Research Support Subcommittee of the General Research Support Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Minority Biomedical Research Support Subcommittee of the General Research Support Review Committee, Division of Research Resources, July 16–17, 1984, at the National Institutes of Health. The meeting will be held in Conference Room 9, Building 31, 9000, Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on July 16, 1984, to discuss policy matters relating to the Minority Biomedical Research Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 16, 1984, from approximately 1:30 p.m. to 5:00 p.m. and on July 17, 1984 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Research Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B10, Bethesda, Maryland 20205, telephone (301) 486–5545, will provide summaries of meeting and rosters of committee members. Dr. Ethel B. Jackson, Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B11, Bethesda, Maryland 20205, telephone (301) 496–4390 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13,375, Minority Biomedical Research Support Program, National Institutes of Health)

Dated: June 15, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84–16803 Filed 6–22–84; 8:45 am]

BILLING CODE 4140–01–M

Meeting of NIDR Special Grants Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, July 17–18–19, 1984, in Conference Room 6, Building 31–C, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to 9:30 a.m. July 17 for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeeting will be closed to the public from 9:30 a.m. July 17 to adjournment July 19 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. H. George Hausch, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, MD 20205 (telephone 301–496–7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Dometic Assistance Programs Nos. 13.840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Craniofacial Anomalies Research, 13.843-Restorative Materials Research, 13.844-Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.878-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Dated: June 15, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84–16801 Field 6–22–84; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Final Environmental Impact Statement on the Cache River Basin: a Waterfowl Habitat Preservation Proposal in Jackson, Monroe, Prairie and Woodruff Counties, Arkansas

AGENCY: Fish and Wildlife Service, Interior (FWS).

ACTION: Notice.

SUMMARY: This Notice advises the public that a Final Environmental Impact Statement (FEIS) on the Cache River Basin waterfowl habitat preservation proposal in Jackson, Monroe, Prairie, and Woodruff Counties, Arkansas, will be available for public review by July 6, 1984.

The FEIS considers environmental and socio-economic effects of protecting and preserving up to 92,000 acres of internationally significant waterfowl habitat within the 10-year floodplain of the lower and middle Cache River Basin. The FEIS evaluates impacts of eight alternative actions and determines the degree to which each would accomplish habitat preservation goals. Included in this alternative evaluation is the preferred alternative of the FWS (No. 1) which provides for a "team approach" to preservation involving the FWS, Arkansas Game and Fish Commission, other agencies, groups, and individuals.

The primary means of acquisition from willing sellers will be fee title and easements; however, other methods such as donations, land exchanges, and management agreements may be used.

Written comments are not required; however, they may be sent to the following address:

ADDRESS: Mr. James W. Pulliam, Jr., Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Butts, Chief, Branch of Planning, Division of Realty, U.S. Fish and Wildlife Service, 75 Spring Street, SW., Atlanta, Georgia 30303. Telephone (Commercial) 404/221-3543, (FTS) 242-3543.

Dated: June 18, 1984.

David B. Allen,

Deputy Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 84-16795 Filed 6-22-84; 8:45 am]

BILLING CODE 4310-07-M

National Park Service

Mining Plan of Operations Death, Valley National Monument, California; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, American Borate Company has filed a plan of operations with the National Park Service in support of construction of a ventilation shaft, to service its underground Billie Mine, on its Billie No. 22 mining claim within Death Valley National Monument. The plan is available for public inspection during normal business hours at the Death Valley National Monument headquarters, Death Valley, California.

Dated: May 23, 1984.

Edwin L. Rothfuss,

Superintendent, Death Valley National Monument.

[FR Doc. 84-16825 Filed 6-22-84; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Denali National Park and Preserve, Alaska; Availability

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9A, Kantishna Mining Company has filed a plan of operations in support of proposed mining operations on lands embracing a Mining Claim Group on Caribou Creek within the Denali National Park and Preserve. These plans are available for public inspection during normal business hours at the Alaska Regional Office, National Park Service, 2525 Gambell Street, Anchorage, Alaska.

Robert L. Peterson,

Acting Regional Director, Alaska Region.

[FR Doc. 84-16827 Filed 6-22-84; 8:45 am]

BILLING CODE 4310-70-M

Subsistence Resource Commission; Meeting

AGENCY: National Park Service, Alaska Region, Interior.

ACTION: Subsistence Resource Commission Meeting.

SUMMARY: The Alaska Regional Office of the National Park Service announces a forthcoming meeting of the Denali National Park Subsistence Resource Commission. The following agenda items will be discussed:

1. Review and approval of minutes.
2. Discuss resident zone boundaries.
3. Resident community population changes.
4. Trapline and their historical use.
5. ATV use policy review—historical and traditional use.

DATE: The meeting will begin at 8:00 a.m. on July 13, 1984, and conclude the afternoon of July 14, 1984.

ADDRESS: The meeting will be held in the Denali National Park, McKinley, Alaska.

FOR FURTHER INFORMATION CONTACT: Bob Cunningham, Superintendent, Denali National Park, P.O. Box 9, McKinley Park, Alaska 99755, Phone (907) 683-2294.

SUPPLEMENTARY INFORMATION: The Denali National Park Subsistence Resource Commission is authorized under Title VIII, section 808, of the Alaska National Interest Lands Conservation Act Pub. L. 96-487.

Dated: June 13, 1984.

Robert L. Peterson,

Acting Regional Director, Alaska Region.

[FR Doc. 84-16826 Filed 6-19-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-215 through 217 (Preliminary) and 731-TA-191 through 195 (Preliminary)]

Oil Country Tubular Goods From Argentina, Brazil, Korea, Mexico, and Spain

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping and countervailing duty investigations and scheduling of a conference to be held in connection with the investigations.

EFFECTIVE DATE: June 13, 1984.

SUMMARY: The Commission gives notice of the institution of preliminary countervailing duty investigations 701-TA-215 through 217 (Preliminary), under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports from Brazil, Korea, and Spain of oil country tubular goods as provided for in items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States (TSUS),[1] upon which bounties or grants are alleged to be paid.

The Commission also gives notice of the institution of preliminary antidumping investigations 731-TA-191 through 195 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Argentina, Brazil, Korea, Mexico, and Spain of oil country tubular goods provided for in items 610.32, 610.37, 610.39, 610.40, 601.42, 610.43, 610.49, and 610.52 of the TSUS,[1] which are alleged to be sold at less than fair value.

FOR FURTHER INFORMATION CONTACT: Abigail Eltzroth, U.S. International

[1] In particular, API and nonAPI oil well tubing, casing, or drill pipes, which are identified in items 610.3216, 610.3219, 610.3233, 610.3234, 610.3249, 610.3252, 610.3256, 610.3258, 610.3264, 610.3721, 610.3722, 610.3741, 610.3742, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4957, 610.4968, 610.4969, 610.5221, 610.5222, 610.5226, 610.5240, 610.5242, 610.5243, 610.5244 of the TSUSA.

Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0289.

SUPPLEMENTARY INFORMATION: .

Background

These investigations are being instituted in response to petitions filed on June 13, 1984, by counsel for Lone Star Steel Co., and CF&I Steel Corp., U.S. producers of oil country tubular goods [1]. The Commission must make its determination in these investigations within 45 days after the date of the filing of the peititions, or by July 30, 1984 (19 CFR 207.17).

Participation

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service of Documents

The Secretary will compile a service list from the entries of appearance filed in these investigations. Any party submitting a document in connection with the investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)), as amended by 47 FR 33682, August 4, 1982).

Written Submissions

Any person may submit to the Commission on or before July 10, 1984, a written statement of information pertinent to the subject matter of these investigations (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on July 6, 1984, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact Abigail Eltzroth (202–523–0289), not later than 12:00 noon, July 5, 1984, to arrange for their appearance. Parties in support of the imposition of antidumping and countervailing duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public Inspection

A copy of the petitions and all written submissions, except for confidential business data, will be available for public inspection during regular hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 710 E Street, NW., Washington, D.C.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207, as amended by 47 FR 33682, August 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201 as amended by 47 FR 33682, August 4, 1982).

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: June 20, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–16791 Filed 6–22–84; 8:45 am]

BILLING CODE 7020–02–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Special Projects) to the National Council on the Arts will be held on July 10, 1984, from 9:00 a.m.–5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: June 19, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–16787 Filed 6–22–84; 8:45 am]

BILLING CODE 7537–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Conservation and Electric Power Plan; Proposed Amendments, Hearings, and Public Comment Period

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: Notice of proposed amendments, hearings, and opportunity to comment.

SUMMARY: On April 27, 1983, the Council adopted a final Northwest Conservation and Elecric Power Plan (Power Plan). The Council is now proposing to amend two portions of that plan. This notice describes the proposed amendments, provides information on how to obtain additional information, and outlines the process for submitting written comments and participating in the hearings.

DATES AND ADDRESSES: The public comment period regarding the proposed amendments closes at 5 p.m. July 25, 1984. Public hearings on the proposed amendments will be held in:

- Portland, Oregon at 1 p.m., July 5, 1984 in the Council's auditorium at Suite 200, 700 SW. Taylor.
- Seattle, Washington at 9 a.m., July 11, 1984 in Room 204N of the University of Washington's Student Union Building.
- Boise, Idaho at 9 a.m., July 13, 1984 at the Red Lion Riverside Motor Inn, 29th and Chinden Blvd.
- Helena, Montana at 9 a.m., July 23, 1984 at the Council's Montana offices, Old Board of Health Building, Lockey and Roberts Streets.

Instructions for Oral Comment at Hearings

1. Requests for time slots must be made at least three days prior to the hearings to Ruth Curtis, Information Coordinator, at the Council's central office, 700 SW. Taylor, Suite 200, Portland, Oregon 97205 or (503) 222-5161 (toll free 1-800-222-3355 out of state or 1-800-452-2324 in Oregon).

2. Those who do not sign up for time slots will be permitted to testify as time permits.

3. Hearings should be used to summarize written comments. Comments should not be read.

4. Ten copies of written testimony should be submitted to the Council.

Commenters will have 15 minutes to summarize written testimony.

Instructions for Written Comment

1. Comments must be received in the Council's central office, 700 SW. Taylor Street, Suite 200, Portland, Oregon 97205 by 5 p.m. on July 25, 1984. Comments received after that date will not be considered.

2. Written comments should be marked "Power Plan Amendments Comment."

3. Provide ten copies of all comments.

FOR FURTHER INFORMATION CONTACT: Mark Cherniack, Conservation Analyst (regarding amendment of Program Design Principle 1E) or Jeff King, Resource Analyst (regarding amendment of Action Item 14.1), 700 SW. Taylor, Suite 200, Portland, Oregon 97205 (toll free 1-800-222-3355 in Montana, Idaho, and Washington; toll-free 1-800-452-2324 in Oregon; or 503-222-5161).

SUPPLEMENTARY INFORMATION: The Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501, 94 Stat. 2697, 16 U.S.C. 839 *et seq.* (the Act), allows the Council to amend its Plan from time to time. At its meeting in Portland, Oregon on June 7, 1984 the Council voted to formally propose amending two portions of the plan's Two-Year Action Plan (Chapter 10).

Program Design Principle 1E (Low-Income Eligibility for Residential Weatherization Financing)

On page 10-7 of the Two-Year Action Plan, Program Design Principle 1E specifies a formula for determining eligibility for 100% financing through Bonneville Power Administration's (Bonneville) residential weatherization program. That design principle states that Bonneville's conservation program for existing residential buildings shall: Provide a program that pays 100% of the actual cost of all structurally feasible and regionally cost-effective conservation measures for low-income households, at a cost not to exceed 4.0 cents per kilowatt-hour saved. This program shall be made available to households with an annual income below that specified in the formula below.

Household size	Percentage of median city or county household income	Example based on regional median income [1]
1	54	$12,455
2	62	14,300
3	70	16,146
4	78	17,911
5	83	19,144
6	88	20,297
7	93	21,450
8+	98	22,604

[1] Shown for illustrative purposes only. Actual income will vary by city or county median income level.

During the development of the draft power plan, the Council recognized that residential conservation savings were essentially unavailable from low-income households through existing utility programs because low-income consumers could not make the financial contribution required. Also, it seemed inequitable that those same low-income consumers were paying for conservation programs through electric rates, but could not benefit directly through the programs. The Council believed that the most effective way to acquire those savings from low-income households was to provide full cost payment based on a formula linked to median income and household size. The Council also hoped to provide a guideline which was administratively practical and could be uniformly applied in the region. The Council chose to use city or county median income as the base-line using the Department of Housing and Urban Development's percentage multiplier for each household size from one to eight or more.

Recently, various parties have questioned the equity and administrative effectiveness of Program Design Principle 1E. It appears that, compared with the poverty guidelines set forth by the federal Office of Management and Budget, the existing formula unnecessarily restricts the number of low-income households eligible for 100% financing. Households with five or more persons in counties throughout the region are most affected. In addition, the use of county or city median incomes creates potentially serious administrative problems for utilities operating weatherization programs across multiple county or city jurisdictions. The Council is seeking to reduce the complex recordkeeping requirements which appear to result from the direction now specified in the Plan.

As a result, at its June 7 meeting, the Council voted to propose amending Program Design Principle 1E by deleting "median city or county" in the table and replacing it with "regional population weighted median." The Council has determined that the current regional population weighted median income for the region is $22,797 (1983 dollars). The Council believes that the proposed single regional median income guideline would ease most of the administrative concerns of the program operators. The proposed amendment would change the eligibility criteria for 100% residential weatherization financing. As amended, Program Design Principle 1E would read as follows: Provide a program that pays 100% of the actual cost of all structurally feasible and regionally cost-effective conservation measures for low-income households, at a cost not to exceed 4.0 cents per kilowatt-hour saved. This program shall be made available to households with an annual income below that specified in the formula below.

Household size	Eligibility level based on regional population weighted median income
1	$12,310
2	14,134
3	15,958
4	17,782
5	18,922
6	20,061
7	21,201
8+	22,341

Bonneville shall annually adjust the eligibility levels specified above based on the federal government's gross national product deflator for that year.

Action Item 14.1 (Hydropower Options)

On page 10-19 of the plan, Action Item 14.1 calls on Bonneville to:

Acquire options on the following six categories of hydropower facilities:

1. An existing dam, currently not generating electricity, with a capacity greater than 15 megawatts.

2. An existing dam, currently not generating electricity, with a capacity of between 5 and 15 megawatts.

3. A new facility with a capacity greater than 25 megawatts.

4. A new facility with a capacity between 10 and 15 megawatts.

5. A new facility with a capacity less than 10 megawatts.

6. A new facility with an exemption from the FERC licensing process.

In acquiring options on hydropower sites, Bonneville shall adhere to the provisions of Appendix E.

This action item was designed to test the feasibility of hydropower options in the context of the Federal Energy Regulatory Commission's (FERC) licensing process. Recently, the State Options Task Force and the Council's Hydropower Options Task Force and Options Steering Committee have indicated that state laws and regulations may pose potential restraints to the options process that are as significant as those posed by FERC's licensing requirements. Accordingly, the Council voted at its June 7, 1984 meeting to propose amending Action Item 14.1 to read:

Acquire options on a minimum of six hydropower projects. The capacities, locations, and configurations of the projects on which options are to be acquired shall be chosen to best test the efficacy of the options concept for hydropower resources. In selecting the options to be acquired, consideration shall be given to identifying and resolving potential impediments to the optioning process including the FERC permitting and licensing process and the laws and regulations of the various states within the region. Bonneville shall consult with the Council on the development of a Request for Options and on the selection of projects to be optioned.

In acquiring options on hydropower sites, Bonneville shall adhere to the provisions of Apendix E.

The proposed amendment would delete the list of specific project types for optioning and would replace it with a description of the objectives of hydropower options. In this way, the amendment would provide both Bonneville and the Council with flexibility to select projects for optioning that are best suited for testing the options concept. The proposal would call on Bonneville to consult with the Council, before preparing a Request for Options, regarding the specific types and locations of projects to be optioned.

(Sec. 4, Pub. L. 96-501, 16 U.S.C. 839b)

Edward Sheets,

Executive Director.

[FR Doc. 84-16796 Filed 6-22-84; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review By Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Officer of Consumer Affairs and Information Services, 450 Fifth Street, NW., Washington, D.C. 20549.

New

EDGAR

Form ID (No. 270-291)

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance Form ID under the Securities Act of 1933 and the Securities Exchange Act of 1934 for use by registrants voluntarily participating in the EDGAR Pilot Porject. Form ID is a uniform application for identification numbers, passwords and personal identification numbers to be used by those registrants filing electronically.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503.

Dated: June 19, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-16797 Filed 6-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13998; File No. 812-5818]

Great-West Life & Annuity Insurance Company, et al.; Filing of Application Granting Exemptions

June 19, 1984.

Notice is hereby given that Great-West Life and Annuity Insurance Company ("GWL&A"), 1675 Broadway, Denver, Colorado 80202, Futurefunds Series Account ("Series Account"), a separate account of GWL&A registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and The Great-West Life Assurance Company ("Great-West") the principal underwriter of the Series Account (collectively, "Applicants"), filed an application on April 9, 1984 and an amendment thereto on June 11, 1984 for an order pursuant to section 6(c) of the Act granting exemptions from the above referenced provisions of the Act and regulations thereunder, to the extent necessary to permit transactions described in the application. All interested persons are referred to the application for the complete representations of the Applicants, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant provisions.

Applicants propose that they be granted an exemption from sections 26(a) and 27(c)(2) to allow as a deduction from the contract value: (1) A daily charge for mortality and expense risks equal on an annual basis to 1.25% of daily net assets (approximately .25% of expense risks and 1.00% for mortality risks); (2) an annual charge of $60 for contract maintenance; (3) a $10.00 charge for a transfer (apart from the first two in a calendar year) from or to the Variable Sub-Accounts; and (4) a charge for premium taxes.

With respect to (1) above, Applicants assert that the mortality and expense risk charge is consistent with the protection of investors standard set forth in section 6(c) as it is reasonable as determined by industry practice with respect to comparable annuity products. Applicants represent that they have reviewed publicly available information about similar industry practices, taking into account such factors as current charge levels, existence of charge level guarantees, and guaranteed annuity rates. They further represent that the data supporting and setting forth this conclusion will be maintained on file at GWL&A's administrative offices. Applicants acknowledge that some portion of the mortality and expense risk charge may be utilized to meet sales expenses which exceed the contingent deferred sales charge which may be imposed.

In this connection, GWL&A represents that it has concluded that there is a reasonable likelihood that the Series Account's distribution financing arrangement will benefit the Account and contractowners and that it will maintain and make available to the Commission upon request a memorandum setting forth the basis for this representation. The Series Account represents that it will invest only in open-end management companies which have undertaken to have a board of directors with a disinterested majority formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

With respect to (2) and (3) above, Applicants assert that these charges have been set at levels no higher than the estimated actual costs of administering the contracts and are not expected to exceed the actual expenses incurred. With respect to (4) Applicants represent that GWL&A will deduct any such tax when incurred.

Finally, Applicants request exemption from sections 26(a) and 27(c)(2) to the extent necessary to permit GWL&A to hold assets of the Series Account under an agreement that does not create a trust and to hold the securities of the Maxim Series Fund (of any other open-end management company underlying the Series Account) in open account in lieu of stock certificates. Applicants represent that the assets of the Series Account and the Maxim Series Fund

will be protected by the safeguards and conditions described in the application and that requiring the issuance of fund certificates would impose an unnecessary administrative burden.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 13, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Comission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. 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. 84-16857 Filed 6-22-84; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7123]

Showboat, Inc. Common Stock, $1 Par Value; Application To Withdraw From Listing and Registration

June 18, 1984.

The Showboat Inc. has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Showboat, Inc. is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on May 18, 1984, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration of the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before July 9, 1984 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-16858 Filed 6-22-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirement Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirement to OMB for review and approval, and to publish notice in the **Federal Register** that the agency has made such a submission.

DATE: Comments must be received on or before July 18, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

Copies: Copies of the proposed survey, the requests for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

Survey Submitted for Review:

Title: Access to Capital by Subcategories of Small Business
Frequency: One-time, nonrecurring
Description of Respondents: Small business owners
Annual Responses: 2,000
Annual Burden Hours: 1,000
Type of Request: Resubmission

Dated: June 15, 1984.

Elizabeth M. Zaic,

Chief, Information Resources Management Branch.

[FR Doc. 84-16806 Filed 6-22-84; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration, Region VI Advisory Council, located in the geographical area of New Orleans, will hold a public meeting at 10:00 a.m., on Monday, July 16, 1984, at the Small Business Administration office, 1661 Canal Street (second floor), New Orleans, Louisiana, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call T. A. Aboussie, District Director, U.S. Small Business Administration, 1661 Canal Street, New Orleans, Louisiana 70112, (504) 589-2744.

Dated: June 18, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-16807 Filed 6-22-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2149]

Connecticut; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the counties of Hartford, Middlesex, Fairfield, Litchfield, New Haven and Tolland Counties in the State of Connecticut constitute a disaster loan area because of damage from severe storms and flooding beginning on or about May 27, 1984. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on

August 17, 1984, and for economic injury until March 18, 1985, at: Disaster Area 1 Office, Small Business Administration, 15–01 Broadway, Fair Lawn, New Jersey 07410, or other locally announced locations.

Interest rates are: Homeowners with credit available elsewhere, 8.000%; homeowners without credit available elsewhere, 4.000%; businesses with credit available elsewhere, 8.000%; businesses without credit available elsewhere, 4.000%; businesses (EIDL) without credit available elsewhere, 4.000%; other (non-profit organizations including charitable and religious organizations), 10.500%.

The number assigned to this disaster is 214906 for physical damage and for economic injury the number is 618500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 19, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84–16871 Filed 6–22–84; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2150]

Vermont; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the Counties of Caledonia, Franklin, Lamoille, Orange, and Washington in the State of Vermont constitute a disaster loan area because of damage from severe storms and flooding beginning on or about June 6, 1984. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 17, 1984, and for economic injury until March 18, 1985, at: Disaster Area 1 Office, Small Business Administration, 15–01 Broadway, Fair Lawn, NJ 07410, or other locally announced locations.

Interest rates are: Homeowners with credit available elsewhere, 8.000%; Homeowners without credit available elsewhere, 4.000%; Businesses with credit available elsewhere, 8.000%; Businesses without credit available elsewhere, 4.000%; Businesses (EIDL) without credit available elsewhere, 4.000%; Other (non-profit organizations including charitable and religious organizations), 10.500%.

The number assigned to this disaster is 215006 for physical damage and for economic injury the number is 618600.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 19, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84–16872 Filed 6–22–84; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2145]

Wisconsin; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the Counties of Iowa and Dane in the State of Wisconsin constitute a disaster loan area because of damage from severe storms and tornadoes which occurred on or about June 8, 1984. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 13, 1984, and for economic injury until March 12, 1985, at: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring St., SW., Suite 822, Atlanta, George 30303, or other locally announced locations.

Interest rates are: Homeowners with credit available elsewhere, 8.000%; homeowners without credit available elsewhere, 4.000%; business with credit available elsewhere, 8.000%; businesses without credit available elsewhere, 4.000%; business (EIDL) without credit available elsewhere, 4.000%; other (non-profit organizations including charitable and religious organizations), 10.500%.

The number assigned to this disaster is 214512 for physical damage and for economic injury the number is 618100.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 19, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84–16874 Filed 6–22–84 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2147]

Wyoming; Declaration of Disaster Loan Area

Carbon County in the State of Wyoming constitutes a disaster area because of damage caused by a flooding which occurred May 14, 1984, through June 1, 1984. Applications for loans for physical damage may be filed until the close of business on August 20, 1984, and for economic injury until the close of business on March 20, 1985, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, CA 95825, of other locally announced locations.

Interest rates are: Homeowners with credit available elsewhere, 8.000%; homeowners without credit available elsewhere, 4.000%; businesses with credit available elsewhere, 8.000%; businesses without credit available elsewhere, 4.000%; businesses (EIDL) without credit available elsewhere, 4.000%; other (non-profit organizations including charitable and religious organizations), 10.500%.

The number assigned to this disaster is 214706 for physical damage and for economic injury the number is 618300.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 20, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84–16874 Filed 6–22–84 8:45 am]

BILLING CODE 8025–01–M

[License No. 05/05–0125]

Tyler Refrigeration Capital Corp.; License Surrender

Notice is hereby given that Tyler Refrigeration Capital Corporation, 2222 E. Michigan Boulevard, Michigan City, Indiana 46360, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Tyler Refrigeration Capital Corporation was licensed by the Small Business Administration on June 5, 1978.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender was accepted on May 18, 1984, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 18, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84–16870 Filed 6–22–84; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket S-755, Sub. 1]

Equity Carriers I, Inc., et al.; Amended Application for Permission To Carry Dry Bulk Preference Cargoes Without Subsidy

Notice is hereby given that by letter dated June 7, 1984, Equity Carriers I, Inc., Asco-Falcon II Shipping Company and Equity Carriers III, Inc. (collectively Equity) amended its application of March 20, 1984 which requested an amendment to their Operating-Differential Subsidy (ODS) Agreement, Contract No. MA/MSB-439 in order to allwo their vessels to carry dry bulk preference cargoes with ODS and at fair and reasonable rates.

Notice of the March 20 application was published in the **Federal Register** on April 5, 1984 (49 FR 13620) Docket S-755. Protests, with demands for Hearing, were filed on behalf of Aeron Marine Shipping Company, *et al.*, Auto Bulk Corporation and the American Maritime Association. Equity challenged the standing of Auto Bulk Corporation.

Equity now amends their March 20, 1984 application to request, as a preferred alternative to the relief originaly requested, that Article I-2(a) of the subject ODS agreement be amended to permit their vessels to transport dry bulk cargo subject to the cargo preference statutes of the United States, including but not limited to 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616a, at fair and reasonable rates for U.S. flag commercial vessels, without ODS. Equity adds that such an approach was recently adopted for all subsidized bulk operators in the application of Moore McCormack Bulk Transport, Inc., Docket S-754, with regard to Military Sealift Command charters. Should the Maritime Subsidy Board not grant this relief, Equity states that they will continue in their request as originally formulated in their March 20, 1984 application.

In amending their March 20, 1984 application, Equity specifically reserves their federal court challenge to the A-132 proceeding and its challenge in this docket (S-755) to the standing of Auto Bulk Corporation. Equity also reaffirms their position that their vessels are an existing service in the U.S. dry bulk preference trade.

Any person, firm or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Room 7300A, 400 Seventh Street, SW., Washington, D.C. 20590 by 5:00 P.M. on July 6, 1984. The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board.

Dated: June 19, 1984.

Georgia P. Stamas,

Secretary.

[FR Doc. 84-16781 Filed 6-22-84; 8:45 am]

BILLING CODE 4910-81-M

Urban Mass Transportation Administration

Solicitation of Proposals for Grants; Innovative Techniques and Methods Program

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice.

SUMMARY: The Urban Mass Transportation Administration (UMTA) announces in this notice that it is soliciting proposals for grants under section 4(i), the Innovative Techniques and Methods Program of the Urban Mass Transportation Act of 1964, as amended, for fiscal year 1985 funding. UMTA will select from among the proposals received, contact the parties selected, and request complete grant applications from them.

Proposers are reminded that many projects funded under section 4(i) grants are also eligible for funding under section 9 of the Act. UMTA is encouraging potential proposers to use, to the maximum extent possible, the funding available under section 9. Details on the funding sources are available at the appropriate UMTA Regional Office.

DATES: Proposals are due for the 4(i) by September 24, 1984.

ADDRESSES: Proposals for section 4(i) grants should be sent to the appropriate UMTA Regional Office.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to the appropriate UMTA Regional Office.

Section 4(i): Innovative Techniques and Methods Program

The Innovative Techniques and Methods program was begun to further the national adoption of innovative techniques to reduce the cost of transportation. Section 4(i) of the UMT Act (49 U.S.C. 1603(i)) authorizes the Secretary to make grants to States and local public bodies for the deployment of innovative techniques and methods in the management and operation of public transportation services.

Experience with UMTA's Service and Methods Demonstration Program indicates that increased acceptance of an innovation requires application of the technique in many geographically dispersed areas. The section 4(i) program can encourage more widespread adoption of proven innovative techniques and methods in urban transportation. Innovative techniques and methods eligible for funding under the section 4(i) program include the following:

- Safety and security enhancements;
- Techniques to improve transit financing;
- Conventional transit innovations;
- Pricing and service innovations;
- Paratransit services; and
- Transit management improvements.

UMTA intends to publish a formal circular for the implementation of the section 4(i) program. Until then, proposals for the section 4(i) program should follow administrative procedures set forth in the December 1, 1980 **Federal Register** notice (45 FR 79669). A list of major categories of innovation that should be considered and selection criteria for the section 4(i) program are available at UMTA Headquarters and Regional Offices.

For purposes of evaluation, proposals should contain a detailed project description, including explanation of innovative features; budget; outline of benefits; indications of other support or participation; and plans for project continuation after 4(i) funds have been exhausted. A complete grant application is not needed at this time. Proposers are reminded that 4(i) project funding is now based on a 75 percent Federal and 25 percent local source of funds.

Proposers not selected for participation in earlier section 4(i) announcements, may, by submitting letters of interest in lieu of new proposals, revive earlier submittals for consideration in fiscal year 1985.

Issued on: June 4, 1984.

Ralph L. Stanley,

Urban Mass Transportation, Administrator.

[FR Doc. 84-16875 Filed 6-22-84; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Secret Service

Appointment of Performance Review Board (PRB) Members

This notice announces the appointment of members of Senior Executive Service Performance Review Boards in accordance with 5 U.S.C. 4314(c)(4) for the rating period beginning July 1, 1983 and ending June 30, 1984. Each PRB will be composed of at least three of the Senior Executive Service members listed below.

Name and Title:

John W. Mangels—Director of Operations, Department of the Treasury

William R. Barton—Deputy Director, U.S. Secret Service

Jerry S. Parr—Assistant Director, Protective Research (USSS)

Edward J. Pollard—Assistant Director, Protective Operations (USSS)

Gerald W. Bechtle—Assistant Director, Inspection (USSS)

Larry B. Sheafe—Assistant Director, Investigations (USSS)

Stephen E. Garmon—Assistant Director, Administration (USSS)

Robert R. Snow—Assistant to the Director, Public Affairs (USSS)

Kevin R. Houlihan—Assistant to the Director, Training (USSS)

Edward P. Walsh—Deputy Assistant, Protective Research (USSS)

William R. Hoskyn—Deputy Assistant Director, Protective Operations (USSS)

Don A. Edwards—Deputy Assistant Director, Protective Operations (USSS)

Joseph R. Carlon—Deputy Assistant Director, Investigations (USSS)

John Kelleher—Legal Counsel, U.S. Secret Service

FOR FURTHER INFORMATION CONTACT: Wesley Bishop, Chief, Personnel Division, Room 912, 1800 G Street, NW., Washington, D.C. 20223, Telephone No. 202–535–5800.

John R. Simpson,

Director.

[FR Doc. 84–16832 Filed 6–22–84; 8:45 am]

BILLING CODE 4810–42–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 123
Monday, June 25, 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

FEDERAL COMMUNICATIONS COMMISSION

June 20, 1984.

FCC to hold open Commission meeting, Wednesday, June 27, 1984.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, June 27, 1984, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda Item No., and Subject

Private Radio—1—Title: *Report and Order* in the Matter of Amendment of Part 94 of the Commission's Rules to eliminate the developmental classification of the 13.2–13.25 GHz band. Summary: The FCC will consider the issues raised by the *Notice of Proposed Rule Making* in PR Docket 84–27, released January 1984, to allow private licensees to operate in the 13.2–13.25 GHz band on a regular basis.

Common Carrier—1—Title: Petitions for Reconsideration and Petitions for Clarification of the Commission's Memorandum Opinion, Order and Authorization in W–P–C–4955 (AT&T divestiture proceeding). Summary: The Commission will consider petitions filed by AT&T and the divested Bell Operating Companies and petitions for clarification by various other parties of its Order authorizing the transfers of various assets to implement the divestiture. The petitions relate to the conditions attached to the Order.

Common Carrier—2—Title: AT&T: Provision of Basic Services Via Resale by Separate Subsidiary, CC Docket No. 83–1375. Summary: The Commision will consider whether to adopt a Report and Order resolving the question of whether AT&T Information Systems should be permitted to provide basic services via resale of some or any services of common carriers (including AT&T Communications).

Common Carrier—3—Title: Amendment of the Commission's rules to allocate spectrum for the establishment of a radiodetermination satellite service, and to establish policies and procedures for the licensing of such systems. Summary: The Commission is considering action on the petition for rulemaking (RM–4426) filed by the Geostar Corporation to allocate spectrum for a radiodetermination satellite system, as well as policies and procedures for the processing of Geostar's applications for authority to construct, launch and operate such a satellite system.

Common Carrier—4—Title: In the Matter of American Technologies, Inc., BellSouth, and NYNEX, Interim Capitalization Plans for the Furnishing of Customer Premises Equipment and Enhanced Services. NYNEX Petition for Waiver of Section 64.702 of the Commission's Rules To Allow Marketing of Network Services by Separate Subsidiary. Summary: The Commission will decide whether or not to approve proposals by Ameritech, BellSouth and NYNEX to market basic network services through their *Computer II* subsidiaries.

Common Carrier—5—Title: Application for review, filed by AT&T, of the Common Carrier Bureau's Rejection of AT&T Tariff revisions providing for Audiographics Teleconference Service. Summary: The Commission will consider AT&T's application for review in which AT&T contends that the Common Carrier Bureau erred in rejecting AT&T's Audiographic Teleconference Service Rate Structure as unsupported by cost-support data.

Common Carrier—6—Title: Investigation of Access and Divestiture Related Tariffs, CC Docket No. 83–1145, Phase II. Summary: The Commission will consider tariffs for private line services proposed by AT&T and currently under investigation in Docket No. 83–1145 (Phase II, Part 2).

Common Carrier—7—Title: Investigation of Access and Divestiture Related Tariffs, CC Docket No. 83–1145, Phase II. Summary: The Commission will consider tariffs for MTS and WATS services proposed by AT&T and currently under investigation in Docket No. 83–1145 (Phase II, Part 2).

Mass Media—1— Title: Revision of Programming and Commercialization Policies, Ascertainment Requirements and Program Log Requirements for Commercial Television Station. Summary: The Commission will consider whether to eliminate or modify its existing rules with respect to programming and commercialization policies, Ascertainment Requirements and Programming Log Requirements.

Mass Media—2—Title: Revision of Programming Policies and Reporting Requirement Related to Public Broadcasting Licensees. Summary: A Notice of Proposed Rule Making was issued proposing a series of options for changing the rules and policies in this area. The Report and Order discusses and resolves the issues which have been raised.

Mass Media—3—Title: Application for review filed by the National Black Media Coalition of a staff ruling dismissing a petition to prevent continuing violations of the Commission's EEO rule. Summary: The Commission considers the NBMC application for review to determine whether the staff properly dismissed the NBMC EEO petition.

Mass Media—4—Title: License Renewal Applications of Walt West Enterprises Inc. for Station WYEN–FM, Des Plaines, Illinois and WTMJ, Inc. for Stations WTMJ/WKTI–FM, Milwaukee, Wisconsin. Summary: The Commission considers a petition to deny filed by the National Black Media Coalition and others alleging that the licensees have not complied with the Commission's EEO rule.

Mass Media—5—Title: License Renewal Application of JACO, Inc., for renewal of license of Station WJRB, Madison, Tennessee. Summary: The Commission considers a petition to deny the WJRB renewal application filed by the National Black Media Coalition which alleges that the licensee has failed to comply with the Commission's EEO rule.

Mass Media—6—Title: License Renewal Applications of WPTW Radio Inc. for Stations WPTW/WPTW–FM, Piqua Ohio. Summary: The Commission considers a petition for reconsideration filed by the licensee regarding the imposition of EEO conditions.

Mass Media—7—Title: *Notice of Proposed Rulemaking* in MM Docket No. 83–1377. Summary: The Commission will consider a revision of Sections 73.3571, 73.3572 and 73.3573 of the Rules concerning the classification of major changes and amendments.

Mass Media—8—Title: Petitions for partial reconsideration filed by the National Radio Broadcasters Association and the National Broadcasters Association in MM Docket 83–373. Summary: The Commission will again consider the revision of its rules concerning the assignment of call letters to AM, FM and television broadcast stations.

Mass Media—9—Title: Amendment of Part 73 of the Commission's Rules and Regulations to Eliminate Objectionable Loudness of Commercial Announcements and Commercial Continuity over AM, FM and Television Broadcast Stations. Summary: The Commission will consider whether to 1) initiate a rulemaking action to impose new regulations to control loud commercials or 2) terminate the inquiry.

Mass Media—10—Title: Amendment of Parts 2 and 73 of the Commission's AM Broadcast Rules Concerning Use of the AM Carrier (MM Docket No. 83–1322). Summary: The Commission considers adopting a *Report and Order* that would allow any use for the AM carrier signal providing it does not create interference to originating or other stations.

Mass Media—11—Title: Allotment of UHF Television channels to the State of New Jersey. Summary: The Commission will consider whether to allot new UHF television channels to the State of New Jersey.

Mass Media—12—Title: Report and Order on "Providing optimum conditions for utilization of New Jersey television channel assignments." Summary: The Commission will consider the effect of present Commission policies concerning the network affiliation practices, low power operations and STV as they relate to the provision of televison service to New Jersey.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sally Lawrence, FCC Public Affairs Office, telephone number (202) 254–7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–16943 Filed 6–21–84; 3:22 pm]

BILLING CODE 6712–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

June 20, 1984.

FCC to hold a closed Commission meeting, Wednesday, June 27, 1984.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Wednesday, June 27, 1984 following the Open Meeting, which is scheduled to commence at 9:30 A.M. in Room 856, at 1919 M Street, NW., Washington D.C.

Agenda, Item No., and Subject

Hearing—1—Petitions for Review and Rehearing filed by Beehive Telephone Co., Inc. and a request for approval of an agreement between Beehive Telephone Co., Inc. and the Common Carrier Bureau in the Western Utah, Common Carrier proceeding (Docket 78–240).

This item is closed to the public because it concerns Adjudicatory Matters (See 47 CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission June 6, 1984. Commissioners Fowler, Chairman; Quello, Dawson, Rivera and Patrick voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sally Lawrence, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: June 20, 1984.

William J. Tricarico,

Secretary, Federal Communications Commmission.

[FR Doc. 84–16945 Filed 6–21–84; 3:22 pm]

BILLING CODE 6712–01–M

3

FEDERAL TRADE COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 10, 1984.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED: Consideration of staff recommendation regarding the Used Car Rule.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Affairs: (202) 532–1892. Recorded Message: (202) 523–3806.

Emily H. Rock,

Secretary.

[FR Doc. 84–16903 Filed 6–21–84; 11:16 am]

BILLING CODE 6750–01–M

federal register

Monday
June 25, 1984

Part II

Department of the Interior

Fish and Wildlife Service

Oil and Gas Exploration Plans (Seismic), Arctic National Wildlife Refuge; Notice

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Oil and Gas Exploration Plans (Seismic), Arctic National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Publication of exploration plans and revision request; notice of public hearings; solicitation of public comments; State of Alaska review for consistency with the Alaska Coastal Management Program.

SUMMARY: This notice contains the complete texts of four proposed plans for oil and gas exploration on the coastal plain of the Arctic National Wildlife Refuge (ANWR), Alaska. A formal request to revise an exploration plan that was previously approved is also included in this notice. The notice announces the dates and locations of four public hearings that will be held to receive comments on the plans and the revision request. Written comments are solicited as well. The U.S. Fish and Wildlife Service (FWS) invites public comments relative to all aspects of the proposed activities. The State of Alaska is reviewing the activities for consistency with the Alaska Coastal Management Program (ACMP) pursuant to the Coastal Zone Management Act of 1972 as amended. This notice also solicits written comments, to be submitted to the State of Alaska, concerning ACMP consistency. The proposed activities were submitted to the FWS on June 4, 1984, by persons interested in conducting seismic exploration on the ANWR coastal plain. The proposals were accepted by the FWS in accordance with the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) as amended, and 50 CFR Part 37 as amended. ANILCA provides for oil and gas exploration within the coastal plain of ANWR in a manner that avoids significant adverse effects on the fish and wildlife, their habitats, or the environment. Data from the exploration on ANWR will be used to prepare a "Report to Congress" [ANILCA Section 1002(h)] which will, among other things, recommend whether further exploration, development and production of oil and gas should be permitted.

DATE: To be considered, written comments to the FWS must be submitted no later than August 10, 1984. Comments on consistency of these activities with the ACMP must be submitted to the State of Alaska no later than July 27, 1984. See Supplementary Information for dates of public hearings.

ADDRESSES: Written comments on all aspects of the proposed activities other than consistency with the ACMP should be submitted to: Regional Director, U.S. Fish and Wildlife Service, Attn: Oil, Gas, and Minerals Coordinator (AWR/PSS), 1011 East Tudor Road, Anchorage, Alaska 99503.

Written comments concerning consistency of the proposed activities with the ACMP should be submitted to: State of Alaska, Division of Governmental Coordination, Northern Regional Office, 675 Seventh Avenue, Station H, Fairbanks, Alaska 99701.

See Supplementary Information for locations of public hearings.

FOR FURTHER INFORMATION CONTACT:

Ted Heuer (oil, gas, and minerals coordinator), U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 786–3384

Ann Rappoport (Oil, gas, and minerals specialist), U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorge, Alaska 99503, (907) 786–3398

SUPPLEMENTARY INFORMATION: Final regulations for oil and gas exploration within the coastal plain of the ANWR, Alaska, were published in Part IV of the **Federal Register** (pages 16838–16872) on Tuesday, April 19, 1983. These regulations were amended in 49 FR 7569–7570, March 1, 1984. The regulations require that persons interested in exploring for oil and gas on the coastal plain of ANWR submit exploration plans to the Regional Director, U.S. Fish and Wildlife Service, Anchorage, Alaska. The regulations, 50 CFR 37.22(b), also require that the texts of the exploration plans be published in the **Federal Register** and newspapers of general circulation in the State of Alaska.

The proposal from Geophysical Service Inc. (GSI) is not an exploration plan but a formal request to revise a previously approved plan. GSI's original exploration plan was conditionally approved by the Alaska Regional Director of the FWS on September 16, 1983. One condition placed on that plan was that the conventional shothole/explosive technique would be used rather than mechanical vibrators. The FWS felt that the shothole technique would allow more flexibility in avoiding sensitive wildlife habitats.

GSI used the shothole technique during the 1984 winter season. GSI believes that a change to vibrators would "reduce environmental impacts." They are now requesting that they be allowed to use mechanical vibrators during any subsequent season(s) in which the FWS permits seismic exploration. The FWS has determined that a change to mechanical vibrators would be a "major" revision of GSI's approved exploration plan [as defined in 50 CFR 37.25(a)]. Accordingly, the FWS is soliciting public input on the revision request.

Companies that submitted complete exploration plans (i.e., ARCO Alaska, Inc.; CGG American Services, Inc.; Chevron U.S.A. Inc.; and Western Geophysical Company of America) provided maps (1:250,000 scale) to the FWS that show their proposed seismic lines, travel routes to and within the refuge, fuel caches, and major support facilities. Persons wishing to examine these maps may do so at the FWS Regional Office, Anchorage, Alaska, or at the ANWR Office in Fairbanks, Alaska. Copies may also be obtained by calling the numbers listed above.

All of the proposals, printed herein, require the approval of the FWS Alaska Regional Director before any exploration can begin. The final decision whether or not to permit seismic exploration on ANWR during the winter of 1984–85 will not be made until the FWS has had an opportunity to: (1) Assess the impacts of last winter's seismic program and (2) review the exploration data that were collected by industry. The FWS will allow a second season of seismic work only if it is judged that additional data are necessary for the "Report to Congress", and that data can be collected without significant adverse effects to the fish and wildlife, their habitats, or the environment. All public comments will be considered before the Regional Director approves or disapproves of any proposal. Leasing, exploratory drilling, and other development leading to production of oil and gas is prohibited on ANWR by ANILCA Section 1003 and can only be authorized by legislative action. The FWS intends to approve, approve with modifications, or disapprove all exploration plans and the revision request by September 2, 1984 [90 days following plan submission as provided for in 50 CFR 37.22(b)]. Written comments on all seismic exploration plans must be received by the FWS no later than August 10, 1984.

The FWS is soliciting public comments on all aspects of the proposals, but particularly to the potential impacts that these actions, if approved, may have on fish, wildlife, their habitats or the environment. Another area of specific concern is the

potential effects of the proposed actions on subsistence uses and needs on the ANWR coastal plain. The FWS is soliciting comments as to these potential effects, the availability for exploration of alternate areas within the coastal plain, and alternatives to the proposed activities which would reduce or eliminate the use (by these proposed activities) of areas within the coastal plain needed for subsistence purposes. Public hearings will be used to gather testimony on the above concerns. These hearings will also be used to satisfy the requirement of ANILCA Section 810 (a)(2) to hold a public hearing in the vicinity of the area involved to gather testimony on the potential effect of the proposed actions on subsistence as noted above. Times and locations of these public hearings are noted below.

All of the applicants have certified that their activities will be conducted in a manner consistent with the standards of the ACMP as directed by Section 307(c) (3) of the Coastal Zone Management Act of 1972, Pub. L. 92–583. The State of Alaska is currently reviewing the proposals to determine if the activities are consistent with the ACMP standard, 6 AAC 80. Interested persons are requested to submit comments to the State of Alaska at the address given above. The deadline for submitting these comments is July 27, 1984.

Public Hearings

Monday, July 16, 1984

Anchorage, Alaska

Location: Regional Office, U.S. Fish and Wildlife Service, Room 1110, 1011 East Tudor Road
Time: 7:00 p.m.

Tuesday, July 17, 1984

Kaktovik, Alaska

Location: City Council Meeting Hall
Time: 7:00 p.m.

Wednesday, July 18, 1984

Fairbanks, Alaska

Location: Federal Building and Courthouse, Room 236, 101 12th Avenue
Time: 7:00 p.m.

Thursday, July 19, 1984

Arctic Village, Alaska

Location: Community Hall
Time: 7:00 p.m.

Proposed Activities

The texts of the exploration plans and the revision request submitted to the FWS in accordance with ANILCA Section 1002 and 50 CFR Part 37 are presented below:

Dated: June 25, 1984.

Harold J. O'Connor,

Acting Director, U.S. Fish and Wildlife Service.

Note.—Maps accompanying the following Plans filed with the original documents.

GEOPHYSICAL EXPLORATION PLAN FOR THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

Submitted by: ARCO Alaska, Inc.
Submitted to: Regional Director, Region 7, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, on June 4, 1984.

Arctic National Wildlife Refuge—Coastal Plain, ARCO Seismic Program

EXPLORATION PLAN

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Note.—Items 1 through 15 are references to the items required to be contained in an Exploration Plan by 50 CFR 37.21(d) (1) through (15) of the final rules governing geological and geophysical exploration of the coastal plain of the Arctic National Wildlife Refuge, as published in the **Federal Register**, April 19, 1983. The description of each of these 15 items in this Table of Contents is intended as a summary of the requirement of each of the 15 elements of 50 CFR 37.21(d) (1) through (15), and the text directly addresses those 15 elements in detail. It must be noted that 50 CFR 37.21(d) (15) requires an applicant to submit "such other pertinent information as the Regional Director may reasonably require". ARCO Alaska, Inc. delivered a letter dated February 2, 1984 to the Regional Director requesting that any additional information required for this Exploration Plan be specified in order to be included herein. The further information requested by the Regional Director in response to that letter is discussed in Item 15 of this Exploration Plan.

June 4, 1984.

Dr. Robert Putz,
Regional Director, U.S. Fish & Wildlife Service, 1011 Tudor Road, Anchorage, AK 99503.

Dear Dr. Putz:

Geophysical Exploration Plan for the Coastal Plain of the Arctic National Wildlife Refuge

ARCO Alaska, Inc., hereby submits the subject Exploration Plan pursuant to 50 CFR Part 37.

The proposed program is generally designed to infill and to complete the 1984 GSI ANWR group program in which ARCO is a participant. The preliminary results of that activity indicate that the subsurface geological structure of the coastal plain area is too complicated to be reasonably interpreted on the basis of the six-by-twelve mile grid approved last year.

ARCO will reconfigure its proposed 760 mile program in consultation with you as necessary to complement the newly acquired data base. Although this Plan addresses only the specifics of field activities proposed for the period of January through early May 1985, this Plan also extends to any similar activities that may be necessary for the period ending May 31, 1986. Specific details of 1986 activities would of course, depend upon the outcome of the 1984 and 1985 programs.

We appreciate your consideration of our proposed Exploration Plan.

Sincerely,

Stephen Gajewski

Item i

Alaska Coastal Management Program

ARCO Alaska, Inc. hereby certifies, to the best of our knowledge, that the proposed activity, as described in this Exploration Plan, complies with the State of Alaska's approved coastal management program and will be conduoted in a manner consistent with such program.

Item 1

Responsible Official

The proposed activity described in this Exploration Plan will be conducted by ARCO Alaska, Inc. (hereinafter called "ARCO"), a wholly owned subsidiary of the Atlantic Richfield Company. The responsible official for conduct of this operation is Mr. G. T. Wilkinson, Executive Vice President, ARCO, P.O. Box 100360, Anchorage, AK 99510–0360.

Item 2

Participants

ARCO is submitting this plan on behalf of itself and of an unspecified group open to all interested parties in accordance with 50 CFR 37.13.

Item 3

Evidence of Technical and Financial Ability

ARCO is both technically and financially able to conduct the proposed activities described in this Exploration Plan. ARCO has in excess of two thousand employees in the State of Alaska and maintains a large and highly qualified staff of petroleum explorationists.

Financial Ability

As evidence of financial ability, ARCO submits the following table reflecting the Consolidated Balance Sheets for 1981, 1982, and the first three quarters of 1983 of its parent corporation, the Atlantic Richfield Company. These tables are excerpted from the Atlantic Richfield Company 1982 Annual Report and 1983 Third Quarter Report. Copies of these reports are available up request.

Table 1.—Consolidated Balance Sheet

[Millions of dollars]

Assets	1st 3 Quarters 1983	1982	1981
Current assets:			
Cash	$100	$296	$114
Short-term investments	595	479	398
Accounts receivable	1,244	1,313	1,995
Inventories	1,377	1,572	1,753
Prepaid expenses and other current assets	224	122	189
Total	3,520	3,782	4,449
Investments and long-term receivables:			
Affiliated companies accounted for on the equity method	1,227	1,110	894
Other investment and long-term receivables, at cost	628	582	325
Total	1,855	1,692	1,219
Fixed assets:			
Property, plant and equipment, including capitalized leases	24,589	22,745	19,845
Less accumulated depreciation, depletion and amortization	7,884	6,975	6,169
Total	16,705	15,770	13,676
Deferred Charges	376	389	388
Grand total	22,456	21,633	19,732
Liabilities and Shareholders' Equity			
Current liabilities:			
Notes payable	$121	$261	$327
Accounts payable	1,614	2,046	2,097
Taxes payable, including excise taxes collected from customers	309	117	341
Long term debt and capital leases obligations due within one year	275	319	463
Advances and production payments due within one year	77	26	58
Accrued interest	146	140	119
Other	372	367	381
Total	2,914	3,276	2,786
Long-term debt	3,654	3,501	3,239
Capital lease obligation	401	400	445
Advances and production payments	1,108	1,170	772
Deferred income taxes	2,994	2,704	2,302
Other deferred liabilities and credits	837	713	524
Shareholders' equity:			
Capital stock	658	655	641
Capital in excess of par value of stock	1,243	1,219	1,081
Retained earnings	8,701	8,025	6,943
Foreign currency translation	(54)	(30)	
Total	10,548	9,869	8,665
Grand total	22,456	21,663	19,733

Technical Ability

ARCO has been active in Alaska for over twenty-five years and during this time has conducted extensive operations on the North Slope. ARCO has obtained and complied with the conditions of hundreds of permits for North Slope activities, ranging from geophysical exploration to development of the Prudhoe Bay and Kuparuk oil fields. ARCO maintains an Environmental Conservation Department and a Regulatory Compliance Engineering section to ensure that all operations are carried out in compliance with all permit conditions.

As further evidence of ARCO's technical ability to conduct the geophysical survey program outlined in this Exploration Plan and as a reference for verifying ARCO's past compliance with permit stipulations, the following three tables are submitted which list the twenty-five geophysical surveys which ARCO has operated from 1965 through 1983.

TABLE 2.—ARCO OPERATED GROUP GEOPHYSICAL PROGRAM

Year	Contractaor	General area covered	Mileage acquired	Permit/agency No.
1974	Western Geophysical	Beaufort Sea Ice	94	N/A
1975	GSI	North Slope-Beaufort Sea	200	N/A
1977	do	Beaufort Sea	396	OCS 76-73
1978	Western Geophysical	do	150	MLUP 78-145
1979	do	do	385	MLUP 78-144
1980-81	GSI	North Slope	1,289	MLUP 80-245
1983	do	Prodhoe Bay Unit	217	MLUP 82-199
Total ARCO Operated Group Seismic Survey Miles.			2,731	

MLUP—State of Alaska Permits.
TUP—Bureau of Land Managementa Permits.
OCS—United States Geological Survey/Minerals Management Service Permits.
N/A—Permit number not available or assigned.

TABLE 3.—ARCO PROPRIETARY GEOPHYSICAL PROGRAMS

Year	Contractor	General area covered	Miles acquired	Permit/agency No.
1965	Ray-Flex	Southern North Slope	178	N/A
1969	GSI	Southeastern North Slope	17	N/A
1970	Digicon	N. Prudhoe Bay	62	N/A
1971	GSI	Flaxman Island, Pt. Thomson Area	61	N/A
1975	Western Geophysical	E. Prudhoe Bay Detail	72	N/A
1976	United Geophysical	Gull Is. Detail	10	N/A
1978	Western	Pt. Thomson Detail	300	MLUP 78-29
1981	GSI	NPRA Area	176	TUP F-72866

TABLE 3.—ARCO PROPRIETARY GEOPHYSICAL PROGRAMS—Continued

Year	Contractor	General area covered	Miles acquired	Permit/agency No.
1982	Norpac Exploration Co. Inc	NPRA Area	237	TUP AK 029-SP2-016
1983	Norpac Exploration Co. Inc	NPRA Area	370	TUP F-81238
Total Proprietary Seismic Survey Miles.			1,483	

MLUP—State of Alaska Permits.
TUP—Bureau of Land Management Permits.
OCS—United States Geological Survey/Minerals Management Service Permits.
N/A—Permit number not available or assigned.

TABLE 4.—ARCO JOINT GEOPHYSICAL VENTURES (ARCO OPERATED)

Year	Contractor	General area covered	Miles acquired	Permit/agency No.
1970	Seiscom Delta	Canning River	13	N/A
1979	Western	N. Prudhoe Detail	48	N/A
1981	GSI	Upper Kavik Detail	200	MLUP/NS 80-268, 326
1981-82	GSI Western	Canning Detail/Uplands Canning North Slope	232	MLUP 80-266, 304, 330
1982	Western	Arctic Slope, Franklin Bluffs	151	MLUP 81-178, 219
1982	Western	N. Prudhoe/Gwydyr	75	MLUP 81-218
1982	Western	Kuparuk Swath	233	MLUP 81-217
1983	Western	Milne Point	50	MLUP 83-22
Total ARCO Operated Joint Venture Seismic Survey Miles.			1,002	
Grand total of Tables 2, 3, and 4.			[1] 5,216	

MLUP—State of Alaska Permits.
TUP—Bureau of Land Management Permits.
OCS—United States Geological Survey/Minerals Management Service Permits.
N/A—Permit number not available or assigned.

[1] Seismic Survey Miles.

Item 4

Activity Map/Program Scope

A 1:250,000 scale and an 8½" x 11" one-page topographic program maps, attached to and made a part of this Exploration Plan, illustrate locations of existing and proposed geophysical profiles, general travel routes to program areas, and Special Areas and sites identified by the Regional Director as potentially being impacted by the proposed activity.

The program map depicts the 1984 GSI ANWR group survey as broken lines and the proposed 1985 ARCO group program as solid lines. Program proposed herein is generally designed to infill and to complete the 1984 GSI ANWR group program in which ARCO is a participant. The preliminary results of that activity indicate the subsurface geological structure of the coastal plain area is too complex to be reasonably interpreted on the basis of the six-by-twelve mile profile grid approved last year. While the approximately north-south east-west profile orientation proposed in the western coastal plain is appropriate for the structural configuration of that area, it may not represent the optimum orientation in the eastern coastal plain. Preliminary 1984 data from the eastern coastal plain are not available at this time and the preferred profile orientation in the area has yet to be determined. Any deviation from orientation depicted on the enclosed program map will be determined in cooperation with the Regional Director and identified in the Plan of Operation. Total program is not expected to exceed 760 miles requiring 85 to 100 days to complete.

Two seismic crews with supporting vehicles will enter the ANWR coastal plain near the mouth of the Canning River and/or from the sea ice along the coast. Crews will be deployed to geographically separated operational areas as determined by program priorities. Upon termination of the season's activities, all equipment will be removed to a location off the ANWR coastal plain.

If the additional information is deemed necessary by participants and by the FWS, concurrent gravity and shallow subsurfacee sampling programs will be provided. Personnel and equipment for these projects will be attached to the seismic field crews.

Fuel resupply will be by cat train along routes selected to minimize the potential for surface damage. Fuel storage sites along the coastline are being considered and, if utilized, will be identified following consultation with the Regional Director. These sites will be addressed in the Plan of Operation. travel from fuel storage sites to field crews will be restricted as much as possible to those routes traveled by the crews during daily conduct of exploratory activities.

Note that this Exploration Plan addresses only the specifices of exploratory field activities proposed for the period from January through early May 1985. This plan extends also to encompass any similar activities that may be necessary and proposed for the period ending May 31, 1986. Such activities will be essentially identical to those described herein, but can not be specifically described until assessments of the 1984 and 1985 programs are made and the need for a 1986 program established.

Item 5

Description of Exploratory Methods and Techniques

Five tracked Vibroseis® (®Registered Trademark of Conoco Inc.) units will be utilized on each of two crews to acquire reflection seismic data. This equipment allows operations to continue in more

adverse weather conditions than do drills and is independent of drilling conditions which, when difficult, slow production rate. Risk of injury to personnel is reduced by the use of Vibroseis® also. Each crew will include two tracked recording vehicles to maximize production rate. Provision of the fifth vibrator unit and the second recording unit allows system redundancy necessary to continue operations during short term equipment failures.

The Vibroseis® reflection seismic technique utilizes a closely spaced group of five vehicle-mounted vibrator units moving along a line of traverse. At established intervals (usually 15 to 25 feet), the units are halted and connected to the earth's surface by means of retractable plates. Controlled frequency energy impulses are then transmitted into the subsurface. These impulses reflect from the subsurface strata and are received by small geophones connected to a seismic cable laid along the line of traverse. The reflected impulses are electronically transmitted to a vehicle-mounted recording unit where they are recorded on magnetic tape for subsequent processing and analysis. Recorded reflection travel times and knowledge of the geophone configuration allow the user to map the subsurface geologic structure beneath the line of traverse. Six second records will be acquired. Deeper information is not required and is of questionable reliability. A 96 or 120 channel recording unit will be utilized allowing up to sixty fold multiplicity.

Two crews will be deployed to assigned areas of the coastal plain. Each will consist of approximately 28 to 31 vehicles, 15 support trailers, and 44 to 49 individuals, and will move almost daily to accompany current field operations.

Assigned to each seismic crew, should informational needs warrant, will be one vehicle-mounted drill rig and crew which will recover and collect samples from shallow test holes drilled at variable intervals along each seismic profile. Test hole spacing and depth will be determined from information needs and by equipment capabilities. Samples and cores from each test hole and driller's logs will be made available to the government, as will the results of any geotechnical, geological, and geochemical sample analyses performed for the group.

A substantial quantity of gravity data has been acquired across the coastal plain of the ANWR. If in the judgement of group participants and the USFWS these existing gravity data are inadequate, a two-person gravity party with vehicle and gravity meter will be attached to each seismic crew. Gravity values will be recorded at intervals of approximately one-quarter mile along each seismic profile.

Each crew will progress at a rate of 1.5 to 6 miles per day, depending upon topography, snow cover, weather conditions, and acquisition parameters. Survey markers will be removed behind each crew.

Travel routes adjacent to and within the coastal plain cannot be precisely defined but will be over ice when appropriate and through authorized corridors along and generally parallel to the seismic profiles, thus minimizing crossings of major rivers. Routes will be scouted and marked by Field Monitors when necessary and crew personnel will be provided appropriate instructions. Casual travel will be prohibited. Personnel will be provided pertinent information so as to avoid travel across Special Areas and protected sites.

Item 6

Application of Techniques To Avoid Duplication of Exploratory Work

Utilization of optimum acquisition and processing techniques and rigidly enforced quality control practices will maximize data quality, thereby minimizing the need to resurvey profiles and avoiding duplication of effort. Profile locations identified in this Exploration Plan are selected to complement data acquired by the 1984 GSI ANWR Exploration group. Locations are tentative, however, being based upon as yet incomplete results of that program. Final profile locations will be presented in November with the Plan of Operation by which time the 1984 data will have been analyzed in greater detail. The intent of the proposed program is to complete the 1984 program and to acquire additional data needed to evaluate areas of special interest.

Group participation also negates the need for duplicatory activity as competing interests share in the use of equipment, data, and information.

Some duplication of surface activity will be necessary where incomplete 1984 profiles will be continued by 1985 program. Depending upon the length of the recording offset, as much as three miles of surficial duplication may be necessary at each point of continuation to assure common subsurface coverage beneath that point. Seven such locations are proposed, but four are located along the Canning River where fish overwintering areas may preclude all activity.

Completion of the 1984 program in this area is desirable due to the area's proximity to well control and other seismic data on adjacent state lands. Consequently, we propose to duplicate approximately ten to fifteen miles of profiles ANV84–8 and AN84–8 which are now separated by a 3.75 mile gap due to proximity of fish overwintering areas. Such duplication, if allowed, might provide information about the relative effects of shothole and vibrator techniques. Evidence of surface activity in this area might be short lived, however, as a portion of the area is within the Canning River flood plain. Acquisition of this profile will be contingent upon an overwintering determination by the USFWS.

Item 7

Work Schedule

Upon approval of this Exploration Plan, ARCO, in cooperation with the Regional Director, will identify as accurately as possible all environmental, subsistence, cultural, and land title issues having any significant effect upon the proposed program. Technical specifications will be complied and submitted to prospective contractors with bids due approximately July 1, 1984. A contractor will then be selected and the Plan of Operation will be formulated. The USFWS will be offered the opportunity to participate in the contractor selection process if deemed necessary.

Following instrument tests, environmental briefings, and surface inspections personnel and equipment will enter the northwest coastal plain in early January 1985, or as soon as adequate snow cover exists and the Canning River can be safely traversed. Survey crews will disperse to operational areas, followed by field crews. Field data acquisition will commence in each area on or about January 10, 1985, and will continue until program completion or until deteriorating surface conditions require removal of personnel and of equipment to a summer storage site(s) west of the ANWR. Special areas subject to surface restrictions will be traversed in compliance with Title 50 CFR 37.32 in order to avoid interference with indigenous biological and cultural values.

Data processing will begin immediately upon data acquisition and will continue until approximately August 1, 1985, when all final processed results of the program will be available. Raw data and preliminary and final processed data will be submitted to the Regional Director at regular periodic intervals and as available throughout the course of the program. This is to

assure that as much information as possible can be included in the Secretary's Report prior to its submittal to Congress. Data interpretations will be available to the Regional Director in compliance with Title 50 CFR 37.53.

Item 8

Communication Network

A communications network will be designed by ARCO's telecommunications group in conjunction with the selected contractor(s). Commercially available satellite radio communication facilities, side-band radio channels between field crews and base camp, FM radio capabilities between field camps and vehicles, and VHF radio communication between all ground stations and supporting aircraft will be established and maintained. In addition, a radio-telephone link to provide additional direct communication between field crews, Deadhorse, and other locations outside of the program area will be established, if possible.

Item 9

Equipment, Facilities and Access

Approximately 28 to 31 tracked vehicles and 15 sled and/or track-mounted trailers will be assigned to each field crew. Trailers are towed in strings of two to eight units depending on weight and contents and are designed to provide subsistence, maintenance, and communication facilities for the approximately 44 to 49 individuals assigned to each crew. Each camp is self-sustaining for a period of ten to fourteen days and includes vehicles equipped with survival equipment. Additional accommodations and vehicles will be available for Field Monitors as deemed reasonable and necessary by the Regional Director. The following is a typical list of equipment used by each crew:

(A) Vehicles

Tracked Vibrator Units	5
Tracked Recording Units	2
Tracked Cable Vehicles (5-man cab)	5
Tracked Survey Vehicles	3
Tracked Party Manager Vehicle (5-man cab)	1
Tracked Client Representative Vehicle (5-man cab)	1
Tracked Utility Vehicle (with boom)	1
Tracked Diesel Tractors	5
Tracked Water Tank Vehicle	1
Tracked Shop Maintenance Vehicle	1
Tracked Vibrator Maintenance Vehicle	1
Snowmobiles (utility)	2–3
Tracked Drilling Rig (optional)	1
Tracked Gravity Vehicle (optional)	1
Total	28–31

Field crews will be supported by either one or two fuel trains, depending upon the resupply plan selected. It may prove more efficient to utilize one small fuel train per field crew than to support both crews with a single large train.

(B) Fuel Train(s)

Tracked Diesel Tractor(s)	1–2
Fuel Trailers	4–6
Survival Trailer(s)	1–2
Total	6–10

(C) Camp Equipment

Sleeper-Office Trailers	7
Kitchen-Diner Trailer	1
Wash Trailer	1
Snow Melter Trailer	1
Incinerator Trailer	1
Fuel Storage Trailers	3
Total	14

The major support facility will be located at Deadhorse where a field processing and administrative center will be established. Communication and air support will be controlled from this facility. Medical support will be available at established Prudhoe Bay facilities and a certified medical technician will be present on each crew.

Except for the seasonal mobilizaion and demobilization of crews, access will be primarily by light aircraft to temporary snow airstrips near each camp. Fuel resupply will be the major exception in that fuel will be hauled overland from depot sites along the coast or west of the coastal plain. This phase of the program will be addressed in greater detail in the Plan of Operation after consultation with the Regional Director.

Each field crew will consist of approximately 44 to 49 individuals and every key field employee will be required to have previous arctic experience and arctic survival training. The following is a list of a typical crew complement:

Field Crew

Client Representative	1
Project Biologist (serves 2 crews)	1
Party Manager	1
Clerk	1
Observers	2
Junior Observers	2
Surveyor	1
Assistant Surveyor	1
Survey Helpers	2
Vibrator Operators	5
Vibrator Mechanic	1
Cable Helpers	13
Cable Repairmen	2
Mechanic	1
Mechanic Helpers	2
Cook	1
Cook's Helper	1
Camp Attendant	1
Tractor Operators	5
Driller (optional)	1
Driller's Helper (optional)	1
Geological Engineer (optional)	1
Gravity Meter Operator (optional)	1
Gravity Party Chief (serves two crews, optional)	1
TOTAL	44–49

Item 10

Hazardous Substance Control and Contingency Plan

Fuel and petroleum-based products constitute the major hazardous substances to be utilized in performance of this Exploration Plan. Offloading, storage, handling, and transfer will be in accordance with the requirements of 50 CFR 37.31(e)(1), (3) and (5). Prevention of fuel spills and leaks will be emphasized to personnel. Vehicles and equipment will be inspected and maintained to minimize the occurrence of fuel and hydraulic system leakage.

A Plan of Operation will be written in accordance with all appropriate regulatory requirements governing contingency plan content. A detailed Hazardous Substances Control and Contingency Plan (HSCCP) will be developed and submitted with the Plan of Operation. The following is a general discussion of the contents of the HSCCP, hereinafter referred to as Plan.

The Plan will contain three major sections. A general information section (1) will contain background information on the operation, type and location of activities, time periods covered, and the permittee's environmental compliance policy and commitment to prevent and properly respond to any and all spills. The Plan will contain information concerning required spill response and prevention equipment (2) which is to be located at the various activity sites, design criteria for the camp facilities operating equipment fuel storage sites, proper operating procedures for fuel transfer, and a description of the training to be conducted to assure implementation of the Plan. The spill response and notification procedures section (3) will include a response organization list of required persons/agencies to be immediately notified, cleanup and disposal procedures, environmental/cultural considerations, restoration, and required written reports.

Item 11

Anticipated Environmental Impacts—Mitigating Measures

This Exploration Plan covers activities which will occur only during the winter months and it is anticipated that there will be minimal, if any, impact on the refuge's wildlife. by implementing the requirements of 50 CFR 37.31 as well as by utilizing the standard mitigating measures employed by the industry during many years of operating successfully on Alaska's North Slope it is anticipated that impacts on the

environment of the Arctic National Wildlife Refuge (ANWR) will also be minimal.

ARCO plans to use established measures for which environmentally sound operations have been developed. These measures comply with existing regulations and are described in general terms as follows:

- Use of low surface pressure vehicles, travel over snow covered ground, prohibition of casual vehicle use.
- Vibrator units will be arrayed on or off profile in a manner designed to maximize protection of vegetative mat.
- Travel routes will be scouted, marked, and traversed as required by Field Monitors.
- Use of snow melters for camp water where approved surface sources are not available.
- Use of Alaska Department of Environmental Conservation (ADEC) approved greywater treatment systems and incinerators.
- Provisions for fuel spill prevention, containment and cleanup and use of double wall bladders and/or tanks.
- Establishment of procedures for garbage and waste control.
- Prohibition of feeding, harassing or taking wildlife.
- Protection of fish overwintering areas.
- Adherence to aircraft overflight restrictions.

Title 50 CFR 37.32(a) and (d) are not applicable as the proposed exploratory activities will not occur during the caribou calving and snow goose staging seasons.

The Sadlerochit Spring and Creek areas will be avoided in accordance with the requirements of 50 CFR 37.32(g). Exploratory work proposed in this plan will be completed in the identified muskoxen calving areas prior to the onset of calving season or under guidance of the USFWS Field Monitors, in accordance with the requirements of 50 CFR 37.22(b).

Brown bear, polar bear, and other identified denning sites will be avoided by rerouting traffic and seismic traverses in accordance with the requirements of 50 CFR 37.31(b)(11) and 37.32(c).

The Regional Director shall be provided with opportunities to conduct environmental and other pertinent briefings of the project personnel. Camp accommodations and vehicles shall be furnished for designated Field Monitors and other authorized representatives in accordance with the requirements of 50 CFR 37.42.

Winter exploration activities are expected to minimize potential conflicts with subsistence use. additionally, potential conflicts of exploratory activities and subsistence will be minimized by project scheduling. ARCO will consult the Regional Director and others as necessary regarding winter subsistence activities.

The seismic survey lines, camps and fuel transfer sites will be located to avoid known archaeological sites identified by the Regional Director. Sites that could be impacted will be marked in advance if necessary. Sites discovered during exploration will be marked, reported and avoided. Since the vegetative mat will be frozen and snow cover adequate before vehicles are allowed on the coastal plain, impacts to undetected sites will be mitigated, as is consistent with the requirements of 50 CFR 37.31(d)(1) and 37.31(d)(2).

Item 12

Monitoring of Environmental Impacts

ARCO is fully committed to conducting the proposed operation in a manner which avoids significant adverse effects on the Refuge wildlife and habitat, and is satisfactory to the Regional Director. A number of steps will be taken to monitor the proposed activity to assure compliance with all regulatory and permit requirements.

ARCO will establish clear lines of authority to manage all aspects of contract work and services.

It will be the duty of every individual associated with the proposed activity to see that work is performed in an environmentally acceptable manner. It will be clearly understood by all company and contractor personnel that prudent operating and permit requirements must be observed.

ARCO will have overall responsibility for the proposed project and compliance monitoring. The actions of each individual crew will be directed and evaluated onsite by a Client Representative responsible to ARCO. Reporting to each of the Client Representatives will be a Party Manager whose major duties will include daily management and inspections. In addition, a Project Biologist knowledgeable of the area will be retained to review the Plan of Opeation and provide assistance to ARCO, Client Representatives, and Party Managers. All will work closely with Field Monitors to assure that activities are conducted in an environmentally acceptable manner.

The following is a description of duties of the above identified positions in terms of project monitoring and compliance with all regulatory and permit requirements. The individuals to be assigned to these positions will be designated in the Plan of Operation.

Client Representatives. The Client Representative will be an individual qualified as a senior geophysicist with arctic field experience. Each will report directly to ARCO and will be responsible for directing and monitoring the activities of the particular crew to which each is assigned. The Client Representative will be thoroughly knowledgeable of all regulatory requirements contained in 50 CFR Part 37, the Special Use Permit Conditions and other federal, state and local laws, regulations and permit conditions applicable to the project.

Party Manager. Each crew will have a Party Manager whose major duties will be to directly supervise camp and field operations. A formal checklist will be developed and submitted in the Plan of Operation indentifying potential problem areas associated with the camp, vehicles, fuel facilities, etc. This checklist will be completed, signed and submitted to the Client Representative daily. The Party Manager will monitor fueling and other fuel transfer operations to assure implementation of proper practices and procedures, and to assure that any spills are contained, cleaned up and reported to his Client Representative.

Project Biologist. The services of a Project Biologist knowledgeable of the area will be available to ARCO and the Client Representative of each crew on an as needed basis. The Project Biologist will coordinate with the Regional Director, his staff and Field Monitors and provide information and guidance to the project. As needed, the Project Biologist will monitor the project operations and bring to the attention of ARCO and the Client Representatives potential or existing problem areas. In addition, the Project Biologist will, upon completion of the program, survey the activity area and determine any necessary rehibilitation efforts required as a result of the program.

ARCO will assure, through monitoring procedures, that the operation's activities are in compliance with all regulatory and permit conditions. ARCO will:

(1) Assure compliance with regulatory and permit conditions applicable to the project by:

- Ensuring that all individuals are instructed as to ARCO's environmental compliance policy.
- Providing opportunities for the Regional Director to conduct environmental and other pertinent briefings to any and all personnel involved in field operations.

• Providing a copy of 50 CFR Part 37 to each employee involved with the proposed project in accordance with 50 CFR § 37.33.

• Furnishing lodging, food and reasonable use of communications and surface/air transportation systems to the Field Monitors and other representatives identified by the Regional Director.

• Preparing and submitting progress reports to the Regional Director as prescribed. A synopsis of actions taken to assure compliance with regulatory and permit conditions will be included in the reports.

(2) Assure protection of biological resources by:

• Planning operations to avoid disturbance of fish overwintering areas, riparian willow stands and other sensitive areas identified by the Regional Director.

• Designing project operations in a manner that will not unduly harass wildlife or impede passage and movements of large mammals.

• Planning and monitoring the project to be consistent with any identified Special Area provisions.

• Submitting plans for rehabilitation of disturbed surface areas for approval to the Regional Director.

(3) Assure protection of cultural resources by:

• Planning operations to avoid archaeological sites identified by the Regional Director.

• Making the necessary arrangements to have cultural sites marked as directed by the Regional Director.

• Reporting to the Regional Director any cultural resources or materials discovered during the course of the project and providing steps to be taken to protect that resource/material pending evaluation by the USFWS.

(4) Assure implementation of the HSCCP and obtain approval from the Regional Director for the location of all fuel storage areas and temporary structures.

Item 13

Statement of Intent To Comply

ARCO hereby certifies that, if authorized to conduct exploratory activities on the coastal plain of the Arctic National Wildlife Refuge, the activities shall be conducted in compliance with the requirements of 50 CFR Part 37, the Special Use Permit, the approved Exploration Plan, Plan of Operation, and all reasonable stipulations, demands, and orders issued by the Regional Director of the USFWS.

Item 14

Quality Control Program

ARCO and potential participants in the proposed program seek only to acquire quality data in a quantity and in a manner necessary to satisfy the requirements of the ANILCA. Under this proposal, the ARCO technical staff and participating companies will be responsible for designing and implementing the quality control program for data acquisition and processing. Primary responsiblity for all aspects of the proposed activity will reside with ARCO.

Quality Control standards and practices are well established by industry practice in the Arctic and little variance from the norm is anticipated. Arco's intent is to require all major field instrument components to be of identical manufacture with identical characteristics. A complete inventory of spare parts and supplies will be maintained by field crews at the Deadhorse facility.

The geophysical system (vibrators, geophones, and recording units) will be field tested and calibrated to assure response similarity between field crew units. The field-testing will use identical source, receiver, and recording parameters. The field recordings will be field-processed, displayed, and analyzed on-site and initial parameters will be identified by ARCO Operations Coordinators expert in data acquisition technology. Field test records will then be transferred to a processing center for more detailed analyses and final acquisition parameters will be selected. ARCO Operations Coordinators and Geophysicists will regularly inspect all operations to ensure proper technical performance by contractor(s). Most importantly, ARCO personnel will supervise all significant field tests.

At the beginning of the season, crews will be deployed to areas of responsibility and, upon arrival, will conduct an independent systems check and field acquisition tests to verify that selected parameters are indeed appropriate for the operational area. This is to ensure that system performance remains within tolerances and that selected parameters are appropriate for local geological conditions. Should local geology require modification of selected parameters any parameter change will be documented relative to the initial systems test.

Diagnostic instrumentation tests will be recorded at specified intervals and analyzed and retained to monitor instrument performance. Complete and detailed records of system performance on a record-by-record basis will be maintained. Appropriate real time adjustments of the system components will be made to overcome the effects of wind, ice, and other deleterious influences.

The Client Representative assigned to each field crew will have primary responsibility to monitor data quality. He may require the crew to temporarily terminate data acquisition and to conduct recording and experimental tests to ensure that data quality remains acceptable and that system response remains within tolerances. Any variance exceeding established rigid tolerances at any test point will result in data acquisition shut-down until the problem is corrected.

Digital tapes containing raw data will be transferred regularly by aircraft to the Deadhorse support facility for quality control purposes and then transferred in three to seven day intervals to a processing center for final processing. The seismic data will be processed by the same contractor who conducts the seismic field survey to assure system and organizational compatability.

Processing geophysicists will critically analyze data quality throughout the processing phase in an attempt to produce the highest quality final product. Through testing procedures they will determine the processing parameters that respond best to the characteristics of the field-processed data. This will represent a second level of quality control.

All gravity data and geological samples acquired as a result of this program will be processed, analyzed, and interpreted by selected contractors other than the seismic contractor due to the unique characteristics of each discipline. Data and results will be distributed to program participants as requested and to the Regional Director pursuant to 50 CFR 37.53.

Finally, the raw data and processed and analyzed data and information will be transferred as appropriate to each participant for individual use. ARCO and participants may reprocess all or part of the data set through proprietary processing systems. These reprocessed data will be available to the USFWS under 50 CFR 37.53. This will represent a third level of quality control available to the Service.

The entire testing, acquisition, and processing quality control process will be carefully documented and this record will be available to the Secretary of the Interior pursuant to 50 CFR 37.52.

Item 15

Other Pertinent Information

This Exploration Plan also includes "other pertinent information" that the Regional Director, in a letter dated 24 February, 1984, referenced by the USFWS as "PSS," asked to be added. This letter, received by ARCO February 29, 1984, requires the following additional items which are submitted herewith.

(1) A one-page (8½" x 11") map, suitable for publication, that depicts the information in 50 CFR 37.21(d)(4).

(2) A transparency of the 1:250,000 scale program map.

(3) One double-spaced copy of the Exploration Plan in addition to the three single-spaced copies previously required.

(4) A statement of consistency with the State of Alaska's coastal management program.

(5) A check in favor of the USFWS in the amount necessary to cover expected Exploration Plan review costs.

These five items are the only additional items that the Regional Director has requested prior to submission of the Exploration Plan. ARCO is prepared to provide any "other pertinent information" relating to this Exploration Plan as the Regioinal Director may reasonably require.

CGG AMERICAN SERVICES, INC.

June 1, 1984.

Exploration Plan

Dr. Robert E. Putz,
Regional Director, Fish and Wildlife service, 1011 East Tudor Road, Anchorage, Alaska 99503.

Dear Dr. Putz: CGG American Services, Inc. (CGG) hereby applies for a special use permit to perform a group supported seismic survey during the time period between October 1, 1984 and May 31, 1986, on the Arctic National Wildlife Refuge (ANWR) coastal plain. We appreciate your consideration of our application and the attached exploration plan.

Sincerely,

Norbert Blot,
District Director, Pacific Coast and Alaska.

I. Purpose of Exploration Plan

CGG's submission of this exploration plan is based on the principle that the Public, the Fish and Wildlife Service (FWS), and the exploration industry will be best served by restoring competition between seismic contractors in the effort to evaluate the potential hydrocarbon reserves of the ANWR. Competition ensures exploration by highly motivated people using the best technology available in the most effective operations consistent with protecting the environment. It allows use alternate strategies whenever it is not possible to ascertain an optimum approach, and promotes a sense of fairness among all concerned with the project.

Simultaneous seismic surveys in the ANWR by different contractors raise three important issues: Data uniformity, duplication, and monitoring. Uniform data can (and must) be obtained by proper selection of recording and processing parameters. Duplication of survey lines is environmentally unacceptable and is simply not necessary. Monitoring more than one contractor will require increased effort by the FWS, but the extra cost is small compared with the benefits of competition.

Last year the FWS reviewed many exploration plans, several of which proposed similar survey grids, and approved, with revisions, one of those plans. The survey grid orientation is not established by the lines acquired. Additional reconnaissance data is needed for the required resource evaluation; maintaining the existing grid will conserve field effort and minimize the environmental impact.

II. Exploration Plan Application Requirements (50 CFR Part 37 Para. 37.21)

A. CGG has met with the Director, the former Regional Director, and other members of the FWS staff, discussing this and previous application

B. This plan is for the time period between October 1, 1984, and May 31, 1986

C. General Plan

Because last year's Record of Decision infers a possible rejection of all exploration plans which do not offer complete ANWR survey with a uniform grid, we have propose a complete infill survey. This is very similar to what we proposed last year, after adjusting for what had not been acquired. However, while CGG is fully capable of fielding two or thre crews for the ANWR, we urge that no single contractor again be awarded a monopoly over this important survey area.

Explorationists generally believe a two mile by two mile grid will eventually be necessary to reduce the risk of completely missing important subsurface structures. Uniformly infilling the current six by twelve mile grid will yield a three by six mile grid which cannot be efficiently change to a two by two mile grid. If a two by two mile grid is necessary, survey plans must accommodate it this year.

Final determination of the coming survey should await preliminary interpretation of the acquired data. Evidence of significant structure may require a small, detailed survey.

We suggest one 192-channel seismic recording crew for an infill survey of approximately 505 line-miles, and request 170–250 line miles in a designated area for the 1985 season. The remaining portion can be acquired by other contractors this season, or, if the FWS prefered, CGG would complete the survey in the 1986 season. We are able to provide two crews to complete the survey in the 1985 season but urge that no contractor have a monopoly. It is premature to propose a detailed survey because the data is not yet available for interpretation. It is not in either industrys' interest nor in the FWS's interest for CGG to propose an alternate grid. It is the responsibility of the FWS and/of the Interagency Review Pannel to determine what grid should be recorded this coming season. Offering to the industry two or more overlapping grids could result in inadequate support for any survey. The way to reintroduce competition into ANWR exploration at this time is to allocate areas. The evidence is plain that industry will support the competition that would result in lower exploration costs, and rduce the probability that North Slope exploration would ever again be dominated by a single seismic contractor.

Vibrators are the proposed seismic energy source, but CGG will use the shothole method if the FWS and/or Interagency Review Panel prefer. The environmental advantages of vibrators include eliminating blowouts, cratering, and the transportation and storage of explosives; fewer tracked vehicles (especially where wheel-mounted vibrators are useable); and localizing the crew personnel and activities. Operational advantages of vibrators include less sensitivity to adverse weather, easier and more localized logistics, ease of modifying the recording parameters when needed, and greater safety. While it is preferable to move the vibrators along the survey line, it is not always necessary. When recording 24-fold data with 192 channels, using 110' station intervals, the vibrators could deviate off-line, without vibrating, for 330' out of every 440'. It is easy to "make-up" skips or gaps with vibrators, and to increase the seismic energy input where doing so. Snow removal, where needed along the vibrators path, can be done using a scoop with a rubber skirt on the blade to protect the tundra. Large, double-wide wheels on buggy-mounted vibrators will reduce the need for snow removal and increase the tractive

ability, reducing the need for tracked vibrators. Because maneuvering wheel-mounted vibrators is much less damaging to the surface than maneuvering track-mounted vibrators, there is greater freedom to avoid obstacles and sensitive areas.

If vibrators are used, CGG would provide five Mertz buggy-mounted vibrators with double-wide wheels, and substitute tracked vibrators only if conditions required their use. The vibrators would be equipped with force control units which prevent decoupling. Decoupling damages the tundra and degrades the data. Last winter CGG provided the first test of the force control system on the Slope, and after extensive experiments we determined that the elimination of decoupling was the single most important variable in improving data quality.

An important data-quality advantage of vibrators over conventional dynamite is reduced sensitivity to "frost breaks" or "ice breaks." Because the vibrators seismic energy output is distributed over a controlled time and frequency, the sensitivity to any noise which is distributed over a short time and a wide frequency is greatly reduced. An analogy is the ability to recognize speech or music "through" the random noise of radio static. By contrast, it is far more difficult to recognize a single handclap sound "through" radio static.

The Record of Decision (September 15, 1983) opposed vibrator use, but the Regional Director approved an exploration plan revision permitting limited use of vibrators near the ANWR coast, setting a precedent for vibrators in the ANWR. If CGG is permitted to use vibrators, we will upon request provide subsurface sampling capability to assist the geological interpretation.

We propose to record with 192 channels, using a Sercel SN 348 telemetric, computer-controlled recorder, to reduce the environmental impact while obtaining high quality data. Higher multiplicity in recording allows each "shot" to be more effective. Obtaining more information about the subsurface structure from each "shot" allows the number of "shots" to be reduced without reducing the data quality. Depending on the needs indicated from the past survey, we could acquire 24-, 32-, 48-, or 96-fold data using 192 recording channels. We plan to use 110' station intervals, as we proposed last year, and as were actually used for the ANWR data recorded. The maximum recording offset is approximately 10,000', the same as CGG and most others have used for recent North Slope recording, and greater than the 6600' used in the ANWR this past winter. All other parameters would be determined by extensive field tests and experiments prior to recording.

D. The following information requested by paragraph 37.21 (D), items 1–15:

1. The CGG officers responsible for these exploration activities are:

P. Benichou, Vice-President, 1475 Lawrence St., Denver, CO 80202
N. Blot, District Director, 699 Hampshire Rd., Westlake Vlg., CA 91361
R. Whitsett, Asst. Dist. Mgr., 699 Hampshire Rd., Westlake Vlg., CA 91361
H. Dickerson, ANWR Coordinator, 5630 Silverado Way, Anchorage, AK 99502

Pierre Benichou has 19 years with CGG. Norbert Blot did his Ph.D studies at ENSEEHT in Toulouse and has 15 years with CGG. Bob Whitsett completed his Ph.D. in geophysics at Oregon State; has 14 years teaching and research with oil companies and 3 years with CGG. Howard Dickerson has 25 years of wide-ranging business experience and 4 years with CGG. Our Field Supervisors and Party Chiefs have bachelor level engineering or geology degrees and 5 years with CGG in Alaska.

Our Anchorage facility has 2000 square feet of office space and warehouse. In Deadhorse at the South Lake Inn we have 5000 square feet for office, data processing center, electronic and mechanical repair facilities, and warehouse; plus two acres of parking.

2. We expect at least 15 participants will support continued ANWR exploration.

3. CGG has operated in Alaska for five years, and for the past three winter seasons on the North Slope. We have acquired data for six different groups and several exclusive clients. During this past seasons we served the Prudhoe Bay Unit (Shoio operating) with the most intensive 3-D survey ever conducted on the North Slope. An 85-man crew was needed for this operation, and all of the equipment utilized exceeded the environmental requirements. Eight-line swaths of 60 stations each were recorded, requiring 480 channels. Over 75 square miles of coverage was obtained. The SN 348 proved to be capable down to temperatures of −50 degrees F.

Our second crew worked for two groups on the Beaufort north of the ANWR. Thirteen participants were in the Infill Demarcation Group, and fourteen participants were in the Kaktovik Lagoons Group; these two groups of participants were largely overlapping, sixteen companies total were represented. Every participant in our Groups was also an ANWR participant, and we have been told that our data quality meets or exceeds that obtained by the ANWR vibrator crew.

Our success in gaining wide participation in these groups is an indication of industry's desire to maintain contractor competition in Alaska. The Infill Demarcation Group was formed in direct competition with another proposed group in the same area. Until the competing group was absorbed into the ANWR Group, at less than one-half of its originally proposed cost, the Infill Demarcation Group received twice as many commitments. We do not claim that CGG received this wide industry support because we are superior; if CGG had received the only ANWR permit, no doubt the competing group would have obtained twice as many commitments as the Infill Demaraction Group. However, it seems unfortunate that the decision to use a one contractor for a two-crew operation in the ANWR led directly to a three-crew operation, with the third crew operating mainly outside the ANWR.

There is ample evidence of CGG's operational responsibility and compliance throughout its history in the Arctic. This includes permits and completion reports for seismic surveys in both north and south Alaska submitted to federal, state, local agencies, and business organizations (the BLM, USGS, MMS, DMEM (State of Alaska), the North Slope Borough, and others).

4. The attached map shows the approximate location of the proposed survey lines. The map should be viewed as tentative, to be adjusted in accordance with FWS experience from this past season. Final determination of the survey lines will take into account exact location of the previous survey, as well as restricted areas, and will be based on advanced reconnaissance by CGG with FWS representatives.

Fuel will be transported by cat trains using double-wall fuel tanks. Offshore routes will be used from Deadhorse to the Refuge, ice permitting, and then along those trails known from last season to be least sensitive to environmental damage, unless less sensitive new accesses can be found. Trails may be changed periodically if the net environmental damage is thereby reduced.

The crew camp will move on a daily basis, and be refueled once each week. Weekly deliveries of food and spare parts will be made directly to the crew using light, fixed wing aircraft, landing on ice or heavy snow cover to minimize surface effect.

5. We propose vibrators, alternatively dynamite, as the seismic energy source. Please see II. C also.

6. This exploration plan is limited to seismic reflection. If requested, CGG will augment the exploration activities to include borehole sampling, gravity measurements, and transient electromagnetic measurement (TEM). These were proposed in our plan for last year; TEM assists in determining permafrost thickness.

7. We propose to mobilize in early January, commence field operations approximately January 5th and halt the operations when indicated approximately May 15th, during both 1985 and 1986.

8. Communications Equipment and Technique:

a. ALASCOM Mobil Earth Station Satellite telephone at crew camp.

b. Existing telephone links in both Kaktovik and Deadhorse.

c. SSB radios at crew and cat. camp, Kaktovik, Deadhorse, and fuel train.

d. One-hundred watt field radios for field to crew camp communications.

The primary communication link between the crew camp and our permanent Anchorage and Deadhorse offices will be via satellite telephone, which will handle either voice or data. Daily and weekly reports for both the FWS and group participants will utilize this channel, and it will be available to the Refuge Manager's Office to assist in monitoring, passing operational or progam status information, and for emergencies. SSB radios and multi-channel 100 watt radios will serve communication in the field, between the crew camp, cat camp, cat train, and field operations, and will also provide back-up communication for the satellite link.

9. Please see D. 4 above and Appendix "A" for description of personnel, equipment, facilities, and accesses.

10. Hazardous substance control will be provided by having absorbent materials present at all times when adding or changing fuel, lubricants, and hydraulic fluid. If an accidental discharge occurs, such as from a ruptured hydraulic hose, the residue will be scrapped up and incinerated. Should a major spill occur, such as an overturned fuel tank, malfunctioning valve, or major line rupture, a snow berm or dike will be put around the spill to contain if for recovery and clean-up. Education of the crew in the important procedures necessary for proper handling of hazardous substances is given highest priority. Crew management and fuel handlers are aware of the importance of following strict precautionary procedures, and the necessity of immediately reporting, both orally and in writing (on forms provided), all accidental discharges and spills.

11. Last year the Interagency Review Panel rated CGG's "Environmental Sensitivity" very low. While we understand how this occurred, we do not believe it reflects the actual facts. CGG is aware of the unusual sensitivity of the environment in the Arctic, and the importance of protecting it, especially in the Refuge. We will adhere scrupuluously to all of the regulations and requirements specified by the FWS to assure a minimum impact in the area. CGG will hire a contract environmentalist, selected by and reporting to the FWS. This person will assist the FWS monitors, and have the authority to direct CGG in preventing avoidable damage to the environment. We will scout the survey area with the FWS in advance, and will implement all of the protective procedures the FWS has found useful in reducing the risk of damage.

Prior to commencement of field operations, CGG will provide to the FWS a detailed description of all environmental regulations, requirements and anticipated problems, together with CGG's planned responses. After any additions or modifications made by the FWS, CGG field supervisory personnel will arrange a meeting with FWS personnel to discuss face-to-face the plans, modifications suggested in the planned actions to comply with each of the requirements and regulations, as well as to develop strategies for dealing with unexpected occurrences. While in the field, the crew will provide an environmental summary statement, on a line by line basis, reporting problems encountered, solutions utilized, and recommendations for future actions.

12. Please see 11 above.

13. CGG hereby promises to comply with all regulations and requirements now specified, or which may become specified, for conducting a seismic survey in the ANWR during the next two winter seasons. The proposed activity complies with the State of Alaska's approved coastal management program and will be conducted in a manner consistent with that program.

14. CGG's data quality assurance program provides monthly instrument tests, independant authority over the crew by a geophysical supervisor, highly motivated and experienced field engineers, experienced processors, and an elected representative from the group specifically charged with data quality control. The data quality results of CGG's group surveys speak for themselves.

It is not necessary to maintain a single contractor, or a single seismic energy source, to obtain uniform data. The change from dynamite to vibrators is a more significant change than from one contractor to another, and the source change has already been implemented in the ANWR on a limited basis. If there were a choice, certainly all of the interested parties would prefer data improvement to data uniformity.

Obtaining uniform data is relatively straightforward. CGG has frequently reprocessed seismic data from two or more different contractors; occasionally even data recorded with widely different equipment, at different times, and with different sources; and produced matched results. While it is true that two different seismic surveys of the same area may yield dissimilar results, even if performed by the same contractor, it is equally true that the recording and processing parameters can be selected to give matched results, and this is done frequently. CGG uses "combination" crews in the lower 48 states which can record a single line, using vibrators where possible, then deep hole dynamite, and then shallow hole dynamite where helicopter support is necessary. These lines are then processed as a single, matched line. It does require an extra effort, but a monopoly in the ANWR is not justified simply as a matter of convenience.

During the past three seasons CGG has served industry groups in winter surveys on the Beaufort ice north of the ANWR. The last two seasons there have been groups in the same area served by another contractor, and some of the participants have been in all surveys. Our processing center has been happy to hear that its processing has been generally quicker, with equal or superior quality. One respected, major oil company joined our proposed group this past winter primarily on the basis of our record of providing better, faster processing.

15. CGG will respond promptly to any requests by the FWS.

Conclusion

It may be asked why CGG is choosing this particular time to raise questions regarding the Record of Decision issued last September. We did appeal for a very limited 22.5 mile survey of the ANWR lagoons, but we did not take any action that could result in a delay in ANWR exploration. The process by which the ANWR became open to limited, carefully controlled exploration was long and arduous. Cooperation between various industry groups was important, and no one wanted to

jeopardize the entire survey. However, now is the proper time to offer constructive criticism of the Decision.

While the goals of environmental protection, uniformity of data, and ease of monitoring were met by using a single contractor, the price was high. With the experience gained during the past seasons, it is evident that these goals can also be achieved using more than one contractor. CGG believes that the strong industry support shown for our groups north of the ANWR gives ample evidence that we are a deserving contractor for a portion of the onshore 1002 survey area.

Appendix "A"

Arctic Crew Equipment and Personnel

1. Personnel
1.1 Supervisory Personnel
(A) In Anchorage
1 Alaska Projects Manager
1 Geophysical Supervisor
(B) In Deadhorse
1 Field Service Engineer
1 Expeditor
1.2 Basic Seismograph Party
1 Party Chief (Geophysicist)
1 Party Manager
2 Chief Surveyors
2 Surveyors
1 Observor
1 Junior Observor
4 Survey Helpers
1 Headlinesman
2 Chief Mechanics
12 Helpers (Recording Crew)
4 Line Drivers
4–5 Vibrator Operators
1 Service Manager
1 Camp Attendant
1 Cook
1 Cook's Helper
1 Cable Repairman
Dozer Crew (Subcontracted)

A minimum total of 40–41 men in the field at all times, plus dozer crew. At least one of CGG's key crew personnel is a trained paramedic.

II. Equipment
1 Sercel SN 348 telemetric recording system with 6250 BPI tape transport, 192 channels, 2 ms sample rate
1 Sercel CS 2502 real-time full precision (32 bit) correlator-stacker
300 Field Telemetry Units
300 Cables
5400 GSC 20D winter base geophones, 8 Hz digital grade, two 9-geophone strings/trace
1 SIE 64 channel camera
4 Mertz "Universal" Model 18 vibrators, double-wheel buggy-mounted OR 5 Mertz Model 22 track-mounted vibrators (depending on area needs)
6 TI VSC III sweep frequency electronics with force control system
1 Fully-equipped 54-man sleigh camp with 18,000 gal. fuel, 500 gal. water
1 Vibrator repair shop on sleigh (total controlled environment)
1 Satellite communication system (from Anchorage to crew headquarters)
1 Satellite Positioning System (Doppler)
6 Beacons
2 Survey instruments, Distomat or equivalent
1 Cable repair kit: cable tester, shaking table, geophone tester, etc.
1 Ice check drill
1 Mayhew 1000 drill or equivalent (if requested for geologic sampling) OR 10 Mayhew 1000 drills or equivalent for shotholes if vibrators not used
1 Incinerator mounted on sleigh
5 SSB Radios
1 Recorder carrier, crew cab track-mounted diesel Nodwell 110 or equivalent
1 Vibrator tender, track-mounted diesel Nodwell 110 or equivalent
2 Survey vehicles, track-mounted diesel Nodwell 110 or equivalent

The following vehicles are track- or wheel-mounted (depending on area needs):
1 Party Manager crew cab vehicle
1 Headlinesman crew cab vehicle
2 Spare vehicles, one for FWS and Group representative
5 Line vehicles
Subcontracted
6 D–7 Dozers
1 Cat train with double-wall fuel storage capacity and survival unit

Air support, fixed wing and/or helicopter

All vehicles are equipped with six-channel radios for intercrew communication.

Appendix "B"

Recording Parameters

Energy Source: 4 Mertz 18's (Min. 3 operating) or 5 Mertz 22's (Min. 4 operating) OR conventional dynamite in shotholes.

Cables and Geophones: Number of groups: 192, Group interval: 110', Geophones/group: 18, Receiver array length: 110', Geophones strings/group: 2, Geophone frequency: 8 Hz.

All other parameters to be determined by extensive field tests and experiments.

Surveying: Satellite navigation system and Distomat EDM; line ends and intersections marked by removable, tagged rods for location in following season.

Appendix "C"

Processing

I. Basic Processing Sequence (Field sampling: 2 ms; processing: 4 ms):

1. Preprocessing
A. Demultiplexing, editing
B. Surface statics
C. CDP Gather
D. Brute Stack displayed on non-reproducible paper to be delivered to participants within two weeks of receipt of all field tapes and support data
2. Analysis Sequence
A. Velocity analysis
B. Normal moveout application
3. Final Processing
A. Deconvolution before stack
B. Time Variant Filter
D. Film Display
4. Post stack processing
1. Post-stack deconvolution, coherency filter, and film display
2. Wave equation of FK migration as group prefers, film display

II. Items to be furnished to each participant by CGG (scales determined by group):
1. Brute stack on non-reproducible paper
2. Final stack with automatic statics
3. Final stack with post-stack deconvolution and coherency filter
4. Migrated stack
5. Post-plot: Final location map (Items 2 through 5 provided both on paper and reproducible mylar or sepia)
6. Copy of the 9-track navigation tape
7. Photocopy of the line-printer listing of the navigation tape file

Reproduction charges: At cost to each participant.

June 4, 1984.

CHEVRON

Exploration Plan For Geophysical Exploration Program

Arctic National Wildlife Refuge Coastal Plain

Chevron U.S.A. Inc., Exploration Plan, Arctic National Wildlife Refuge—Coastal Plain, Geophysical Exploration Program

Regulation and description

Introduction
Consistency Certification
50 CFR 37.21(d)(1), Officials Conducting the Proposed Exploratory Activities
50 CFR 37.21(d)(2), Names of Planned Participants
50 CFR 37.21(d)(3), Evidence of the Applicant's Technical/Financial Ability
50 CFR 37.21(d)(4), Map of Proposed Activity
50 CFR 37.21(d)(5), General Description of Type of Exploratory Activities Planned
50 CFR 37.21(d)(6), Integration of Techniques to Avoid Duplication
50 CFR 37.21(d)(7), Schedule for the Proposed Activities
50 CFR 37.21(d)(8), Proposed Communication Techniques
50 CFR 37.21(d)(9), Description of Equipment, Support Facilities, Methods of Access, and Personnel
50 CFR 37.21(d)(10), Hazardous Substance Control and Contingency Plan
50 CFR 37.21(d)(11), Anticipated Impacts of the Proposed Activities on Wildlife
50 CFR 37.21(d)(12), Proposed Procedures for Monitoring Environmental Impacts
50 CFR 37.21(d)(13), Statement of Compliance
50 CFR 37.21(d)(14), Proposed Data Quality Assurance and Control Program
50 CFR 37.21(d)(15), Other Required Information

Introduction

This Exploration Plan is submitted by Chevron U.S.A. Inc. ("Chevron") for the purpose of obtaining a special use permit to conduct seismic exploration of the Coastal Plain of the Arctic National Wildlife Refuge (ANWR), as defined by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA).

This Exploration Plan will be the foundation of integrated exploratory activities which will accomplish the objectives of the United States Fish and

Wildlife Service regulations as set forth in 50 CFR 37.1. These objectives include the attainment of the best possible data for ascertainment of the potential for further exploration, development, and production of oil and gas within the subject lands, and the prevention of significant adverse effects on wildlife and the environment. Unnecessary duplication of exploratory activities will be avoided.

Chevron is currently a participant in the industry program for seismic exploration of the Coastal Plain of ANWR which has been performed by Geophysical Service, Inc. Chevron's information obtained under this Exploration Plan will supplement the information obtained from the industry seismic program. The program proposed under this Exploration Plan (see map attached under 50 CFR 37.21(d)(4)) will encompass the entire Coastal Plain. This area contains complex geological structures (surveyed under the Geophysical Service, Inc. program) which can be further delineated under this Exploration Plan. In particular, the North to Northeastern portion of the Refuge contains complex structures which need to be more accurately delineated. Information obtained under this Exploration Plan will thus enable Chevron to more fully determine the potential for oil and gas production within the subject lands.

This Exploration Plan provides for two seismic crews with ancillary support vehicles to work one or two winter seasons in the Refuge, collecting Vibroseis (R)[1] seismic and gravity data. The second season may be needed to infill certain areas depending on results of the first season's work. While this Exploration Plan provides for use of the Vibroseis (R) technique, Chevron will utilize the conventional shothole/explosive technique if so required by the United States Fish and Wildlife Service.

Numbered Paragraphs 1 through 15 in this Exploration Plan are referenced to the corresponding numbered requirements of 50 CFR 37.21(d) (1)–(15), published as part of the final rules governing geological and geophysical exploration of ANWR, at 48 FR 16838, *et seq.*, April 19, 1983.

The seismic data obtained under this plan will be processed by the contractor that conducts the seismic field survey. (See discussion under § 37.21(d)(1)).

Chevron further proposes under this Plan as part of its geophysical survey to obtain near-surface core samples (to a maximum depth of 100 feet) at one mile intervals along the proposed survey lines.

[1] (R) Registered Trademark of Conoco Inc.

This Exploration Plan demonstrates (see discussion under § 37.21(d) (4)–(6)) that activities proposed under this initial Exploration Plan will be integrated with any subsequent plan which may be filed.

June 4, 1984.

Consistency Certification Exploration Plan for Geophysical Exploration Program: Coastal Plain of the Arctic National Wildlife Refuge

Dr. Robert E. Putz,
Regional Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Region 7, 1011 East Tudor Road, Anchorage, Alaska 99503

Dear Dr. Putz: Chevron U.S.A. Inc. ("Chevron") herewith submits an Exploration Plan for a Geophysical Exploration Program to be performed on the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) as defined by the Alaska National Interest Lands Act (ANILCA).

Chevron hereby certifies, to the best of Chevron's knowledge, that the proposed activities pursuant to this Exploration Plan comply with the State of Alaska's approved coastal management program and will be conducted in a manner consistent with that program.

Please advise if you need any further information relating to this certification.

Very truly yours,

J. J. Anders

Section 37.21(d)(1)

Section 37.21(d)(1) states as follows:

"The name and address of any person who will conduct the proposed exploratory activities, i.e., the applicant/permittee, and, if that person is an agency, firm, officials, or, if a partnership, the names and addresses of all partners";

The proposed exploratory activity will be conducted by CHEVRON U.S.A. INC., (hereinafter CHEVRON) a California corporation. CHEVRON's home office address is as follows:

CHEVRON U.S.A. INC., 2120 Diamond Boulevard, Concord, California 94520, Telephone: (415) 680–3333

CHEVRON's Alaska address is as follows:

CHEVRON U.S.A. INC., 3001 "C" Street, Anchorage, Alaska 99503, Telephone: (786) 786–6600

CHEVRON's officials responsible for the conducting of the proposed exploratory activity are as follows:

Mr. W. E. Crain, Exploration Manager, Western Region;

Mr. E. K. Espenschied, Exploration Manager, Alaska Division;

Mr. J. J. Anders, Land Manager, Alaska Division;

Mr. R. R. Stevens, Division Geophysicist, Alaska Division.

All of the above personnel are located at CHEVRON's Concord, California offices, the address of which is stated above.

Mr. Thomas Cook, Exploration Representative, Alaska Division

Mr. J. D. Bertino, Senior Land Attorney, Alaska Division

Messrs. Cook and Bertino are located in CHEVRON's Anchorage, Alaska office, the address of which is listed above.

CHEVRON will allow the United States Fish and Wildlife Service (USF&WS) to select the seismic contractor in order that the USF&WS will have control over the environmental aspects of the contractor's field operations. In the absence of selection by the USF&WS, CHEVRON will in all likelihood contract with one of the following two contractors to perform the seismic survey:

a. Geophysical Service Inc., Box 225621, M/S 3970, Dallas, Texas 75265; (Alaska Address), 5801 Silverado Way, Anchorage, Alaska 99502, Telephone: (907) 563–3070

b. Western Geophysical Company of America 10001 Richmond Avenue, Houston, Texas 77041, Telephone: (713) 781–9600; (Alaska Address), 351 East International Airport Road, Anchorage, Alaska 99502, Telephone: (907) 563–3511

CHEVRON will engage the following subcontractor to perform a gravity and magnetics survey:

International Technology Ltd., 723 West Sixth Street, Anchorage, Alaska 99501, Telephone: (907) 278–1571

In past years, International Technology Ltd. has performed operations in conjunction with the following subcontractor:

Photogravity, Inc., 10615 Shadow Wood Drive, Houston, Texas 77043, Telephone: (713) 467–5865

Section 37.21(d)(2)

Section 37.21(d)(2) states as follows:

"The names and addresses of all persons planning at the time of plan submittal to participate in the proposed exploratory activities or share in the data and information resulting therefrom through a cost-sharing or any other arrangement";

CHEVRON submits this Exploration Plan on its own behalf. However, it is recognized that the Regional Director, USF&WS may decide to include to include other interested parties in the terms of a special use permit, if granted.

Section 37.21(d)(3)

Section 37.21(d)(3) states as follows:

"Evidence of the applicant's technical and financial ability to conduct an integrated and well designed exploratory activities in an arctic or subarctic environment and of the applicant's responsibility in complying with any exploration permits previously held by it";

CHEVRON has both the *technical* and *financial* ability to conduct integrated and well designed exploratory activities in an arctic or subarctic environment.

CHEVRON's technical capabilities are evidenced as follows: CHEVRON employs a total of 158 people in the State of Alaska. CHEVRON employs approximately 1,200 professional exploration personnel worldwide. CHEVRON'S technical staff has been long-recognized as a leader in geophysical and geological exploration. CHEVRON successfully completed geological studies in the Arctic National Wildlife Refuge to the satisfaction of Federal authorities in 1958, 1959, 1960, 1962, 1963, 1964, 1965, 1968, 1970, 1975, 1977, 1978, 1979. Additionally, Chevron has successfully and to the satisfaction of State and Federal authorities completed the following permitted geophysical programs in the State of Alaska:

CHEVRON RECENT PROPRIETARY GEOPHYSICAL PROGRAMS

Year	Contractor	Permit details	Location
1974/75	Western	ASRC	Central Artic Foothills.
1974/75	GSI		Do.
1975/76	Western	FO & GEP 76-5 Navy RH/ 3165.1.	Do.
1977/78	Western	AK-026-OE8-001.	Do.
1979	do	ASRC	Do.
1979	do	OCS-79-30	Beaufort Sea Ice.
1979/80	do	ASRC	Central Artic Foothills.
1980/81	do	ASRC	Do.
1981/82	do	MLUP/NS 81-221 F-79718.	Kavik Area.
1981/82	do	AK-026-N12-001.	Umiat Area.
1981/82	do	F-79718	Ivishak Area.
1982	do	MLUP/NS 82-84.	Milne Point.
1984	GSI	USF&WS/ 84-C4.	Kaktovic.

CHEVRON OPERATED RECENT JOINT VENTURE GEOPHYSICAL PROGRAMS

Year	Contractor	Permit details	Location
1974/75	Western	ASRC	Western Artic.
1975/76	do	do	Do.
1976	do	ASRC	Do.
1976	United	76-3e	Beaufort Sea Ice.

CHEVRON OPERATED RECENT JOINT VENTURE GEOPHYSICAL PROGRAMS—Continued

Year	Contractor	Permit details	Location
1979	Western	OCS 79-1 MLUP/NS 78-101.	Do.
1980	do	MLUP/NS 80-61.	Prudhoe Bay Unit Area.
1981	do	MLUP/NF 81-52.	Point Thomson Area.
1983	do	MLUP/NS 82-226.	Colville Delta.

CHEVRON OPERATED RECENT GROUP GEOPHYSICAL PROGRAMS

Year	Contractor	Permit details	Location
1981	GSI		State Uplands.
1982	Western	MLUP/NS 82-277.	Beaufort Sea Ice.
1983	CGG	OCS 83-01 MLUP/NS 82-173.	Camden Bay Ice.

CHEVRON further maintains an Environmental Affairs Department, a Public Affairs Department and employs various legislative and regulatory analysts to ensure consistant compliance with all State and Federal laws, regulations, and permit requirements.

CHEVRON's financial capabilities are evidenced by the following Consolidated Balance Sheet from the 1983 Annual Report of CHEVRON's parent company, Standard Oil Company of California.

Dollars in millions	1983
ASSETS	
Current assets	
Cash	$177
Marketable securities and cash investments	2,370
Accounts and notes receivable (includes amounts due from affiliated companies of $569 in 1982 and $1,040 in 1981)	3,067
Inventories	
Crude oil and products	645
Other merchandise	128
Materials and supplies	322
Prepaid expenses and other current assets	189
Total current assets	7,098
Long-term receivables	220
Investments and advances	2,319
Properties, plant and equipment, at cost	
Producing	13,527
Manufacturing	5044
Marketing	1,770
Marine	1,318
Pipeline	641
Motor transport	119
Other	1,141
Total	14,232
Less: Accumulated depreciation, depletion and amortization	9,328
Deferred charges	14
Total assets	

Dollars in millions	1983
LIABILITIES, DEFERRED CREDITS AND STOCKHOLDERS' EQUITY	
Current liabilities	
Accounts and notes payable (includes amounts due to affiliated companies of $208 in 1983 and $320 in 1982)	3,362
Current maturities of long-term debt	46
Current maturities of obligations under capital leases	56
Federal and other taxes on income	1,301
Other taxes payable	352
Total current liabilities	5,117
Long-term debt, less current maturities	1,008
Obligations under capital leases, less current maturities	888
Deferred income taxes	1,960
Deferred credits and other noncurrent obligations	852
Reserves—employees annuity plans	79
Total liabilities and deferred credits	9,904
Stockholder's equity	
Common stock—$3.00 par value Authorized—500,000,000 shares Issued—342,109,258 shares	1,026
Capital in excess of par value	871
Retained earnings	12,236
Total stockholder's equity	14,106
Total liabilities, deferred credits and stockholders' equity	24,010

Section 37.21(d)(4)

Section 37.21(d)(4) states as follows:

"A map at a scale of 1:250,000 of the geographic areas in which exploratory activities are proposed and of the approximate locations of the applicant's proposed geophysical survey lines, travel routes to and within the refuge, fuel caches, and major support facilities;"

The 1:250,000 scale map attached to and made a part of this Exploration plan illustrates the approximate locations of the proposed geophysical lines.

The Exploration Plan calls for two seismic crews with ancillary support vehicles to work one to two winter seasons in the Refuge collecting Vibroseis (R) reflection seismic and gravity data. The program anticipated to be recorded in the first winter season, starting in January 1985, is shown by the solid lines on the program map. The referenced second season may be needed to in-fill certain areas depending on the areas completed during the first season.

A program for the 1985–1986 winter season may be required, depending upon the results obtained this season.

During the first winter season the travel route for the crew to the Refuge will be from Deadhorse to the vicinity of Camden Bay. The crews will then enter the Refuge and commence operations within the northwest area of the Coastal Plain. Upon termination of each season's activities all crew personnel and

equipment will be removed to a location off the ANWR.

The fuel caches will be located at Camden Bay. Travel routes within the Refuge will be through restricted corridors adjacent and generally parallel to the geophysical program lines. Fuel caches will be identified after consultation with contractor(s) and the Regional Director and will be detailed in the Plan of Operations.

Major support facilities for the proposed program will be located outside of the refuge at Deadhorse.

The mobile camp will be initially located at Camden Bay, and will move offshore from a westerly to easterly directionas the work progresses.

Section 37.21(d)(5)

Section 37.21(d)(5) states as follows:

"A general description of the type of exploratory activities planned, including alternate exploratory methods and techniques if proposed, and the manner and sequence in which such activities will be conducted;"

Exploratory activities planned in the refuge involve the acquisition of Vibroseis (R) reflection seismic and gravity data utilizing tracked vehicles. A total of two seismic crew trains each consisting of approximately 23 vehicles, 15 support trailers and from 40–50 personnel will be utilized to acquire the proposed geophysical program. Each crew will be assigned to a separate area within the Coastal Plain and progress at an average rate of from 4 to 6 miles per day contingent on recording parameters, weathers, and topography.

The Vibroseis (R) seismic reflection techniques involves the use of 5 hydraulic vibrator units mounted on tracked vehicles. The units move in tandem along each geophysical survey line and are halted at established intervals (usually 110 feet to 220 feet) where they generate controlled frequency acoustic energy impulses. The energy impulses are transmitted into the earth's subsurface and then reflected back off the subsurface strata and recorded by geophones.

Electronic circuitry transmits the received reflection impulses through a seismic cable laid along the geophysical lines to a vehicle-mounted recorded unit where they are recorded on magnetic tape.

The magnetic tapes are then transmitted to a central processing center for subsequent processing and interpretation. Knowledge of the recorded travel times of the reflections and of the geometrical parameters of the geophone configuration allows the user to map the subsurface geologic structure beneath and adjacent to the line of traverse.

An advantage of the Vibroseis (R) technique is that the energy impulse from it is spread out over many seconds and will have a much lower amplitude level at the source then an impulse in which all the energy (i.e.—dynamite) is injected into the earth within a few milliseconds. This technique has been utilized successfully along the streets of large metropolitan areas in the United States and has been the standard of North Slope contractors since the mid 1970's.

Operating concurrently with each seismic crew (usually several miles behind it) will be a small 2 man gravity party supported by a single vehicle with survival equipment. A Lacoste-Romberg Arctic Gravity meter will be deployed at one sixth of a mile intervals along each seismic traverse and a reading of anomalies in the earth's local gravity field will be recorded. This gravity data together with the seismic data, when processed and interpreted, will assist the user in mapping the subsurface geologic structure and type of rock units beneath and adjacent to the line of traverse.

As stated in the Introduction to this Exploration Plan, Chevron requests permission hereunder to obtain near-surface core samples (to a maximum depth of 100 feet) at one mile intervals along the proposed survey lines.

In conjunction with geologic field studies which will be implemented independently, the program proposed in this Exploration Plan is considered sufficient to supplement the industry program and to provide the needed information to evaluate the hydrocarbon resource potential of the Coastal Plain.

Section 37.21(d)(6)

Section 37.21(d)(6) states as follows:

"A description of how various exploratory methods and techniques will be utilized in an integrated fashion to avoid unnecessary duplication of applicants own work;"

This Exploration Plan consists of an integrated approach involving field geologic, reflection seismic and gravimetric techniques to minimize duplication of work.

Contractor(s) selected to acquire geophysical data will (1) utilize industry accepted field instrumentation, (2) have demonstrated Arctic experience and technical ability to complete the proposed program and (3) have a history of responsibility in complying with previously held North Slope exploration permits. These requirements, in conjunction with the utilization of optimum acquisition parameters and rigidly enforced quality control procedures, will minimize acquisition of poor data and the need to duplicate or resurvey geophysical lines.

As stated in the Introduction to this Exploration Plan, the geophysical lines proposed hereunder will supplement the program previously shot by GSI. There will thus be no duplication of proposed activity in the Refuge. As further stated in the Introduction, the Coastal Plain contains complex geological structures which can be further identified under this Plan. Execution of this Plan will thus enable Chevron to ascertain the best possible data and information regarding oil and gas potential in the ANWR, without significantly affecting the ANWR environment.

Section 37.21(d)(7)

Section 37.21(d)(7) states as follows:

"A schedule for the exploratory activities proposed, including the approximate dates on which the various types of exploratory activities are proposed to be commenced and completed;"

Personnel and equipment for the seismic and gravity crew planned for the winter season will be mobilized in Deadhorse in late January, 1985. The crew will enter the Coastal Plain in the vicinity of Camden Bay in late January/early February, 1985, contingent on adequate protective cover. The crew will disperse to assigned areas of operation and commence work after completion of final instrument checks and noise analysis tests.

Recording during the first season will continue until mid-to-late April or until deteriorating protective cover requires removal of the crew from the refuge.

Commencement dates for the tentative subsequent winter's geophysical operations will be contingent on demobilization sites for the crews and development of adequate protective cover.

Processing of data acquired from the proposed exploratory activities will begin almost immediately after start-up operations. It is anticipated that final processed data from the program for the preceding season will be available by early July of each year. Weekly progress reports with respect to all operations and data processing activities will be furnished to the Regional Director.

Interpretations of the processed data will be made available to the Regional Director in compliance with applicable regulations.

Section 37.21(d)(8)

Section 37.21(d)(8) states as follows:

"A description of the applicant's proposed communication techniques;"

A variety of communication techniques will be utilized in the course of this activity. A communication network will be designed with the cooperation of the selected contractors and Chevron's telecommunication personnel.

Included in the communication techniques will be the following systems:

(1) FM radio communication between field camps and operating field vehicles;

(2) Single side-band radio communication between field crews and major support facilities;

(3) Commercially available satellite radio communication;

(4) Air-to-ground radios between all ground stations and support aircraft; and

(5) Provided permits can be obtained, radio phones will be operating via Kaktovik from the field crews to provide back-up and direct telephone communication.

Section 37.21(d)(9)

Section 37.21(d)(9) states as follows:

"A description of the equipment, support facilities, methods of access and personnel that will be used in carrying out exploratory activities;"

A seismic and gravity crew will consist of approximately 23 tracked vehicles, fifteen sled and/or track-mounted trailers (mobile camp) and a complement of 40–50 crew members. The crew train is entirely self-contained and capable of being moved every day. The crew is also capable of survival unsupported for up to two weeks in the event of isolation by weather. Every key employee will be required to have previous Arctic experience and Arctic survival training. As stated, the mobile camp will be initially located at Camden Bay, and will move along the offshore from a westerly to easterly direction as the work progresses.

A list of equipment and personnel comprising a typical field crew is given below:

Personnel List for Arctic Geophysical Crew

1 Party Manager
1 Administrator
1 Observer
1 Junior Observer
5 Vibrator Operators
4 Cable Truck Drivers
7 Recording helpers
1 Vibrator Mechanic
1 Chief Mechanic
2 Mechanic's helpers
2 Surveyors
3 Survey helpers
1 Camp Attendant
1 Gravity meter operator
1 Head Linesman
1 Cook
1 Cook's helper
6 Tractor Operators
2 Gravity Crew Personnel
1 Driller
1 Driller's Helper

Equipment List for Arctic Geophysical Crew

5 Track mounted vibrator units
1 Tracked recording vehicle
1 Vibrator tender
1 Gravity personnel vehicle
4 Cable and geophone carriers
3 Survey vehicles
1 Party Manager's vehicle
1 Vehicle repair Shop
1 Client Representative vehicle
1 Incinerator mounted on sled
1 Camp utility vehicle with crane
6 D–7 Caterpillars
1 Drill
1 120 trace digital recording system, complete with ancillary equipment such as radios, recording units, input panels, electrostatic camera, tape transports, monitoring equipment, spare parts and all other equipment necessary for CDP recording
1 Field computer
250 groups of 24 geophones each and necessary cables to serve all geophone groups at a group interval of 110, 165, or 220 feet. A geophone is to be mounted on each vibrator base plate
1 50-man camp on sled, fully equipped for North Slope operations and full storage
1 Survival trailes for fuel haul unit
All required survey equipment such as syledis, theodolites, chains, rods, electronic distance measuring equipment, and marking devices
Two-way radios, fire extinguishers, survival equipment, and first aid kits for all vehicles

The major support facility, and Chevron's base of operations, will be located at Deadhorse, where a field processing and administrative center will be established. A description of facilities at Deadhorse to be utilized is as follows:

Base camp which provides subsistence and lodging for permanent and transient personnel;
Warehouse for parts and expendable supplies;
Maintenance shop;
Food storage;
Weather reporting service;
Year-round State owned and maintained airstrip;
Aircraft handling facilities;
SSB radio for communication with field crew;
VHF and CB radio communication;
Satellite telephone unit with Anchorage;
Instrument field service shop and personnel;
Cable and geophone string repair and test shop;
(Both Western and GSI maintain full service support and expediting centers at Deadhorse).

Excluding initial mobilization and end of the season demobilization, access to the crew will be by aircraft at temporary airstrips adjacent to the mobile camp at Camden Bay and by helicopter directly to the crew. Fuel supply may be a major exception in that fuel may be hauled over land from offloading sites along the coast or from other sites selected in compliance with applicable regulations.

Section 37.21(d)(10)

Section 37.21(d)(10)] states as follows:

"A hazardous substances control and contingency plan describing actions to be taken to use, store, control, clean up, and dispose of these materials in the event of a spill or accident;"

This section will detail a hazardous substances control and contingency plan to be utilized in controlling, cleaning up, and disposing of hazardous substances in the event of spill or accident.

Both GSI and Western currently utilize extensive and proven hazardous substances control and contingency plans. Each company previously submitted a hazardous substances control and contingency plan for geophysical operations for the ANWR on May 20, 1983, as published at 48 FR 27944, *et seq.*, and 27974, *et seq.*, June 17, 1983, respectively.

Fuel and petroleum-based products will constitute the major hazardous substances to be utilized in performance of this Exploration Plan.

The crew will carry a total capacity of approximately 6,000 gallons of fuel in a sled-mounted tank. The crew will maintain a minimum of four days supply of fuel at all times.

If a tank has ruptured, all remaining fuel will be pumped into other fuel storage tanks. The contaminated area will be thoroughly contained and cleaned. In the event of a larger spill, or if an entire tank or tank car should overturn, ice and/or snow berms will immediately be constructed to contain any flow of fuel to the surrounding environment. Any contaminated snow, absorbent or loose material will be picked up and burned in an incinerator or an approved area.

The following is a typical industry daily check list for fuel storage facilities:

Daily Check List for Fuel Storage Facilities

A. Site location _____
B. Date _____
C. Site condition: —— Excellent —— Good —— Fair —— Poor
Remarks _____
D. Dike and Liner: —— Satisfactory —— Unsatisfactory
Remarks _____
E. Tank: —— Satisfactory —— Unsatisfactory
Remarks _____

If a spill occurs, the following procedure is instituted:

1. Crew Member: Detects spill, notifies party manager.
2. Party Manager: Initiates containment and clean-up effort; mobilizes all personnel and equipment required; notifies Deadhorse base of operations.
3. Deadhorse base of operations: Notifies State of Alaska, Department of Environmental Conservation, preparation of written spill report.
4. Submission of written spill report to State of Alaska, Department of Environmental Conservation and any other Federal, State or local agency as required by law. Provide for additional information as requested by any such agency.

A typical industry spill report form requires the following information:

1. Reporting Company
2. Incident Location
3. Time of Day and Date Spill Occurred
4. Material Spilled
5. Estimate of Spill Volume
6. Present Location of Spill (Describe any movement of spill)
7. Environmental Conditions
8. Barge/Vessel Data
9. Cause of Spill (i.e., mechnical, design defect, operator error, etc.)
10. Actions Taken to Combat Spill
11. Estimated Clean-up Costs
12. Federal, State or Local Agencies Notified
13. All Other Personnel Notified
14. Signature of Reporting Official

Section 37.21(d)(11)

Section 37.21(d)(11) states as follows:

"A general description of the anticipated impacts that the proposed exploratory activities may have on the refuge's wildlife, its habitat, the environment, subsistence uses and needs, and cultural resources, and a description of mitigating measures which will be implemented to minimize or avoid such impacts;"

The purpose of this section is to set forth a general description of the anticipated impacts that the proposed geophysical activities may have on the subject area's wildlife and environment.

The proposed contractors, Western and GSI, have extensive experience conducting geologic and geophysical activity in the arctic. Each company is acutely aware of the necessity to avoid, minimize, or mitigate any impacts to the environment from such activities, however small. Each company has submitted a detailed plan analyzing the potential effects of geophysical activities, and a description of all avoidance, minimizing, and mitigating measures, pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (ANILCA) for exploration of the Coastal Plain of the Alaska National Wildlife Refuge ("ANWR"). (See 47 FR 27974–27984, 27944–27960, June 17, 1983, respectively.)

The foremost impacts to the environment within the subject area will be as follows: (1) Surface disturbance; (2) withdrawal of water; (3) human presence and noise; and (4) solid waste disposal. A discussion of each of these areas is as follows:

1. Surface Disturbance

Surface travel under this Plan of Operations will occur from February, 1985 to no later than May 1, 1985. The snow cover during this period is sufficient to prevent significant adverse harm to the environment. All surface travel will take place on snow covered trails and frozen ground. Deep snow may necessarily be removed to a depth of approximately six inches for the placing of geophones which may be placed near the ground surface. Insignificant compaction of tundra will occur because of the protection from snow cover.

Harm or damage to stream and lake banks will be avoided by close coordination of crossing with the State of Alaska Department of Fish & Game. This will further prevent erosion of stream bank or siltation of streams or lakes.

Damage to low shrubbery and other vegetation will be insignificant. Any such vegetation harmed by moving crew vehicles will naturally recover.

2. Withdrawal of Water

A camp snow melter will be available to provide camp water supply. Water will not be taken from streams or rivers. Lake water will only be taken from lakes without fish. There will thus be little or no impact on marine life as a result of operations performed under this Exploration Plan.

3. Human Presence

Slight impact to the environment may occur as a result of noise emanating from the mobile crews. Such noise will cause only minimal disturbances to birds, mammals, and other wildlife. Vehicle noises generally cause larger mammals such as caribou and musk oxen to move away short distances. Such noise will not affect the eating habits or migration of these animals. All seismic crews will avoid herds of animals whenever feasible.

Bird species such as snow owls and hawks may experience temporary disturbance. Again, any such disturbance will be minimal and for a very short duration. No lasting disturbance or harm to local bird species as a result of the existence of the crews is anticipated.

4. Solid Waste Disposal

All combustible waste products will be incinerated in approved receptacles such as burn baskets. Human wastes will be disposed of through use of electric incinerating toilets, which will reduce sewage to ash suitable for safe transportation to approved dump sites. waste water on Refuge lands will be collected, containerized and back-hauled to approved dumpsites. Solvents and other substances will be containerized and taken back to the base camp for ultimate disposal at approved dumpsites. No significant environmental harm is anticipated as a result of the disposal of solid waste pursuant to activities performed under this Exploration Plan.

In addition to the four basic concerns addressed above, the following precautions will be taken:

(1) To prevent disturbance of wildlife, concentrations of caribou, muskox, red birds, and any other wildlife will be avoided. Contact with or harassment of wildlife, even if unintentional, will be recorded.

(2) All field party members will take special care to minimize the disturbance when any wildlife is encountered. No hunting, fishing, trapping, or feeding of wildlife will take place under any circumstances.

(3) Polar bear and brown bear denning sites will be avoided by rerouting traffic and seismic traverses in accordance with the requirements of 50 CFR 37.21(b)(11) and 37.32(c).

(4) Cultural and archaeological sites, and other sensitive areas, will be identified prior to operations and avoided.

Section 37.21(d)(12)

Section 37.12(d)(12) states as follows:

"A description of the proposed procedures for monitoring the environmental impacts of its operation and its compliance with all regulatory and permit requirements;"

Chevron is committed to implementing and performing the proposed Exploration Plan in a manner which will result in negligible adverse impact on the Refuge wildlife and habitat. The proposed operation will be conducted in a manner satisfactory to the Regional Director. Monitoring of the proposed activity by both Chevron and the USF&WS Service will assure compliance with all applicable Federal/State laws, regulations and permit conditions. Chevron welcomes the USF&WS monitor or monitors for the program, and all accommodations for such monitor(s) will be provided.

It will be the duty of every individual associated with the proposed activity to see that the job is performed in an environmentally acceptable manner. It will be clearly understood by all company and contractor personnel that wanton or reckless disregard of regulatory, permit and/or operating requirements will not be tolerated.

Chevron will establish and maintain clear lines of authority and responsibility for management of all aspects of contract work and services. Monitoring the environmental compliance responsibilities will be key, accountable job elements of the job description of the employees assigned to the proposed project.

Chevron will maintain overall responsibilities of the proposed project and compliance monitoring. A general representative or Project Manager will be designated and will be the person primarily accountable for managing the proposed project (§ 37.12(b)). The actions of each individual crew member will be directed and evaluated onsite by a Client Representative who will report directly to the Project Manager.

Reporting to each of the Client Representatives will be a Party Manager whose major duties will include daily monitoring and inspections. In addition, a Project Biologist knowledgeable of the area will be retained to review the operations plan and provide assistance to the Project Manager and the Client Representatives.

Described below are the duties of the Project Manager, the Client Representatives, the Party Managers, and the Project Biologist in terms of project monitoring and compliance with all regulatory and permit requirements. The individuals to be assigned to these positions will be designated in the Plan of Operations.

Project Manager. The Project Manager will have overall authority for directing the proposed project. This person will have the responsibility to assure, through monitoring procedures, that the operation's activities are in compliance with all regulatory and permit conditions. The Project Manager will be the Regional Director's point of contact concerning project monitoring, compliance orders, notifications and service requests.

The Project Manager will:

1. Ensure that all individuals are instructed regarding Chevron's environmental compliance policy, and the regulatory and permit conditions applicable to the project.

2. Provide opportunities for the Regional Director to conduct environmental and other pertinent briefings for any and all personnel involved in the field operations.

3. Provide a copy of 50 CFR Part 37 to each employee involved with the proposed project.

4. Furnish lodging, food and use of communications and surface/air transportation systems to the Service Field Monitors and other representatives indentified by the Regional Director.

5. Plan operations so as to avoid movement of equipment through riparian willow stands.

6. With input from the Project Biologist, submit for approval to the Regional Director plans for rehabilitation of disturbed surface areas.

7. Assure that the project operations are being conducted so as not to harass wildlife.

8. Through consultation with the Project Biologist, assure that project operations are not unduly impeding passage and movements of large mammals or fish, or disrupting fish spawning, overwintering or nursery areas.

9. Plan operations to avoid restricted or prohibited archeological sites that have been identified by the Regional Director.

10. Report to the Regional Director any cultural resources or materials discovered during the course of the project and ensure that steps are taken to protect that resource/material pending evaluation by the USF&WS.

11. Make the necessary arrangements to have standing or substantial above-ground remains marked as directed by the Regional Director.

12. Ensure that all oil or hazardous subtance spills are contained, cleaned up and reported as prescribed by the approved hazardous substances control and contingency plan.

13. Obtain approval from the Regional Director for the location of all fuel storage areas and temporary structures (i.e. ice airstrips).

14. Plan and monitor the project to be consistent with Special Areas provisions.

15. Ensure that project activities are not planned or conducted within the prescribed distances of the Sadlerochit Spring and Creek area.

16. Prepare and submit every other week to the Regional Director progress reports as prescribed. A synopsis of monitoring actions taken to assure compliance with regulatory and permit conditions will be included in the reports.

17. Be thoroughly knowledgeable of all regulatory requirements contained in ANILCA, 50 CFR Part 37, the Special Use Permit conditions and other Federal, State and local laws, regulations and permit conditions applicable to the project (Chevron will prepare a reference document containing this information for use by the Project Manager, the Client Representatives, and the Party Managers).

Client Representatives. If the USF&WS selects a Client Representative, that decision will be followed by Chevron. If the USF&WS does not select a Client Representative, a Client Representative will be a Chevron employee qualified as a senior geophysicist with field experience. The Client Representative will report directly to the Project Manager and will be responsible for directing and monitoring the activities of the particular crew to which each is assigned. The Client Representative will be thoroughly knowledgeable of all regulatory requirements contained in ANILCA, 50 CFR Part 37, the Special Use Permit Conditions and other Federal, State and local laws, regulations and permit conditions applicable to the Project.

The Client Representative will:

1. Address and attempt to resolve all problems and potential problem areas brought to his attention concerning his crew's operations.

2. In conjunction with camp safety meetings, present appropriate topics and information so as to develop and maintain an environmental awareness within the field personnel.

3. Monitor vehicle operations to assure that the vegetative mat or soil is not significantly damaged or displaced. Should damage occur, the Client Representative will document location and assessment information for use by the Project Manager, the Project

Biologist and the USF&WS to identify possible rehabilitation needs.

4. Locate camp site locations and monitor proper housekeeping and clean up efforts.

5. Monitor gray water discharges to assure proper treatment.

6. Minimize wildlife harassment by assuring appropriate distances are maintained by vehicles and aircraft.

7. Properly manage garbage so as not to attract wildlife, and prohibit the feeding of wildlife by personnel.

8. Execute stream crossings so as to minimize effects on banks, fish migration, overwintering, spawning areas, etc.

9. Ensure that water is being obtained by approved methods.

10. Maintain vehicle and camp prohibitions through known cultural and archeological/resource sites and other sensitive areas.

11. Report to the Project Manager any cultural resources or materials discovered during the course of the project and ensure that steps are taken to protect that resource/material until it can be evaluated by the Service.

12. Ensure that previously marked standing or substantial above-ground remains are avoided by crew operations.

13. Make proper notification of all spills or leaks of hazardous substances, fires, injuries, fatalities, etc.

14. Properly dispose of all solid waste.

15. Contain, control and clean up spills of hazardous substances in accordance with approved hazardous substance control and countermeasure plans.

16. Properly locate fuel storage areas.

17. Take reasonable precautions to protect geodetic land survey monuments and report to the Project Manager any monuments disturbed.

18. Maintain the prescribed distance from the Sadlerochit Spring and Creek area.

19. Submit to the Project Manager every other week information required for the Progress Report including information regarding compliance monitoring actions. The Client Representative shall be thoroughly knowledgeable of all regulatory requirements contained in 50 CFR Part 37, the Special Use Permit Conditions and other Federal, State and local laws, regulations and permit conditions applicable to the Project. (Chevron will prepare a reference document containing this information for use by the Client Representatives.)

Party Manager. Each crew will have a Party Manager whose major duty will be routinely inspect camp and field operations. A formal checklist will be developed, and submitted in the Plan of Operations, identifying potential problem areas associated with the camp, vehicles, fuel caches, etc. This checklist will be completed, signed and submitted to the Client Representative daily. The Party Manager will monitor fueling and other fuel transfer operations to assure implementation of proper practices and procedures, and to assure that any spills are contained, cleaned up and reported to the Client Representative.

Project Biologist. The services of a Project Biologist Knowledgeable of the area will be available to the Project Manager and Client Representatives whenever needed. When directed, the Project Biologist will coordinate with the Regional Director, his staff and Field Monitors and will provide information and guidance to the project. As needed, the Project Biologist will monitor the project operations and bring to the attention of both the Project Manager and the Client Representative potential or existing problem areas.

In addition, the Project Biologist will perform the following specific services:

(1) Recommend routes through riparian willow stands that cannot be avoided.

(2) Inspect and document disturbed surface areas and recommend rehabilitation methods to the Project manager.

(3) Aid crews working in potential bear denning areas to assure that dens will not be disturbed.

Section 37.21(d)(13)

Section 37.21(d)(13) states as follows:

"A statement that, if authorized to conduct exploratory activities, the applicant shall comply with this part, its special use permit, its approved exploration plan, plan of operation and all reasonable stipulations and orders issued by the Regional Director."

CHEVRON hereby states that CHEVRON, if authorized to conduct exploratory activities, shall comply with all of the regulations under 50 CFR Part 37, the special use permit, the approved exploration plan, the plan or operations, and all reasonable stipulations, demands and orders issued by the Regional Director.

Section 37.21(d)(14)

Section 37.21(d)(14) states as follows:

"A description of the applicant's proposed data quality assurance and control program;"

A data quality assurance and control program will be ongoing throughout the exploratory activities proposed in this Exploration Plan. Rigid quality control standards and tolerances for Vibroseis (R) seismic reflection and gravity data acquisition (which are well established by industry practice in the Arctic) will be incorporated in any agreement with contractor(s) selected to acquire the proposed geophysical program.

Prior to the initiation of any field geophysical data acquisition the geophysical system (vibrators, geophones and recording units) will be field tested and calibrated to assure proper compatibility between field crew unit. A Chervon quality control engineer will also conduct an *independent system analysis* to insure that the data acquisition equipment meets all industry standards.

A Client Representative will be assigned to each seismic crew to assure adherence to quality control standards. On the basis of these standards the client representative may require the crew to temporarily terminate data acquisition, repair equipment and/or take other steps as necessary to insure that acquisition parameters remain acceptable and that system response remains within tolerances.

Selection of field recording paramters will be made following analysis of initial field recordings and noise analysis tests. Recording parameters are not expected to vary significantly from those used in recent years elsewhere on the North Slope; however, independent systems checks and noise tests will be conducted periodically through the season to verify that selected recording parameters are appropriate for each area of operation. This in conjunction with data processing analyses which will be completed in a central data processing center will determine if local geologic conditions warrant modification of selected recording parameters during the season.

Chevron's Geoscience Division will schedule initial and periodic tests of seismic instruments, survey and other field equipment to maintain high quality tolerance. Standardized instrument tests will be recorded on a daily, weekly and monthly basis and retained to assist in monitoring instrument performance and to assist in insuring that system performance remains within required tolerances.

Additional quality control will be accomplished by processing geophysicists when digital tapes containing raw data are transferred to a central processing center for final processing. A final phase of quality control will be accomplished by the interpreters who will utilize the data to prepare a subsurface geologic interpretation.

The parameters used to process the data will be similar to those set forth in

the state of the art processing sequence submitted by Geophysical Service, Inc. (GSI) as part of GSI's approved survey on the Refuge in 1984. These parameters are specifically delineated at 48 FR 27958, June 17, 1983.

The entire testing, acquisition, and processing quality control process is documented and this record will be available to the Secretary pursuant to applicable regulation.

Section 37.21(d)(15)

Section 37.21(d)(15) states as follows: "Such other pertinent information as the Regional Director may reasonably require."

CHEVRON will submit any further information required by the Regional Director.

Geophysical Service Inc., Revision Request

June 4, 1984

Regional Director,
U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska
ATTN: Oil, Gas and Minerals Specialists (AWR/PSS)

Dear Sir: As provided by 50 CFR 37.25(a), Geophysical Service Inc. (GSI) requests permission from the Regional Director to revise our approved exploration plan for the Section 1002 study area of the Arctic National Wildlife Refuge (ANWR). The revision requested is for permission to change the energy source from dynamite to vibrators.

This is a substantial change from the operations presently approved in the exploration plan. We held three meetings with our client group of twenty-three (23) companies to discuss the form and content of this revision request and would now approve of this request being published so that hearings can be held for public comment.

The decision to change from dynamite to vibrators is not an easy one to make. It can be simplified by considering it within the framework of the Regional Director's Record of Decision dated 15 September 1983 and GSI's experience this past winter season. The Record of Decision provides a summary of the goals and expectations for the exploration as well as initial concerns regarding the use of vibrators. GSI's experience this past winter season provides insights to improvements that may be implemented in the exploration next year.

Record of Decision

The Regional Director separates the objectives of this program into three distinct parts. Firstly, the best possible data should be acquired. Secondly, the data should be obtained without significantly adversely affecting the environment, and thirdly there should be no unnecessary duplication of activities. He states that the higher the level of activity on the coastal plain, the greater the chance that significant adverse effects might occur, noting that the higher the level of regulatory control, the smaller the chance that significant adverse effects might occur.

Appendix 3 of the Record of Decision discusses expected or typical operations for the dynamite crews. It mentions that the cat-trains (main camps) are generally considered to be the most "damaging" component of the crew's operation.

1984 GSI Experience

GSI operated two conevntional dynamite crews and one vibrator crew on the NWR this past winter season for a total of nine (9) crew months. There were 607 miles of conventional shothole sesmic data collected along with 153 miles of vibrator data. Forty (40) of the 153 miles of vibrator data duplicated dynamite traverses. Gravity data was collected along all the dynamite traverses. The exploration was done on a 6X12 mile grid that covered the entire 1002 study area. The survey and gravity data were tied into the network of data that was collected in 1983 by Itech and Photogravity in the execution of their exploration plan. The data collection was monitored by Fish and Wildlife Service (FWS) personnel that were on the crews throughout the season. *There were no significant adverse impacts to the environment as a result of our activity.*

Extensive testing of both data collection and data processing parameters was done by GSI and supervised by representatives of GSI's client group. Results of the testing were presented to the group, and parameters used in both the field and the processing center represent a consensus of opinion of the twenty-three (23) companies in the group.

Bottomhole samples were collected in the field at every shothole for the government's analysis. GSI's oil company clients have arranged for analysis of one fourth of these samples so that a detailed lithologic and paleontologic description of the surface of the area may be made.

The data collected this year will ensure that the Secretary of Interior has the best possible data to use in his report to Congress. This request for revision is made so that we can take advantage of the lessons we have learned during this first season of exploration.

Reducing Environmental Impacts

GSI proposes the use of vibrator crews rather than conventional shothole dynamite crews because vibrator crews substantially reduce environmental impacts by reducing the level of activity in all phases of the operation. Activity is reduced in the main camp, in the logistics and support activities associated with each crew, and along the seismic lines.

Attachments A and B provide a summary of the differences in equipment and personnel for both types of crew. More detailed equipment lists for these crews are provided for reference in Attachments C and D. There are six (6) fewer vehicles, seventeen (17) fewer people and five (5) fewer sleighs associated with each vibrator crew as compared to each dynamite crew.

With the use of vibrators, activities in the main camp are reduced significantly. The fewer sleighs reduce the actual size of the main camp by 29%. With fewer people in the camp, less water is consumed requiring less snow to be melted.

The logistics and support activities associated with a vibrator crew are much less than those needed for a dynamic crew. Fewer vehicles require less fuel. Fewer trips by fuel sleighs between main camps and cat camps have to be made. Fewer flights are made to the main camp to supply spare parts and groceries and to rotate personnel.

With the use of vibrators, the massive organization needed to support the use of explosives on a crew could be eliminated. To supply the crews with the almost 800,000 pounds of explosives detonated on the Refuge this year required overland supply trips every ten (10) days. When production rates improved as weather got warmer in April and May these supply trips were supplemented with supply flights by DeHaviland Twin Otter. This whole activity would be eliminated if vibrator crews were used.

The level of activity on the seismic line is reduced with a vibrator operation because there will be fewer vehicles and people working on the line. The whole difference in numbers of people and equipment results from the elimination of the drilling and shooting.

The level of activity on the Refuge associated with a vibrator crew would be less for reasons besides those that are associated with fewer people and less equipment. The tracked vibrators that are proposed for use on the Refuge can also be used on the ice. Therefore the activities of the third crew that was needed to make the ties to offshore data sets this year could be eliminated. This reduces the duplication of data collection efforts which this year amounted to approximately 40 miles of seismic line.

Data Quality Advantages

One important measure of the quality of a seismic survey must be the quantity of the data acquired in that survey. With the parameters that might typically be used in a vibrator survey such as are shown in Attachment E, a crew could be expected to collect data at the rate of 3.6 miles per day. During the 1983–84 season experience showed that an average data acquisition rate of 2.5 miles per day could be achieved with explosives as the energy source. Therefore in a fixed length season, much more data could be acquired using the vibrator technique.

The lateral diversity of near surface geology on the Refuge discourages confidence in predicting drilling production. On the other hand, the vibrator production of 3.6 miles per day is estimated with great confidence. Very reasonable estimates may be made when parameters and terrain are known. The typical parameters shown in Attachment E are not meant to be the final parameters that will be used next year. Before the final vibrator parameters are chosen testing would be performed in the field to determine optimal sweep lengths, drive levels and other parameters.

Noises that interfere with desired seismic information are normally either source generated or random. Troublesome source generated noise is usually more severe with the use of vibrator and other surface energy sources than with a deep-hole explosive source. However, because of the coherent

nature of most source generated noise, techniques are available with the use of vibrators to reduce significantly the impact of the noise on the desired signal.

One method of attacking such noise is to control the frequency band width of the sweep signal so that the most troubling components of the possible coherent noise trains are not generated, and another method, commonly used, is to adjust the source array in a manner that attenuates the noise trains that are generated. In general, dynamite crews as they are normally used on Alaska's North Slope do not employ extended source arrays for environmental, logistical, and economic reasons, so that the source induced, coherent nose trains that are generated are not attenuated at all by the source deployment technique.

The attenuation of random noises is also important in the production of high quality seismic information. In general, there are more techniques available for reducing the impact of random noise on the final results of a seismic survey conducted using vibrators than using dynamite.

This is, at least in part, because, normally, a vibrator survey that has an energy input that is equivalent to a dynamite survey will be higher CDP fold. Because of the higher fold, the effects of random noise will be significantly reduced in the CDP stacking process. In addition, higher fold data will yield better statistical information for the determination of accurate velocities and statics which in turn will help improve the signal to noise ratio even further. The high technology signal processing measures used in the computer handling of vibrator data, such as correlation, are powerful tools in the further attenuation of random noise, and some of these tools are not available in the normal course of work done using dynamite as an energy source.

It is common practice on Alaska's North Slope to equip vibrator source crews with sophisticated computers that are located in the cabin of the recording truck. The reason for this is that proper quality control of vibrator data requires that it be correlated with the imput sweep. GSI's field computer is called an FT–1, and dynamite crews do not normally use them. The FT–1 is also capable of complex data processing beyond the correlation stage, and this additional information is also available for making decisions about parameters with little delay between the time the data is acquired and the time the processed result is available.

It is standard procedure on crews using dynamite as the energy source for the drills to operate a significant distance in front of the recording crew. There are many reasons why this is necessary, not the least of which is that the drills are a source of undesirable noise. The lead distance may be as much as 10 miles. In a vibrator operation, the vibrators are an integral part of the recording operation and proceed along the line of traverse with and at the same time as the rest of the recording crew. If it is decided that a parameter change needs to the made on a dynamite crew, the place along the line to implement the change then needs to be chosen. If the current recording location is chosen, that probably will mean redrilling the amount of the line by which the drills lead the recording crew. If redrilling is sufficiently undesirable, as is normally the case, then parameters can not be changed at the recording location, and there is no guarantee that the desired change will be appropriate further down the line. A vibrator operation is not handicapped in this way, and parameters may be changed without duplicating effort.

During the 1983–84 season several lines were acquired on which comparisons can be made between vibrator data and dynamite data. A list of these lines is enclosed in Attachment F. Our observation is that the vibrator data is generally superior in the shallow section, whereas there are instances where the dynamite data is better in the deeper section. We attribute the superiority of the dynamite data where that phenomenon occurs to the fact that the level of effort with the dynamite source was greater in terms of energy imput per unit line length. We confidently predict that if the level of effort with vibrators is increased in 1984–85 over the level of effort with vibrators used in 1983–84, there will be a corresponding enhancement of data quality.

The greater source effort, as reflected in the typical parameters in Attachment C, is used to achieve greater penetration of energy. The amount of sedimentary section seen onshore is greater than what has been seen offshore and it is thus required that more energy be put in the ground to obtain adequate reflections.

Concerns About Vibrators

There were several concerns about the use of vibrators in the Record of Decision. These seemed to be that the vibrators were relatively inflexible in their travel routes, that snow had to be bladed for them to vibrate, and that there would be not uphole times or bottomhole geologic samples collected.

A crew using vibrators as an energy source has no less latitude than a crew using dynamite in choosing travel routes that avoid environmentally sensitive areas as found on preprogrammed seismic lines. This claim is supported by the history of seismic work in the oil field at Prudhoe Bay. In that area a crew commonly encounters numerous gathering lines, development structures, and roads. Thousands of miles of vibrator data have been collected on which it was required that the lines be adjusted and the vibrators detoured around many different kinds of obstacles.

The limitations in offsetting the source from the seismic line, either inline or crossline, are determined by spread geometry rather than source type. This year our spread geometry dictated that there could be no crossline offset greater than 880 feet.

This provided a corridor of 1760 feet in which the source could be placed. This corridor of 1760 feet applied to the vibrator crew as well as the dynamite crew. If this corridor was not enough to avoid environmentally sensitive areas then the seismic line was bent. A distinct and significant advantage that vibrators have is that they can cross areas that have overwintering fish and need no set back from potentially fish bearing waters as do the dynamite crews.

The only time that snow would be bladed for the vibrators would be when the snow was excessively deep and the actual transport of the vehicle was impeded. With the snow depths generally encountered this past year, 6–24 inches, there would be no need to blade snow for the vibrators.

It is true that uphole times and bottomhole samples are not collected in the course of most vibrator operations. Today's technology makes uphole times useful only in specialized situations. GSI did not encounter any of these situations this last year nor do we anticipate encountering any next year. The uphole times on the ANWR generally ranged from 4 to 8 milliseconds. Residual statics routines in the processing center commonly resolve statics problems on the order of 50 milliseconds and thus can handle any problems that may arise from not recording an uphole time.

GSI would recommend the addition of one drill with driller and helper to each vibrator crew if it is felt that bottomhole samples are needed for the exploration effort next year. This drill could produce samples from 75 foot holes at intervals ½ to 1 mile along the seismic lines. GSI's client group will make a recommendation to the Regional Director at a later date on whether or not the sampling program should continue. The recommendation will be based on results obtained from the geochemical analyses that will be performed on over 3,000 of more than 13,500 samples collected this year.

Summary

GSI successfully collected 760 miles of seismic data for the government and our ANWR group this year. This experience and the consequent lessons learned in the course of the exploration motivate GSI to propose to change the energy source on the seismic crews operating in the ANWR to vibrators rather than dynamite. This change will permit collecting the best possible data for inclusion in the report to Congress on the hydrocarbon potential of the area by the Secretary of Interior. At the same time it will reduce the environmental impacts of the exploration by reducing the level of activity on the Refuge and it will reduce unnecessary duplication. Vibrators provide additional flexibility in attacking data quality problems such as coherent and random noises. What have been previously perceived as limitations to vibrators may be resolved satisfactorily in the processing center and by placing a drill on each crew to collect bottomhole samples.

GSI and our 1984 Arctic National Wildlife Refuge Group are eager to effect this revision. We remain available to you for discussion regarding this request. If you have questions or comments please feel free to call me at 907/563–3070.

Sincerely yours,

George Buzan,

Geophysical Service Inc.

ATTACHMENT A—PERSONNEL COMPARISON

Vibrator crew	Dynamite crew
1 Party Manager	1 Party Manager.
1 Administrator	1 Administrator.
1 Instrument Engineer	1 Instrument Engineer.
1 Asst. Instrument Engineer	1 Asst. Instrument Engineer

ATTACHMENT A—PERSONNEL COMPARISON—Continued

Vibrator crew	Dynamite crew
4 Cable Truck Drivers	4 Cable Truck Drivers.
7 Recording Helpers	7 Recording Helpers.
2 Mechanics	2 Mechanics.
2 Surveyors	2 Surveyors.
3 Survey Helpers	3 Survey Helpers.
1 Gravity Meter Operator	1 Gravity Meter Operator.
1 Camp Attendant	1 Camp Attendant.
1 Cook	1 Cook.
1 Cook's Helper	2 Cook's Helper.
6 Tractor Operators	7 Tractor Operators.
10 Mechanic's Helpers	9 Drillers.
5 Vibrator Operators	9 Drill Helpers.
	2 Preloaders.
	1 Shooter.
38 Total	55 Total

ATTACHMENT B—EQUIPMENT COMPARISON

Vibrator crew	Dynamite crew
1 Recording vehicle	1 Recording vehicle.
4 Cable and geophone carriers.	4 Cable and geophone carriers.
3 Survey vehicles	3 Survey vehicles.
1 Party Manager's snowmobile.	1 Party Manager's snowmobile.
1 Client Rep snowmobile	1 Client Rep snowmobile.
1 FWS snowmobile	1 FWS snowmobile.
1 Gravity snowmobile	1 Gravity snowmobile.
1 Camp utility vehicle w/ crane.	1 Camp utility vehicle w/ crane.
6 Tractors	7 Tractors.
1 120 trace TI DFS V	1 120 trace TI DFS V.
260 groups of 24 geophones each.	260 groups of 24 geophones each.
260 groups of cables (12 trailers).	260 groups of cables (14 trailers).
1 Survival unit	1 Survival unit.
All required survey equipment.	All required survey equipment.
Two-way radios and other acce ssories.	Two-way radios and other accessories.
1 LaCoste-Romberg gravity meter.	1 LaCoste-Romberg gravity meter.
5 TI tracked vibrators	9 Mayhew 1000 drill rigs.
1 Vibrator tender	1 Preload vehicle.
1 TI FT-1	1 Shooter's snowmobile.
	3 Magazines for explosives.
	1 Magazine for detonators.

Attachment C—Equipment List Vibrator Crew

5 Texas Instruments tracked vibrator units (4.25 psi) equipped with Texas Instruments high frequency electronics to allow for operation up to at least 125 Hz. Amplitude ramping of sweeps is available so that high frequencies may be accentuated.

1 Foremost Chieftain tracked recording vehicle (3.52 psi).

1 vibrator tender (3.52 psi).

4 cable and geophone carriers (2.81 psi each carrier).

3 survey vehicles (1.3 psi each vehicle).

1 party manager's snowmobile (1.3 psi).

1 Fish and Wildlife Service snowmobile (1.3 psi).

1 gravity operator's snowmobile (1.3 psi).

1 client representative snowmobile (1.3 psi).

1 camp utility vehicle with crane (2.81 psi).

6 tractors (Caterpillar D–7 or equivalent) (10.5 psi each).

1 120 trace Texas Instruments DFS V digital recording system complete with 3 millisecond anti-alias filters and ancillary equipment such as radios, shooting units, input panels, electrostatic camera, tape transports, monitoring equipment, spare parts and all other equipment necessary for CDP recording.

1 Texas Instruments FT–1 Field TIMAP computer with a Gould record section plotter.

260 groups of 24 geophones each (Geospace 10 Hz., 20D digital grade) and necessary cables to serve all geophone groups at a group interval of 110, 165, or 220 feet. Geophones are mounted on arctic base plates.

1 ski-mounted camp for 50 persons complete with shop, kitchen-diner, washcar, snowmelter, bedding, utensils, tools, communications equipment, and fuel strorage for 18,000 gallons.

1 survival unit for remote deployment.

All required survey equipment such as theodolites, chains, rods, electronic distance measuring equipment, and marking devices.

Two-way radios, fire extinguishers, survival equipment, and first aid kits for all vehicles.

1 LaCoste-Romberg Model D arctic gravity meter.

Attachment D—Equipment List Dynamite Crew

9 Mayhew-1000 drills with air compressors mounted on tracked carriers (2.81 psi each vehicle).

1 Foremost Chieftain tracked recording vehicle (3.52 psi).

4 cable and geophone carriers (2.81 psi each carrier).

3 survey vehicles (1.3 psi each vehicle).

1 party manager's snowmobile (1.3 psi).

1 client representative snowmobile (1.3 psi).

1 Fish and Wildlife Service snowmobile (1.3 psi).

1 preload vehicle (2.81 psi).

1 gravity operator's snowmobile (1.3 psi).

shooter's snowmobile (1.3 psi).

1 camp utility vehicle with crane (2.81 psi).

7 tractors (Caterpillar D–7 or equivalent) (10.5 psi each).

1 120 trace Texas Instruments DFS V digital recording system complete with 2 millisecond anti-alias filters and ancillary equipment such as radios, shooting units, input panels, electrostatic camera, tape transports, monitoring equipment, spare parts and all other equipment necessary for CDP recording.

260 groups of 24 geophones each (Geospace 10 Hz., 20D digital grade) and necessary cables to serve all geophone groups at a group interval of 110, 165, or 220 feet. Geophones are mounted on arctic base plates.

1 ski-mounted camp for 65 persons (14 trailers, 6.0 psi each) complete with shop, kitchen-diner, washcar, snowmelter, bedding, utensils, tools, communications equipment, and double-walled fuel strorage for 18,000 gallons.

1 survival unit for remote deployment (6.0 psi each trailer).

Magazines to provide storage for 60,000 lbs of dynamite (8.0 psi).

1 magazine for detonators.

All required survey equipment such as theodolites, chains, rods, electronic distance measuring equipment, and marking devices.

Two-way radios, fire extinguishers, survival equipment, and first aid kits for all vehicles.

1 LaCoste-Romberg Model D arctic gravity meter.

Attachment E—Typical Virbrator Parameters

CDP Fold	60	60	30	30.
Number Groups	120	120	120	120.
Group Interval	110	165	110	165.
Geophones/Location	24	24	24	24.
Geophone Spacing	4.2 ft.	13.8 ft.	4.2 ft.	13.8 ft.
VP Interval	110	165	220	330.
Near Trace Offset	275 ft.	412.5 ft.	275 ft.	412.5 ft.
Sweeps/VP	4	6	6	10.
Sweep Length	12 sec.	12 sec.	12 sec.	12 sec.
Listen Time	8 sec.	8 sec.	8 sec.	8 sec.
Production Estimated in Miles/Day	3.6	3.6	4.5	4.15.

Attachment F—Lines for Data Comparison

Dynamite	*Vibrator*
AN84–1	ANV84–1
AN84–10	ANV84–10
AN84–12	ANV84–12
AN84–14	ANV84–14
AN84–16	ANV84–16
AN84–18	ANV84–18
AN84–3	ANV84–3
AN84–30	ANV84–30
AN84–32	ANV84–32
AN84–34	ANV84–34
AN84–7	ANV84–7

WESTERN GEOPHYSICAL CO. OF AMERICA

Exploration Plan for Proposed Oil and Gas Exploration within the Coastal Plain of the Arctic National Wildlife Refuge, Alaska

June, 1984

WESTERN GEOPHYSICAL COMPANY OF AMERICA (WESTERN) hereby submits this Exploration Plan for

Proposed Oil and Gas Exploration within the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) in Alaska. This plan is submitted in accordance with the requirements of 43 CFR 37.1 et seq. and sets forth the information required by § 37.21 of the Regulations.

I. Introduction

Section 1002 of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 3142, requires the exploration of the ANWR with the objective of acquiring the best attainable data with which to evaluate the costs and benefits of developing the coastal plain's oil and gas reserves. In recognition of the fact that the area comprises a national wildlife refuge and contains unique natural attributes together with the potential for vast oil and gas reserves, ANILCA further requires that the necessary exploration be accomplished in a manner that avoids significant adverse effects on the environment and its fish and wildlife.

The first year of exploration under the mandated program has been completed. We understand that the resulting data contain strong evidence of the existence of highly prospective areas including one or more large, symmetrical anticlines at depths consistent with a reasonable probability of significant hydrocarbon content. Because of limitations imposed on the method of exploration during this initial period, it is unlikely that any significant lithologic information can be extracted from those data. It is probable therefore that it will not be possible to determine whether, in the prospective areas, there exist zones of porous rock that can form petroleum or natural gas reservoirs of significant extent. We are also informed that the data do not lend themselves to determinations of whether there are significant faults or facies changes within any potential reservoir zone. In order to make such a determination it would be necesary to survey the area with a procedure such as the one described in this plan that would obtain data of a substantially higher signal-to-noise ratio. Such data can then be used as input to WESTERN GEOPHYSICAL COMPANY's proprietary and exclusive SLIM process for lithologic modeling (See Exhibit E). That process can produce information as to the porosity, facies changes, and minor faulting that may be found within the prospect. If faulting or facies changes are indicated as being within potential reservoir rocks, it will be possible to determine which part of the structure offers the greatest potential.

We therefore propose the program described below to obtain the high quality data that will be needed to carry out the mandate of section 1002 of ANILCA, 16 U.S.C. 3142.

As set forth below, WESTERN is eminently qualified to meet both of these objectives. Today WESTERN is the acknowledged leader in the geophysical exploration industry. Since 1957, WESTERN has been involved continuously (though seasonally) in geophysical exploration in Alaska and in other Arctic regions. We are thoroughly familiar with the area's terrain and with the technicalities and operational difficulties associated with work in the Arctic. In the process of acquiring this experience, WESTERN has had numerous occasions to structure its exploration activities to conform with the environmental requirements mandated by the State of Alaska, local municipalities and Native groups, as well as by the Federal Government. Because the avoidance of significant adverse effects on the area's fish and wildlife and their habitat depends primarily on the permittee's working knowledge of those realities, WESTERN is a highly qualified candidate for exploration of the ANWR within the environmental guidelines mandated by ANILCA and set forth in the Regulations. Equally important, data recorded and processed by WESTERN is recognized by the Alaskan oil industry as being the highest quality to be obtained. Top quality data will be of major significance in aiding the Secretary to make his best evaluation of the area for his ultimate report to Congress.

In the half century that WESTERN has been in existence, it has grown until now it is the largest geophysical company in the world. Such growth would not be possible without the confidence and support of satisfied clients. WESTERN holds patents on over 150 items directly related to seismic exploration and has made sizeable contributions to the development of techniques that have brought the exploration for hydrocarbons to the advanced state it enjoys today.

WESTERN's processing and interpretation of data has constantly kept pace with the tempo set by its field acquisition methods. This combination of scientific research/development and practical know-how should qualify WESTERN for the important mission of fulfilling the provisions of section 1002 of ANILCA.

II. Responsible Personnel

WESTERN's supervisory personnel who would be directly responsible for the ANWR project include Herman Semeliss, Area Manager; Supervisors Roy I. Morris and Ron Bakke; Shop Supervisor Oliver Krein; Survey Supervisor William Sands; and Administrative Supervisor John Bowers. The total tenure with WESTERN of the key personnel now stationed in Alaska is over 130 years. More than 100 years of this time has been spent in the Arctic or sub-Arctic.

Mr. Semeliss will be in complete charge of all phases of the operation and will be assisted at the field level by Supervisors Morris and Bakke.

Mr. Krein will supervise all support functions related to mechanical equipment and will develop spcialized gear as required to complete the project. Mr. Sands will oversee all phases of survey work, including layout, control, and map making, using the most modern, state-of-the-art computerized equipment. Mr. Bowers will act as liaison between all governmental agencies and private organizations.

In Washington, D.C., WESTERN is represented by the law firm, Cotten, Day & Doyle.

III. Plan Requirements

This Plan sets forth the information specifically required by § 37.21 of the Regulations and in general describes the guidelines that WESTERN will observe in order to discharge its obligations under the letter and spirit of 43 CFR 37.1 et seq. Upon acceptance of this Plan and subsequent grant of a Special Use Permit pursuant to § 37.23, a detailed Plan of Operation will be submitted in accordance with § 37.24.

Period of Plan

This Plan anticipates the active involvement of WESTERN during all phases of the ANWR exploration process, through the 1984–85 winter season, and, in the event of a Congressional extension of the time period within which to accomplish such exploration, we could possibly have additional program to add to our basic grid.

The seismic program we are submitting for consideration consists of 750 miles of line in a pattern specifically designed to supplement the data obtained in the first year of exploration and to fill some of the gaps left in that survey. Departures, adjustments, and alterations from this basic grid pattern will be made as required to avoid significant impacts to the ecological, cultural, and archaeological resources of the area as further described in this plan. Based upon our estimate of the allowable working season, we compute that it would take two (2) crews working the entire season to complete the program. Since the opportunity to explore ANWR is limited, it is our opinion that data quality should not be sacrificed in order to achieve greater (faster) production. Hence, our program

is based on acquiring 48-fold data. If during the survey, the line orientations or a different multiplicity (fold) are required for parts of the area to optimize the geophysical data obtained, we are prepared to make the needed changes after we have received approval from all concerned authorities.

Therefore, our application consists of requesting permission to operate two (2) seismic crews for the winter season of 1984–85.

IV. Response to Items in Regulations

The following information is intended to respond directly to specific items enumerated in the Regulations as § 37.21(d) (1) through (14).

(1) Permittee

The name of the applicant is WESTERN GEOPHYSICAL COMPANY OF AMERICA, a wholly owned subsidiary of Litton Industries. Our headquarters are at 10,001 Richmond Avenue, Houston, Texas 77042, (713) 789–9600. WESTERN is organized and exists under the laws of the State of Delaware and was incorporated under its present name on May 23, 1955. WESTERN is duly licensed and authorized to carry on business in the State of Alaska.

WESTERN's principal officers include Mr. Howard Dingman (President) and Mr. Neal P. Cramer (Executive Vice President and Manager of Operations), both of whom are located at WESTERN's Houston headquarters and both of whom are familiar with operations in Alaska and the terms of this Plan. As indicated previously, WESTERN's officer in charge of all Alaska operations is Mr. Herman A. Semeliss, Area Manager for Alaska, located in WESTERN's Anchorage office at 351 East International Airport Road, Anchorage, Alaska 99502, (907) 563–3511.

In direct charge of Alaska field operations are Supervisors Roy I. Morris and Ron Bakke, domiciled at WESTERN's Anchorage office or at WESTERN's base camp in Deadhorse, Alaska, (907) 659–2509.

(2) Participants

WESTERN's application is based on our being granted a permit to conduct a speculative survey. The speculative survey is the most common method in use by industry today to acquire quality seismic data which is then sold to a broad spectrum of purchasers thereby reducing the cost to the individual buyer to a point where only a group with a very large number of participants can compete economically.

In the past decade, WESTERN alone has conducted over 500,000 miles of speculative surveys—over 100,000 miles have been acquired in Alaska alone. It is our evaluation, that, industry-wide, speculative coverage out-paces coverage acquired by group participation by a factor of about 10 to 1. Thus, it is quite apparent that speculative surveys provide a universally accepted source for low-cost seismic data.

Using the speculative approach, WESTERN would undertake the proposed exploration program using our own risk capital in the expectation that our program and the quality of our results would be such that the oil companies and other persons who would have interest in any lease sale would ultimately purchase our data.

There are several advantages to this approach:

(a) Companies do not have a commit fiscal resources in advance. They pay only upon delivery of data.

(b) Companies are not required to purchase all of our data. They are permitted to inspect the data before purchase and select only the data they wish to buy.

(c) A published price list will be available covering the price per mile for various quantities of data purchased.

(d) This price list is fixed with no penalty for late-comers. This factor, coupled with no requirements for up-front money, should encourage broader participation by industry and any other persons interested.

(e) The identification of WESTERN as a single permittee makes us exclusively responsible for compliance with applicable environmental safeguards and eases the Government's role in monitoring the permittee's discharge of its regulatory responsibilities. This results from the fact the WESTERN, the permittee, is the actual operator of the Plan rather than the supervisor of a contractor with derivative regulatory responsibilities. When the Regional Director or his authorized delegate indicates a need for immediate action or for the immediate cessation of activities to accommodate an unforeseen environmental contingency, WESTERN can comply instantaneously with no need to induce compliance by others.

(f) With regard to the quality of data, WESTERN commits itself to the acquisition of the highest quality data, free from the constraint of budgetary limitations resulting from the specific sums committed in advance by group participants. In the event of unforeseen obstacles that may arise for weather conditions, environmental contingencies or other hardships, WESTERN will not be forced to halt its data acquistion if those budgetary resources have been exhausted. Instead, WESTERN will continue its data acquisition until the program is completed.

We are confident that allowing WESTERN to conduct a speculative survey as outlined will accomplish the mandated goals of providing quality data for the Secretary's ultimate analysis and, concurrently, will best protect the environment by placing the onus for compliance on a single reputable company. In addition, industry will be served by having a good source of quality data at a competitive price.

(3) Technical and Financial Ability

WESTERN GEOPHYSICAL COMPANY has been active in Arctic and sub-Arctic seismic exploration for twenty-seven years. During this time, the COMPANY has amassed an abundance of technical knowledge, expertise, and experience in the unique features of the Arctic environment.

WESTERN GEOPHYSICAL's technical competence and reputation for professional excellence are unsurpassed in the geophysical contracting industry. With a research and development staff numbering 268, WESTERN is at the cutting edge of advanced geophysical exploration technology. Among other indicia of our level of technical achievement is the fact that we presently have more than 100 active U.S. patents covering every phase of geophysical recording, processing, and interpretation with some 50 patent applications still pending. No other geophysical contractor can approach even half this number. In addition, at technical conferences and meetings of professional geophysical societies and in professional journals, papers on WESTERN's research are invited, accepted, and published much more frequently than those of any other contracting organization. Many major oil companies select WESTERN to perform services for them on a preferential basis to the extent that WESTERN GEOPHYSICAL is now, and for some years has been, the largest geophysical contractor in the world, a world in which contractors are selected primarily on the basis of technical competence.

With regard to our ability to operate effectively while still observing close permit and environmental constraints, we cite some recent examples. In April 1981, WESTERN conducted a program in the vicinity of Itkillik Lake in the Gates of the Arctic National Park and Preserve. WESTERN was advised that there were 49 archaeological sites in an area of less than 12 square miles and that all of the sites were vulnerable to

damage from exploration activities. Because of the sensitive nature of the situation, a National Park Service Archaeologist was flown to the crew site and he, along with WESTERN's Party Manager, spotted the sites on the ground. As a result of this coordination there was absolutely no damage reported by the Park Service after a check trip when the area was free of snow. During the course of his visit, the archaeologist was able to instruct WESTERN personnel as to what to look for in an area of suspected archaeological importance.

WESTERN also obtained permits in the area at the west end of Harrison Bay and extending inland onto the National Petroleum Reserve-Alaska (NPR-A). For this particular prospect, permits were obtained from the State of Alaska, Department of Natural Resources (MLUP/NS 80-171), and the Bureau of Land Management (BLM) (TUP F72685) and the USDI, Geological Survey (OCD Permit No. 81-01). The portion of the prospect on NPR-A contained the withdrawal site of the Village of Nuiqsut Village Corporation, seven native allotments and 15 Cultural Resource Sites are indicated by the United States Bureau of Land Management (BLM). A small segment of one line crossed Nuiqsut lands, and a fee was paid to the Village upon completion of the survey. BLM maintained close surveillance during the progress of this program and found no objectionable conditions. Exhibits "B" and "C" hereto are the Permit Attachments indicating the Native withdrawals and Cultural Sites.

Regarding our financial capability to carry out the planned survey, we confirm that WESTERN is the largest geophysical company in the world, and we are maintaining a strong balance sheet, even in today's depressed times. We are a subsidiary of Litton Industries, a 5-billion dollar company. Should the need arise, we can certainly provide fiscal proof of our financial ability to undertake this mission. In any event, the proposed program will represent less than one percent of our company-wide activity, thus we shall have adequate reserve capacity to cope with any foreseeable contingency.

In Alaska at the present time WESTERN has new and modern equipment (used not more than two seasons) to operate six seismic crews. In addition, we have a cadre of experienced personnel to man these crews and provide excellent supervision of the activities. We own a large, well equipped facility in Deadhorse which is backed up by excellent logistic and technical support from our Alaskan Headquarters in Anchorage and our corporate facilities in Houston.

The Deadhorse base camp represents a unique attribute to the ANWR exploration program because the camp is equipped with a complete data processing center, including the recent addition of a Litton Resources Systems' LRS-3200 Seismic Data Processing System, that enables data from the field to be assimilated and processed within a matter of hours. The camp is capable of housing and feeding up to 40 people and has served as an excellent support facility for WESTERN's operations in Alaska since 1974. There is a complete radio maintenance shop, warehouse with complete replacement parts, and an instrument repair facility manned 24 hours a day by experienced technicians. SSB radio, telephone and FM communications are maintained at all times to support the field crews.

(4) Geographic Area of Proposed Activities

The attached map (Exhibit "A") at 1:250,000 scale indicates the proposed program to be conducted under the provisions of the Special Use Permit. It consists of 750 miles of seismic line in a grid adjusted designed to supplement and elucidate existing data.

Basic Supply Routes

Basic supply routes within the Refuge will follow existing trail, established vibrator lines or traditional routes when safe and practical.

Routes to and from supply points outside the Refuge and routes to the actual survey area will be over traditional winter trails or ice roads, as available.

Principal Fuel Caches

The primary source of fuel will be at a staging area outside of the Refuge and transport to the crew sites will be performed by rubber-tired buggies using existing trails.

Critical Areas

Critical areas have been tentatively identified by the FWS on 1:250,000 maps. However, WESTERN will consult with the FWS, local residents, and our private consultant prior to activity. WESTERN's efforts in this regard are described more fully in the section below addressing environmental impacts and the measures that will result in the prevention of significant adverse effects.

(5) General Description of Exploratory Activities

WESTERN will conduct the survey using the VIBROSEIS technique. Crews will be placed in the field and coordinated to utilize the maximum amount of logistic support without undue traffic. The program will start at a point near the northwest corner of the Refuge and will work to the southeast along vibrator shot lines. At the present time it is anticipated that vibrator energy will be introduced into the ground at 24 points within a given mile. While the program is laid out in straight lines, WESTERN will depart from those lines or use undershooting techiques as may be required to avoid environmental hazards, archaeological sites, or other obstacles. We have the required processing techniques and field recording methodologies to handle such deviations with no or a minimal impact on data quality. The Availability of the processing center located at the Deadhorse base camp referred to previously provides the ability to analyze the resulting data immediately and permits the readjustment of parameters. This enables WESTERN to avoid any unnecessary duplication of seismic work that might otherwise result if the Deadhorse data processing facility were not available.

In order to determine the optimum VIBROSEIS sweeps including frequency ranges, sweep length, and number of sweeps per vibra point, tests will be conducted at periodic intervals. WESTERN has developed an elaborate, proprietary procedure for conducting such tests and for analyzing the results. It is anticipated that tests will be conducted at the commencement of the survey and every time a change in surface or near-surface geophysical characteristics is encountered. WESTERN's Applied Technology/Land Department is staffed to supervise and conduct such tests and to analyze the results. Experts in field procedure and analysis are dispatched worldwide to supervise procedures for the selection of survey parameters and are available to advise by radiotelephone in the event an unexpected change in conditions is encountered. The full power of this unit and its procedures will be available to the ANWR survey at all times.

WESTERN is proposing that no explosives will be used in the carrying out of this Plan.

(6) Unnecessary Duplication

We recognize that FWS has the task of preventing over-laid effort by different permittees. The proposed program will not duplicate any existing survey line but will supply the needed information that is lacking in the existing survey. However, apart from this, there are other potentials for

duplication of effort. One of these would involve re-shooting caused by recording of unacceptable data. With our capability for immediate instrument checks and processing in our Deadhorse Facility, any re-shoot duplication should certainly be minimized. As explained on page 21 and referenced on page 3, our unique processing computer capability enables WESTERN to avoid the necessity of reshooting and hence duplicating unnecessarily any substantial portion of its survey if unexpected geological or geophysical situations are encountered that mandate a change in exploration techniques or routing.

Another possibility exists in having a line (lines) laid out and then discovering that it encroaches on an environmental feature. To minimize this risk WESTERN has retained the Alaska Biological Research Group (ABR) a member of which will be available to accompany WESTERN's crews. ABR is a recognized leader in expertise concerning the area's environmental features.

(7) Schedule

WESTERN GEOPHYSICAL COMPANY will begin work on the prospect in the 1984–85 winter season as soon as permits are issued and weather conditions allow movement with ground contact vehicles. No attempt will be made to move any equipment over ground where there is no adequate protective cover within the meaning of these Regulations. These conditions will be the basis for request for a clearance from the FWS, and moves will not be made until written notification is received from the Regional Director. Past experience has shown that these conditions usually occur in the time period between December 15 and January 1.

WESTERN will perform an aerial reconnaissance of the area, using helicopters to check on stream crossings and other possible conditions, and then will send the surveyors to find the most suitable trail for the move to the prospect area. Maintaining constant radio contact, the main body of the crew will depart the staging area following the trail established by surveyors. Data acquisition will begin shortly after arrival on site. The work plan will be scheduled so as to place all equipment in position near the staging area when breakup is imminent. This usually occurs between May 1 and May 15. In any case, the crews will plan their moves so as to be in a position to clear the ANWR in minimum time after written notification by the Regional Director.

(8) Communication Techniques.

WESTERN's communication network is the result of many years of experience in the Arctic. It starts at Anchorage with a telephone link to the Deadhorse Base Camp and extends to the field crews via both single side band radio and FM radio. Each field crew has both types of radio equipment in camp at all times and and WESTERN vehicles have some form of radio communications to allow constant contact with other vehicles and the base camp and/or the party headquarters. It is planned to establish direct radio links with all FWS field personnel to provide a constant line of communications with the Service for advice and progress reports.

The Deadhorse Base Camp has a completely equipped radio maintenance shop with a fully qualified technician available to service all types of radio gear.

Because of the crowded conditions on some FM channels it has become necessary to coordinate carefully the use of the band with other users. The Regional Director should be prepared to establish priorities for the use of the FM band in the event that multiple permits are issued to operate in contiguous areas.

(9) Equipment, Support Facilities, Methods of Access and Personnel

WESTERN GEOPHYSICAL COMPANY will field two crews each consisting of 40 men. The camps for these men are portable, completely self contained and meet all existing standards for housing pursuant to state statutory and regulatory requirements. Depending on the terrain, the camps will be sled-mounted or tracked. The sled types are used on the flat areas and the tracked ones are used in rougher terrain to avoid damage to the vegetation mat and the stream banks. The camps are moved by towing with the CAT tractor and in almost all cases the move route is along an existing vibrator line. If any surface damage results. WESTERN will take all necessary steps to rehabilitate and/or revegetate damaged areas. Gray water is filtered and sterilized before disposal and all solid waste is incinerated with residue, if any, backhauled to an approved disposal site. Personnel, supplies, and expendables will be delivered to camp sites either by aircraft or a Delta III all-terrain vehicle. If aircraft is used, it would maintain a minimum altitude of 1500' except during landing and takeoff. Vibrators can be either track or wheel mounted, depending on the terrain.

Fuel will be supplied to the crews by overland vehicles using program lines wherever possible to avoid duplicate tracks. Storage of fuel on the crew will be in metal tanks with all personnel involved in the transfer or storage of any fuel or hazardous materials thoroughly trained in the use of clean up procedures.

Travel to and from the program lines will be via the same routes, if possible, and operators will be instructed not to deviate from marked trails unless there is danger to human life.

Examples of all camp and vehicular equipment are available for immediate inspection at the Anchorage Headquarters of WESTERN GEOPHYSICAL COMPANY located at 351 E. International Airport Road.

The Anchorage installation is also the base for logistic, mechanical, technical, and personnel support for all North Slope activities. A warehouse facility and a five-bay shop furnish all the needed supplies and repair facilities so as to avoid any down time. The base camp at Deadhorse maintains a complete inventory of replacement parts up to and including engine assemblies for all WESTERN equipment. There is a complete radio and instrument repair and maintenance shop staffed by qualifed technicians at the base camp and the technicians travel to remote camp sites for periodic testing to prevent breakdowns and to maintain quality standards in the industry.

(10) Hazardous Substance Control and Contingency Plan

The WESTERN GEOPHYSICAL Oil and Hazardous Substances Contingency Plan is appended as Exhibit "D" and is the basis for intensive training before any WESTERN personnel are assigned to units working on or near the Refuge.

In addition to the Plan, WESTERN employs the services of specialists in oil control and clean up and constantly employs their expertise to further the scope of the COMPANY's operators' knowledge. If, during the course of the exploration, new methods or standards are evolved, WESTERN will immediately adopt them for field use.

(11) and (12) Anticipated Environmental Impacts and Procedures for Monitoring Same.

The environmental impacts from the activities proposed in the Plan will be minimized due to the measures WESTERN will undertake to avoid any adverse effects. As already indicated, WESTERN has retained the services of the Alaska Biological Research (ABR) group to assist in identifying specific locations in advance that may be vulnerable to particular activities. This

group consists of James Curatolo, Robert Ritchie, Martha Robus, and Steven Murphy, all of whom are experienced biologists with expertise in the Alaskan environment and are well known in the Alaskan environmental community. In addition, WESTERN will cooperate fully with all agencies and private groups in the matter of environmental impacts. In this regard, it is anticipated that FWS will have monitors on site regularly. Any concerns expressed by the monitors will be accommodated by necessary and appropriate adjustment in WESTERN's methods or schedule.

Copies of all Regulations, special stipulations and the Special Use Permit will be posted in the following locations at each camp: in the Party Manager's office: Mess Hall; Recreation Room; and each individual sleeper unit. Each employee will be required to certify that he has read and understands the terms of each item listed above. This certificate will be retained in the employee's file and will be available for inspection by the Regional Director or his authorized representative. Employees will be encouraged to report any sightings of potential environmental damage, no matter what the cause.

The primary environmental impact of WESTERN's proposed activities will result from the movement of WESTERN's men and equipment over the terrain. However, because there will be an adequate protective cover as determined by the Regional Director and communicated to WESTERN in writing, it is anticipated that WESTERN's activities will result in little or no damage to the terrain, and certainly no significant adverse effect within the meaning of the Regulations.

The trail left by the movement of men and equipment in most cases is clearly visible for the duration of the winter season. Further, we believe that upon certain infrequent occasions, the ground or vegetation may be reached by the plowing of snow. However, WESTERN can and does hereby state on the basis of its own experience (which is in keeping with the common knowledge of those persons familiar with these operations) that any effects of such a nature are reversible and will not be visible following the passage of a new season.

If, in the opinion of the Regional Director, any portion of the ground, vegetation, ecosystem or any aspect of the environment is affected in an adverse manner by WESTERN's activities, WESTERN hereby commits to expend such of its own resources as may be necessary and reasonable to ameliorate any such effects.

In addition to relying on the FWS Regional Archaeologist and appropriate local and Native representatives, WESTERN will utilize the services of ABR in addition to its own survey team to identify areas of archaeological and cultural importance. Any such areas, in addition to all standing structures or substantial above-ground surface remains, will be avoided and will remain untouched and undisturbed.

As indicated at the pre-application conference on April 26 and 27, 1983, the location of most of all tent rings has now been identified. It is therefore possible to proceed with no significant possibility of disturbance to such structures.

Under the supervision of the FWS Regional Archaeologist and with the assistance of ABR, the Alaska State Historic Preservation Officer and the Advisory Council on Historic Preservation, all standing structures and substantial above-ground surface remains will be clearly identified. These sites will be marked in a clearly visible fashion that will prevent any possibility of disturbance. These and any other known archaeological, cultural, geological or environmentally sensitive areas will be thoroughly discussed before proceeding. Photographs of such areas will be available for each crew member for the purpose of assisting in the positive identification. Markers placed in the field to signify such areas will be removed by WESTERN upon completion of operations, or at such other time as may be directed by the FWS.

WESTERN will immediately report to the FWS any cultural resource site or material discovered during the course of its work and will avoid any further contact at such sites until they can be evaluated by the FWS.

In respect to the effect of WESTERN's activities on fish and wildlife in the area, WESTERN submits that the ability of the permittee to avoid any significant adverse effect on such fish and wildlife is primarily related to the permittee's working familiarity in the area. During the 27 years that WESTERN has been operating in the Arctic and sub-arctic environment (Alaska particularly), the COMPANY has been at the forefront of efforts to study the effect of seismic activity on various forms of wildlife.

Following is a delineation of wildlife known by WESTERN to occur in the subject area together with a description of the seasonal occurrence and other characteristics of such wildlife based on WESTERN's studies and observations. WESTERN, of course, will defer to the Regional Director or his authorized representative in the event of any uncertainty concerning the possibility of significant adverse effect to any wildlife. In general, WESTERN's assessment of the impact, if any, of its activities on the area's wildlife is based on the seasonal occurrence of particular species, as indicated in the Yearly Cycle graph contained in the Initial Baseline Study. That graph is set out as Exhibit "E" hereto.

FISH

Twenty-nine species of fish are known to inhabit Arctic marine, estuarine and fresh-water environments on or adjacent to the proposed program area. Arctic char, grayling, cisco and whitefish seem to be the most important for subsistence use. All major streams are fished during the open water season. Lakes are uncommon in the proposed program area, with most of them being thaw lakes located along the coast. The coastal lakes less than 2 meters in depth usually freeze to the bottom or offer poor winter fish habitat because of the concentration of dissolved solids and low dissolved-oxygen levels. Coastal lakes may also be brackish due to saltwater intrusion of windblown spray from the ocean.

Several drainage areas originate in or transect the proposed program area. These streams range from small tundra streams with intermittent flow to the Canning River with an estimated 50-year flood discharge of 13,500 cubic feet per second (Childers and other 1977). Most of the water supply comes from precipitation, surface permafrost-thaw processes, deep lake drain, and spring or ground water. Peak flows occur with snowmelt in early summer or with rainfall during later summer or early fall. By October, most rivers cease to exhibit any measurable flow and as shallow areas freeze to the bottom, overwintering fish become isolated in deeper pools or spring areas. The ice accumulation usually reaches maximum thickness between late March and early May.

To mitigate any damage to overwintering sites, WESTERN GEOPHYSICAL COMPANY will avoid introducing any energy into the ground within 660 feet of any stream or river that has been designated as a possible overwintering site. No water will be drawn from any lake or stream designated as having a fish population. In addition, all seismic lines will be oriented so as to cross the water courses at as sharp and angle as possible and not to run parallel to the stream or river. Crossing of rivers will be completed in one trail, if safety permits, with no alteration to existing river banks. Any

snow used to create snow bridges will be removed upon completion of the line. Crossings will be oriented so as to avoid damage to willow stands at river banks.

Strict prohibitions regarding fishing or hunting during the proposed seismic exploration will be enforced with instant dismissal being the result of any violation by WESTERN GEOPHYSICAL COMPANY employees.

MARINE MAMMALS

In addition to the Polar Bear, the Bowhead and the Beluga whales utilize the waters of the Beaufort Sea along with ringed, bearded and spotted seals. All of these species inhabit the waters to the north of the ANWR, but there is some evidence that ringed seals may use the lagoon areas within the Refuge during the summer and fall. While this is outside the time frame of the proposed seismic activity, it is mentioned as a point of interest.

WESTERN GEOPHYSICAL COMPANY has been active in the study of the effect of seismic activity on the ringed seal population for the past two years and is currently doing contractual work for the National Marine Fisheries Service in the vicinity of Reindeer Island in which ringed seal habitat and pupping is correlated with seismic activity using vibrator energy sources.

No impact on the whale population is anticipated because of the time frame. Bowhead whale migration to the east takes place in early spring, following leads in the ice. The summer feeding grounds extend from the Canadian waters to just east of the village of Kaktovik. This range is occupied from mid-May through September. Migration out of this area may begin as early as mid-August and is nearly completed by mid-October.

Polar Bears

Pregnant females form snow dens in October and November and give birth in December and January. Females and cubs emerge from dens in late March and April. Factors necessary for continued successful denning in an area incluld the ice movements which allow the bears to reach the area in the fall; occurrence of food (seals) in the area; topography, snowfall, wind and ambient temperatures, all of which provide for snowdrifts that do not thaw during the denning period. Dens consist of one or more chambers, connecting tunnels and exit-entrance tunnels. Alaska dens are found inland as far as 50 km from the coast, along the coast, on offshore islands, on shorefast ice and on drifting sea ice. In April 1957, a two-man team was hired from the village of Kaktovik to search the area in the Arctic National Wildlife Refuge between the Hulahula and Katakturuk Rivers and the Jago and Kongakut Rivers. No polar bear dens were found.

The number of bears coming to a specific coastal area may vary from year to year depending on the type of ice and the time it forms. Bears are more abundant along the coast in years when winds bring heavy ice to the coast early in the winter than in years when newly frozen ice drifts in or new ice is frozen in place for a considerable distance from shore.

The Beaufort Sea outer continental shelf and the coastal plain of Alaska has high potential for oil and gas. Extraction will likely be a major goal on State lands, on native lands, and may occur on the coastal plain on ANWR. A number of actions can be taken to protect bears and their habitat. For such protection, the ecosystem approach over large areas should be followed rather than a species by species approach in restricted zones. This will require the cooperation of federal, state and local governments with environmental groups, oil and gas lease holders and seismic exploration crews to create land and offshore management regulations. Specific development proposals, including plans to remove snow from drift areas for trails or the construction of airstrips, will be reviewed by the Regional Director to minimize negative impact on denning areas. "No Activity" zones will be created, by order of the Regional Director, around areas identified as polar bear dens as identified by the U.S. Fish & Wildlife Service.

Camps maintained to support seismic activites will be established inland rather than on or near routes bears normally travel along the coast. Garbage will be incinerated daily and state and federal regulations regarding the feeding of wild animals will be strictly enforced. All WESTERN personnel will be advised that any violation of any wildlife laws or regulations, state or federal, will be sufficient cause for immediate dismissal. All fuel will be stored in suitable containers surrounded by dike areas lined with impermeable material.

WESTERN GEOPHYSICAL COMPANY proposes that studies be initiated to delineate areas of critical polar bear habitat, especially denning areas. The relative importance of coastal areas as opposed to sea ice for denning is to be determined. Effects of disturbance on individual bears, particularly denning females will be quantified. This will require observations of disturbance effects, either artificial or actual, during the pre-denning, denning and post-denning periods. It is proposed that these studies be conducted, by personnel designated by the Regional Director, during the time actual seismic surveys are being conducted by WESTERN GEOPHYSICAL COMPANY. By doing this, the FWS will enjoy the full logistic support offered by WESTERN and can conduct the research under closely controlled conditions. Similar studies were conducted by Kelley and Burns in the winter season of 1981–82 relative to the effect of seismic activity on the ringed seal population. The data acquired in this proposed study will prove extremely useful to the U.S. Fish & Wildlife Service in future planning and habitat management and will afford WESTERN GEOPHYSICAL COMPANY personnel the opportunity to become proficient in the recognition of critical signs in the Arctic Wildlife Refuge or any other sector of the arctic.

THREATENED AND ENDANGERED SPECIES

Endangered species encountered in the proposed exploration area include the Bowhead and Gray whales and the Arctic peregrine falcon. The whales have been discussed in the paragraphs regarding marine mammals.

Peregrine falcons nesting habitat is not abundant north of the Brooks Range in ANWR. However, a limited number of peregrines have been reported nesting there in past years. The most recent survey of raptor habitat in ANWR found no nesting peregrines. This survey was conducted in August, however, and may have missed peregrines which attempted to nest but were unsuccessful. Amoung the eyries formerly or potentially occupied by peregrines within ANWR, only two are within the Arctic Coastal Plain study area—on bluffs or cliffs along the Sadlerochit and Jago Rivers.

Peregrine falcons are highly migratory and spend a relatively short period in Alaska. Arctic peregrines generally arrive at their North Slope eyries between April 21 and May 7; egg laying and incubation occur between May 15 and July 21; the young leave the nest during August.

There appears to be a significant movement of arctic peregrine falcons through the study area on the Arctic Coastal Plain from late August to mid-September. The number and timing of these observations suggest that at least some of the peregrines are following a coastal migration route.

The Office of Endangered Species of the FWS has provided a no jeopardy biological opinion, dated July 28, 1982 (see page C-4, Appendix C FEIS).

BIRDS

Review of Bird Studies

There are many bird populations within the proposed study area. Below is a summary of the important populations and species of birds:

Populations and Species

Seaducks: Oldsquaw (Clangula hyemalis); Eiders (Somateria spp., Polysticta stelleri); Scoters (Mellanita spp.); Merganser (Mergus serrator).

Dabbling Ducks: Pintail (Anas acuta).

Geese: Brant (Branta bernicla); Snow goose (Chen caerulescens); White-fronted goose (Anser albifrons); Canada goose (Branta canadensis).

Gulls: Glaucous gull (Larus hyperboreuos); Ross' gull (Rhodostethea rosea).

Tern: Arctic tern (Sterna paradisaea).

Shorebirds: Red phalarope (Phalaropus fulicarius); Northern phalarope (Lobipes lobatus); Plovers (Pluviolis spp.); Sandpipers (Calidris spp.).

Songbirds: Lapland longspur (Calcarius lapponicus); Snow bunting (Plectrophenax nivalis).

Several large multi-disciplinary studies, which have included birds, have been conducted in nearshore estuaries in the Harrison Bay/Simpson Lagoon area (Hall 1975; Johnson and Richardson 1980 report the results of coastal bird surveys from Harrison Bay eastward to, and in some cases, including the coast of the Arctic National Wildlife Refuge). Martin (1980) and Spindler (1978a) summarize terrestrial studies of birds by the U.S. Fish & Wildlife Service in Canning/Staines River Delta region and in the Okilak River Delta, respectively. Spindler (1978b), Johnson and Richardson (1980), Schmidt (1973) and Gollop and Richardson (1974) conducted investigations in nearshore coastal waters along the coast of the Arctic National Wildlife Refuge.

In the east section of the coast, from the Canning/Staines River Delta eastward to the Alaska-Yukon border, there are few large river deltas. The barrier islands are like long, semi-continuous spits, and the lagoons are generally narrower and shallower than those to the west.

A summary of the seasonal uses birds make of the proposed study area follows:

Seasons-Locations-Bird Use

Spring breakup-Hulahula/Okpilak River-Migrating waterfowl:

—Delta and shorebirds
—Jago River Delta
—Aichilik/Egaksrak River
—Delta
—Kongakut River delta

Summer-Barrier Island-Lagoon-Molting and feeding:

—System from Arey Island-seaducks, staging and
—Eastward to Demarcation-feeding shorebirds
—Bay

Fall freeze-up-NA-NA

Winter-NA-NA

The two time period, Fall freeze-up and Winter, are the periods when seismic activities will occur under the terms of the proposed permit and no negative impact is anticipated. During the course of the proposed program, extreme care will be exercised to prevent any damage to the areas that will be used by the bird population in the spring and summer months.

TERRESTRIAL MAMMALS

Terrestrial mammals may be affected both directly and indirectly by seismic activity in the coastal plain area of the Arctic National Wildlife Refuge. With the knowledge WESTERN possesses concerning the ocurrence and characteristics of these species, the COMPANY will be able to avoid any signifiant adverse affect. Species which are ecologically and/or economically important are included in this discussion.

Arctic Fox

Although the arctic fox is economically important as a furbearer and biologically important as a predator of small mammals (Chesemore 1967), little demographic information is available for this species along most of the Beaufort Sea Coast. Boased on fur harvest returns, however, population numbers show three to four year cycles (Chesemore 1967).

Arctic foxes appear to undergo distinct seasonal movements although some in the Prudhoe Bay Region are year-round residents (Fine 1980). During the fall and early winter, Arctic foxes generally move seaward toward the coast and sea ice, presumably in search of better food supplies (Chesemore 1967). By late winter to early spring most have returned inland to mate and pup. Hunting may be extensive; Underwood (1975) estimated that Arctic foxes may actively hunt areas as large as 500 sq. km.

Dens are usually constructed on sand dunes, eskers, hilltops and river banks, wherever frost-free soil is available (Chesemore 1967; Eberhardt 1977; Fine 1980). Dens appear to be common along banks of most rivers on the coatal plain.

Adequate information on Arctic foxes is available only in areas. The location of large denning concentrations outside this area (if they exist), seasonal movements (particularly during the winter season), better estimates of population densities for the coastal plain area of ANWR, and demographic information on recruitment and natural mortality are the main data gaps that are necessary to fully evaluate the potential effect of exploration on the Arctic fox population.

Experience (twenty-six years in the Arctic evnrionment) has shown that Arctic foxes are attracted to man and studies indicate that the Prudhoe Bay area has the highest density of denning (1 den/15 sq. km.) recorded in contrast to other study areas. Foxes have been known to attach themselves to one of our camps and follow it for weeks before leaving.

The personnel who will be involved in the proposed exploration will be thoroughly briefed in the known data relative to Arctic foxes and will be warned as to the possibility of the foxes being rabid. The denning locations cited by Chesemore, Eberhardt and Fine all occur in terrain features that normally are avoided by seismic crews both because of the difficulty of operations and the special stipulations attached to Permits.

Musk Ox

In the 1800's muskox populations in the proposed study area were drastically reduced, and then exterminated (Bos 1967; Roseneau and Stern 1974a). Muskox were reintroduced to the Alaskan North Slope in 1969 as part of an Alaska Department of Fish and Game Program to re-establish muskox throughout their historical range (Jennings and Burris 1971; Alaska Department of Fish and Game 1977). In the spring of 1969, 52 muskox were transplanted from Nunivak Island to Barter Island. The following summer an additional 13 muskox were transplanted to the Kavik River.

The Arctic National Wildlife Refuge contains the only major concentration of muskox in the North Slope area. The size of the group was estimated to be 36 to 41 animals in 1972 (Roseneau and Stern 1974a) and had increased to an estimated 90 animals in 1977 (Bente 1977a). Presently, animals appear to be concentrated in three areas: The coastal area near the Canning River; the area between the Sadlerochit and Hulahula Rivers; and along the coast near Jago, Egaksrak and Aichilik Rivers (Roseneau and Stern 1974; and Bente 1977a). During the period of 1978 to 1979, the

Sadlerochit herd appeared to have split into one main herd and two satellite (possibly bull) herds (M. Spindler, U.S. Fish & Wildlife Service, pers. comm.). These areas have been noted and will be given to field crews as an overlay drawn to the same scale as the program map. Any proposed lines nearing these areas will be cause for WESTERN GEOPHYSICAL COMPANY to contract the Service for guidance and inspection before proceeding.

Muskox breed in late July and August, and give birth in late April to May (Tener 1965). Our seismic activity during this time frame will be non-existent with all movement in the muskox habitat ruled out because of weather and ground conditions. All crews will normally be stacked on summer storage sites outside the Refuge on or before May 15th of any given year.

Muskox appear to summer along the coastal plain and gradually move to upland areas to overwinter (Roseneau and Stern 1974a; Bente 1974a). Winter ranges appear to vary greatly between years (M. Spindler, U.S. Fish & Wildlife Service, pers. comm.). Within the muskox range, corridors along the major river drainages, particularly where the productivity of the riparian community is high, are presently considered critical habitat (M. Robus, Alaska Cooperative Wildlife Research Unit, pers. comm.; M. Spindler, U.S. Fish & Wildlife Service, pers. comm.). All WESTERN GEOPHYSICAL COMPANY crews will be alerted to these critical areas before any work begins in the Refuge.

Information on muskox distribution along the Alaskan Beaufort Sea coast is sufficient to delineate the area between the Canning River and the Alaska/Yukon border as the most important muskox range in the North Slope region. However, information on critical habitats (calving grounds, wintering areas, foraging areas), seasonal movements, and herd dynamics (numbers, natality, recruitment, natural mortality) is not adequate to identify specific geographic areas. Seasonal movements and critical habitats are very poorly understood and the opportunity for FWS to collect some much needed data is present during the course of the proposed seismic exploration by utilizing WESTERN GEOPHYSICAL COMPANY facilities and logistic support.

Caribou

Two caribou herds, the Porcupine and Central Arctic, are involved in the proposed study area. The Porcupine Herd (estimated at 110,000 animals in 1979) is one of the largest caribou herds in North America. The scope of its range covers some 250,000 square kilometers in northeastern Alaska and northwestern Canada. The spring migration usually begins in early April and arrival date of the pregnant cows on the traditional calving grounds seems to be dependent on the snow conditions and the location of the wintering site.

Caribou of the Porcupine Herd usually enter the calving area within the proposed study area during mid-late May (a time period when all seismic activity has been shut down). The first calves are born during the last week in May, with the peak of calving occurring between June 5 and 9. Although calving has been observed in a variety of terrains, most calves are born in snow-free areas of tussock uplands. Major calving concentrations of the Porcupine Herd have occurred in the study area between Camden Bay and the Sadlerochit Mountains (from the Canning River in the west to the Sadlerochit River). Concentrations of calving activity also occur within the ANWR study area along the foothills from the Sadlerochit River to the Aichilik River. Scattered reports of calving have been reported throughout the study area.

Following the calving period, maternal groups of the Porcupine Herd usually move northward and westward, gradually coalescing into aggregations. By late June it is common to find huge aggregations (80,000 or more animals) in the study area between Camden Bay and the Sadlerochit Mountains. In early July these great herds move to the east, usually reaching the Canadian border by mid-July.

The Central Arctic Caribou Herd currently numbers about 7,000 to 9,000 and has recently been increasing. It occupies a range which is entirely north of the Brooks Range continental divide from the Itkilik and Colville Rivers on the west to slightly east of the Canning River. The Trans-Alaska Pipeline (TAPS)-Dalton Highway corridor and the Prudhoe Bay-Kuparik oilfields lie within the herd's range. These intensive man-made activities have done nothing to deter the herd's natural cycle. No calving has been observed in the TAPS-Prudhoe Bay oilfield area since about 1973, but the fact that the herd is on the increase indicates that the caribou have adjusted and flourished. Caribou of the Central Arctic Herd use the ANWR study area (Canning River Delta and coastal habitats along Camden Bay) for post-calving activities and insect relief. Residents of Kaktovik harvest Central Arctic Herd Caribou from coastal areas during the summer. During some winters, scattered groups of caribou, believed to be of the Central Arctic Herd, range through the proposed study area and adjacent uplands to the south.

Any contact WESTERN GEOPHYSICAL COMPANY crews experienced with either the Porcupine or Central Arctic Herds would be with strays and would not occur during critical calving or post-calving time periods.

(13) Certification

By its submission of this document and the affixation of its officers' signatures thereto, WESTERN certifies that it will, if authorized to conduct exploratory activities, comply with all pertinent provisions of 50 CFR Part 37, its Approved Exploration Plan, its Plan of Operation, and all reasonable stipulations, demands, and orders issued by the Regional Representative or his authorized representative.

In addition, WESTERN will comply with all existing federal, state, and local laws and regulations as well as those that may become effective during the course of the proposed exploration. A certification to this effect is appended hereto as Exhibit "F".

(14) Data Quality Assurance and Control

Of the numerous qualifications possessed by WESTERN that render the COMPANY suited to lead the exploration effort in the ANWR, one of the most distinctive is the integrated and sophisticated data processing center located at the COMPANY's base camp in Deadhorse, Alaska. The capabilities of this system, which were already state-of-the-art prior to 1982, have now been increased by virtue of the recent addition of a Litton Resources System LRS–3200 Seismic Data Processing System. The LRS–3200 possesses a radically new structure with the capability of expanding many times over to accommodate the ever increasing volumes of data that result from advances by WESTERN in the technology of data acquisition. In its minimum configuration the LRS–3200 has twice the capacity of the most powerful mini-system on the market. Its maximum configuration competes with the largest "large" system available.

Because of recent expansions in the capabilities of seismic exploration, the quantity of data that must be processed is rapidly increasing to enormous levels. Thus, the concept of "data quality assurance and control" is one that is continually growing in sophistication. The seismic data processing system possessed by WESTERN at its Deadhorse Base Camp is now capable

of handling large computational and input/output loads.

Consequently, there are two compelling features that WESTERN offers in terms of its data quality assurance and control. First, the sophistication of the processing system employed by the COMPANY. Second, the proximity of the geographic location of the facility at Deadhorse. The combined result of these factors is that data that are collected in the field during the day are immediately processed at the Deadhorse facility with results obtained therefrom in a matter of hours. These results enable the crew operations to determine whether the parameters selected are achieving the desired data quality. As a direct result of the proximity of the Deadhorse facility and the sophistication of the seismic data processing system located there, WESTERN, is able to ascertain immediately whether deviations or corrections are necessary in the technical parameters of the field operations. This prevents unnecessary duplication of effort that could result if the field data had to be flown to a distant location or processed in a less sophisticated facility in order to determine the integrity of the results.

The survey data acquired during the course of a work day can be processed with the same speed and efficiency as the seismic data. In two hours basic field notes can be fed into a Hewlitt-Packard 85 computer located in the Deadhorse facility. A hard copy can be generated of a line map showing VP's, elevations, and the necessary reference points to indicate the accuracy of the survey. Any corrections can be applied immediately before further errors occurs which could introduce an unnecessary duplication of the line.

In addition to the timely data processing that takes place at the Deadhorse processing facility following each day's collection of data, daily similarity tests are taken before the crew begins the day's program. This is a method of ensuring that the vibrators are in sync and will produce the maximum usable energy. This test also allows a check of instrument functions as well as a sure check of the mechanical condition of the vibrator units.

To supplement the daily routine tests, all instruments are subjected to both monthly and semi-monthly tests that are performed in the field with the tapes being sent to our Quality Control Section in the Houston Main Office. The test data are compared to specifications of new equipment. The results of the tests are telexed to the Anchorage Office immediately and this information is relayed to the field crews via telephone and radio lines.

There are also two qualified technicians available at the Deadhorse base camp who are on call should any problem occur. Test gear and spare units are available. In case an instrument should malfunction, it is a matter of hours before the replacement unit is on the crew and operating.

These technicians maintain a routine schedule of visits to the crews and consult with the Observer as to the condition of the equipment thereby assuring that the quality of the data is always up to WESTERN's high standard.

To comply with the newly added requirement for an explicit provision for the independent checking of data quality, WESTERN GEOPHYSICAL COMPANY has retaind a highly qualified, independent, professional consultant, Dr. Norman Neidell, who, in the event that a permit is issued, will oversee WESTERN's procedures and processes in the taking and reduction of data. Dr. Neidell will advise WESTERN as to the status of its performance in the conduct of the survey and will report his observations and conclusions directly to the designated government representative. Dr. Neidell's curriculum vitae is appended as Exhibit "G".

Even though WESTERN is proposing a speculative survey it will, in the event a permit is granted, follow the customary procedure of accepting advance commitments to purchase the resulting data and will afford purchasers the opportunity to oversee the exploration program on a current basis.

V. Summary

WESTERN hereby requests that we be named as a single permittee to conduct a speculative seismic survey in ANWR using two crews each for one season to collect some 750 miles of data which would be available for sale to interested parties according to a published price list.

We have the equipment and manpower already in Alaska plus the fiscal capability to conduct this survey. WESTERN's reputation in the geophysical industry worldwide and particularly in Alaska is unparalleled. Our final processing of data from the North Slope is recognized as the industry standard. We will carry out a seismic survey of the highest quality which will be beneficial to the Secretary, to FWS, to the oil industry, and to any other interested parties.

We have demonstrated in the preceding pages our knowledge and appreciation for the environmental and wildlife aspects involved. You have our assurance of fullest cooperation in seeing that the goals of this project are met to the satisfaction of all concerned.

We further state that the proposed activity complies with the State of Alaska's approved Coastal Management Program and will be conducted in a manner consistent with that program.

WESTERN will be pleased to furnish any additional information that may be required in connection with this submission. Inquiries should be addressed to Mr. Semeliss or Mr. Cramer at the addresses or telephone numbers given on page 3.

We will appreciate your favorable consideration of this application.

Respectfully submitted,

WESTERN GEOPHYSICAL COMPANY OF AMERICA

Permit Attachment 2—Known Cultural Resources Within Project Area: Western Geophysical

Exhibit "B"

Map reference	Cultural resource [1] site in apparent conflict with seismic line
BLM 1	Native cemetery on Eskimo Island.
BLM 2	Native grave on Atigaru Point.
BLM 3	TLUI site NE of VABM "creek".
BLM 4	TLUI site NW of VABM "Thomas".
BLM 5	TLUI site NE of VABM "creek".
BLM 6	Niglik and sites in vicinity; sod house ruins and Native grave.
BLM 7	TLUI site; structural remains.
BLM 8	TLUI site; structural remains.
BLM 9	TLUI site; structural remains.
BLM 10	Numerous late prehistoric and historic sites, including sod house ruins and reindeer corral.
BLM 11	TLUI site; sod houses.
BLM 12	TLUI site; trading post, grave.
BLM 13	TLUI site.
BLM 14	TLUI site; cemetery.
BLM 15	TLUI site; graves.

[1] Cultural resources include archaeological, historical, and traditional land-use inventory (TLUI) sites.

Note.—These sites shall be avoided by all seismic equipment and field crews.

Permit Attachment 3—Native Allotments Located in the General Area of Proposed Seismic Programs

Exhibit "C"

WESTERN PROGRAM F-72685

Map Reference	Number	Name	Acres	Location
1	F-18134	Paul Ogroogak	160	Sec. 32, T. 9 N., R. 4 E., UM.
2	F-11943	Lydia Sovalik	80	Sec. 15, 16, 21, 22, T. 12 N., R. 4 E., UM.
3	F-11947	Nannie Woods	160	Sec. 15, 16, T. 12 N., R. 4 E., UM.

WESTERN PROGRAM F-72685—Continued

Map Reference	Number	Name	Acres	Location
4	F-14613	Edward Itta	160	Sec. 16, T. 14 N., R. 4 W., UM.
5	F-14616A	Noah Itta	40	Sec. 29, T. 15 N., R. 3 W., UM.
6	F-14645	Dorcus Watson	160	Sec. 29, T. 15 N., R. 3 W., UM.
				Sec. 7, T. 17 N., R. 1 W., UM.
7	F-14611	Brenda Itta	160	Sec. 12, T. 17 N., R. 2 W., UM.

OIL AND HAZARDOUS SUBSTANCES CONTINGENCY PLAN

Exhibit D

Introduction
Objectives
Reporting
Prevention of oil Spills
Storage of Fuel
Spill Cleanup
Annex "A"—Initial Pollution Report
Annex "B"—Report Communication Net

Annex "C"—Daily Check List

Annex "D"—Safety Rules

Introduction

Federal laws, State regulations and WESTERN GEOPHYSICAL COMPANY's keen desire to protect the environment from the harmful effects of oil or other hazardous substances require a definite, meaningful plan.

The very nature of WESTERN's work creates problems not found in other types of operations. The almost constant moving of camps and supply points, the need for enormous quantities of fuel and the remote location of the prospects are all factors that create a high risk situation. We must therefore practice extreme care in the transportation, storage and ultimate use of any and all materials that, if allowed to escape containment, could upset the delicate balance of Alaska's ecosystem.

The prevention of oil spills or loss of hazarous substances involves many factors. Common sense is the number one deterrent to unfortunate incidents. Checking the joint between the tank and the discharge valve, scheduled visual inspections of the tanks and placing fuel barrels bung up are all simple items but any one of them could spell the difference between a satisfactory, productive operation and a serious, costly spill. Double check every phase of the operation to which you are assigned and are responsible for. Think.

Should a spill occur it becomes your legal responsibility to report it to the proper agencies as soon as possible. The Plan, with the annexes, will explain in detail how to so this. No attempt to conceal any spill, no matter how small, should ever be made by WESTERN employees or their contractual personnel. The reasons for this are many and varied. What may appear to you as a minor, harmless spill could become serious if no properly contained or dispersed. State and/or Federal agencies have the expertise to accurately analyze the situation and make recommendations for remedial action. In addition, Federal agencies have the power, under the provisions of Pub. L. 92-500 (86-Stat. 816), to call on any other Federal agency for assistance in case of a serious threat to life or property. It is doubtful if WESTERN's type of problem could ever reach that magnitude, but it is comforting to know that this type of back-up is available.

After the report has been made and the proper agencies have investigated the incident, the spill must be cleaned up to the best of our ability. What appears to be the most expedient method of getting rid of spilled fuel, burning, might not really do the complete job. In fact, there may be harmful after effects if hasty judgment dictates our initial approach. Generally speaking, the proper sequence should be:

(1) Stop the flow of oil or hazardous substance at the source, and while doing this you should exercise extreme caution using good safety habits. We do not want personal injury added to the problem.

(2) Make every effort to contain the spill in an area as small as possible. While doing this, care should be taken to prevent damage to the environment by other methods.

(3) Report the spill, using the procedures described in the Plan. If conditions permit, the reporting of the spill should precede the other steps but this assumes that sufficient manpower is available and the location is such that prompt reporting is possible.

In summary, we, as WESTERN employees, must do everything in our power to prevent unfortunate incidents. Safe, careful work habits will do much to insure that we can continue to do our assigned jobs without the tremendous amount of extra labor involved in a spill. If one should occur we will do everything possible to minimize the harmful effects and promptly report to and cooperate with all regulatory agencies.

Objectives

(a) This plan, including the annexes, provides for a pattern of coordinated and integrated responses by WESTERN GEOPHYSICAL COMPANY employees, WESTERN's contractors and state and federal agencies to protect the environment from the damaging effects of pollution discharges. It promotes the coordingation of all systems and encourages the development of the capabilities of all involved units.

(b) The objectives of this plan are to provide for efficient, coordinated and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal and removal. The Plan, including annexes, provides for: (1) Assignment of duties and responsibilities among WESTERN GEOPHYSICAL COMPANY employees, WESTERN's contractors and state and federal agencies; (2) Identification, procurement, maintenance and storage of equipment and supplies; (3) Establishment or designation of response teams to provide the necessary services to carry out the Plan; (4) A system of surveillance and reporting designed to insure the earliest possible notice of discharge of oil and hazardous substances to appropriate agencies; (5) Procedure and techniques to be employed on idenitfying, containing, dispersing and removing oil and hazardous substances; (6) A schedule, prepared in cooperation with suitable agencies, identifying dispersants and other chemicals, if any, that may be used in carrying out the Plan.

Reporting

All reports of oil spills or discharge of hazardous substances should be completed as soon as possible after discovery. Prompt action is necessary to minimize the damage and relieve the problem of confusion that might arise if reports have to depend on memories for accurate facts after the incident is over. At this point, it might be well to mention that you are urged to report infractions by others as well as your own. There are recorded cases where WESTERN has been blamed for spills simply because we were in or near the area. We are not in the police business but it is our legal and moral duty to report all sightings and our responsibility as WESTERN employees to protect our COMPANY's interest.

The United States Coast Guard is the prime agency for reporting all sightings. They then relay, depending on the location and type of spill, the pertinent information to the appropriate agency,

such as the Department of Environmental Conservation, the Environmental Protection Agency or any other applicable group.

To insure a clear transfer of information you should familiarize yourself with ANNEX "A". It is a copy of the form that the Coast Guard uses to record all incoming reports. Plan your call so as to have the maximum information that would fill in the blank spaces. There is a 24 hour service at the CG office but, in some cases, you may get a tape service known as AUTOVON (Automated Voice Network) or the FAA duty officer. In any case, the traffic will be channeled to the proper agency for action. Be sure to record the time and date of your call in the Party Log and, if at all possible, the name and rank of the CG member who received your call.

When reporting the location of the spill try to be as definite as possible. If you have a map you should pin-point the spill by placing it in a certain part of a particular range and township and indicate the map you are referencing. Include ground features if any are available. River intersections, air strips or pipe line camps are very helpful. Remember, someone is going to try to find you and the point you are describing.

ANNEX "B" diagrams the normal channels for field crews to use in reporting in. Contact with Party Office, after initial sighting, should be done by radio or by messenger. All details should be as accurate as possible since the the message will have to be relayed several times in most cases. From the Party Office, the information will be forwarded to the most convenient WESTERN installation having telephone communications. At this point it is extremely important that the Supervisor be notified. From his office in Anchorage he will handle all further coordination with the CG and begin to take whatever steps are necessary to handle the situation. Field personnel will take any steps required to protest life and property and stand by for further instructions.

Any requests from the news media for information concerning the spill should be referred to the Supervisor. This is important so that there will not be any confusion or adverse publicity arising from distorted facts coming from sources that may not be aware of the entire picture. Inquiries from a governmental agency representative, after they have properly identified themselves, should be answered directly and honestly. Do not, repeat, do not try to give opinions, suggestions or theories about the cause or the effect of the spill to anyone until you have been briefed by the Supervisor or his agent.

Preventing Oil Spills

It shall be the direct responsibility of all Party Managers to do everything possible to prevent oil spills. All personnel under the Party Manager's supervision must be instructed in the basic fundamentals of fuel storage and transfer and crew members actually handling fuel will be required to read and be familiar with this Plan and all other applicable State and Federal regulations. This Plan will be the subject for discussion at a weekly Party Safety Meeting as soon as practical after the start-up crews.

The Party Manager, or his designated agent, shall supervise the erection of storage facilities, fuel transfer and on-site storage of fuel. In line with this surveillance, the Party Manager will maintain an accurate inventory of all petroleum products charged to his Party. This inventory will include quantity, type of fuel and its specific location. In the case of fuel in transit, the inventory will include the above, plus the point of origin and the destination.

Normally, the Party Response Team will be composed of Party Manager, the Field Clerk and the Chief Mechanic. Within this framework, the Party Manager will assign certain specific duties and responsibilities in the event of a spill. Adequate back-up will be assured by naming alternates for each primary man on the Team. Names and duties of the Response Team will be supplied to all key party personnel concerned, to all base camps, other Party Offices and the Anchorage Office. This is important in the event of a spill during the transportation of fuel charged to a particular Party but occurring near the site of another Party's camp. In any case, the primary responsibility rests with the Party to which the fuel is charged. If fuel is to be handled by contractual personnel, it shall be the Party Manager's duties to be sure that they are familiar with this Plan and have the names and location of the Response Team.

All equipment used in the transfer and transportation of petroleum products will be inspected on a regular schedule. The time, date and location of these inspections will be recorded in the Party Manager's log. Any defects or malfunctions will be noted along with the steps taken to repair or replace the defective components.

Storage of Fuel

In line with the provisions of state regulations all tanks will be installed in a dike that will form a holding area with 115% of the capacity of the tank. The dike, or its liner, must be impervious to the liquid to be stored therein and should be constructed in a neat and workmanlike manner. In no case will tanks be manifolded. If possible, thought should be given to drainage, access, future cleanup and general suitability when erecting any tank. All installation should be inspected on a scheduled time interval, never to exceed twenty-four (24) hours. The tank with its associated plumbing, the dike and surrounding area should receive close scrutiny. Check the contents of the repair kit to see if anything has been removed, and any shortages should be reported for immediate replacement. If snow and/or trash has accumulated, it should be removed. All warning signs should be in their proper place and in a good state of repair. During this daily inspection, this amount of fuel in the tank, as determined by visual monitoring device, will be recorded. Strict adherence to this procedure will help prevent the possibility of pollution from small leaks that if left undetected could become major sources of spills.

Spill Cleanup

If the source of a spill is readily ascertained and can be terminated, it should be done immediately. Accidentally opened values, faulty discharge lines or leaks in the tank itself should be repaired or corrected as quickly as possible. If assistance or extra equipment is needed it should be called for as soon as possible.

Make every effort to contain the spill to a small area but use good judgment by viewing the overall effect of the spill. It is extremely important that you report the spill, using the methods described earlier in this Plan. Major spills will, of course, require equipment and expertise not available in the field to affect the cleanup and recovery of the pollutant. Prompt, accurate reporting is the key to preventing further contamination.

Initial Pollution Report No.

Date/Time Report Received _____ Time FAA Duty Office Received _____

Report Received From:	Other Persons Involved in Sighting
Name: _____	_____
Company: _____	_____
Address: _____	_____
Phone: _____	_____

Time of Occurance _____ Length of Time Spill Occured _____

Location: Initial _____

_____

Follow Up _____

_____

Type and Quantity of Spill _____

Description of Slick (Ashore and Afloat) _____

_____

Apparent Hazard to Life and Property _____

_____

Damage _____ Injuries _____

_____ _____

WX (At Scene) Temp _____ Tide Condition _____

Wind Direction and Velocity _____ Next High/Low _____

Visibility _____

Initial Action Taken by Persons on Scene (To Stop Spill) _____

(To Clean Up) _____

_____

_____

Company Intended Action _____

_____

Coast Guard Action _____

_____

ANNEX A

Annex B, Exhibit D. Western Geophysical Company of America. Report communication net. This figure could not be reproduced legibly in this notice. It is filed as part of the original document. Copies are available from: Regional Director, U.S. Fish and Wildlife Service, Attn: Oil, gas and minerals coordinator (AWR/PSS), 1011 East Tudor Road, Anchorage, Alaska 99503 (Phone 907–786–3384 or 3398).

Western Geophysical Co. of America

Fuel Storage Site Daily Check List

Location _____ Date _____ 19 _____

	Satisfactory	Unsatisfactory	Remarks
A - Overall site condition	☐	☐	_____
B - Fittings and connections	☐	☐	_____
C - Sign placement	☐	☐	_____
D - Dike and liner	☐	☐	_____
E - Tank	☐	☐	_____

Fuel withdrawn last 24 hours _____ gals

Fuel gained last 24 hours _____ gals

General Remarks _____

Time _____ Date _____ Signed _____

ANNEX C

Western Geophysical Company Safety Rules for Fuel Storage and Transfer

1. Any and all personnel assigned to the operation of any WESTERN GEOPHYSICAL COMPANY fuel supply and/or transfer will be familiar with the Contingency Plan as developed for the procedures in case of a spill.

2. During the storage and/or transfer of fuel there will be at least one employee with a valid First Aid card on site. An adequate First Aid kit will be available at the site

3. There will be no smoking within 100 feet of any fuel storage area and visible signs will be posted in prominent locations to indicate this. During the transfer of fuel from any carrier to a tank or from the tank to a carrier, there is to be absolutely no smoking in the area. In addition, any specific rules imposed by carriers will be obeyed by all WESTERN personnel.

4. Each vehicle involved in fuel handling will be equipped with a fire extinguisher of the proper size and type so as to comply with current State and Federal regulations. All men will be trained in the operation of the extinguishers.

5. All discharge lines from any tank, either fixed or mobile, will be tagged so as to indicate the contents of the tank. No WESTERN personnel will use or allow the use of any fuel unless it comes from marked containers.

6. All installations will be kept in a state of good repair and any defects in the tank or fittings will be repaired as soon as possible. No trash or litter will be allowed to accumulate in the immediate storage area and excess snow will be removed from the tanks and dikes as soon as possible.

7. Emergency repair equipment and tools will be kept at the tank site and their location will be made known to all personnel involved in the fuel storage operation. Any shortages will be made known to the Party Manager as soon as possible. The use of any of this equipment for any use except emergency is strictly prohibited.

8. No fuel transfers will be made with any equipment that does not meet the requirements of the General Safety Code. If there is some question about compliance consult the Party Manager.

9. These regulations are for your safety and any infraction could be cause for disciplinary action or dismissal.

Summary

This Plan, with its Annexes, has been formulated to help WESTERN GEOPHYSICAL COMPANY employees prevent oil spills and to assist them in the event a spill should occur.

The three key points to remember if an oil spill should become your problem are:

1. Stop the Flow as Soon as Possible

Use any safe, practical means at your disposal. Remember to locate and check the operation of all valves daily. Check your tank emergency repair kit and know how and when to use it. Remember that every gallon you keep from leaking is one less to clean up later.

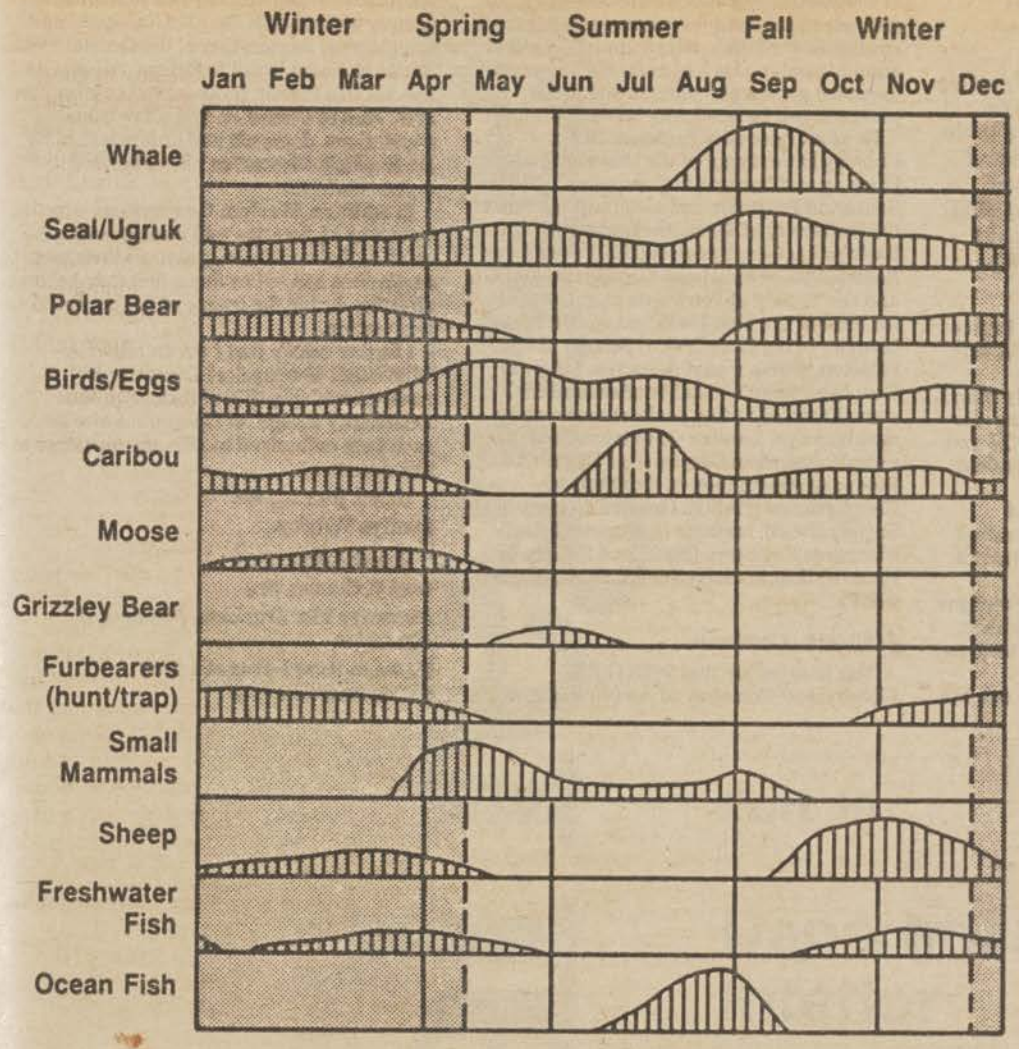
2. Contain the Spill in the Smallest Possible Area

Sound judgment is the key to good containment. Keep in mind that other regulatory agencies have very definite ideas about what you can or cannot do with the natural resources around the fuel site. If you use the material around the spill to create a secondary dike be sure that it can be restored to its original condition after clean up is completed. During tank installations you should always be thinking of the responsibility of a spill and note any material at or near the site that could be utilized.

3. Report the Spill Through the Proper Channels and Initiate Clean Up Procedures

Prompt, accurate reporting is imperative and should be done as soon as possible after discovery of the spill. If the spill is minor and the clean up is obvious you should go ahead but if a major spill occurs you should stand by for detailed instructions. Remember that disposal of waste created by clean up has to be taken care of properly and not left to create another problem. In some cases, this may require evacuation of the waste to a suitable site designated by the authorities.

In conclusion, you must do everything possible to prevent a spill but if one does happen you should STOP THE FLOW, CONTAIN THE MATERIAL and REPORT AND CLEAN UP.



Yearly cycle of subsistence use at Kaktovik, Alaska. Patterns indicate desired periods for pursuit of each species based upon the relationship between abundance, hunter access, seasonal needs, and desirability.

EXHIBIT E

Exhibit F. Western Geophysical Company of America. Material on seismic lithologic modeling. This material could not be reproduced legibly in this notice. It is filed as part of the original document. Copies are available from: Regional Director, U.S. Fish and Wildlife Service, Attn: Oil, gas, and minerals coordinator (AWR/PSS), 1011 East Tudor Road, Anchorage, Alaska 99503 (Phone 907–786–3384 or 3398).

Exhibit G—Norman S. Neidell

Norman S. Neidell received a B.A. Degree from New York University, a Post-Graduate Diploma in Applied Geophysics from Imperial College and a Ph.D. in Geodesy and Geophysics from Cambridge University. He acquired basic experience with Gulf Oil and Seiscom Delta, and undertook independent ventures in 1971.

In 1973, he joined in the founding of GeoQuest International Inc. an exploration consulting company and seismic contractor. During 1976, he co-founded Zenith Exploration Co., Inc. an operating oil and gas company. He currently serves as President and Chief Operating Officer. Late in 1979, he found Delphian Signals to exploit applications of his basic research on dolphin echolocation. Dr. Neidell's specific interests concern signals and waveforms ranging from stratigraphic seismic interpretation to target adaptive radars. He has authored numerous technical papers and patents and made presentations before many learned groups.

He is an Associate Professor in the Geology Department of the University of Houston and lectures in Continuing Education Programs and also for programs at the University of Tulsa, the Society of Exploration Geophysicists (SEG), American Association of Petroleum Geologists (AAPG), and the Society of Petroleum Engineers (SPE). Dr. Neidell is a Past President and Honorary Member of the Geophysical Society of Houston (GSH), a past Associate Editor of Geophysics and a member of several SEG committees. His other professional society memberships, besides those mentioned, include American Geophysical Union (AGU), European Association of Exploration Geophysicists (EAEG), Houston Geophysical Society (HGS), Institute of Electrical and Electronic Engineers (IEEE) and Society of Photo-optical Instrumentation Engineers (SPIE).

Exhibit H—Certificate

This is to certify that WESTERN Geophysical Company of America will, if authorized to conduct exploratory activities, comply with 50 CFR Part 37 Geological and Geophysical Exploration of the Coastal Plain, Arctic National Wildlife Refuge, Alaska, its Special Use Permit, its approved exploration Plan, Plan of Operation and all reasonable stipulations, demands and orders issued by the Regional Director or his authorized representatives.

In addition, Western Geophysical Company of America will comply with all existing Federal, State, and local laws and regulations as well as those that may become effective during the course of the proposed exploration.

I further certify that I am an officer of WESTERN Geophysical Company of America with the title of Executive Vice President, Manager of Operations and as such I am authorized to affix my signature to this document.

Dated: June 1, 1984.

Marilyn Wrigley.

Dated: June 1, 1984.

Neal P. Cramer, Sr.,

Executive Vice President, Manager of Operations.

[FR Doc. 84–16429 Filed 6–22–84; 8:45 am]

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Federal Register

Monday
June 25, 1984

Part III

Department of the Interior

Bureau of Land Management

43 CFR Part 2880

Rights-of-Way Under the Mineral Leasing Act; Procedures for Reimbursement of Cost; Proposed Rulemaking

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2880

Rights-of-Way Under the Mineral Leasing Act; Procedures for Reimbursement of Cost

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would amend 43 CFR Part 2880 by inserting cost recovery provisions that are currently contained in 43 CFR Part 2800 and would update them to provide more adequately for the recovery by the United States of the costs of processing and monitoring rights-of-way and temporary use permits granted pursuant to authority provided by section 28 of the Mineral Leasing Act of 1920, as amended and supplemented.

DATE: Comments should be submitted by August 24, 1984. Comments received or postmarked after the above date may not be considered as part of the decisionmaking process on a final rulemaking.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:
Theodore G. Bingham (202) 343–5441
or
Robert C. Bruce (202) 343–8735

SUPPLEMENTARY INFORMATION: A proposed rulemaking amending 43 CFR Part 2880 was published in the **Federal Register** on October 19, 1983 (43 FR 48483), which provided a 30-day comment period. The proposed rulemaking would move the cost recovery provisions of 43 CFR Part 2800, which had been made applicable to 43 CFR 2880 by a reference in § 2883.1 of 43 CFR Part 2880. The proposed rulemaking resulted from a decision of the United States Court of Appeals for the Tenth Circuit in a consolidated appeal of three cost recovery cases (*Nevada Power Company* v. *Watt* (81–1944); *Public Service of Colorado* v. *Watt* (81–2066) and (81–2143); and *Colorado Ute Electric Association* v. *Watt* (82–1304)) that held that the Department of the Interior must consider the factors listed in section 304(b) of the Federal Land Policy and Management Act (43 U.S.C. 1734(b)) in establishing costs for processing right-of-way applications under title V of the Federal Land Policy and Management Act. The Court further held that the existing regulations establishing the procedure for said processing did not provide for such consideration. Since the Mineral Leasing Act of 1920, as amended and supplemented (31 U.S.C. 181 et seq.), provides for cost reimbursement but does not require consideration of the specific factors listed in section 304(b) of the Federal Land Policy and Management Act, it was determined that the updated cost reimbursement provisions should be moved to 43 CFR Part 2880, which covers rights-of-way under the Mineral Leasing Act.

During the comment period on the proposed rulemaking of October 19, 1983, 15 comments were received, 13 from the oil and gas industry and 2 from Federal agencies. These comments have been reviewed and are incorporated in this proposed rulemaking. The comments are discussed below.

All of the industry comments objected to the proposed rulemaking for a variety of reasons. The objections fell into two general categories: (1) Questioning whether the Mineral Leasing Act provides authority for the cost recovery provisions in the proposed rulemaking; and (2) objecting to the administration of the category system, the dollar cost to applicants/holders and to the concept of cost recovery because it is not in the public interest.

A few comments expressed the view that the requirement of advance payment of processing and monitoring fees is not authorized by the Mineral Leasing Act and that section 28(1) of the Act indicates that reimbursement of costs may be required only after expenditure has been made by the United States. Advance payment is not prohibited by the Act. In addition, only limited funds are available for right-of-way processing from annual appropriations, making it very difficult for the Bureau of Land Management to expend its funds for processing rights-of-way and collect costs after completion of its work. If the Bureau is to process applications in a timely manner and be responsive to applicant needs and schedules, it must have advance payment. The alternative is a lengthy delay awaiting the appropriation of sufficient funds to pay the costs of processing right-of-way applications.

Other comments stated that the legislative history of the 1973 amendments to the Mineral Leasing Act, especially Senator Jackson's statement during the Senate debate on the amendments, indicates that costs recovered from an applicant/holder are subject to a "reasonable costs" test which the comments stated should be similar to that required by section 304(b) of the Federal Land Policy and Management Act. The Mineral Leasing Act, as amended, is clear and unambiguous in its requirement that an applicant/holder reimburse all processing and monitoring costs incurred by the United States. The clear language of the Act negates any incorrect understanding which may have been raised in the debate on the amendment. The applicable language of the Act reads:

> The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for the cost incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area. . .

Several comments expressed the view that any fee schedule should be incorporated into regulations, rather than being a part of the Bureau of Land Management Manual, thereby making any changes in the schedule subject to full review as required by the Administrative Procedures Act. As a result of careful review of the comments, the fee schedules have been incorporated into this proposed rulemaking.

A number of comments expressed the view that the proposed rulemaking contained an insufficient identification of the work to be accomplished for the specific benefit of the applicant/holder, as well as an insufficient definition of the costs to be recovered. The cost recovery process set forth in the rulemakings for rights-of-way that fall under Category VI, actual cost recovery, is a continuation of the process now being used by the Bureau of Land Management under existing regulations. The costs recovered are those which are the direct result of work incurred in processing and monitoring an application which provides a direct benefit to the applicant/holder; plus a small and normal percentage to cover items such as Federal contributions to employee retirement, health insurance and like costs. Management overhead is not included in this amount. In addition, a Category VI applicant/holder who questions whether the charges made are for his/her benefit may audit the Bureau's cost records. The costs for Categories I through V are determined by a similar process. No change has

been made in the proposed rulemaking in response to these comments.

Several comments suggested that a cost recovery system designed by the Bureau of Land Management for use on those lands under its direct management and jurisdiction is not appropriate for use on or applicable to Federal lands under the jurisdiction of other Federal agencies. The Bureau's experience under the existing cost recovery regulations in 43 CFR Part 2800, as they relate to Mineral Leasing Act rights-of-way, is that few of the applications involve lands other than those under the jurisdiction of the Bureau. However, the Mineral Leasing Act gives the Secretary of the Interior jurisdiction over rights-of-way issued pursuant to it that cover Federal lands under the jurisdiction of two or more Federal agencies. The Bureau's experience shows that there have been few problems with cost recovery for right-of-way applications that involve lands under the jurisdiction of Federal agencies other than the Bureau. No change has been made to this proposed rulemaking in response to these comments.

A couple of comments expressed the view that the collection of annual rental and reimbursement of processing/monitoring costs is an unauthorized double charge on the applicant/holder and recommended that this situation could be resolved by providing for an offset in one charge for payments made in the other. The Mineral Leasing Act is clear and unambiguous in its authorization to collect both the annual rental and cost reimbursement for rights-of-way. The language of the Act is as follows:

> (1) The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market value of the right-of-way or permit, as determined by the Secretary or agency head.

Since the authority to collect both the annual rental and cost reimbursement is clear, no change has been made in this final rulemaking as a result of these comments.

Another comment raised the point that section 28(1) of the Mineral leasing Act does not specifically cite preparation of environmental impact statements as a reimbursable cost and that compliance requirements of the National Environmental Policy Act of 1969 are not recoverable. A decision as to whether to grant or not grant a right-of-way or permit and the terms and conditions of such grant cannot be made without compliance with the requirements of the National Environmental Policy Act. Consequently, the cost of compliance with National Environmental Policy Act requirements clearly falls within the "administrative and other costs incurred in processing the application" for which section 28(1) of the Act requires cost reimbursement by the applicant/holder. The proposed rulemaking has not been changed as a result of this comment.

Several comments complained that the fees in the schedule contained in the proposed rulemaking are too high. As a result of these comments, the Bureau of Land Management carefully reexamined recorded time and costs studies and found that this was in fact the case and the fee schedules that are included in this proposed rulemaking are a revision of that contained in the **Federal Register** notice of January 17, 1983 (48 FR 2110). Another issue raised by the comments on fees was that there should be additional graduations within each of the categories in recognition that the longer the right-of-way, the more expensive it is to process and monitor. The fees now being collected were established in 1975 and were designed to cover only a small portion of the costs of the United States processing and monitoring costs. Processing and monitoring costs have increased substantially since the adoption in 1975 of the existing fees. The workload and expense studies done by the Bureau of Land Management show that the fee schedules made part of this proposed rulemaking for each category are the average costs incurred by the Bureau in processing/monitoring a right-of-way of the complexity described by the category. Further, the field data on which the fee schedules are based demonstrate that within any given category, there is no direct correlation or relationship between the length or size of the right-of-way and the costs of processing/monitoring for the category.

Several comments expressed the view that reimbursable costs for a right-of-way for a gas pipeline are included in the rate base and passed on to the consumer. The comment went on to question whether it was in the public interest for the Bureau of Land Management to recover processing/monitoring costs from the utlimate user rather than the appropriated funds. While agreeing that the costs recovered for processing/monitoring a gas pipeline right-of-way are passed on to the consumer, the consumers of gas from a pipeline should pay the costs of the facility rather than having such costs borne by all taxpayers, many of whom may never receive any benefit from the pipeline. The collection of reimbursable costs meets the public policy goal of having specific users of a service, either ultimately or intermediately, when the users can be identified, pay the costs of that service. This proposed rulemaking makes no change in the requirement for recovery of costs associated with a right-of-way.

A comment raised the argument that the imposition of cost reimbursement on certain pipelines might result in some low production wells not being utilized and asked if this was in the public interest.

It is highly unlikely that the small increase in total costs resulting from adding cost recovery to the overall costs of putting a low production gas well into production will be determinative of whether that well is put into production or abandoned.

A few comments suggested that additional standards and criteria should be added to the proposed rulemaking for each of the categories so that they can be more precisely identified, thereby eliminating the need for the authorized officer to exercise discretion in determining the category under which the application would fall. The workload and cost studies conducted by the Bureau of Land Management are the basis for the categories contained in the proposed rulemaking of October 19, 1983. This proposed rulemaking contains revisions of the category descriptions that appeared in the proposed rulemaking of October 19, 1983, that are designed to clarify the categories and will serve as the only basis for making category determinations. Additional criteria and standards would cause confusion. The purpose of establishing a category system is to provide a system of cost reimbursement where most of the applications are processed under a category other than Category VI (full cost recovery). The only other process would be one where all applications are processed under full cost recovery procedures, a process that would be expensive for both the applicant and the United States.

A comment made the point that the Bureau of Land Management is presently having problems with its rental appraisals for rights-of-way granted under the Mineral Leasing Act and that the whole issue of rental appraisals is being studied. The comment went on to make the point that the rental appraisal study might result in a recommendation that all applications be placed in Category IV. The possibility raised by this comment is a

"worst case" hypothesis, with a remote probability of occurring. Further, one of the issues being studied by the appraisal study team is the expanded use of abbreviated processes for appraising the rental value of all rights-of-way. The abbreviated processes, if adopted, will reduce the costs of making such appraisals.

A few comments complained that under the proposed rulemaking of October 19, 1983, the appeal of category determination can be realistically exercised only after the payment of the advance cost reimbursement fee because the Bureau of Land Management will not commence processing activity until the advance fee has been paid. The comment suggested that some alternate process for filing an appeal should be developed, one that will result in an expeditious decision on an appeal without the applicant having to pay the advance fee. The appeal question was carefully examined before the issuance of the proposed rulemaking of October 19, 1983. The process provided in the proposed rulemaking of October 19, 1983, which is continued in this proposed rulemaking, provides an equitable method for handling an appeal of the question of which category is applicable to an application. The process provided in both of the proposed rulemakings allows an applicant to pay the advance fee and file an appeal. The advance fee payment allows the Bureau to proceed with the work. Both of the proposed rulemakings provide for a refund of overpayments if the appeal results in a decision that the authorized officer's category determination was wrong. There is nothing to prevent an applicant who is dissatisfied with a category determination to appeal that decision before proceeding with action on the application.

A couple of comments complained that many of the comments that were submitted on the proposed rulemaking amending 43 CFR Part 2800, published in the **Federal Register** on January 17, 1983 (48 FR 2110), were not considered in the preparation of the October 19, 1983, proposed ruemaking. All of the comments and the action taken on them were discussed in the preamble to that proposed rulemaking. Those comments that either recommended the elimination of cost recovery or that the fees not be raised, both of which would be contrary to the statutory direction of the Mineral Leasing Act, were not adopted as part of these proposed rulemakings. The proposed rulemaking contains a number of changes that were a result of comments on the January 17, and October 19, 1983, proposed rulemaking.

A comment asked if cost recovery for supplementary temporary use permits or for grant amendments would be an additional separate category determination and charge. The issue will have to be resolved on a case-by-case basis. Significant factors that will have to be considered in making such a determination are the time when the application for the temporary use permit or grant amendment is filed and what additional processing/monitoring issues are raised by the applicant's proposed actions on Federal lands included in the temporary use permit application or grant amendment. If the temporary use permit is included in the right-of-way application or is filed at the same time the right-of-way application is filed, the determination of the category into which they fall will be made on the basis of the combined applications.

One comment requested that an audit system be established for all categories.The Bureau of Land Management presently has an audit system available under which an applicant/holder may audit actual expense records of any application where full costs are recovered, which is Category VI. Categories I through V are based on average workloads and costs. Some applications that fall under a given category will involve more work and expense than the average, while some will require less. If an audit system were provided for all of the categories, it would result in the establishment of a complete cost accounting system for each application. The cost of maintaining such a system would be so expensive that it would automatically require each application to fall under Category VI. This would defeat the purpose of establishing a category system, a system that passes part of the reduced costs of the United States for not having to maintain a complete cost accounting system for each application to the applicant. This proposed rulemaking does not provide for any change in the audit system.

A couple of comments suggested that the use of the category system provided in both of the proposed rulemakings would increase the cost of processing an application and delay the granting process. The use of the category system set forth in both of the proposed rulemakings will, at the beginning of its use, insignificantly increase the cost of processing an application and will delay slightly the granting of a right-of-way. However, as Bureau of Land Management personnel and applicants/holders become familiar with the category system, these slight increases will be eliminated.

The principal author of this proposed rulemaking is Sheldon Weil, Division of Rights-of-Way, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it 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.) .

The changes made by this proposed rulemaking will not, when the payments for all right-of-way and temporary use applications are considered, substantially increase the payments made by right-of-way applicants/holders for processing and monitoring. The changes made by this proposed rulemaking would make the reimbursement of costs procedures used by the Bureau of Land Management more equitable and will recover for the United States a greater portion of the costs incurred in the processing and monitoring of right-of-way grants and temporary use permits.

The change made by this proposed rulemaking will be equally applicable to all entities that make application to the Bureau of Land Management for use of the Federal lands for oil or gas right-of-way grants or temporary use permits.

There are no additional information collection requirements in this proposed rulemaking requiring approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 43 CFR Part 2880

Administrative practice and procedure, Common carriers, Oil and gas industry, Pipelines, Public lands—rights-of-way.

PART 2880—[AMENDED]

Under the authority of section 28 of the Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 et seq.), it is proposed to amend Part 2880, Group 2800, Subchapter B, Chapter II of Title 43 of the Code of Federal

Regulations as set forth below:

§ 2882.1 [Amended]

1. Section 2882.1(c) is amended by removing the citation "§ 2803.1–1" and replacing it with the citation "§ 2883.1–1".

2. Subpart 2883 is amended by revising § 2883.1–1 to read:

§ 2883.1–1 Cost reimbursement.

(a)(1) An applicant for a right-of-way grant or a temporary use permit shall reimburse the United States for administrative and other costs incurred by the United States in processing the application, including the preparation of reports and statements pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), prior to the United States having incurred such costs. All costs shall be paid before the right-of-way grant or temporary use permit shall be issued under the regulations of this title.

(2) The regulations contained in this subpart do not apply to State or local governments or agencies or instrumentalities thereof where the Federal lands are used for governmental purposes and such lands and resources continue to serve the general public, except as to right-of-way grants or temporary use permits issued to State or local governments or agencies or instrumentalities thereof or a municipal utility or cooperative whose principal source of revenue is derived from charges levied on customers for services rendered that are similar to services rendered by a profit making corporation or business enterprise.

(3) The applicant shall submit with each application a nonrefundable application processing fee in the amount required by a schedule of fees for this purpose contained in paragraph (c) of this section which shall be based on a review of the use of the Federal lands for which the application is made, the resources affected and the complexity and costs to the United States for processing required by an application for a right-of-way grant and shall be established according to the following general categories:

(i) *Category I.* An application for a right-of-way grant or temporary use permit to authorize a use of Federal lands for which the data necessary to comply with the National Environmental Policy Act are available in the office of the authorized officer; and field examination of the lands affected by the application is required;

(ii) *Category II.* An application for a right-of-way grant or temporary use permit to authorize a use of Federal lands for which the data necessary to comply with the National Environmental Policy Act are available in the office of the authorized officer; and one field examination of the lands affected by the application to verify the existing data is required;

(iii) *Category III.* An application for a right-of-way grant or temporary use permit to authorize a use of Federal lands for which the data necessary to comply with the National Environmental Policy Act are available in the office of the authorized officer; and two field examinations of the lands affected by the application to verify the data are required;

(iv) *Category IV.* An application for a right-of-way grant or temporary use permit to authorize a use of Federal lands for which some original data are required to be gathered to comply with the National Environmental Policy Act; and two or three field examinations of the lands affected by the application are required;

(v) *Category V.* An application for a right-of-way grant or temporary use permit to authorize a use of Federal lands for which original date are required to be gathered to comply with the National Environmental Policy Act and evaluation of these data require formation of an interdisciplinary team; and three or more field examinations of the lands affected by the application are required;

(vi) *Category VI.* An application for a right-of-way grant or temporary use permit to authorized a use of Federal lands for which processing activities will be in excess of those listed under paragraph (a)(3)(v) of this section.

(4)(i) The authorized officer shall determine the appropriate category and collect the required nonrefundable application processing fee prior to acceptance of an application. A record of the authorized officer's category determination shall be made and given to the applicant, and the decision is a final decision for purposes of appeal under § 2884.1 of this title. Notwithstanding the pendency of such appeal, an application shall not be accepted for processing without payment of the fee determined by the authorized officer, and where such payment is made, the application may be processed and, if proper, the grant or permit issued. The authorized officer shall make any refund directed by the appeal decision.

(ii) During the processing of an application, the authorized officer may change a category determination to place an application in Category VI at any time that it is determined that the application requires preparation of an environmental impact statement. A record of change in category determination under this paragraph shall be made, and the decision is appealable in the same manner as an original category determination made under paragraph (a)(4)(i) of this section.

(5)(i) An applicant whose application is determined to be in Category VI shall, in addition to the nonrefundable application processing fee, reimburse the United States for the full actual administrative and other costs of processing the application. The nonrefundable application processing fee required under the fee schedule shall be credited toward the total cost reimbursement obligation of such applicant. When such an application is filed, the authorized officer shall estimate the costs expected to be incurred in processing the application, inform the applicant of the estimated amount to be reimbursed and require the applicant to make periodic payments of such estimated reimbursable costs prior to such costs being incurred by the United States.

(ii) If the payments required by paragraph (a)(5)(i) of this section exceed the actual costs to the United States, the authorized officer may adjust the next billing to reflect the overpayment, or make a refund from applicable funds under the authority of 43 U.S.C. 1734. An applicant may not set off or otherwise deduct any debt due to it or any sum claimed to be owed it by the United States without the prior written approval of the authorized officer.

(iii) Prior to issuance of a right-of-way grant or temporary use permit, an applicant subject to paragraph (a)(5)(i) of this section shall pay such additional amounts as are necessary to reimburse the United States for any costs which exceed the payments required by paragraph (a)(5)(i) of this section.

(iv) An applicant subject to paragraph (a)(5)(i) of this section whose application is denied is responsible for costs incurred by the United States in processing the application, and such amounts as have not been paid in accordance with paragraph (a)(5)(i) of this section are due within 30 days of receipt of a bill from the authorized officer giving the amount due.

(v) An applicant subject to paragraph (a)(5)(i) of this section who withdraws an application before a decision is reached is responsible for costs incurred by the United States in processing the application up to the date the authorized officer receives written notice of the withdrawal, and for costs subsequently incurred in terminating the application review process. Such amounts as have not been paid in accordance with paragraph (a)(5)(i) of this section are due within 30 days of receipt of a bill

from the authorized officer giving the amount due.

(6) When 2 or more applications for right-of-way grants are filed which the authorized officer determines to be in competition with each other, each applicant shall reimburse the United States as required by paragraph (a)(3) of this section. If reimbursement of actual costs is required under paragraph (a)(5)(i) of this section, each applicant shall be responsible for the costs identifiable with his/her application. Costs that are not readily identifiable with one of the applications, such as costs for portions of an environmental impact statement that relate to all of the applications generally, shall be paid by each of the applicants in equal shares or such other proration as may be agreed to in writing by the applicants and authorized officer prior to the United States incurring such costs.

(7) When, through partnership joint venture or other business arrangement, more than one person partnership, corporation, association or other entity apply together for a righ-of-way grant or temporary use permit, each such applicant shall be jointly and severally liable for costs under this section.

(8) When 2 or more noncompeting applications for right-of-way grants are received for what, in the judgment of the authorized officer, is one right-of-way system, all of the applicants shall be jointly and severally liable for costs under this section for the entire system, subject, however, to the provisions of paragraph (a)(7) of this section.

(b)(1) After issuance of a right-of-way grant or temporary use permit for which a fee was assessed under paragraph (a) of this section, the holder thereof shall, prior to the United States having incurred such costs, reimburse the United States for costs incurred by the United States in monitoring the construction, operation, maintenance and termination of authorized facilities on the right-of-way or permit area, and for protection and rehabilitation of the lands involved.

(2) The holder shall submit a monitoring cost fee along with the written acceptance of the terms and conditions of the grant or permit pursuant to § 2882.3(1) of this title. The amount of the required fee shall be determined by the schedule of fees described in paragraph (c) of this section. Acceptance of the terms and conditions of the grant or permit shall not be effective unless the required fee is paid.

(3) A holder whose application was determined to be in Category VI for application processing purposes shall reimburse the United States for the actual administrative costs and other costs of monitoring the grant or permit. When such a grant or permit is issued, the authorized officer shall estimate the costs expected to be incurred in monitoring the grant or permit, inform the holder of the estimated amount to be reimbursed and require the holder to make periodic payment of such estimated reimburseable costs prior to such costs being incurred by the United States.

(4) If the payments required by paragraph (b)(3) of this section exceed the actual costs to the United States, the authorized officer may adjust the next billing to reflect the overpayment, or make a refund from applicable funds under the authority of 43 U.S.C. 1734. A holder may not set off or otherwise deduct any debt due to it or any sum claimed to be owed it by the United States without the prior written approval of the authorized officer.

(5) Following termination of a right-of-way grant or temporary use permit, any grantee or permittee that was determined to be in Category VI shall pay such additional amounts as are necessary to reimburse the United States for any costs which exceed the payments required by paragraph (b)(3) of this section.

(c) The schedules of nonfundable fees are as follows:

(1) For processing an application for a right-of-way and/or temporary use permit:

Category	Fee
I	$125
II	275
III	350
IV	600
V	1,000
VI	A minimum of 5,000

(2) For monitoring a right-of-way grant or temporary use permit:

Category	Fee
I	$25
II	50
III	75
IV	150
V	250
VI	As required

Dated: May 31, 1984.

Garrey E. Carruthers,

Secretary of the Interior.

[FR Doc. 84-16790 Filed 6-22-84; 8:45 am]

BILLING CODE 4310-84-M

federal register

Monday
June 25, 1984

Part IV

Environmental Protection Agency

40 CFR Parts 122, 124 and 125
National Pollutant Discharge Elimination System; Compliance Extensions for Innovative Technologies; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 124 and 125

[OW-FRL-2523-2]

National Pollutant Discharge Elimination System; Compliance Extensions for Innovative Technologies

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Agency is promulgating requirements for granting compliance extensions for the installation of innovative technologies under section 301(k) of the Clean Water Act of 1977 (CWA). Under this regulation an industrial discharger that is subject to the requirement of achieving limitations reflecting the Best Available Technology Economically Achievable (BAT) under section 301(b)(2) of the CWA may request a compliance extension to no later than July 1, 1987, for the installation of an innovative technology. To qualify for an extension, the innovative technology must either produce a significantly greater effluent reduction than BAT or achieve the same level of effluent reduction as BAT at a significantly lower cost. The principal issues associated with this proposed regulation are discussed below.

DATES: In accordance with 40 CFR 100.01 (45 FR 26048) the regulations developed in this rulemaking shall be considered issued for purposes of judicial review at 1:00 p.m. Eastern Time on July 9, 1984. These regulations shall become effective on August 8, 1984.

FOR FURTHER INFORMATION CONTACT: Marilyn Goode, Permits Division (EN-336), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202) 426-7010.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Water Act outlines a two-step process by which industrial dischargers are to achieve the national goal of eliminating the discharge of pollutants into the nation's navigable waters. The first step was meeting effluent limitations attainable by the application of Best Practicable Control Technology Currently Available (BPT) by July 1, 1977 (section 301(b)(1)(A) of the CWA). The second step involves meeting effluent limitations reflecting BAT by July 1, 1984 (section 301(b)(2) of the CWA).

The permits issued to industrial dischargers under the National Pollutant Discharge Elimination System (NPDES) incorporate the appropriate technology-based limitations and contain compliance schedules for achieving those limitations. Section 301(k) provides an industrial discharger subject to an NPDES permit with two options for qualifying for a compliance extension from the BAT deadline of July 1, 1984 to no later than July 1, 1987. (The extension need not necessarily be granted for the full 3-year period.) The first option is the installation of an innovative technology which produces an effluent reduction which is significantly greater than that required by BAT. The second option is the installation of an innovative technology which achieves the same level of effluent reduction as required by BAT with the potential for achieving that reduction at a significantly lower cost than estimated for BAT. In either case, the discharger must demonstrate that the proposed innovative technology has the potential for industry-wide application. The decision to grant a compliance extension will be made by EPA or by a State with an approved NPDES program in consultation with EPA.

The Agency published an Advanced Notice of Proposed Rulemaking (ANPR) on September 19, 1980 (45 FR 62509) which outlined the initial agency position on the implementation of section 301(k). The Agency then published a Notice of Proposed Rulemaking (NPR) on September 21, 1981 (46 FR 46597). The NPR solicited comment on a wide range of issues. The issues, the comments received, and the Agency response to those comments are described below.

II. Issues

A. Industry-Wide Applicability

The innovative technology must have the potential for "industry-wide application" before a compliance extension can be granted. The Agency suggested that this potential is demonstrated when an innovative technology can be applied in at least two facilities in an industrial category, or in one or more facilities in at least two industrial categories.

Many commenters supported our proposed policy. One commenter raised the possibility of a single facility which makes products in two industrial categories, with an innovative technology developed for the combined wastewater. In that situation only one facility would be involved, but the potential for industry-wide application would be satisfied if the technology were capable of application at another facility in either of the two categories. To clarify the requirement, EPA is now stating only that the innovative technology must be capable of application in at least two facilities which are in one or more industrial categories.

The same commenter suggested that the requirement should be fulfilled when the technology in question satisfied the 301(k) criteria in one category but had not been considered innovative by EPA when developing BAT guidelines in another industrial category. EPA cannot fully accept this suggestion. Although similar factors may be taken into account in many cases, the criteria used in developing BAT guidelines are not the same as those for determining whether a particular technology is innovative under section 301(k). The decision that a given system represents BAT for an industry therefore does not necessarily imply a judgment as to its innovative quality for another industry, or a judgment as to the innovative quality of alternative technologies. However, EPA will consider the use of the proposed innovative technology in other industrial categories in order to ascertain whether its application in the applicant's category represents a true innovation. If a demonstrated technology can be applied in another category with only minor adjustments, the new use would not ordinarily be considered innovative.

Another commenter requested that we specify that the requirement is satisfied if the two facilities in a given industrial category are owned by the same company. The legislative history of the Clean Water Act lends support to this position and the Agency agrees that the use of innovative technology in two or more plants of the same corporation is consistent with the definition of "industry-wide application".

B. Conventional Pollutants

Some dischargers have conventional, toxic and nonconventional pollutants present in the same waste stream and are subject to BCT and BAT limitations based on the same model treatment system. For these dischargers, Section 301(k) extensions are of limited utility if technology must be installed in any event to meet the 1984 BCT deadline.

Several commenters suggested that compliance extensions under Section 301(k) should be available for the conventional pollutants. After review of the statutory language and the legislative history, the Agency has concluded that Congress did not make 301(k) extensions directly applicable to BCT limitations. In our proposal, EPA suggested the use of Enforcement

Compliance Schedule Letters (ECSL's) on a case-by-case basis when the Agency decides that enforcement of the BCT deadline would be inappropriate. Those letters would have stated that EPA would, subject to certain conditions, refrain from instituting civil actions to enforce compliance with BCT requirements.

The Agency has subsequently reevaluated the use of ECSL's. As a result, we have concluded that the Agency may issue administrative orders under section 309(a)(5)(A) to facilities who qualify for 301(k) extensions whose technology for control of toxic pollutants is also the technology of choice for the control of conventional pollutants and who thus need relief from the 1984 BCT deadline. The orders would be issued where (1) the BAT pollutants constitute the major portion of the facility's discharge and (2) it is unreasonable to treat the BCT pollutants separately. The orders would set forth reasonable compliance schedules for compliance with BCT, which in no event would be later than July 1, 1987. The purpose of the order would be to allow permittees to install innovative technology which would achieve both BCT and BAT limitations for a single waste stream. The orders would be subject to public notice and comment at the same time as the draft permit. Such orders, unlike ECSL's, are explicitly authorized by the Clean Water Act. The practical effect of such an order, however, would be the same as that of an ECSL; the Agency would initiate an enforcement action only if the compliance schedule were violated. Administrative orders do not provide immunity from citizen suits if the BCT statutory deadline is not met; however, they may aid a court in determining the proper response to such a failure.

C. Non-Compliance Enforcement

Many commenters expressed concern about the risk of penalties if the innovative technology failed to meet BAT requirements by 1987. EPA considers the deadlines in section 301(k) permits to be fixed legal requirements, and will initiate enforcement actions if these deadlines are violated. However, the Agency wishes to encourage the use of 301(k) extensions by industrial dischargers. If the discharger made all good faith efforts to meet the deadline and failed because of substantial, unanticipated problems, EPA can elect not to seek penalties for the violation and may require only an expeditious compliance schedule. EPA intends to exercise enforcement discretion in a manner that recognizes and promotes good faith compliance.

D. Certification by a Professional Engineer

Many commenters stated that the requirement for certification of cost estimates by a professional engineer was unduly burdensome for small or newly established firms. EPA agrees, and the final regulation (40 CFR 125.25(c)) provides the Regional Administrator discretion to waive the certification requirement for these firms when the cost of certification is unreasonably high in relation to the amount generated in annual sales.

Other commenters objected that the certification of cost estimates of BAT and the innovative technology demanded an unreasonable degree of certainty about the accuracy of the estimates. The Agency agrees and will now require the professional engineer to certify that the estimates were made in accordance with good engineering practice and represent, in his judgment, the best information available.

E. Time Limits for Application

Several commenters stated that the requirement for application before the close of the public comment period for the NPDES permit was unrealistic, as opportunities for development of an innovative technology might be discovered later. The final regulation (40 CFR 125.27(a)) gives the Regional Administrator discretion to accept applications at a later time if the applicant can show that information necessary to the development of the innovation was not available at the time his BAT permit was written and that the innovative technology can be installed and operated in time to comply with the July 1, 1987 deadline. Later acceptance, however, would normally mean modifying the existing permit and subjecting the proposed extension to public notice and comment.

F. Review Procedures

Some commenters suggested that our use of a Headquarters technical review panel was unnecessary and that all reviews should be done by the State Director or the Regional Administrator. It should be noted that under 40 CFR 124.62(a) the Director or the Regional Administrator makes the final decision on 301(k) requests; however, EPA plans to retain the technical review panel. The Agency has provided in the final rule that all applications approved by the State Director or Regional Administrator shall be submitted to the panel for technical evaluation. The panel members (to be appointed by the Director of the Office of Water Enforcement and Permits) will consist of Headquarters, Regional, and State personnel familiar with the industrial category in question. They will review all applications which the State Director or Regional Administrator believe are worthy of consideration.

The panel serves the purpose of obtaining the valuable technical expertise of personnel from various EPA offices (Office of Research and Development, Effluent Guidelines Division, etc.) who will assist in making uniform determinations on whether a given technology is innovative, whether the projected performance improvement is significant and whether it has the potential for industry-wide application. Since these judgments must be made on an industry-wide basis, uniformity of determinations is important. In addition, such review will help to ensure that the technologies in question are viable, which should reduce the risk of failure to achieve the planned permit limitations by the required statutory deadlines. The review should thus ultimately benefit permit applicants. The panel's review will be carried out as expeditiously as possible after the Director determines that the 301(k) application is complete and worthy of review by the panel. More time may be needed when complicated judgments are involved.

G. Technical Appendix

Most commenters supported our proposal not to publish a technical appendix of technologies with potential for 301(k) application, although a few showed interest in such a list. The Agency has concluded that the list would be too costly and difficult to maintain, and might even serve to stifle incentive to pursue other options not yet "approved" by EPA.

H. Proprietary Information

Some commenters felt that certain innovative technology information should be treated confidentially. The provisions of 40 CFR 122.7 (which incorporate by reference 40 CFR Part 2) are available to all 301(k) applicants. These provisions contain procedures for deciding claims on the confidentiality of business information. If the applicant can substantiate his claim of confidentiality, the information will not be made available to the public.

I. New Source and Indirect Dischargers

Some commenters argued that the Clean Water Act should be interpreted to allow 301(k) compliance extensions to new sources and indirect dischargers (dischargers into publicly owned treatment works). Section 301(k) refers

to facilities subject to a permit under section 402. Indirect dischargers do not hold individual section 402 permits. Therefore we do not believe Congress intended 301(k) extensions to be available to indirect dischargers. Moreover, it would be difficult to enforce the provisions of a 301(k) extension against a facility which did not have a permit.

Section 301(k) also refers to facilities subject to the requirements of section 301(b)(2)(A). However, new sources are subject to section 306, rather than to the BAT requirements of section 301. Our analysis of the Act and its legislative history has led us to conclude that the Agency does not have the statutory authority to extend the coverage of section 301(k) beyond BAT limitations for direct dischargers.

J. "Significantly Greater" Effluent Reduction than BAT

Some commenters suggested that we issue more concrete guidelines to determine how much reduction is "significant". The proposed regulation involved comparing two increments: (1) The effluent reduction improvement over BPT produced by BAT and (2) the effluent reduction improvement over BAT produced by the innovative technology. The second increment must be significant when compared to the first. EPA has determined that the proposed regulation was sufficiently concrete, and that a more specific one (i.e., the use of a percentage improvement) would be arbitrary and might tend to discourage dischargers from using innovative technologies. One commenter raised the possibility of a situation where BAT was equivalent to BPT for a particular industry, and suggested a case-by-case approach to determining the significance of effluent reduction in such situations. The Agency agrees with this suggestion.

K. Signatory and Certification Requirements

Some commenters pointed out that the signatory requirements for 301(k) requests and the certification the signer must make (§ 125.25 (a) and (b)) are the same as those specified in 40 CFR 122.22 for signers of NPDES permit applications. The latter requirements are among the provisions which have been changed in a separate rulemaking. (See 48 *FR* 39619.) For consistency, the Agency will require that the relevant provisions of 40 CFR 122.22 be followed.

L. Whether Technology is Considered "Innovative"

Some commenters expressed concern that the length of time during which a technology might be considered sufficiently innovative to qualify for an extension would be unreasonably short. One commenter even suggested that a technology could still be considered innovative even though it had been commercially demonstrated in the applicant's industrial category for as long as three years.

EPA cannot accept the extreme argument that a commercially demonstrated technology could still be "innovative". However, it is true that a paper application or mere physical existence of the technology would not necessarily constitute a commercial demonstration. Therefore, recognition for one applicant does not immediately preclude recognition for others in the same category. The Agency also believes that a definite cut-off date for the length of time a technology might be considered innovative would be arbitrary. The test should be whether the technology had been successfully operated at full scale in a commercial plant for a full cycle of the plant's operations. In using the term "commercial demonstration", the Agency is distinguishing pilot plant or benchscale operations of the technology from reliance upon the technology in a commercial plant.

Another commenter suggested that commercial demonstration in one industrial category should not automatically preclude a technology's being considered innovative in another. The Agency agrees with this position.

M. Other Issues

Section 301(k) refers to compliance extensions for three kinds of technologies: (1) Innovative systems, (2) production process changes, and (3) control techniques. One commenter stated that a literal reading of the Clean Water Act would allow 301(k) extensions for cost savings only when innovative systems are used; compliance extensions for production process changes and new control techniques should be granted only for effluent reductions greater than BAT. EPA does not believe such a reading is contemplated by the Act. The Agency notes that the phrase "innovative systems" can be read to include both process changes and control techniques. The legislative history of the Act reveals the interchangeable use of all three terms when referring to 301(k) extensions. Furthermore, distinguishing between the different kinds of innovations could be administratively difficult and could lead to unavoidably arbitrary decisions about the proper category to which an innovation belonged. The Agency has concluded that the goal of furthering the development of innovative technology is best served by granting extensions for cost savings to all kinds of innovations.

One commenter suggested that the effectiveness of the innovative technology should be determined on the basis of concentration as well as mass loading. EPA agrees that this method of measurement may be used whenever the relevant effluent guideline limitation is expressed in terms of concentration.

Another commenter expressed concern about permit limitations more stringent than those required by BAT being imposed for all 301(k) extensions. We reiterate that such limitations would be imposed only when the innovative technology is expected to achieve a level of effluent reduction greater than BAT, not when the extension was granted on the basis of cost savings. The Director is authorized (40 CFR 125.24(b)) to include alternative BAT permit conditions which will come into play when the more stringent limitations are not attained. Enforcement actions for violations of BAT will generally result where the BAT limits are not attained, or where the permittee has not made a good-faith effort to comply with more stringent limits.

One commenter felt that the provision allowing the Director open-ended discretion to require reporting costs of installation, operation, and maintenance of the innovative technology might prove unduly burdensome. Most of the cost information will be submitted with the applicant's initial request, but the final regulation (40 CFR 125.24(a)) has been modified to allow the Director to require such reporting no more frequently than once a year.

III. Regulatory Analysis

Executive Order 12291 requires that a regulatory impact analysis be conducted if certain criteria are met, such as an annual economic impact of a regulation totaling $100 million. The section 301(k) program is a voluntary one and it is unlikely that a facility will request a compliance extension unless it is in its economic interest to do so. Facilities will balance the extra cost of demonstrating, installing and operating an innovative technology and the risk of failure of that technology against the financial value of the extension and the potential for savings from the innovative technology.

The section 301(k) program should result in net benefits for facilities, except in those few instances in which the innovative technology fails. EPA has already received applications for 301(k) extensions which contend that savings

of over eight million dollars will result, and that improved effluent treatment will occur. To the extent that the innovative technologies receive widespread application, the benefits of lower cost and more effective treatment will be spread to other segments of industry and society as a whole.

Because of the voluntary nature of the program and because of its expected positive economic benefits, the Agency has concluded that a regulatory impact analysis is not required for the section 301(k) program.

IV. Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (RFA) requires an analysis of any significant economic impact of proposed and final regulations on small entities. Because the section 301(k) program is limited to industrial direct dischargers, it will not affect those small governmental jurisdictions or small businesses which are indirect dischargers. Because it is a voluntary program, only those small businesses for which there is a perceived economic benefit will participate in the program. In addition, the response to the proposal suggests that small business participation in the section 301(k) program will be moderate. For these reasons, the Agency has concluded that the section 301(k) program will not have a significant impact on a substantial number of small entities and that a regulatory flexibility analysis is not required, pursuant to section 605(b) of the RFA.

The Agency has reevaluated the impact of the program on small entities, with respect to the certification requirements, on the basis of the comments on the proposal. The provision now allows a waiver of that requirement under certain circumstances. The waiver should alleviate any impacts on small businesses.

V. Reports Impact Analysis

As was noted above, the section 301(k) program is a voluntary program. Because of its voluntary nature and judging by the response to the proposed rule, the reporting and record-keeping requirements of the program are likely to affect a small number of industrial direct dischargers. A firm participating in the program ordinarily will already have developed information on the performance of its innovative technology or will obtain the information from an equipment vendor selling the innovative technology. The only record-keeping requirement is that the firm retain the information on which its section 301(k) request is based for the life of the permit containing the compliance extension. The retention of this information will aid EPA in its evaluation of the performance of the program.

The information collection requirements in this final rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S. 3501 *et. seq.* and have been assigned OMB control number 2040–0066.

List of Subjects

40 CFR Part 125

Water pollution control, Waste treatment and disposal.

40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Indian lands.

40 CFR Part 122

Administrative practice and procedure, Air pollution control, Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Waste pollution control, Water supply, Confidential business information.

Authority: These regulations are issued under authority of the Clean Water Act, 33 U.S.C. 1251 et seq.

Dated: June 15, 1984.

William D. Ruckelshaus,

Administrator.

PART 122—[AMENDED]

1. In Section 122.62 paragraph (a)(5) is revised to read as follows:

§ 122.62 Modification or revocation and reissuance of permits (applicable to State programs See § 123.25).

* * * * *

(a) * * *

(5) When the permittee has filed a request for a variance under CWA section 301(c), 301(g), 301(h), 301(i), 301(k), or 316(a) or for "fundamentally different factors" within the time specified in §§ 122.21 or 125.27(a).]

* * * * *

PART 124—[AMENDED

2. Section 124.2 is revised to read as follows:

§124.2 Definitions.

Consultation with the Regional Administrator (§124.62(a)(2)) means review by the Regional Administrator following evaluation by a panel of the technical merits of all 301(k) applications approved by the Director. The panel (to be appointed by the Director of the Office of Water Enforcement and Permits) will consist of Headquarters, Regional, and State personnel familiar with the industrial category in question.

PART 125—[AMENDED]

3. Subpart C is added to 40 CFR Part 125 to read as follows:

Subpart C—Criteria for Extending Compliance Dates for Facilities Installing Innovative Technology Under Section 301(k) of the Act

Sec.

125.20 Purpose and scope.
125.21 Statutory authority.
125.22 Definitions.
125.23 Request for compliance extension.
125.24 Permit conditions.
125.25 Signatories to request for compliance extension.
125.26 Supplementary information and recordkeeping.
125.27 Procedures.

Subpart C—Criteria for Extending Compliance Dates for Facilities Installing Innovative Technology Under Section 301(k) of the Act

§ 125.20 Purpose and scope.

This subpart establishes the criteria and procedures to be used in determining whether an industrial discharger will be granted a compliance extension for the installation of an innovative technology.

§ 125.21 Statutory authority.

Section 301(k) provides that the Administrator (or a State with an approved NPDES program, in consultation with the Administrator) may grant a compliance extension for BAT limitations to a discharger which installs an innovative technology. The innovative technology must produce either a significantly greater effluent reduction than that achieved by the best available technology economically achievable (BAT) or the same level of treatment as BAT at a significantly lower cost. The Administrator is authorized to grant compliance extensions to no later than July 1, 1987.

§ 125.22 Definitions.

(a) The term "innovative technology" means a production process, a pollution control technique, or a combination of the two which satisfies one of the criteria in § 125.23 and which has not been commercially demonstrated in the industry of which the requesting discharger is a part.

(b) The term "potential for industry-wide application" means that an innovative technology can be applied in

two or more facilities which are in one or more industrial categories.

(c) The term "Significantly greater effluent reduction than BAT" means that the effluent reduction over BAT produced by an innovative technology is significant when compared to the effluent reduction over best practicable control technology currently available (BPT) produced by BAT.

(d) The term "significantly lower cost" means that an innovative technology must produce a significant cost advantage when compared to the technology used to achieve BAT limitations in terms of annual capital costs and annual operation and maintenance expenses over the useful life of the technology.

§ 125.23 Request for compliance extension.

The Director shall grant a compliance extension to no later than July 1, 1987 to a discharger that demonstrates:

(a) That the installation and operation of its proposed innovative technology at its facility will result in a significantly greater effluent reduction than BAT and has the potential for industry-wide application; or

(b) That the installation and operation of its proposed innovative technology at its facility will result in the same effluent reduction as BAT at a significantly lower cost and has the potential for industry-wide application.

§ 125.24 Permit conditions.

The Director may include any of the following conditions in the permit of a discharger to which a compliance extension beyond July 1, 1987 is granted:

(a) A requirement that the discharger report annually on the installation, operation, and maintenance costs of the innovative technology;

(b) Alternative BAT limitations that the discharger must meet as soon as possible and no later than July 1, 1987 if the innovative technology limitations that are more stringent than BAT are not achievable.

§ 125.25 Signatories to request for compliance extension.

(a) All section 301(k) requests must be signed in accordance with the provisions of 40 CFR 122.22.

(b) Any person signing a request under paragraph (a) of this section shall make the following certification:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(c) A professional engineer shall certify that the estimates by the applicant of the costs for the BAT control equipment and for the innovative technology are made in accordance with good engineering practice and represent, in his judgment, the best information available. The Director may waive the requirements for certification under this subsection if, in his opinion, the cost of such certification is unreasonable when compared to the annual sales of the applicant.

§ 125.26 Supplementary information and recordkeeping.

(a) In addition to the information submitted in support of the request, the applicant shall provide the Director, at his or her request, such other information as the Director may reasonably require to assess the performance of cost of the innovative technology.

(b) Applicants shall keep records of all data used to complete the request for a compliance extension for the life of the permit containing the compliance extension.

§ 125.27 Procedures.

(a) The procedure for requesting a section 301(k) compliance extension is contained in §§ 124.62 and 124.63. In addition, notwithstanding § 122.21(1)(4), the Director may accept applications for such extensions after the close of the public comment period on the permit if the applicant can show that information necessary to the development of the innovation was not available at the time the permit was written and that the innovative technology can be installed and operated in time to comply with the July 1, 1987 deadline.

(b) The procedure for appealing a decision on a request for a compliance extension is contained in §§ 124.60 and 124.64.

(Approved by the Office of Management and Budget under the control number 2040-0066.)

[FR Doc. 84-16820 Filed 6-22-84; 8:45]

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Federal Register

Monday
June 25, 1984

Part V

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 320

Recruitment and Information; Final Regulations

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 320

Recruitment and Information

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary publishes regulations under Section 633 of Part D of the Education of the Handicapped Act, as amended. These regulations implement a program to provide support to public or nonprofit private organizations and institutions for (a) a national clearinghouse on the education of the handicapped; (b) a national clearinghouse on postsecondary education for handicapped individuals; (c) the recruitment of individuals to the field of special education; and (d) support projects for information and recruitment activities. Contracts may also be made with profit-making organizations only when necessary for materials or media access.

These regulations, among other things, clarify application requirements and procedures, identify the types of activities which are considered for support, specify the selection criteria, and identify possible priorities for funding.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Helene Corradino, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW., (Switzer Building, Room 4605), Washington, D.C. 20202. Telephone: (202) 732-1167.

SUPPLEMENTARY INFORMATION: The Recruitment and Information program was established under Public Law 91-230 on April 13, 1970 and is currently authorized by Section 633 of Part D of the Education of the Handicapped Act (20 U.S.C. 1433).

A notice of proposed rulemaking was published in the **Federal Register** on April 20, 1984 (49 FR 16970). The comments received in response to that notice and the Secretary's responses are summarized below:

Comment. One commenter recommended that the title of the program be changed to be more descriptive of the full range of activities supported under the program.

Response. No change has been made. The change in title was intended to provide a concise description of the major program activities. The statement of purpose (§ 320.1) in the regulations is intended as a description of the activities authorized under this program.

Comment. One commenter recommended that the purpose of the program as set forth in § 320.1 be revised to more appropriately reflect the language in 20 U.S.C. 1433(a)(2).

Response. A change has been made. Section 320.1(a)(2) has been changed to read, "encourages individuals to pursue careers and employment in the various fields relating to the education of handicapped children and youth."

Comment. One commenter suggested that § 320.1(a)(3) be modified to give priority to projects which would set guidelines for assessing not only the quality of postsecondary programs being offered but also for assessing the readiness of developmentally disabled youth for traditional post-secondary programs.

Response. No change has been made. This section of the regulations sets forth the general responsibilities of the national clearinghouse on the education of the handicapped. More specific information is provided under § 320.10(a). The qualifications of the applicant and the quality of the applications are addressed in the selection criteria under § 320.30. The requirement for a grantee to assess the readiness of handicapped youth for postsecondary programs is not within the provisions of the statute.

Comment. One commenter suggested that § 320.1(c) be revised to make it consistent with § 320.10(c) by indicating that these projects are to operate in conjunction with the clearinghouses.

Response. A change has been made. Section 320.1(c) has been changed to read, "Projects to carry out, in conjunction with any clearinghouse established under this part, specific recruitment and information activities."

Comment. One commenter recommended that § 320.2 be revised to reflect the statutory language regarding eligible applicants.

Response. A change has been made. Section 320.2 has been changed to specify that public agencies are eligible applicants under this program.

Comment. One commenter recommended that § 320.10(a)(1)(i) include clarification regarding the extent of federal laws to be included under the dissemination and technical assistance activities of the national clearinghouse.

Response. No change has been made. One of the functions of the clearinghouse will be to identify federal laws relevant to the education of the handicapped in order to make available appropriate information and technical assistance to beneficiaries of the program.

Comment. Two commenters expressed concern that the dissemination activities in § 320.10(a)(1) give implied priority to the activities listed. The commenters also suggested that some of the activities would be appropriately addressed by a postsecondary clearinghouse.

Response. A change has been made. Section 320.10(a)(1) has been revised to make it clear that the list of dissemination activities given is not exclusive. Since there is no restriction on the dissemination activities of the postsecondary education clearinghouse under paragraph (b), no change is necessary.

Comment. One commenter suggested that § 320.10(a)(1)(D) and § 320.10(a)(3) be modified to give high priority to projects which disseminate information about the more subtle manifestations of learning disabilities which affect successful postsecondary and employment performance.

Response. No change has been made. The regulations give general guidelines for the dissemination of information on the nature of various handicapping conditions and their educational and employment implications. They do not preclude the dissemination of information on any specific handicapping condition in response to requests for such information.

Comment. One commenter felt that § 320.10(a)(3) was unclear in its requirements. The commenter also recommended including professionals among the groups to be involved in the dissemination of information.

Response. A change has been made. The term "professionals" has been included. The Secretary believes, however, that the intent of consumer involvement in the development and provision of information dissemination and technical assistance activities can best be achieved by providing flexibility for grantees to determine the most appropriate ways of including those individuals.

Comment. Two commenters questioned the provisions for involvement of handicapped individuals, parents, and others under §§ 320.10(a)(3) and 320.40.

Response. No change has been made. Section 633(a)(1) of the Act provides for the dissemination of information and

provision of technical assistance on a national basis to parents, professionals and others. The Secretary believes that these regulations will ensure that the information and technical assistance provided to those parties will be of maximum utility if they are involved in the project activities

Comment. One commenter suggested that the Secretary should be given the right to veto a proposed project which meets all the other criteria under § 320.30 but yet is not cost effective.

Response. No change has been made. The Secretary feels that the selection criteria provided in the regulations allow for the comprehensive evaluation of applications, including the cost of proposed projects.

Comment. Two commenters asked that more weight be given in the selection criteria to experience and ability. In addition, the commenters objected to the use of annual priorities in this program on the ground that a clearinghouse should be national and comprehensive in scope.

Response. No change has been made. The weights provided are adequate for the selection of the most meritorious applications. Section 320.10 requires that the clearinghouses carry out all of the activities listed under 320.10(a). Priorities will be used primarily for the support of projects with respect to particular activities carried out by the clearinghouse.

Comment. One commenter questioned the necessity for § 320.31 which describes how priorities are selected for funding under this program.

Response. No change has been made. The Secretary anticipates that each of the activities listed in § 320.10 will be conducted by or in conjunction with the national clearinghouses. Section 320.31 allows the Secretary to target areas for special emphasis in order to respond to unmet needs for information and technical assistance.

Comment. One commenter suggested giving priority to projects which develop pre-vocational and self-advocacy skills in learning disabled individuals.

Response. No change has been made. The legislation does not provide for the funding of these types of projects.

These regulations implement Section 633 of the Act as recently amended by Pub. L. 98-199, the Education of the Handicapped Act Amendments of 1983, and incorporate the Education Department General Administrative Regulations (EDGAR) (34 CFR Part 74, 75, 77, 78, and 79). A summary of the regulations follows.

(a) Subpart A—General

Section 320.1 describes the program.

Section 320.2 identifies those parties eligible to apply for assistance under this program. It amends current regulations, in accordance with the revised statute, to limit eligibility to public agencies and nonprofit private organizations and institutions, except that contracts may be made with profit-making organizations only when necessary for materials or media access.

Section 320.3 lists the regulations that apply to this program including Parts 74, 75, 77, 78, and 79 of EDGAR.

Section 320.4 provides definitions that apply to the program. It incorporates EDGAR definitions as well as the definition of "parent" as used in the Assistance to States for Education of Handicapped Children program (34 CFR Part 300).

(b) *Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?*

Section 320.10 describes the activities supported under this program. This section delineates the types of activities authorized under the statute to assure greater depth and quality in the services provided.

Section 320.10(a)(1) provides greater direction to grantees with respect to the types of information and technical assistance to be provided concerning programs under the Education of the Handicapped Act and other Federal laws, including information and technical assistance concerning special educational programs, related services, and legal issues affecting the handicapped.

Section 320.10(a)(2) describes the recruitment responsibilities of a grantee, clarifying these responsibilities by providing an example of the development of material appropriate for recruitment purposes.

Section 320.10(a)(3) indicates that the involvement by parents, volunteers, and interested organizations is important in the provision of information concerning the handicapped.

Section 320.10(b) clarifies the role of a national clearinghouse on postsecondary education for handicapped individuals, indicating the varied information to be made available.

Section 320.10(c) provides for the awarding of support projects to assist a clearinghouse in completion of activities under § 320.10(a). This allows for the issuance of awards specifically focused on an information or dissemination function which, in the determination of the Secretary, warrants effort beyond that which is expected to be expended by a clearinghouse.

(c) Subpart C—[Reserved]

(d) Subpart D—How Does the Secretary Make a Grant?

Section 320.30 establishes weighted selection criteria to be used to evaluate applications. Specific, weighted criteria have been provided to ensure that more appropriate consideration is given in the application review process to the various component considered to be of greatest relevance. This will assist the government in assuring that the most promising projects are approved for funding.

Section 320.31 describes the possible annual priorities. The authority to use priorities is needed to ensure that the Secretary can address program needs as they change from year to year.

(e) Subpart E—What Conditions Must Be Met by a Grantee?

Section 320.40 requires grantees to ensure that materials they distribute have been evaluated by handicapped individuals, parents of handicapped children and youth, and by appropriate professionals. Evaluation of materials by parents and appropriate professionals will give assurance that any printed materials the grantee produces or disseminates are of high quality, are relevant to current needs in the field, and are appropriate for dissemination. This section also describes the coordination that must occur between grantees in the dissemination of materials and information activities supported under this part.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document provides early notification of the Department's specific plans and actions for this program.

Paperwork Reduction Act of 1980

The information collection requirement in these regulations are approved under OMB Control No. 1820-0028 under the Paperwork Reduction Act of 1980.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations clarify existing regulations and implement recent statutory amendments. Specific changes to the regulations are described in this preamble under supplementary information. These changes will not have a significant economic impact on small entites participating in the program.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the absence of comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 320

Education, Education of handicapped, Education—research, Grants program—education, Teachers.

Citation of Legal Authority

A citation of statutory authority or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Number 84.030; Recruitment and Information)

Dated: June 20, 1984.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 320 of Title 34 of the Code of Federal Regulations to read as follows:

PART 320—RECRUITMENT AND INFORMATION

Subpart A—General

Sec.

320.1 What is the Recruitment and Information program?
320.2 Who is eligible to apply for assistance under this program?
320.3 What regulations apply to this program?
320.4 What definitions apply to this program?
320.5–320.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

320.10 What kinds of activities may be supported under this part?
320.11–320.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

320.30 What are the selection criteria used to award a grant?
320.31 What are the priorities for funding under this program?
320.32–320.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

320.40 What evaluation and coordination requirements must be met by a grantee?
320.41–320.49 [Reserved]

Authority: Sec. 633 of the Education of the Handicapped Act (20 U.S.C. 1433), unless otherwise noted.

Subpart A—General

§ 320.1 What is the Recruitment and Information program?

The Recruitment and Information program provides financial assistance for—

(a) A national clearinghouse on the education of the handicapped that—

(1) Disseminates information and provides technical assistance to parents, professional, and other interested parties;

(2) Encourages individuals to pursue careers and employment in the various fields relating to the education of handicapped children and youth; and

(3) Provides information on available services and programs in postsecondary education for the handicapped;

(b) A national clearinghouse on postsecondary education for handicapped individuals; and

(c) Projects to carry out, in conjunction with any clearinghouse established under this part, specific recruitment and information activities.

(20 U.S.C. 1433)

§ 320.2 Who is eligible to apply for assistance under this program?

Parties eligible to apply for assistance under this part are public agencies or nonprofit private organizations or institutions. In addition, contracts may be made with profit-making organizations under this section only when necessary for materials or media access.

(20 U.S.C. 1433)

§ 320.3 What regulations apply to this program?

The following regulations apply to grants awarded under this program:

(a) The regulations in this Part 320.

(b) The Education Department General Administrative Regulations (EDGAR) in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions);

(4) Part 78 (Education Appeal Board); and

(5) Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(20 U.S.C. 1433; 20 U.S.C. 3474(a))

§ 320.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77.1:

Contract
EDGAR
Grant
Nonprofit
Private
Project
Public
Secretary
State

(20 U.S.C. 3474(a))

(b) *Definitions in 34 CFR Part 300.* The term "parent" as used in this part is defined in 34 CFR 300.10.

(20 U.S.C. 1433)

§§ 320.5–320.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 320.10 What kinds of activities may be supported under this part?

The Secretary may provide funds under this part to—

(a) Establish and operate a national clearinghouse on the education of the handicapped that will—

(1) Disseminate information and provide technical assistance on a national basis to parents, professionals, and other interested parties concerning, at least—

(i) Programs relating to the education of the handicapped under the Education of the Handicapped Act and under other Federal laws;

(ii)(A) Special educational programs, services, and resources;

(B) Related medical, health, social, and recreational services;

(C) Options for training and experience in daily living skills programs;

(D) The nature of various handicapping conditions and their educational and employment implications;

(E) Legal issues affecting the handicapped; and

(F) Information on available services and programs in postsecondary education for the handicapped; and

(iii) Participation in programs described in paragraphs (a)(1) (i) and (ii) of this section, including referral of individuals to appropriate national, State, and local agencies and organizations for further assistance;

(2) Encourage students and professional personnel to seek and obtain careers and employment in the various fields relating to the education of the handicapped. An applicant could propose, for example, to develop and distribute innovative materials to assist in recruiting personnel for such careers, or publicize existing quality programs in personnel preparation and forms of financial aid which might enable students to pursue such careers, including careers in rural, isolated, or culturally diverse areas; and

(3) Promote the involvement of handicapped individuals, parents, volunteers, professionals, and interested organizations in the provision of information to the general public concerning the handicapped;

(b) Establish and operate a national clearinghouse on postsecondary education for handicapped individuals that will collect and disseminate information on a national basis to handicapped individuals, professionals, and other interested individuals, concerning postsecondary services and programs for the handicapped, including specially designed programs of postsecondary, vocational, technical, and adult education for handicapped individuals; and

(c) Support projects to carry out, in conjunction with any clearinghouse established under this section, any of the activities described in paragraph (a).

(20 U.S.C. 1433)

§§ 320.11-320.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 320.30 What are the selection criteria used to award a grant?

The Secretary uses the criteria in this section to evaluate applications for new grants. The maximum score for all the criteria is 100 points. The maximum score for each complete criterion is indicated in parentheses.

(a) *Plan of operation.* [40 points]

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(20)(i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See 34 CFR 75.590, *Evaluation by the grantee.*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project, and to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Experience and ability.* (10 points)

The Secretary looks for information that shows the applicant's—

(1) National experience relevant to performance of the functions supported by this program;

(2) Ability to conduct its proposed project;

(3) Ability to communicate with the intended consumers of information; and

(4) Ability to maintain the necessary communication with other agencies and organizations.

(g) *Cooperation and coordination with other agencies.* (10 points)

(1) The Secretary reviews each application for information that shows the activities funded under this section will be coordinated with—

(i) Similar activities funded from grants and contracts awarded under this part and under Part C of the Act; and

(ii) Other agencies and organizations conducting or eligible to conduct activities essential to the effective implementation of the proposed project.

(2) The Secretary looks for information that shows the nature and extent of, and timeline for, coordination which the applicant has had and proposes to have to facilitate implementation and continuation of the project activities after termination of Federal funding.

(20 U.S.C. 1433)

(Approved by the Office of Management and Budget under control number 1820-0028—Expires 2/28/87)

§ 320.31 What are the priorities for funding under this program?

The Secretary may select as annual priorities any of the activities listed in § 320.10 by publishing a notice in the **Federal Register.**

(20 U.S.C. 1433)

§§ 320.32-320.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 320.40 What evaluation and coordination requirements must be met by a grantee?

(a) Each grantee under this part shall ensure that any printed materials it produces or disseminates have been evaluated by handicapped individuals, parents of handicapped children and youth, and by appropriate professionals with respect to the quality, currency, and appropriateness of, and the need to develop or disseminate, the materials.

(b) Recipients of awards under § 320.10 (a) and (b) shall coordinate the dissemination of materials and information activities supported under this part.

(20 U.S.C. 1433)

§§ 320.41-320.49 [Reserved]

[FR Doc. 84-16856 Filed 6-22-84; 8:45 am]

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Federal Register

Monday
June 25, 1984

Part VI

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 338

Postsecondary Education Programs for Handicapped Persons; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 338

Postsecondary Education Programs for Handicapped Persons

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations under Section 625 of Part C of the Education of the Handicapped Act, as amended. Recent amendments to the Act and a review of the existing regulations necessitate the changes incorporated in these final regulations. The Postsecondary Education Programs for Handicapped Persons provide support, through competitive awards to State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies, to develop, operate, and disseminate specially designed model programs of postsecondary, vocational and technical, continuing, or adult education for handicapped persons. These regulations, among other things, describe funding priorities and specify numerical weightings for the modified selection criteria.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph Rosenstein, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW., (Switzer Building, Room 4084), Washington, D.C. 20202. Telephone: (202) 732-1176.

SUPPLEMENTARY INFORMATION: Authority for the Postsecondary Education Programs for Handicapped Persons was established under Pub. L. 93-380 on August 21, 1974. The program is currently authorized by section 625 of Part C of the Education of the Handicapped Act, as amended (20 U.S.C. 1424a).

A notice of proposed rulemaking was published in the **Federal Register** on April 30, 1984 (49 FR 18396). The comments received in response to this notice and the Secretary's responses are summarized below:

Comment. One commenter expressed concern that restriction of model program activities to a single handicapped group would not meet the needs of the divergent handicapped population in most postsecondary institutions.

Response. No change has been made. The regulations (§ 338.30(c)) provide that the Secretary may, for any fiscal year, identify one or more handicapping conditions as a priority for assistance, but do not *require* the Secretary to do so. The Secretary believes that it is important to be able to target funds to a handicapped group when evidence from the field indicates there is insufficient attention being given to the needs of that group.

Comment. One commenter expressed concern about the limitation of eligibility for funding under this program to nonprofit educational agencies.

Response. No change has been made. The statute governing this program specifies eligible parties.

Comment. Several commenters recommended adding State Vocational Rehabilitation agencies as eligible grantees at § 338.2.

Response. No change has been made. The statute specifies eligible parties who are listed in § 338.2.

Comment. Two commenters suggested that special attention be given to adult students who sustain injuries and related disabilities in mid-life and subsequently re-enter postsecondary settings.

Response. No change has been made. Applicants may propose projects that address the needs of those individuals if they are "handicapped individuals" as defined in § 338.4(c).

Comment. One commenter recommended that at § 338.10 the term "students" be changed to "youth," because the former term may be perceived as restricting participation by those not currently enrolled in educational institutions. Another commenter suggested that the term "handicapped students" be changed to "handicapped individuals" throughout the regulations.

Response. A change has been made. The wording in §§ 338.10 and 338.30 has been changed by replacing the term "students" with "individuals," the term used in the statute.

Comment. One commenter proposed expansion of the listing of authorized activities in § 338.10 to include the development and establishment of cooperative recruitment and service models for unskilled youth who have dropped out of school or college, particularly those who are unemployed or underemployed.

Response. No change has been made. Applicants may propose projects that include provision of services to school drop-outs under this program, and under the program authorized by section 626 of the Act, Secondary Education and Transitional Services for Handicapped Youth program.

Comment. One commenter recommended that § 338.10(a)(1) specify "four regional centers" as opposed to "centers."

Response. No change has been made. Section 338.10(a)(1) is simply a description of the two types of activities authorized under the Act. Section 338.30(a), however, specifies that the Secretary will make awards for the operation of "four regional centers for deaf individuals."

Comment. Several commenters proposed that "rehabilitation counselors" be added to the illustrative list of support services in § 338.10(b).

Response. No change has been made. The illustrative listing in § 338.10(b) does not preclude other services that may be proposed with justification in individual applications submitted for consideration for assistance under this program.

Comment. One commenter proposed expansion of the list of illustrative services under § 338.10(b) to include preservice training for personnel who will teach postsecondary handicapped individuals.

Response. No change has been made. Authority for preservice training exists under Section 631 of the Act. Parties interested in funding for preservice training may submit applications for projects to the Training Personnel for the Education of the Handicapped program under section 631 of the Act and 34 CFR Part 318.

Comment. One commenter recommended addition of "augmentative communication systems" as a supportive service in § 338.10(b).

Response. No change has been made. The Illustrative listing in § 338.10(b) does not preclude other services that may be proposed with justification in submissions for assistance under this program.

Comment. Several commenters proposed adding to § 338.20 a statement of coordination with State Vocational Rehabilitation agencies including the provision that all handicapped students will be registered with that agency within a given time frame.

Response. No change has been made. The Secretary has decided not to include any provision that would require registration of all handicapped individuals in postsecondary programs with State Vocational Rehabilitation agencies because not all handicapped persons are eligible to receive services from State Vocational Rehabilitation agencies.

Comment. One commenter proposed that one of the selection criteria include a plan for dissemination.

Response. No change has been made. The Secretary agrees that a dissemination plan is important to the projects supported under this part. For this reason, § 338.31(h)(2) provides for the evaluation of "the extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups."

These final regulations implement section 625 of Part C of the EHA, as recently amended by Pub. L. 98–199, the Education of the Handicapped Act Amendments of 1983; and incorporate the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79). These regulations also include:

(a) Subpart A—General

Section 338.1 of the regulations describes the scope and purpose of the program.

Section 338.2 identifies the parties eligible for assistance under this program. It amends the current regulations (§ 338.4) to expressly include State educational agencies.

Section 338.3 indicates what regulations apply to these programs, and includes regulations under this Part 338, and Parts 74, 75, 77, 78, and 79 of EDGAR.

Section 338.4 provides the definitions that apply to this program. It incorporates certain definitions under EDGAR and defines the terms "handicapped individuals" and "specific learning disability." Use of the latter definition, taken from regulations for the Assistance to States for Education of Handicapped Children program (34 CFR Part 300, § 300.5(b)(9)), is consistent with the statute.

(b) Subpart B—What Kinds of Projects Does the Secretary Assist Under These Programs?

Section 338.10 describes the development of demonstration, inservice training, outreach, research, and dissemination activities supported under this program.

Section 338.10(a) (1) and (2) reflects activities specifically authorized by the amended statute. The other provisions in this section provide guidance to applicants on the types of activities consistent with the statutory purposes that may be assisted under this part.

(c) Subpart C—How Does an Applicant Apply for a Grant?

The application requirements for awards are described in § 338.20. These added requirements are necessary to ensure that handicapped individuals receive the types of services that they require in postsecondary educational settings.

(d) Subpart D—How Does the Secretary Make a Grant?

Section 338.30 describes the priorities considered for support by the Secretary under this program. The final regulations include priorities in addition to those specified in the statute. The additional priorities further describe the kinds of activities to be supported by this program. These activities benefit the general public, educational institutions, and professionals working with handicapped students in the institutions of higher education specified in the statute. The selection criteria used to award a grant are contained in § 338.31. This section modifies and provides weights to the unweighted selection criteria listed in the current regulations (§ 338.18) and adds two new weighted criteria relating to importance and impact. These new criteria will ensure that projects selected through the competitive process account for appropriate participation of handicapped individuals and for effective use of Federal dollars.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Paperwork Reduction Act of 1980

The information collection requirements in these regulations are approved under OMB Control No. 1820–0028 under the Paperwork Reduction Act of 1980.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The application procedures in these regulations will not place undue burdens on small entities submitting applications under this program.

Assessment of Educational Impact

In the notice of proposed rulemaking, published in the **Federal Register** on April 30, 1984, the Secretary requested comments on whether the proposed regulations would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 338

Education, Education of handicapped, Education-research, Grants program-education, Postsecondary.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Number 84.078; Postsecondary Education Programs for Handicapped Persons)

Dated: June 20, 1984.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 338 of the Code of Federal Regulations as follows:

PART 338—POSTSECONDARY EDUCATION PROGRAMS FOR HANDICAPPED PERSONS

Subpart A—General

Sec.
338.1 What are the Postsecondary Education Programs for Handicapped Persons?
338.2 Who is eligible to apply for an award under these programs?
338.3 What regulations apply to these programs?
338.4 What definitions apply to these programs?
338.5—338.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under These Programs?

338.10 What kinds of activities may be supported under this part?
338.11–338.19 [Reserved]

Subpart C—How Does an Applicant Apply for a Grant?

338.20 What are the application requirements under this part?
338.21–338.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

338.30 What are the priorities considered for support by the Secretary under this part?
338.31 What are the selection criteria used to make awards?
338.32–338.39 [Reserved]

Authority: Sec. 625 of the Education of the Handicapped Act (20 U.S.C. 1424a), unless otherwise noted.

Subpart A—General

§ 338.1 What are the Postsecondary Education Programs for Handicapped Persons?

The Postsecondary Education Programs for Handicapped Persons provide assistance for the development, operation, and dissemination of specially designed model programs of postsecondary, vocational, technical, continuing, or adult education for handicapped individuals.

(20 U.S.C. 1424a)

§ 338.2 Who is eligible to apply for an award under these programs?

State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other nonprofit educational agencies are eligible to apply for awards under this part.

(20 U.S.C. 1424a)

§ 338.3 What regulations apply to these programs?

The following regulations apply to awards under the Postsecondary Education Programs for Handicapped Persons:

(a) The regulations in this Part 338.

(b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions);

(4) Part 78 (Education Appeal Board); and

(5) Part 79 (Intergovernmental Review of the Department of Education Programs and Activities).

(20 U.S.C. 1424a; 20 U.S.C. 3474(a))

§ 338.4 What definitions apply to these programs?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
EDGAR
Fiscal year
Grant
Nonprofit
Project
Secretary
State educational agency.

(20 U.S.C. 3474(a))

(b) *Definitions in 34 CFR Part 300.* The following term used in this part is defined in 34 CFR 300.5(b)(9):

Specific learning disability

(20 U.S.C. 1401(a)(15))

(c) *Other definitions.* "Handicapped individuals" means individuals who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired individuals, or individuals with specific learning disabilities who by reason thereof require special education and related services.

(20 U.S.C. 1424a(b))

§§ 338.5–338.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under These Programs?

§ 338.10 What kinds of activities may be supported under this part?

(a) The Secretary may support projects and activities under this part including but not limited to—

(1) The operation of centers for deaf individuals, including models of comprehensive supportive services to those individuals;

(2) Model projects of supportive services to individuals with handicapping conditions other than deafness that focus on—

(i) Specially adapted or designed educational programs that coordinate, facilitate, and encourage education of handicapped individuals with their nonhandicapped peers;

(ii) Expansion of the educational resources and services available to handicapped individuals in postsecondary programs;

(iii) Establishment of outreach activities to provide technical assistance and program information concerning access and support services for handicapped individuals; or

(iv) Development and dissemination of strategies and materials for the inservice training of faculty and administrative personnel involved in the integration of handicapped individuals in postsecondary institutions in order to improve their understanding of, and attitudes toward, those individuals;

(3) Evaluation of the effectiveness of programs carried out under this part to increase access to postsecondary education for handicapped individuals;

(4) Establishment of projects to stimulate and develop model statewide, regional, and national programs to improve access for handicapped individuals including the fostering of cooperative and consortia arrangements; and

(5) Conducting research, innovation, training, or dissemination activities, consistent with the purposes of Section 624 of the Act and the requirements in 34 CFR Part 315.

(b) The following is an illustrative list of the types of supportive services which may be provided (in whole or in part) in model projects supported under this part:

(1) Interpreters.
(2) Tutors.
(3) Notetakers and readers.
(4) Wheelchair attendants.
(5) Guidance counselors.
(6) Speech and auditory training.
(7) Job placement and follow-up.
(8) Preparatory and orientation services.
(9) Supplementary learning experiences.
(10) Instructional media adaptations.
(11) Inservice training for teachers and other educational staff relating to the handicapped participants in the program.
(12) Administrative expenses, including employment of a director, administrator, or coordinator of the program.
(13) Planning and evaluation activities.

(c) Recipients may not use funds provided under this part for the payment of tuition or subsistence allowances.

(20 U.S.C. 1424a)

§§ 338.11–338.19 [Reserved]

Subpart C—How Does an Applicant Apply for a Grant?

§ 338.20 What are the application requirements under this part?

Applications for funds under this part must contain—

(a) A description of the handicapping condition(s) of the persons to be served; and

(b) The estimated number of handicapped individuals to be served annually in the program and specification of the resources and services needed to enable them to benefit from an educational program.

(20 U.S.C. 1424, 1424a)

(Approved by the Office of Management and Budget under Control Number 1820–0028—Expires 2/28/87)

§§ 338.21-338.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 338.30 What are the priorities considered for support by the Secretary under this part?

(a) For each fiscal year, the Secretary gives priority consideration to four regional centers for deaf individuals.

(b) For any fiscal year, the Secretary may select priorities from among those activities listed in § 338.10(a) (2)–(5).

(c) The Secretary may identify one or more handicapping conditions as a priority for assistance under this part by publishing a notice in the Federal Register.

(20 U.S.C. 1424a(a)(2))

§ 338.31 What are the selection criteria used to make awards?

The Secretary uses the weighted criteria in this section to evaluate applications for new awards. The maximum score for all the criteria is 100 points.

(a) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers experience and training in fields related to the objectives of the project as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(*See* 34 CFR 75.590, *Evaluation by the grantee.*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Continuation of program.* (5 points)

(1) The Secretary reviews each application for information that shows that the activities to be supported are likely to be continued after Federal funding ends.

(2) The Secretary looks for information that shows the likelihood that the services provided under the proposed program will be continued by the applicant following the expiration of Federal funding, as measured by evidence of financial and other commitment of the applicant to the program.

(g) *Importance.* (10 points)

(1) The Secretary reviews each application for information demonstrating that the proposed project is nationally important in light of the purposes of this part.

(2) The Secretary looks for information that shows—

(i) The significance of the problem or issue to be addressed;

(ii) The importance of the proposed project in increasing the understanding of the problem or issue; and in remediating or compensating for it;

(iii) The experiences of service providers related to the problem or issue; and

(iv) Previous research findings related to the problem or issue.

(h) *Impact.* (15 points)

The Secretary reviews each application for information that shows the probable impact of the proposed research or demonstration activities in improving postsecondary education for handicapped individuals, including—

(1) The contribution that the research or demonstration findings or products will make to current knowledge or practice; and

(2) The extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.

(20 U.S.C. 1424a)

§§ 338.32-338.39 [Reserved]

[FR Doc. 84-16867 Filed 6-22-84; 8:45 am]
BILLING CODE 4000-01-M

Federal Register

Monday
June 25, 1984

Part VII

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 305

Regional Resource Centers; Final Regulations

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 305

Regional Resource Centers

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations to implement the provisions of section 621 of the Education of the Handicapped Act, as amended by the Education of the Handicapped Act Amendments of 1983. Section 621 supports Regional Resource Centers that assist State and local educational agencies in developing quality programs and services for handicapped children. These regulations include provisions relating to eligible applicants and the services to be provided by Regional Resource Centers.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Ms. Etta Waugh, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3628), Washington, D.C. 20202. Telephone: (202) 732-1052.

SUPPLEMENTARY INFORMATION: The Regional Resource Centers program was established under Pub. L. 91-230 on April 13, 1970 and is currently authorized by Section 621 of Part C of the Education of the Handicapped Act (20 U.S.C. 1421).

These final regulations implement the amendments to section 621 of the Act made by the Education of the Handicapped Act Amendments of 1983, Pub. L. 98-199, which expanded eligibility to include private nonprofit organizations and amended the list of services to be provided by the Regional Resource Centers.

The Regional Resource Centers, through a variety of multistate activities, provide States with information regarding the most recent developments in special education research, technology, and practices to meet identified needs and link States experiencing similar needs for joint problem solving. This linking role is intended to broaden the range of expertise for all State educational agencies.

The description of the services to be provided by the Regional Resource Centers has been amended to reflect the recent statutory amendments. Services to State educational agencies such as information dissemination and training for professionals and parents of handicapped children were not previously required by the statute. Two selection criteria, in addition to the EDGAR selection criteria, have been added at § 305.31 to reflect new statutory requirements.

The Department of Education published a notice of proposed rulemaking in the **Federal Register** on April 30, 1984 (49 FR 18426). The Department of Education received some comments on the proposed regulations. Following is a summary of the comments and the Secretary's responses.

Comment. Two commenters questioned the need for a coordinating center.

Response. No change has been made. The coordination of information and dissemination activities with other Department programs and projects is required of the Regional Resource Centers by section 621(a)(3) of the Act. Establishment of a single coordinating center will ensure that this requirement is effectively carried out.

Comment. Two commenters suggested that the selection criteria in § 305.31 place more emphasis upon the applicant's ability to disseminate information.

Response. No change has been made. As required by section 621 of the Act, § 305.10(a)(4) makes dissemination an absolute requirement for all Regional Resource Centers funded under this part.

A summary of these regulations follows.

(a) *Subpart A—General*

The scope and purpose of the program are described under § 305.1. Section 305.2 includes a list of eligible applicants, including private nonprofit organizations.

Parts of the Education Department General Administrative Regulations (EDGAR) applicable to the Regional Resource Centers program are listed in § 305.3.

Definitions in EDGAR that are applicable to the Regional Resource Centers are contained in § 305.4. No additional terms are defined specifically for this part.

(b) *Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?*

Section 305.10 describes the kinds of services to be made available by each Regional Resource Center.

Section 305.11 describes the composition of the region to be served by each Center. This provision is necessary in order to notify prospective applicants and program beneficiaries of the number and composition of the regions to be established.

Section 305.12 authorizes the establishment of a Coordinating Center to ensure effective coordination of the Regional Resource Centers with each other and with other Departmental programs and projects.

(c) *Subpart C—[Reserved]*

(d) *Subpart D—How Does the Secretary Make a Grant?*

Section 305.30 permits the Secretary to require the Centers to give priority to one or more of the services listed in § 305.10.

The selection criteria used to award a grant are contained in § 305.31. The section incorporates the selection criteria from the Education Department General Administrative Regulations (EDGAR) and adds two criteria (need for the project and capability of applicant), in accordance with section 621(b) of the Act.

(e) *Subpart E—What Conditions Must Be Met by a Grantee?*

Section 305.40 describes the coordination and reporting requirements applicable to grantees.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The application procedures in the

regulations will not place undue burdens on small entities submitting applications under this program.

Assessment of Educational Impact

In the notice of proposed rulemaking published in the **Federal Register** on April 30, 1984, the Department requested comments on whether the proposed regulations required information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 305

Education, Education of handicapped, Grant programs-education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance Number 84.028; Handicapped Regional Resource Centers.)

Dated: June 20, 1984.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 305 of Title 34 of the Code of Federal Regulations to read as follows:

PART 305—REGIONAL RESOURCE CENTERS

Subpart A—General

Sec.

305.1 What is the Regional Resource Centers program?
305.2 Who is eligible to apply for an award under this program?
305.3 What regulations apply to this program?
305.4 What definitions apply to this program?
305.5–305.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

305.10 What kinds of services are required under this part?
305.11 What is the composition of the regions?
305.12 What is a Coordinating Center?
305.13–305.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

305.30 May the Secretary require the Centers to give priority to certain services?
305.31 What are the selection criteria for evaluating applications under the Regional Resource Centers program?
305.32–305.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

305.40 What additional activities must each Regional Resource Center perform?
305.41–305.49 [Reserved]

Authority: Sec. 621 of the Education of the Handicapped Act (20 U.S.C. 1421), unless otherwise noted.

Subpart A—General

§ 305.1 What is the Regional Resource Centers program?

This program supports the establishment and operation of Regional Resource Centers that assist State educational agencies and, through those State agencies, local educational agencies, in developing quality programs and services for all handicapped children, by providing consultation, technical assistance, and training.

(20 U.S.C. 1421)

§ 305.2 Who is eligible to apply for an award under this program?

The Secretary may provide assistance under this part through a grant to, or cooperative agreement or contract with—

(a) Institutions of higher education;

(b) Private nonprofit organizations;

(c) State educational agencies; or

(d) Combinations of those agencies and institutions. Such a combination may include one or more local educational agencies within particular regions of the United States.

(20 U.S.C. 1421)

§ 305.3 What regulations apply to this program?

The following regulations apply to grants and cooperative agreements under the Regional Resource Centers program:

(a) The regulations in this Part 305.

(b) The Education Department General Administration Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions);

(4) Part 78 (Education Appeal Board); and

(5) Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(20 U.S.C. 1421; 20 U.S.C. 3474(a))

§ 305.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Budget period
Contract
EDGAR
Fiscal Year
Grant
Grant period
Local educational agency
Nonprofit
Private
Project
Project period
Public
Secretary
State
State educational agency

(20 U.S.C. 1421; 20 U.S.C. 3474(a))

§§ 305.5–305.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 305.10 What kinds of services are required under this part?

(a) Each Regional Resource Center must—

(1) Assist States, through services such as consultation, technical assistance, and training, to provide more effectively special education and related services to handicapped children and youth;

(2) Assist in identifying and solving persistent problems in providing quality special education and related services to handicapped children and youth;

(3) Assist in developing, identifying, and replicating successful programs and practices which will improve special education and related services to handicapped children and youth and their families;

(4) Gather and disseminate information to all State educational agencies in the region and coordinate activities with other Regional Resource Centers and with other relevant projects conducted by the Department of Education; and

(5) Assist in the improvement of information dissemination to, and training activities for, professionals and parents of handicapped children.

(b) A Regional Resource Center may conduct research, innovation, training, or dissemination activities, consistent with the purposes of Section 624 of the Act and the requirements in 34 CFR Part 315.

(20 U.S.C. 1421)

§ 305.11 What is the composition of the regions?

The Secretary establishes the following regions:

(a) Region 1: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey.

(b) Region 2: Maryland, Delaware, Virginia, West Virginia, Washington, D.C., Kentucky, Tennessee, North Carolina, and South Carolina.

(c) Region 3: Georgia, Alabama, Florida, Mississippi, Puerto Rico, the Virgin Islands, New Mexico, Texas, Oklahoma, Arkansas, and Louisiana.

(d) Region 4: Illinois, Ohio, Indiana, Pennsylvania, Wisconsin, Minnesota, and Michigan.

(e) Region 5: Montana, Wyoming, North Dakota, South Dakota, Utah, Colorado, Nebraska, Kansas, Iowa, Missouri, and the Bureau of Indian Affairs.

(f) Region 6: Oregon, Idaho, Washington, Alaska, California, Arizona, Nevada, the Trust Territory of the Pacific Islands, Guam, American Samoa, Hawaii, and the Northern Mariana Islands.

(20 U.S.C. 1421)

§ 305.12 What is a Coordinating Center?

(a) The Secretary may establish a Coordinating Center to ensure the coordination of activities and services of the Regional Resource Centers with—

(1) The other Regional Resource Centers; and

(2) Other relevant projects carried out or assisted by the Department of Education.

(b) The Coordinating Center may include any combination of the regions, States, or territories listed in § 305.11.

(20 U.S.C. 1421, 1424)

§§ 305.13-305.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 305.30 May the Secretary require the Centers to give priority to certain services?

For any fiscal year, the Secretary may, in the application notice, require the Centers to give priority to one or more of the services listed in § 305.10.

(20 U.S.C. 1421)

§ 305.31 What are the selection criteria for evaluating applications under the Regional Resource Centers program?

The Secretary uses the criteria in this section to evaluate applications for new grants. The maximum number of points for each criterion is stated in parentheses. The maximum score for all of the criteria is 100 points.

(a) *Need for the project.* (5 points)

(1) The Secretary reviews each application for information that shows the need for a Center in the region to be served by the applicant.

(2) In making this determination, the Secretary considers information that shows the support for the applicant's project by the agencies to be served by the project.

(b) *Capability of applicant.* (5 points)

(1) The Secretary reviews each application for information that shows the capability of the applicant to fulfill the responsibilities of a Center under this part.

(2) In making this determination, the Secretary considers evidence of relevant experience which demonstrates the capacity to provide technical assistance to State educational agencies, commitment to the accomplishment of the project, and timely completion of previous comparable work.

(c) *Plan of operation.* (40 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(d) *Quality of key personnel.* (25 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d) (1) and (2) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(See 34 CFR 75.590, Evaluation by the grantee.)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project, and to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 1421)

§§ 305.32–305.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 305.40 What additional activities must each Regional Resource Center perform?

Each Regional Resource Center must—

(a) Report a summary of materials produced or developed in the manner and at the time the Secretary may establish; and

(b) Assist in the evaluation of the effectiveness of Regional Resource Center activities through cooperation with other projects under this part and with other appropriate projects such as the program evaluations under section 627 of the Act.

(20 U.S.C. 1421(c))

§§ 305.41–305.49 [Reserved]

[FR Doc. 84-16877 Filed 6-22-84; 8:45 am]
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federal register

Monday
June 25, 1984

Part VIII

Federal Reserve System

12 CFR Part 211

Regulation K; International Banking Operations; Proposed Rule

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Docket No. R-0520]

Regulation K; International Banking Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The International Banking Act of 1978 (Pub. L. 95-369) requires the board to review and revise its regulation governing the operation of Edge corporations every five years. As a result of its review under this provision, the Board is proposing for comment several changes to Subpart A of Regulation K. Comments are invited on several alternatives that would expand the ability of Edge corporations to provide services in the United States. Several changes are also proposed to the investment, capitalization, and lending limit sections of Subpart A. In addition, there are proposed several amendments to Subpart B concerning U.S. activities of foreign banking organizations.

DATE: Written comments must be submitted to the Board on or before September 12, 1984.

ADDRESS: All comments, which should refer to Docket No. R-0520, should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to the C Street entrance, 20th and Constitution Avenue, NW., Washington, D.C., between the hours of 8:45 a.m. and 5:15 p.m. weekdays. All comments received will be available for inspection in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Frederick R. Dahl, Associate Director (202/452-2726); James S. Keller, Manager, International Banking Applications (202/452-2523), Division of Banking Supervision and Regulation; Nancy P. Jacklin, Assistant General Counsel (202/452-3428) or Kathleen M. O'Day, Senior Counsel (202/452-3786), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: The International Banking Act of 1978 ("IBA") requires the Board to review and revise its rules issued under section 25(a) of the Federal Reserve Act (the Edge Act) at least once every five years to ensure that the purposes of the Edge Act are being served in the light of prevailing economic conditions and banking practices. Edge corporations are international banking and financial vehicles through which U.S. banking organizations offer international banking services and through which they compete with similar foreign-owned institutions in the United States and abroad. The purposes of the Act include affording U.S. commerce, industry and agriculture a means of financing international trade, especially U.S. exports, and stimulating competition in the provision of those international banking and financing services throughout the United States.

As a result of the review of the rules governing Edge corporations completed in 1979, Regulation K was extensively reorganized and revised. The changes included authorizing establishment of domestic branches, removal of some restrictions on funding activities, an expansion of an Edge corporation's ability to engage in activities abroad, and reduced administrative review of proposed investments. The objectives of the changes appear to have been satisfactorily met in view of the significant expansion in Edge operations since 1979. As a result of the current review, the Board has determined that there are four major areas that warrant some attention. These are: (1) Activities of Edge corporations in the United States; (2) prudential limitations on operations of Edge corporations; (3) investment approval procedures; and (4) change of control of Edge corporations.

Activities of Edge Corporations in the United States

An edge corporation is limited by statute to engaging only in such activities in the United States as are "incidental" to international or foreign business. The Board, however, has broad discretionary authority to determine what U.S. activities would be incidental to international or foreign business of an Edge corporation. The Board has interpreted this provision to require that all deposits of domestic residents must be related to or for the purpose of carrying out international transactions, and all credit transactions with domestic residents must be related to identifiable international transactions. This transaction-by-transaction approach serves as a constraint on the operations of Edge corporations, but is designed to assure that an Edge corporation cannot be used as a means to evade restrictions on full-service interstate banking in the United States.

In 1979, the Board considered modifying the transaction-by-transaction approach by proposing the qualified business entity ("QBE") concept. This proposal linked the requisite international or foreign business connection to the nature of the overall business activities of its customers. The standard proposed was that the qualified customer be "principally engaged in international or foreign commerce." To meet the test, a customer would be required to be so extensively involved in international commerce that its deposit or loan transactions with the Edge corporation would be presumed to be for an international purpose even if an individual transaction did not have a separate foreign nexus. For customers meeting the requirements of a QBE, an Edge corporation would be permitted to provide full banking services. However, business firms not so extensively involved in international commerce could continue to do business with the Edge corporation only on an approved transaction-by-transaction basis.

The Board did not adopt the proposal in 1979 due to the difficulty of devising a test that could accurately measure the amount of international business of a customer and also due to the difficulty in assessing the effectiveness of the proposal in terms of the number and character of the firms that would qualify. As a result of the current review, the Board has reconsidered the concept with several modifications designed to eliminate or reduce the previous difficulties, as well as several alternatives for expansion of the U.S. activities of Edge corporations.

QBE Concept

A difficulty with the previous QBE proposal was the lack of data on firms that might qualify and how to measure the international aspect of their business. In order to avoid this problem, the Board is proposing to identify certain categories of companies that, by the character of their business, may be considered qualifying business entities.

Instead of qualifying on the basis of a certain percentage of the company's business, qualifying companies would be those that by their charter or license are restricted to an international business. These companies would include foreign airlines, foreign shipping companies, Domestic International Sales Corporations ("DISCs") (26 U.S.C. 992), Western Hemisphere Trade Corporations (26 U.S.C. 921), and export trading companies owned by bank holding companies (12 U.S.C. 1843(c)(14)). As with the original qualifying business customer proposal, an Edge corporation would be able to provide full banking services—including deposits and loans—to this class of customer. Any domestic element in

those services would, of course, be very small due to the legal restrictions on the business of the customer. The Board requests particular comments on whether there are other companies that could qualify under this approach because their charter or license restricts their business to predominantly international business.

Another variant of the QBE concept would be to identify—as was proposed in 1979—certain businesses that are principally, although not exclusively, engaged in international business. Under this variant, an Edge corporation would then be able to offer qualifying customers a full range of credit services as long as 75 percent of the credit extensions of the Edge corporation meets the current transaction standards in Regulation K; the Edge could lend to qualified customers for domestic purposes in an aggregate amount not exceeding 25 percent of the total lending by the Edge corporation. Although this approach would not eliminate entirely the transaction-by-transaction requirement of the current regulation, it would permit Edge corporations to compete more effectively for the business of customers that engage primarily in foreign business by being able to offer domestic credits as well. The proposal should not raise some of the earlier concerns, however, since it does not permit expansion of an Edge corporation's deposit-taking capabilities.

The difficulty with the proposal is the same that was presented in the 1979 proposal, that is, how to measure the international business of the customer. As proposed in 1979, a QBE was required to derive two-thirds of its business from international commerce, measured by either costs or revenues (*e.g.*, "costs of materials, goods and services directly imported plus the direct costs of producing goods and services for export").

The Board requests specific comment on the feasibility of this proposal and on the appropriate measurement standards for the business of such customers. Data on the number of businesses that might qualify for designation as a QBE under the proposal would be useful to the Board's consideration.

Transactional Leeway

Another approach would be to allow an Edge corporation to provide credit to any customer for domestic purposes so long as the bulk of the credits extended to that customer (at least 75 percent) were for international purposes and met the transactions test. All deposit-taking would still be required to be related to international transactions.

This approach would maintain an essentially international linkage on the asset side of an Edge corporation's activities, since the bulk of its assets would remain exclusively international in character. At the same time, it would provide a margin of flexibility or leeway in accommodating the credit needs of each customer and thus enhance the ability of Edge corporations to compete with foreign banks and others. This approach would address the criticism that Edge corporations are hindered in their operations by the inability to provide some domestic financing when their relationship with a customer is primarily international. The argument presented is that a customer has a stream of financing requirements ranging from those that are purely domestic to those that are exclusively international in character and that the inability to provide services throughout this continuum acts as a handicap to an Edge corporation in seeking out and obtaining customers for international banking services.

Under this alternative, Edge corporations would have to maintain records sufficient to permit examiners to verify that 75 percent of the customer's borrowings met the transactions test. However, this would represent an improvement over the 100 percent verification requirement under the present rules, and the reduction in burden may be greater than that suggested by the arithmetic since inconsequential transactions frequently are the most difficult to verify.

"Limited Branch" Concept

A much broader approach to expanding the activities of Edge corporations would be to reduce substantially the limitations on domestic lending transactions while the deposit-taking activities that fund those credit transactions remain limited, as they have been, to international or foreign banking transactions. If this were done, it would have the result of making Edge corporations comparable to the limited branches of foreign banks that were authorized by the IBA. Under section 5 of the IBA (12 U.S.C. 3103), limited branches may extend credit to any person for any purpose; however, their deposit-taking capabilities are limited to those permitted Edge corporations.

This alternative would allow an Edge corporation to extend credit for domestic purposes to the extent that it was funded from international and foreign source deposits from individuals, partnerships, and corporations. Credit transactions with domestic residents in excess of the amount of such funding would continue to be justified, as now, on a transaction-by-transaction basis as internationally related. A basis for this approach is that the operations of the Edge corporation could be considered "incidental" to international business by reason of the link to international deposits.

The link of domestic lending to foreign source deposits is also made necessary by the ability of Edge corporations to raise funds in domestic money markets. Regulation K, as revised in 1979, permits Edge corporations to obtain funds from other banks through the Federal funds market and otherwise. Without some restriction on the source of funding for these domestic credits, it could be said that the Edge corporation was doing a full-scale domestic banking business.

The Board requests comment on the appropriateness of the limited branch approach as a means of making Edge corporations more competitive while retaining the international character of their business as required by statute.

Prudential limitations on Edge corporations

Section 211.6 of Regulation K contains the prudential limitations that have been established on the operations of Edge corporations—notably, limits on acceptances, lending limits, and capital requirements. Proposed amendments in these areas are designed to clarify these provisions and to update them in light of other related changes in supervision and regulation since 1979.

Bankers' acceptances

Two clarifying changes are proposed for the provision of Regulation K dealing with bankers' acceptances. The first clarifies that a separate lending limit applies to acceptances of the kinds described in section 13 of the Federal Reserve Act (so-called eligible acceptances); all other acceptance credits (so-called ineligible acceptance credits) are included in the general lending limit.

The other clarifying change is concerned with the treatment of acceptance participations. Under the present version, neither the single customer limit nor the aggregate limit applies if the Edge corporation is covered by participation agreements. However, the section does not describe what constitutes an adequate participation agreement for this purpose. In 1983, the Board defined a participation agreement in a bankers' acceptance (12 CFR 250.165) and established minimum criteria for member banks that would have to be met in order that the participated part of a bankers' acceptance not be included

in the acceptance limits of the issuing bank. The change would explicitly apply the same definition to acceptance participations by Edge corporations.

Lending limits

Under Regulation K, a limit of 10 percent of capital and surplus applies to loans to individual borrowers, subject to certain exceptions. Since the regulation was last revised, the National Bank Act has been amended to raise the basic lending limit of national banks from 10 to 15 percent of capital and surplus. Because the lending limits applicable to Edge corporations generally have been patterned after those applicable to national banks, the revision proposed for this section would parallel this change by increasing the lending limit for Edges to 15 percent of capital and surplus as well. No changes are proposed in the requirement of consolidation for purposes of the parent bank's lending limit.

Capitalization

When it revised Regulation K in 1979, the Board determned that Manking Edge corporations should have leveraging limits based on their own capital because these corporations have a separate corporate structure, their depositors are not insured, and not all Edge corporations are subsidiaries of insured U. S. banks. The Board also decided to base the limit on "risk assets," rather than total assets, because many Edge corporations engaged heavily in clearing activities for their parent bands and, consequently, had large amounts of float with domestic banks.

Since 1979, two developments have occurred that are relevant to the capital standards set for Edge corporations. First, the Board and the Comptroller of the Currency have established for national and state member banks specific capital requirements based on total assets. Second, same-day interbank settlement procedures have been adopted that substantially reduced the amount of float booked at Edge corporations. As a consequence, clearing activities no longer distort the financial ratios of Edge corporations, as they did in 1979.

Because of these developments, the Board proposes that the capitalization requirements of Edge corporations should conform to those set forth in the Board's Capital Adequacy Guidelines (12 CFR Part 225, Appendix A) and that the capital adequacy standard in Regulation K should be amended to require a banking Edge to maintain minimum capital at a level not less than that for multinational banking organizations under the Board's guidelines.[1] The change would be accomplished by cross-reference to the capital adequacy guidelines, which could then be changed without requiring amendments to Regulation K.

Investment procedures

Under Regulation K, investors (*i.e.*, Edge and Agreement corporations, member banks, and bank holding companies) may make investments in foreign organizations subject to certain limitations. These limitations are designed to ensure that investments that present significant financial or policy issues come to the attention of the Board through specific consent or receive thorough review by System staff through a prior notice procedure. General consent is available for certain investments that pose no issues.

As structured, the procedures have worked well, have simplified the administrative process and have reduced the regulatory burden on the industry. The current procedures and investment limitations have been reexamined to assure their continued appropriateness and certain changes are proposed.

Under the general consent procedures currently contained in Regulation K, an initial investment may be made in a company engaged in permissible activities if the amount to be invested is $2 million or five percent of the investor's capital and surplus, whichever is less.

The Board proposes to retain, for general consent, the current system that uses a combination of an absolute dollar amount and a percentage of capital. The Board believes that the 5 percent of capital standard continues to be appropriate. However, the Board believes that the dollar limitation is low relative to the size of the largest banking organizations and it is proposing that the absolute dollar amount that may be invested under general consent be raised to $15 million. The Board requests specific comment on this amount as the appropriate level for initial investments without some prior Board review.

The current regulation also permits additional investments to be made each year without prior Board consent provided that new investments are a fraction of the investor's existing investment in the company, based on historical cost.

This provision has been criticized on two counts. First, it is criticized as too restrictive on investments initially made under the general consent. This criticism is addressed by the proposed liberalization of the general consent as it affects new investments. Second, the additional investment limit is perceived to be unnecessarily complicated by the use of historical cost. Accordingly, the Board is proposing that the calculation of the amount of additional investment under general consent be based on book value. This change would also simplify the recordkeeping involved in supervising foreign subsidiaries and joint ventures.

The Board also proposes a change in the general consent procedures to address a situation that arises when a U.S. bank acquires a majority interest in an existing foreign company that may have some activities not permissible under Regulation K. At present, a U.S. banking organization cannot avail itself of the general consent to invest in such a company even where these activities are very small in relation to the totality of the company's business. It is proposed that the regulation provide a *de minimis* exception for such circumstances, where the impermissible activities amount to no more than 2 percent of the company's business as measured by assets or revenues. The Board requests comments on this proposal and the level of such impermissible activity.

Change in Control of Edge corporations

The growth in Edge corporations since 1979 has been substantial, partly as a result of the regulatory changes made then. At the end of 1983, Edge corporations engaged in banking in the United States numbered 90, an increase of 20 over 1979. The number of Edge corporation offices in the United States has shown even greater growth over this period, a reflection of the ability of Edge corporations to establish domestic branches, nearly tripling to reach a total of 203. Total assets of banking Edge corporations at the end of 1983 were $17.7 billion. Edge corporations also participate extensively in the interbank market, as a result of authority given in the 1979 revision of Regulation K.

Because of the growing importance of these corporations, the Board has determined that it is appropriate to propose adopting a procedure to govern a change in control of an Edge corporation. Because there is currently no procedure to review a change in

[1] In the proposal, capital has not been redefined to be equivalent to primary capital as used for member banks. However, as a practical matter, the definition of "capital and surplus" employed in Regulation K would not differ from primary capital since Edge corporations have not issued the type of debt instruments that would qualify as primary capital. Under the proposed revision, subordinated capital notes or debentures would no longer be included in capital for capital adequacy purposes. This kind of debt has only rarely been issued by Edge corporations.

ownership of an Edge corporation, the Board does not now have the ability to review the competitive, financial and managerial factors associated with a proposal by a company to acquire an Edge corporation, factors the Board routinely considers in proposals to form an Edge corporation. As a result, an Edge corporation could be transferred to a banking organization that does not have the financial strength or sufficient international expertise to support the operations of the corporation. This could result in harm to both the Edge corporation and the bank owner. In addition to concerns with respect to financial and managerial resources in such transfers, there are other issues that are presented where the acquiring company is a nonbank concern, in that the mingling of banking and commerce generally can result in adverse effects such as unsound banking practices, concentration of resources and conflicts of interest.

The Board has exclusive jurisdiction over chartering, supervising and examining Edge corporations. The governing statute and the Board's regulations establish a comprehensive scheme requiring the prior approval of the Board for the formation and establishment of Edges, extension of an Edge's corporate existence, changes to the Edge's articles of association, an Edge's investments in organizations and its engaging in new activities. Moreover, paragraph 4 of the Edge Act provides that and Edge corporation may prescribe "by-laws not inconsistent with law or with the regulations of the Board * * * regulating the manner in which its stock shall be transferred * * *." This framework provides authority for the Board to adopt a procedure for review of the transfer of ownership of an Edge corporation. In view of the Board's responsibility with respect to Edge corporations, it appears desirable and appropriate to put into place change in control provisions.

Accordingly, the Board proposes an amendment to Regulation K requiring that a person (individual or company) provide the Board with prior notice before acquiring 25 percent or more of the shares or otherwise acquiring control of an Edge corporation. The procedures would generally parallel those under the Change in Bank Control Act. In adopting such a procedure, it is proposed that the Board use the same standards for review of acquisitions of an Edge corporation that the Board has in place for establishment of an Edge corporation.

The proposed regulation reserves to the Board the authority to impose any conditions necessary to prevent adverse effects resulting from any change in ownership of an Edge corporation. Such conditions may be needed, for example, because a nonbank company is not subject to statutory prohibitions against tying of services as are banks and, by regulation, bank holding companies. Similarly, a nonbank owner of an Edge corporation is not subject to restraints on interaffiliate transactions that could adversely impact the condition of the Edge corporation. Thus, under the proposed regulation, if the acquisition of an Edge corporation could be shown to result in possible adverse effects, appropriate conditions could be imposed.

In summary, the recommended procedure is intended to permit the Board to consider the effects of a transfer on the acquiror, if it is a bank, and the Edge corporation itself, and to determine whether adverse effects could result from affiliation of an Edge corporation with a nonbanking concern. The Board requests comments on the procedures and the standards to be used in evaluating a proposed change in control of an Edge corporation.

Other Proposed Revisions

There are a number of other changes that are proposed in order to clarify the regulation.

Under current Regulation K, an organization is considered engaged in business or activities in the United States if it has in the United States either a subsidiary or an office, other than a representative office. Questions have arisen concerning the scope of activities that may be conducted through a representative office. The Board is of the opinion that only traditional representational functions may be exercised through a representative office, such as liaison between customers and head office. A representative office should not be transacting business for its own account (other than what is necessary to maintain its presence here and carry out its limited functions) or have authority to make credit or other business decisions for its head office. The Board is proposing a definition of representative office that incorporates this interpretation.

Under further powers of foreign branches of member banks, § 211.3(b)(2) relating to acceptances has been eliminated as no longer necessary. It should be noted, however, that since foreign branches are integral parts of member banks, any acceptances issued by foreign branches and outstanding that are of the type described in paragraphs 7 and 12 of section 13 of the FRA are subject to the limits contained therein. Any other type of acceptance issued by a foreign branch and outstanding is subject to the member bank's limit on loans to a single borrower.

The section dealing with acitivites of Edge corporations in the United States has been reorganized and includes several activities that represent modest expansion of the listed activities, such as providing personal banking services to officers and employees of an Edge corporation and its affiliates and offering merger and acquisition advice with respect to foreign transactions.

The provisions in §§ 211.5(c) and 211.23(f)(5) concerning prohibitions on securities activities in the United States have been restated to clarify that no part of the prohibited underwriting process may take place in the United States and that the prohibition on the activity does not depend on the activity being conducted through an office or subsidiary in the United States.

With respect to U.S. activities of foreign banking organizations under Subpart B, sections 2(h) and 4(c)(9) of the BHC Act afford certain exemptions from the nonbanking prohibitions of the Act to foreign banks that are principally engaged in banking outside the United States. The Board's regulations implementing these exemptions are designed to impose a stringent test for qualification for the exemptions in order to ensure that the foreign company is both foreign in nature and principally engaged in banking. The Board determined that a foreign institution must disregard its U.S. banking assets in meeting the numerical tests of the regulation that require that more than half of the foreign institution's worldwide business be in banking and more than half its banking business be outside the U.S. in order to be considered a qualifying foreign banking organization. This test was designed to limit the availability of the foreign nonbanking exemptions only to actual foreign banks whose overseas affiliations with other foreign institutions would be severely disrupted by strict application of the Act's nonbanking prohibitions. The test accordingly prevents an organization, which is not principally and substantially foreign, from bootstrapping itself into qualification on the basis of its banking assets subject to U.S. jurisdiction.

In order to clarify the rule so as to prevent such bootstrapping by companies that are not primarily foreign

banks, the first proposed change would include banking assets in Puerto Rico and U.S. territories as "in the United States" for purposes of qualifying for the nonbanking exemptions. The locations specified to be included as "in the United States" correspond to those specified in the definition of "bank" in section 2(b) of the BHC Act. The Act requires Board approval before a company may acquire a bank in "any territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands."

The change would prevent the unintended result, for example, of a shell holding company, which is not otherwise a "foreign bank," from taking advantage of the exemptions by acquiring a bank in Puerto Rico and engaging in nonbanking activities both in the United States and abroad up to 50 percent of its business. The Board requests comment on the appropriateness of this amendment.

The second proposed amendment relates to the nonbanking exemptions afforded by section 2(h) of the BHC Act. Section 2(h) permits foreign banks to own foreign companies that engage in nonbanking activities in the United States if the U.S. activities are in the same general line of business as the company's foreign activities. The exemption is intended to prevent disruptions in the foreign affiliations of foreign banks and foreign nonbanking companies that would occur if the foreign nonbank affiliates were completely barred from U.S. markets. However, the exemption was intended to be available to commercial and industrial companies and not to companies that engage in financial or financially-related activities.

The proposed amendment would prevent a foreign shell company from taking advantage of the exemption where it does not actually conduct an operating business. For example, a foreign company that engages only in acquiring noncontrolling interests in other companies could not use the section 2(h) exemption to engage in the United States in activities conducted by such companies. Under the amendment, a foreign company engaged, for example, in acquiring oil and gas properties abroad as investments could not rely on the section 2(h) exemption to engage in the oil and gas business in the United States or to engage generally in investing in such properties in the United States. Comment is also requested on this proposal.

The Board welcomes comment on all of these proposals, including those changes not noted above but set forth in the attached draft regulation.

Regulatory Flexibility Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Board certifies that the regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 211

Banks—banking, Federal Reserve System, Foreign banking, Investments, Reporting and recordkeeping requirements, Export trading companies, Allocated transfer risk reserve.

For the reasons set out in the preamble, Part 211 of Chapter II of Title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 211—[AMENDED]

1. By revising the table of contents for Part 211, and Subpart A to read as follows:

PART 211—INTERNATIONAL BANKING OPERATIONS

Subpart A—International Operations of United States Banking Organizations

Sec.
211.1 Authority, purpose, and scope.
211.2 Definitions.
211.3 Foreign branches of U.S. banking organizations.
211.4 Edge and Agreement corporations.
211.5 Investments and activities abroad.
211.6 Lending limits and capital requirements.
211.7 Supervision and reporting.

Subpart B—Foreign Banking Organizations

211.21 Authority, purpose, and scope.
211.22 Interstate banking operations of foreign banking organizations.
211.23 Nonbanking activities of foreign banking organizations.

Subpart C—Export Trading Companies

211.31 Authority, purpose, and scope.
211.32 Definitions.
211.33 Investments and extensions of credit.
211.34 Procedures for filings and processing notices.

Subpart D—International Lending Supervision

211.41 Authority, purpose, and scope.
211.42 Definitions.
211.43 Allocated transfer risk reserve.
211.44 Reporting and disclosure of international assets.
211.45 Accounting for fees on international loans.

Interpretations

211.601 Status of certain offices for purposes of the International Banking Act restrictions on interstate banking operations.
211.602 Investments by United States banking organizations in foreign companies that transact businesss in the United States.

Authority: Federal Reserve Act (12 U.S.C. 221 *et seq.*); Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841 *et seq.*); International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*); International Lending Supervision Act of 1983 (12 U.S.C. 3901 *et seq.*).

Subpart A—International Operations of United States Banking Organizations

§ 211.1 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued by the Board of Governors of the Federal Reserve System ("Board") under the authority of the Federal Reserve Act ("FRA") (12 U.S.C. 221 *et seq.*); the Bank Holding Company Act of 1956 ("BHC Act") (12 U.S.C. 1841 *et seq.*); and the International Banking Act of 1978 ("IBA") (92 Stat. 607; 12 U.S.C. 3101 *et seq.*).

(b) *Purpose.* This subpart sets out rules governing the international and foreign activities of U.S. banking organizations, including procedures for establishing foreign branches and Edge corporations to engage in international banking and for investments in foreign organizations, and specifies the activities they may undertake through foreign and domestic affiliates.

(c) *Scope.* This subpart applies to corporations organized under section 25(a) of the FRA (12 U.S.C. 611–631), "Edge corporations"; to corporations having an agreement or undertaking with the Board under section 25 of the FRA (12 U.S.C. 601–604a), "Agreement corporations"; to member banks with respect to their foreign branches and investments in foriegn banks under section 25 of the FRA (12 U.S.C. 601–604a); [1] and to bank holding companies with respect to the exemption from the nonbanking prohibitions of the BHC Act afforded by section 4(c)(13) of the BHC Act (12 U.S.C. 1843(c)(13)).

§ 211.2 Definitions.

Unless otherwise specified, for the purposes of this subpart:

(a) An "affiliate" of an organization means (1) any entity of which the organization is a direct or indirect subsidiary; or (2) any direct or indirect subsidiary of the organization or such entity.

(b) "Capital and surplus" means paid-in and unimpaired capital and surplus, and includes undivided profits but does

[1] Section 25 of the FRA, which refers to national banking associations, also applies to state member banks of the Federal Reserve System by virtue of section 9 of the FRA (12 U.S.C. 321).

not include the proceeds of capital notes or debentures.

(c) "Directly or indirectly" when used in reference to activities or investments of an organization means activities or investments of the organization or of any subsidiary of the organization.

(d) An Edge corporation is "engaged in banking" if it is ordinarily engaged in the business of accepting deposits in the United States from nonaffiliated persons.

(e) "Engaged in business" or "engaged in activities" in the United States means maintaining and operating an office (other than a representative office) or subsidiary in the United States.

(f) "Foreign" or foreign country" refers to one or more foreign nations, and includes the overseas territories, dependencies, and insular possessions of those nations and of the United States, and the Commonwealth of Puerto Rico.

(g) "Foreign bank" means an organization that: is organized under the laws of a foreign country; engages in the business of banking; is recoganized as a bank by the bank supervisory or monetary authority of the country of its organization or principal banking operations; receives deposits to a substantial extent in the regular course of its business; and has the power to accept demand deposits.

(h) "Foreign branch" means an office of an institution that is located outside the country under the laws of which the institution is organized, at which a banking or financing businesss is conducted.

(i) "Investment" means the ownship or control of shares (including partnership interests or other interests evidencing ownership), binding commitments to acquire shares, contributions to the capital and surplus of an organization, and the holding of an organization's subordinated debt when shares of the organization are also held by the investor or the investor's affiliate.

(j) "Investor" means an Edge corporation, Agreement corporation, bank holding company, or member bank.

(k) "Joint venture" means an organization that has 20 percent or more of its voting shares held directly or indirectly by the investor or by an affiliate of the investor, but which is not a subsidiary of the investor.

(l) "Organization" means a corporation, government, partnership, association, or any other legal or commercial entity.

(m) "Person" means an individual or an organization.

(n) "Portfolio investment" means an investment in an organization other than a subsidiary or joint venture.

(o) "Representative office" means an office that engages solely in representational functions such as solicitation of new business for or liaison between the organization's head office and customers in the United States, and does not have authority to make business decisions for the account of the organization represented.

(p) "Subsidiary" means an organization more than 50 percent of the voting shares of which is held directly or indirectly by the investor, or which is otherwise controlled or capable of being controlled by the investor or an affiliate of the investor.

§ 211.3 Foreign branches of U.S. banking organizations.

(a) *Establishment of foreign branches*—(1) *Right to establish branches.* Foreign branches may be established by any member bank having capital and surplus of $1,000,000 or more, an Edge corporation, an Agreement corporation, or by a subsidiary of any of these or of a bank holding company. Unless otherwise provided in this section, the establishement of a foreign branch requires the specific prior approval of the Board.

(2) *Branching within a foreign country.* Unless the organization has been notified otherwise, no prior Board approval is required for an organization to establish additional branches in any foreign country where it operates one or more branches.[2]

(3) *Branching into additional foreign countries.* After giving the Board 45 days' prior written notice, an organization that operates branches in two or more foreign countries may establish a branch in an additional foreign country, unless notified otherwise by the Board.[2]

(4) *Expiration of branching authority.* Authority to establish branches through prior approval or prior notice shall expire one year from the date the authority is received, unless the Board extends the period.

(5) *Reporting.* Any organization that opens, close, or relocates a branch shall notify the Board within 30 days of the action and furnish the address of the branch.

(b) *Further powers of foreign branches of member banks.* In addition to its general banking powers, and to the extent consistent with its charter, a foreign branch of a member bank may engage in the following activities so far as usual in connection with the business of banking in the country where it transacts business:

(1) *Guarantees.* Guarantee customers' debts, or otherwise agree for their benefit to make payments on the occurrence of readily ascertainable events,[3] if the guarantee or agreement specifies a maximum monetary liability; but except to the extent that the member bank is fully secured, it may not have liabilities outstanding for any person on account of such guarantees or agreements which when aggregated with other unsecured obligations of the same person exceed the limit contained in paragraph (a)(1) of section 5200 of the Revised Statutes (12 U.S.C. 84);

(2) *Investments.* Invest in: (i) The securities of the central bank, clearing houses, governmental entities, and government-sponsored development banks of the country in which the foreign branch is located; (ii) other debt securities eligible to meet local reserve or similar requirements; and (iii) shares of professional societies, schools, and the like necessary to the business of the branch; however, the total investments of the bank's branches in that country under this paragraph (exclusive of securities held as required by the law of that country or as authorized under section 5136 of the Revised Statutes (12 U.S.C. 24)) may not exceed one percent of the total deposits of the bank's branches in that country on the preceding year-end call report date (or on the date of acquisition of the branch in the case of a branch that has not so reported);

(3) *Government obligations.* Underwrite, distribute, buy, and sell obligations of: (i) The national government of the country in which the branch is located; (ii) an agency or instrumentality of the national government; and (iii) a municipality or other local or regional governmental entity of the country; however, no member bank may hold, or be under commitment with respect to, such obligations for its own account in an aggregate amount exceeding 10 percent of its capital and surplus;

(4) *Credit extensions to bank's officers.* Extend credit to an officer of the bank residing in the country in which the foreign branch is located to finance the acquisition or construction of living quarters to be used as the officer's residence abroad, provided the

[2] For the purpose of this paragraph, a subsidiary other than a bank or an Edge or Agreement corporation is considered to be operating a branch in a foreign country if it has an affiliate that operates an office (other than a representative office) in that country.

[3] "Readily ascertainable events" include, but are not limited to, events such as nonpayment of taxes, rentals, customs duties, or costs of transport and loss or nonconformance of shipping documents.

credit extension is reported promptly to the branch's home office and any extension of credit exceeding $100,000 (or the equivalent in local currency) is reported also to the bank's board of directors;

(5) *Insurance.* Act as insurance agent or broker;

(6) *Employee benefits program.* Pay to an employee of the branch, as part of an employee benefits program, a greater rate of interest than that paid to other depositors of the branch;

(7) *Repurchase agreements.* Engage in repurchase agreements involving securities and commodities that are the functional equivalents of extensions of credit; and

(8) *Other activities.* With the Board's prior approval, engage in other activities that the Board determines are usual in connection with the transaction of the business of banking in the places where the member bank's branches transact business.

(c) *Reserves of foreign branches of member banks.* Reserves shall be maintained against foreign branch deposits when required by Part 204 of this chapter (Regulation D).

§ 211.4 Edge and Agreement Corporations.

(a) *Organization*—(1) *Permit.* A proposed Edge corporation shall become a body corporate when the board issues a permit approving its proposed name, articles of association, and organization certificate.

(2) *Name.* The name shall include "international," "foreign," "overseas," or some similar word, but may not resemble the name of another organization to an extent that might mislead or deceive the public.

(3) *Articles of association.* In addition to the information required by section 25(a) of the FRA, the articles of association shall include the amount of capital stock and of surplus (excluding undivided profits) of the Edge corporation.

(4) *Federal Register notice.* The Board will publish in the **Federal Register** notice of any proposal to organize an Edge corporation and will give interested persons an opportunity to express their views on the proposal.

(5) *Factors considered by the Board.* The factors considered by the Board in acting on a proposal to organize an Edge corporation include:

(i) The financial condition and history of the applicant;

(ii) The general character of its management;

(iii) The convenience and needs of the community to be served with respect to international banking and financing services; and

(iv) The effects of the proposal on competition.

(6) *Authority to commence business.* After the Board issues a permit, the Edge corporation may elect officers and otherwise complete its organization, invest in obligations of the United States Government, and maintain deposits authorized by paragraph (e) of this section, but it may not exercise any other powers until at least 25 percent of the authorized capital stock specified in the articles of association has been paid in cash, and each shareholder has paid in cash at least 25 percent of that shareholder's stock subscription. Authority to commence business as an Edge corporation shall expire one year after issuance of the permit, unless the Board extends the period.

(7) *Amendments to articles of association.* No amendment to the articles of association shall become effective until approved by the board.

(b) *Nature and ownership of shares*—(1) *Shares.* Shares of stock in an Edge corporation may not include no-par value shares and shall be issued and transferred only on its books and in compliance with section 25(a) of the FRA and this subpart. The share certificates of an Edge corporation shall:

(i) Name and describe each class of shares indicating its character and any unusual attributes such as preferred status or lack of voting rights; and

(ii) Conspicuously set forth the substance of:

(A) Limitations upon the rights of ownership and transfer of shares, imposed by section 25(a) of the FRA and this subpart; and

(B) Rules that the Edge corporation prescribes in its bylaws to ensure compliance with this paragraph. Any change in status of a shareholder that causes a violation of section 25(a) of the FRA shall be reported to the Board as soon as possible, and the Edge corporation shall take such action as the Board may direct.

(2) *Ownership of Edge corporations by foreign institutions*—(i) *Prior Board approval.* One or more foreign or foreign-controlled domestic institutions referred to in paragraph 13 of section 25(a) of the FRA (12 U.S.C. 619) may apply for the Board's prior approval to acquire directly or indirectly a majority of the shares of the capital stock of an Edge corporation.

(ii) *Conditions and requirements.* A foreign institution shall:

(A) Provide the Board information related to its financial condition and activities and such other information as may be required by the Board;

(B) Ensure that any funding by its Edge corporation of an affiliate[4] is on an arm's-length basis and that the Edge corporation will not provide funding on a continual or substantial basis to any affiliate or office of the foreign institution through transactions that would be inconsistent with the international and foreign business purposes for which Edge corporations are organized;

(C) In the case of a foreign institution not subject to section 4 of the BHC Act: (i) Comply with any conditions that the Board may impose that are necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices in the United States; and (ii) give the Board 45 days' prior written notice, in a form to be prescribed by the Board, before engaging in any non-banking activity in the United States, or making any initial or additional investments in another organization, that would require prior Board approval or notice by an organization subject to section 4 of the BHC Act; in connection with such notice, the Board may impose conditions necessary to prevent adverse effects that may result from such activity or investment; and

(D) Invest in Edge corporations no more than 10 percent of its capital and surplus.

(3) *Change in control*—(i) *Prior notice.* Any person, other than a foreign or foreign-controlled domestic institution that applies under paragraph (b)(2) of this section, shall give the Board 60 days' prior written notice, in a form to be prescribed by the Board, before acquiring, directly or indirectly, 25 percent or more of the voting shares, or otherwise acquiring control, of an Edge corporation; the Board may extend the 60-day period for an additional 30 days by notifying the acquiring party; and

(ii) *Conditions.* In reviewing a notice filed under this paragraph, the Board shall consider the factors set forth in paragraph (a) of this section and may impose any conditions that it finds necessary to assure the safe and sound operation of the Edge corporation, to assure the international character of its operation, and to prevent adverse effects such as deceased or unfair competition, conflicts of interest, or undue concentration of resources.

(c) *Domestic branches.* An Edge corporation may establish branches in

[4] For purposes of this paragraph, "affiliate" means any organization that would be an "affiliate" under section 23A of the FRA (12 U.S.C. 371c) if the foreign institution were a member bank.

the United States 45 days after the Edge corporation has given notice to its Reserve Bank, unless the Edge corporation is notified to the contrary within that time. The notice to the Reserve Bank shall include a copy of the notice of the proposal published in a newspaper of general circulation in the communities to be served by the branch. The newspaper notice shall be placed in the classified advertising legal notices section of the newspaper and may appear no earlier than 90 calendar days prior to submission of notice of the proposal to the Reserve Bank. The newspaper notice must provide an opportunity for the public to give written comment on the proposal to the appropriate Federal Reserve Bank for at least 30 days after the date of publication. The factors considered in acting upon a proposal to establish a branch are enumerated in paragraph (a)(5) of this section. Authority to open a branch under prior notice shall expire one year from the earliest date on which it could have been opened, unless the Board extends the period.

(d) *Reserve requirements and interest rate limitations.* The deposits of an Edge or Agreement corporation are subject to Parts 204 and 217 of this chapter (Regulations D and Q) in the same manner and to the same extent as if the Edge or Agreement corporation were a member bank.

(e) *Permissible activities in the United States.* An Edge corporation may engage directly or indirectly in activities in the United States that are permitted by the sixth paragraph of section 25(a) of the FRA and are incidental to international or foreign business, and in such other activities as the Board determines are incidental to international or foreign business. The following activities will ordinarily be considered incidental to an Edge corporation's international or foreign business:

(1) *Deposit activities*—(i) *Deposits from foreign governments and foreign persons.* An Edge corporation may receive in the United States transaction accounts, savings, and time deposits (including negotiable certificates of deposits) from foreign governments and their agencies and instrumentalities; offices or establishments located abroad; and individuals residing abroad.

(ii) *Deposits from other persons.* An Edge corporation may receive from any other person in the United States transaction accounts, savings, and time deposits (including negotiable certificates of deposit) if such deposits:

(a) Are to be transmitted abroad;

(b) Consist of funds to be used for payment of obligations to the Edge corporation or collateral securing such obligations;

(c) Consist of the proceeds of collections abroad that are to be used to pay for exported or imported goods or for other costs of exporting or importing or that are to be periodically transferred to the depositor's account at another financial institution;

(d) Consist of the proceeds of extensions of credit by the Edge corporation; or

(e) Represent compensation to the Edge corporation for extensions of credit or services to the customer.

(2) *Liquid funds.* Funds of an Edge or Agreement corporation not currently employed in its international or foreign business, if held or invested in the United States, shall be in the form of cash, deposits with depository institutions, as described in Part 204 of this chapter (Regulation D), other Edge and Agreement corporations, and money market instruments such as bankers' acceptances, obligations of or fully guaranteed by federal, state, and local governments and their instrumentalities, repurchase agreements, federal funds sold, and commercial paper.

(3) *Borrowings.* (i) Borrow from domestic offices of other Edge and Agreement corporations, banks, and depository institutions (as described in Part 204 of this chapter) or issue obligations to the United States or any of its agencies;

(ii) Incur indebtedness from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that the Edge corporation is obligated to repurchase;

(iii) Issue long-term subordinated debt that does not qualify as a "deposit" under Part 204 of this chapter (Regulation D).

(4) *Credit activities.* (i) Finance the following: (A) Contracts, projects, or activities performed substantially abroad; (B) the importation into or exportation from the United States of goods, whether direct or through brokers or other intermediaries; (C) the domestic shipment or temporary storage of goods being imported or exported (or accumulated for export); and (D) the assembly or repackaging of goods imported or to be exported;

(ii) Finance the costs of production of goods and services for which export orders have been received or which are identifiable as being directly for export;

(iii) Assume or acquire participations in extensions of credit, or acquire obligations arising from transactions the Edge corporation could have financed;

(iv) Guarantee a customer's debts, or otherwise agree for the customer's benefit to make payments on the occurrence of readily ascertainable events,[5] if the guarantee or agreement specifies the maximum monetary liability thereunder and is related to a type of transaction described in paragraphs (e)(4 (i) and (ii) of this section;

(v) Provide personal banking services to the officers and employees of the Edge corporation and its affiliates; however, loans to such persons shall be subject to the restrictions of Part 215 of this chapter (Regulation O) as if the Edge corporation were a member bank.

(5) *Payments and collections.* Receive checks, bills, drafts, acceptances, notes, bonds, coupons, and other instruments for collection abroad, and collect such instruments in the United States for a customer abroad.

(6) *Foreign exchange.* Buy and sell spot and forward foreign exchange.

(7) *Fiduciary and investment advisory activities.* (i) Hold securities in safekeeping for, or buy and sell securities upon the order and for the account and risk of, a person, provided such services for U.S. persons shall be with respect to foreign securities only;

(ii) Act as paying agent for securities issued by foreign governments or other entities organized under foreign law;

(iii) Act as trustee, registrar, conversion agent, or paying agent with respect to any class of securities issued to finance foreign activities and distributed solely outside the United States;

(iv) Make private placements of participations in its investments and extensions of credit; however, except to the extent permissible for member banks under section 5136 of the Revised Statutes (12 U.S.C. 24), no Edge corporation may otherwise engage in the business of selling or distributing securities in the United States;

(v) Act as investment or financial adviser by providing portfolio investment advice and portfolio management with respect to securities, other financial instruments, real property interests and other investment assets,[6] and advice on mergers and acquisitions, provided such services for U.S. persons shall be with respect to foreign assets only; and

(vi) Provide general economic information and advice, general

[5] "Readily ascertainable events" include, but are not limited to, events such as nonpayment of taxes, rentals, customs duties, or cost of transport and loss or nonconformance of shipping documents.

[6] For purposes of this section, management of an investment portfolio does not include operational management of real property, or industrial or commercial assets.

economic statistical forecasting services and industry studies, provided such services for U.S. persons shall be with respect to foreign economies and industries only.

(8) *Other activities.* With the Board's prior approval, engage in other activities in the United States that the Board determines are incidental to the international or foreign business of Edge corporations.

(f) *Agreement corporations.* With the prior approval of the Board, a member bank or bank holding company may invest in a federally- or state-chartered corporation that has entered into an agreement or undertaking with the Board that it will not exercise any power that is impermissible for an Edge corporation under this subpart.

§ 211.5 Investments and activities abroad.

(a) *General policy.* Activities of investors abroad, whether conducted directly or indirectly, shall be confined to those of a banking or financial nature and those that are necessary to carry on such activities. In doing so, investors shall at all times act in accordance with high standards of banking or financial prudence, having due regard for diversification of risks, suitable liquidity, and adequacy of capital. Subject to these considerations and the other provisions of this section, it is the Board's policy to allow activities abroad to be organized and operated as best meets corporate policies.

(b) *Investment requirements*—(1) *Eligible investments.* (i) An investor may directly or indirectly:

(A) Invest in a subsidiary that engages solely in activities listed in paragraph (d) of this section or in such other activities as the Board has determined in the circumstances of a particular case are permissible; except that, in the case of an acquisition of a going concern, existing activities that are not otherwise permissible for a subsidiary may account for not more than two percent of either the subsidiary's consolidated assets or revenues;

(B) Invest in a joint venture provided that, unless otherwise permitted by the Board, not more than 10 percent of the joint venture's consolidated assets or revenues shall be attributable to activities not listed in paragraph (d) of this section; and

(C) Make portfolio investments (including securities held in trading or dealing accounts) in an organization if the total direct and indirect portfolio investments in organizations engaged in activities that are not permissible for joint ventures does not at any time exceed 100 percent of the investor's capital and surplus.[7]

(ii) A member bank's direct investments under section 25 of the FRA shall be limited to foreign banks and to foreign organizations formed for the sole purpose of either holding shares of a foreign bank or performing nominee, fiduciary, or other banking services incidental to the activities of a foreign branch or foreign bank affiliate of the member bank.

(2) *Investment limit.* In computing the amount that may be invested in any organization under this section, there shall be included any unpaid amount for which the investor is liable and any investments by affiliates.

(3) *Divestiture.* An investor shall dispose of an investment promptly (unless the Board authorizes retention) if:

(i) The organization invested in:

(A) Underwrites, sells, or distributes securities in the United States;

(B) Engages in the general business of buying or selling goods, wares, merchandise, or commodities in the United States;

(C) Engages directly or indirectly in business in the United States that is not permitted to an Edge corporation in the United States; or

(D) Engages in impermissible activities to an extent not permitted under paragraph (b)(1) of this section; or

(ii) After notice and opportunity for hearing, the investor is advised by the Board that its investment is inappropriate under the FRA, the BHC Act, or this subpart.

(c) *Investment procedures.*[8] Direct and indirect investments shall be made in accordance with the general consent, prior notice, or specific consent procedures contained in this paragraph. The Board may at any time, upon notice, suspend the general consent and prior notice procedures with respect to any investor or with respect to the acquisition of shares of organizations engaged in particular kinds of activities. An investor shall apply for and receive the prior specific consent of the Board for its first investment in a subsidiary or joint venture unless an affiliate has made such an investment. Authority to make investments under prior notice or specific consent shall expire one year from the date on which the authority is received, unless the Board extends the period.

(1) *General consent.* The Board grants its general consent for the following:

(i) Any investment in a joint venture or subsidiary, and any portfolio investment, if:

(A) The organization invested in is not engaged in business in the United States other than that which is permitted to an Edge corporation in the United States; and

(B) The total amount invested does not exceed the lesser of:

(*1*) $15 million; or

(*2*) 5 percent of the investor's capital and surplus in the case of a member bank, bank holding company, or Edge corporation engaged in banking, or 25 percent of the investor's capital and surplus in the case of an Edge corporation not engaged in banking;

(ii) Any additional investment in an organization in any calendar year so long as:

(A) The total amount invested in that calendar year does not exceed 10 percent of the investor's capital and surplus; and

(B) The total amount invested under this section in any calendar year does not exceed cash dividends reinvested under paragraph (c)(1)(iii) of this section plus 10 percent of the book value of the investment in the organization, which investment authority, to the extent unexercised, may be carried forward and accumulated for up to five consecutive years;

(iii) Any additional investment in an organization in an amount equal to cash dividends received from that organization during the preceding 12 calendar months; or

(iv) Any investment that is acquired from an affiliate at net asset value.

(2) *Prior notice.* An investment that does not qualify under the general consent procedure may be made after the investor has given 45 days' prior written notice to the Board if the total amount to be invested does not exceed 10 percent of the investor's capital and surplus. The Board may waive the 45-day period if it finds immediate action is required by the circumstances presented. The notice period shall commence at the time the notice is accepted. The Board may suspend the period or act on the investment under the Board's specific consent procedures.

(3) *Specific consent.* Any investment that does not qualify for either the general consent or the prior notice procedure shall not be consummated without the specific consent of the Board.

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[7] For this purpose, a direct subsidiary of a member bank is deemed to be an investor.

[8] When necessary, the general consent and prior notice provisions of this section constitute the Board's approval under the eighth paragraph of section 25(a) of the FRA for investments in excess of the limitations therein based on capital and surplus.

(d) *Permissible activities.* The Board has determined that the following activities are usual in connection with the transaction of banking or other financial operations abroad:

(1) Commercial banking;

(2) Financing, including commercial financing, consumer financing, mortgage banking, and factoring;

(3) Leasing real or personal property, or acting as agent, broker, or advisor in leasing real or personal property, if the lease serves as the functional equivalent of an extension of credit to the lessee of the property;

(4) Acting as fiduciary;

(5) Underwriting credit life insurance and credit accident and health insurance;

(6) Performing services for other direct or indirect operations of a United States banking organization, including representative functions, sale of long-term debt, name saving, holding assets acquired to prevent loss on a debt previously contracted in good faith, and other activities that are permissible domestically for a bank holding company under section 4(a)(2)(A) and 4(c)(1)(C) of the BHC Act;

(7) Holding the premises of a branch of an Edge corporation or member bank or the premises of a direct or indirect subsidiary, or holding or leasing the residence of an officer or employee of a branch or subsidiary;

(8) Providing investment, financial, or economic advisory services;

(9) General insurance brokerage;

(10) Data processing;

(11) Managing a mutual fund if the fund's shares are not sold or distributed in the United States or to United States residents and the fund does not exercise managerial control over the firms in which it invests;

(12) Performing management consulting services provided that such services when rendered with respect to the United States market shall be restricted to the initial entry;

(13) Underwriting, distributing, and dealing in debt and equity securities outside the United States, provided that no underwriting commitment by a subsidiary of an investor for shares of an issuer may exceed $2 million or represent 20 percent of the capital and surplus or voting shares of an issuer unless the underwriter is covered by binding commitments from subunderwriters or other purchasers;

(14) Operating a travel agency provided that the travel agency is operated in connection with financial services offered abroad by the investor or others;

(15) Engaging in activities that the Board has determined by regulation in 12 CFR 225.25(b) are closely related to banking under section 4(c)(8) of the BHC Act; and

(16) With the Board's specific approval, engaging in other activities that the Board determines are usual in connection with the transaction of the business of banking or other financial operations abroad and are consistent with the FRA or the BHC Act.

(e) *Debts previously contracted.* Shares or other ownership interests acquired to prevent a loss upon a debt previously contracted in good faith shall not be subject to the limitations or procedures of this section; however, they shall be disposed of promptly but in no event later than two years after their acquisition, unless the Board authorizes retention for a longer period.

§ 211.6 Lending limits and capital requirements.

(a) *Acceptances of Edge corporations*—(1) *Limitations.* An Edge corporation shall be and remain fully secured for (i) all acceptances outstanding in excess of 200 percent of its capital and surplus; and (ii) all acceptances outstanding for any one person in excess of 10 percent of its capital and surplus. These limitations apply only to acceptances of the types described in paragraph 7 of section 13 of the FRA (12 U.S.C. 372).

(2) *Exceptions.* These limitations do not apply if the excess represents the international shipment of goods and the Edge corporation (i) is fully covered by primary obligations to reimburse it that are guaranteed by banks or bankers, or (ii) is covered by participation agreements from other banks, as such agreements are described in § 250.165 of this chapter.

(b) *Loans and extensions of credit to one person*—(1) *Limitations.* Except as the Board may otherwise specify:

(i) The total loans and extensions of credit outstanding to any person by an Edge corporation engaged in banking and its direct or indirect subsidiaries may not exceed 15 percent of the Edge corporation's capital and surplus; and

(ii) The total loans and extensions of credit to any person by a foreign bank or Edge corporation subsidiary of a member bank, and by majority-owned subsidiaries of a foreign bank or Edge corporation, when combined with the total loans and extensions of credit to the same person by the member bank and its majority-owned subsidiaries, may not exceed the member bank's limitation on loans and extensions of credit to one person.

(2) *"Loans and extensions of credit"* means all direct or indirect advances of funds to a person [9] made on the basis of any obligation of that person to repay the funds. These shall include acceptances outstanding not of the types described in section 13 of the FRA; any liability of the lender to advance funds to or on behalf of a person pursuant to a guarantee, standby letter of credit, or similar agreements; and any underwriting commitments to an issuer of securities where no binding commitments have been secured from subunderwriters or other purchasers.

(3) *Exceptions.* The limitations of paragraph (b)(1) of this section do not apply to:

(i) Deposits with banks and federal funds sold;

(ii) Any bankers' acceptance of the kind described in section 13 of the FRA that is issued and outstanding;

(iii) Obligations to the extent secured by cash collateral or by bonds, notes, certificates of indebtedness, or Treasury bills of the United States; or

(iv) Obligations to the extent supported by the full faith and credit of the following:

(A) The United States or any of its departments, agencies, establishments, or wholly-owned corporations (including obligations to the extent insured against foreign political and credit risks by the Export-Import Bank of the United States or the Foreign Credit Insurance Association), the International Bank for Reconstruction and Development, the International Finance Corporation, the International Development Association, the Inter-American Development Bank, or the Asian Development Bank;

(B) Any organization if at least 25 percent of such an obligation or of the total credit is also supported by the full faith and credit of, or participated in by, any institution designated in paragraph (b)(3)(iv)(A) of this section in such manner that default to the lender will necessarily include default to that entity. The total loans and extensions of credit under paragraph (b)(3)(iv)(B) to any person shall at no time exceed 100 percent of the capital and surplus of the Edge corporation.

(c) *Capitalization.* An Edge corporation shall at all times be capitalized in an amount that is adequate in relation to the scope and character of its activities. In the case of an Edge corporation engaged in banking, its capital and surplus shall be not less than the minimum primary capital required for a multinational banking

[9] In the case of a foreign government, these include loans and extensions of credit to the foreign government's departments or agencies deriving their current funds principally from general tax revenues.

organization as established by the Board in its Capital Adequacy Guidelines (12 CFR Part 225, Appendix A).

§ 211.7 Supervision and Reporting.

(a) *Supervision*—(1) *Foreign branches and subsidiaries.* Investors shall supervise and administer their foreign branches and subsidiaries in such a manner as to ensure that their operations conform to high standards of banking and financial prudence. Effective systems of records, controls, and reports shall be maintained to keep management informed of their activities and condition. Such systems should provide, in particular, information on risk assets, liquidity management, and operations of controls and conformance to management policies. Reports on risk assets should be sufficient to permit an appraisal of credit quality and assessment of exposure to loss, and for this purpose provide full information on the condition of material borrowers. Reports on the operations of controls should include internal and external audits of the branch of subsidiary.

(2) *Joint ventures.* Investors shall maintain sufficient information with respect to joint ventures to keep informed of their activities and condition. Such information shall include audits and other reports on financial performance, risk exposure, management policies, and operations of controls. Complete information shall be maintained on all transactions with the joint venture by the investor and its affiliates.

(3) *Availablility of reports to examiners.* The reports and information specified in paragraphs (a)(1) and (2) of this section shall be made available to examiners of the appropriate bank supervisory agencies.

(b) *Examinations.* Examiners appointed by the Board shall examine each Edge corporation once a year. An Edge corporation shall make available to examiners sufficient information to assess its condition and operations and the condition and activities of any organization whose shares it holds.

(c) *Reports*—(1) *Reports of condition.* Each Edge corporation shall make at least two reports of condition annually to the Board at such times and in such form as the Board may prescribe. The Board may require that statements of condition or other reports be published or made available for public inspection.

(2) *Foreign operations.* Edge and Agreement corporations, member banks, and bank holding companies shall file such reports on their foreign operations as the Board may require.

(3) *Acquisition or disposition of shares.* A member bank, Edge or Agreement corporation or a bank holding company shall report in a manner prescribed by the Board within 30 days any acquisition or disposition of shares.

(d) *Filing procedures.* Unless otherwise directed by the Board, applications, notifications, and reports required by this part shall be filed with the Federal Reserve Bank of the district in which the parent bank or bank holding company is located, or if none, the Federal Reserve Bank of the district in which the applying or reporting institution is located. Instructions and forms for such applications, notifications and reports are available from the Federal Reserve Bank.

* * * * *

2. By revising § 211.23(b) of Subpart B to read as follows:

Subpart B—Foreign Banking Organizations

§ 211.23 Nonbanking Activities of Foreign Banking Organizations.

* * * * *

(b) *Qualifying foreign banking organizations.* Unless specifically made eligible for the exemptions by the Board, a foreign banking organization shall qualify for the exemptions afforded by this section only if, disregarding its United States banking, more than half of its worldwide business is banking; and more than half of its banking business is outside the United States.[1] In order to qualify, a foreign banking organization shall:

(1) Meet at least two of the following requirements:

(i) Banking assets held outside the United States exceed total worldwide nonbanking assets;

(ii) Revenues derived from the business of banking outside the United States exceed total revenues derived from its worldwide nonbanking business; or

(iii) Net income derived from the business of banking outside the United States exceeds total net income derived from its worldwide nonbanking business; and

(2) Meet at least two of the following requirements:

(i) Banking assets held outside the United States exceed banking assets held in the United States;

(ii) Revenues derived from the business of banking outside the United States exceed revenues derived from the business of banking in the United States; or

(iii) Net income derived from the business of banking outside the United States exceeds net income derived from the business of banking in the United States.

* * * * *

3. By revising § 211.23(f)(5)(i) through (f)(5)(iii) to read as follows. (The introductory text of (f) is shown for the convenience of the reader).

§ 211.23 [Amended]

* * * * *

(f) *Permissible activities and investments.* A foreign banking organization that qualifies under paragraph (b) of this section may:

* * * * *

(5) Own or control voting shares of a foreign company that is engaged directly or indirectly in business in the United States other than that which is incidental to its international or foreign business, subject to the following limitations:

(i) More than 50 percent of the foreign company's consolidated assets shall be located, and consolidated revenues derived from, outside the United States;

(ii) The foreign company shall not directly underwrite, sell, or distribute, nor own or control more than 5 percent of the voting shares of a company that underwrites, sells, or distributes securities in the United States except to the extent permitted bank holding companies;

(iii) If the foreign company is a subsidiary of the foreign banking organization, the foreign company must be an operating company and its direct or indirect activities in the United States shall be subject to the following limitations:

* * * * *

Board of Governors of the Federal Reserve System, June 15, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-16497 Filed 6-22-84; 8:45 am]

BILLING CODE 6210-01-M

[1] None of the assets, revenues, or net income, whether held or derived directly or indirectly, of a subsidiary bank, branch, agency, commercial lending company, or other company engaged in the business of banking in the United States (including any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands) shall be considered held or derived from the business of banking "outside the United States."

federal register

Monday
June 25, 1984

Part IX

Office of Management and Budget

Budget Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling $1,850,000 and five revised deferrals of budget authority which now total $98,533,000. The deferrals affect the Department of Energy.

The details of the deferrals are contained in the attached reports.

Ronald Reagan,

The White House,
June 20, 1984.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Department of Energy	
	Atomic Energy Defense Activities	
D84-62	Atomic energy defense activities	1,050
	Energy Programs	
D84-63	General science and research activities	700
D84-39A	Energy supply research and development activities	10,852
D84-21C	Fossil energy research and development	9,643
D84-40A	Naval petroleum and oil shale reserves	41,550
	Power Marketing Administration	
D84-42A	Operation and maintenance, Southwestern Power Administration	7,060
D84-64	Construction, rehabilitation, operation and maintenance, Western Area Power Administration	100
	Departmental Administration	
D84-43A	Departmental administration	29,428
	Total, deferrals	100,383

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1984
(in thousands of dollars)

	Rescissions	Deferrals
Eleventh special message:		
New items	---	1,850
Revisions to previous special messages	---	1,435
Effects of eleventh special message	---	3,285
Amounts from previous special messages that are changed by this message (changes noted above)	---	97,098
Subtotal, rescissions and deferrals	---	100,383
Amounts from previous special messages that are not changed by this message	636,411	7,317,837
Total amount proposed to date in all special messages	636,411	7,418,220

Deferral No: D84-62

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy

Bureau: Atomic Energy Defense Activities

Appropriation title & symbol:
Atomic Energy Defense Activities
89X0220 1/

OMB identification code:
89-0220-0-1-053

Grant program: ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year _____ (expiration date)
☒ No-year

New budget authority (P.L. 98-50; 98-181): $6,554,875,000
Other budgetary resources: 1,318,215,639
Total budgetary resources: 7,873,090,639

Amount to be deferred:
Part of year: _____
Entire year: 1,050,000

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other _____

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other _____

Justification: This account funds development of naval nuclear reactors, research and development on nuclear weapons, verification and control technology, production of nuclear materials, management of defense waste and byproducts, nuclear safeguards and security, and security investigations. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report for the 1984 Energy/Water appropriations bill. This deferral reflects savings resulting from management improvements in organization and staffing, planning for acquisition and utilization of ADP systems, and increased contracting out of activities to the private sector at a lower cost following A-76 studies. The funds deferred until 1985 will partially offset the 1985 appropriation request. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: There is no impact on 1984 and 1985 outlays since these savings were anticipated when the 1985 budget estimates were developed.

1/ This account was the subject of a deferral in 1983 (D83-70).

Deferral No: D84-63

D84-39A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 98-50): $638,250,000
Bureau: Energy Programs	Other budgetary resources: -2,294,793
Appropriation title & symbol: General Science and Research Activities 89X0222	Total budgetary resources: 635,955,207
	Amount to be deferred: Part of year: ____ Entire year: 700,000
OMB identification code: 89-0222-0-1-251	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: This account funds research in high energy and nuclear physics. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report for the 1984 Energy/Water appropriations bill. This deferral reflects savings from improvements in automatic data processing utilization and management of government owned, contractor operated facilities which reduce procedural controls and heignten reliance on performance evaluations by the DOE operations offices. These funds are being deferred until 1985 and will be used to offset 1985 funding requirements. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: This deferral will have no programmatic effects in 1985 because management savings will result from the improved efficiency and effectiveness of Departmental management practice.

Outlay Effect: None. Current 1984 and 1985 outlay estimates reflect savings from this deferral.

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-39 transmitted to Congress on February 1, 1984.

This increases by $800,000 the previous deferral of $10,052,000 in the Department of Energy's Energy supply research and development activities account, resulting in a total deferral of $10,852,000. The additional funds being deferred reflect savings from management improvements in administrative organization, administrative systems and administrative processes/field structure.

Deferral No: D84-39A

D84-21C

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 98-181) $ 1,959,609,000
Bureau Energy Programs	Other budgetary resources 556,457,989*
Appropriation title & symbol: Energy Supply Research and Development Activities 89X0224 1/	Total budgetary resources 2,516,066,989*
	Amount to be deferred: Part of year —; Entire year 10,852,000*
OMB identification code: 89-0224-0-1-271	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification:* This account funds a variety of R&D programs in nuclear fission, fusion and solar and renewables technologies. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report for the 1984 Energy/Water appropriations bill. The deferral of $10,052,000 of unobligated prior year funds in solar and renewables R&D programs are in excess of 1984 program requirements. These funds are being deferred until 1985 to partially offset the 1985 appropriation request. The deferred funds include Solar Buildings ($400,000), Photovoltaics ($1,000,000), Solar Thermal ($700,000), Biofuels ($200,000), Wind Energy Systems ($3,000,000), Ocean Energy Systems ($250,000), International ($75,000), Solar Information ($200,000), Solar Program Direction ($1,500,000), Geothermal Technology Development ($273,000), Geothermal Program Direction ($250,000), Hydropower Program Direction ($300,000), Hydrothermal Industrialization ($75,000), Electric Energy Systems (Systems Technology, $886,000), and Thermal and Mechanical Storage ($943,000). The remaining deferral of $800,000 reflects savings from management initiatives on improving organization management, administrative systems and field structure. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect:* This deferral action will shift $10,052,000 of 1984 outlays to 1985. The increase of $800,000 will have no impact on 1984 and 1985 outlays since these savings were anticipated when the 1985 budget estimate was developed.

1/ This account was the subject of deferrals in 1983 (D83-72 and D83-48A).

* Revised from previous report.

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-21B transmitted to Congress on February 1, 1984.

This increases by $150,000 the previous deferral of $9,493,000 in the Department of Energy's Fossil energy research and development account, resulting in a total deferral of $9,643,000. These funds are deferred because the fossil energy program is achieving savings from improved administrative and organization management. These will be used to help finance the 1985 budget request.

Deferral No: D84-21C

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 98-146;98-181) $ 260,214,000
Bureau: Energy Programs	Other budgetary resources 97,681,101*
Appropriation title & symbol: Fossil Energy Research and Development 89X0213 1/	Total budgetary resources 357,895,101*
	Amount to be deferred: Part of year —; Entire year 9,643,000*
OMB identification code: 89-0213-0-1-271	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification:* This account funds research and development activities in coal, petroleum and unconventional natural gas. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report on the 1984 Interior appropriations bill. A savings of $150,000 results from improved administrative and organization management. The remaining $9,493,000 consisted of three major components: $2,750,000 of unobligated prior year funds; $2,000,000 appropriated in 1984 for geopressured methane research activities that duplicates work funded in the Department of Energy Geothermal Energy program; and $4,743,000 in reimbursements from the foreign contributions to the Solvent Refined Coal (SRC-II) demonstration project. These funds are not currently programmed for use in 1984 and are being deferred into 1985 to partially offset the 1985 appropriation request. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

*Estimated Program Effect: None.

Outlay Effect:* This deferral will decrease 1984 outlays by $9,493,000 and will shift $8,993,000 to 1985.

1/ This account was the subject of deferrals in 1983 (D83-8A, D83-73, and D83-80).

* Revised from previous report.

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-40 transmitted to Congress on February 1, 1984.

This increases by $50,000 the previous deferral of $41,500,000 in the Department of Energy's Naval petroleum and oil shale reserves account, resulting in a total deferral of $41,550,000. The increase is due to improved administrative and organization management.

Deferral No: D84-40A

D84-42A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 98-146): $256,600,000
Bureau: Energy Programs	Other budgetary resources: 7,082,582*
Appropriation title & symbol: Naval Petroleum and Oil Shale Reserves 89X0219	Total budgetary resources: 263,682,582*
	Amount to be deferred: Part of year: ____ Entire year: 41,550,000*
OMB identification code: 89-0219-0-1-271	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification:* This account primarily funds activities necessary to operate, explore, conserve, develop and produce the naval petroleum reserves at the maximum efficient rate and to conserve the oil shale reserves. The remainder of tnis account includes funds from prior years for solar federal buildings and coal loan guarantee activities. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report of the 1984 Interior appropriations bill. This deferral includes $39,050,000 under the Naval Petroleum and Oil Shale Reserve Program (NPOSR) and $2,500,000 of prior year unobligated funds from the coal loan guarantee program. Within the NPOSR program, $39,000,000 is being deferred as a result of changes in tne primary development drilling program at NPR-1. Consequently, these funds are not required in 1984 and are being deferred until 1985 to partially offset tne 1985 appropriation request. The remaining $50,000 of the total NPOSR deferral results from management initiatives in the area of administrative and organization management. The deferral of $2,500,000 until 1985 under tne coal loan guarantee program is due to the fact that no qualified applicants were identified. These funds are proposed for transfer to the fossil energy R&D account to partially offset the 1985 appropriation request for tnat account. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect:* This deferral action will shift $41,500,000 of 1984 outlays to 1985 and 1986. The $50,000 associated with management initiatives savings has alreaoy been considered in reducing 1984 and 1985 outlays.

* Revised from previous report.

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-42 transmitted to Congress on February 1, 1984.

This increases by $60,000 the previous deferral of $7,000,000 in the Department of Energy's Operations and maintenance, Southwestern Power Administration account, resulting in a total deferral of $7,060,000. The increase is due to improved organization structure and maximum effective utilization of existing resources and staff.

Deferral No: D84-42A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 98-50): $36,229,000
Bureau: Power Marketing Administration	Other budgetary resources: 13,099,647*
Appropriation title & symbol: Southwestern Power Administration Operations and Maintenance 89X0303	Total budgetary resources: 49,328,647*
	Amount to be deferred: Part of year: ____ Entire year: 7,060,000*
OMB identification code: 89-0303-0-1-271	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: This account funds the activities of the Southwestern Power Administration (SWPA), an agency which markets wholesale hydroelectric power produced at Corps of Engineers dams in six southwestern States. SWPA activities also include construction, operation and maintenance of approximately 1,660 miles of transmission lines over which the power is distributed to customers. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report on the 1984 Energy/Water appropriations bill. The deferral includes a total of $7,000,000 of unobligated balances from prior year appropriations for various construction and operation and maintenance efforts that changes in original planning assumptions have made unnecessary at present. Because these projects and activities have been indefinitely postponed, the funds are not needed in 1984. Management initiatives during 1984 result in savings of $60,000 from improvements in the agency's organizational structure and assume maximum effective utilization of existing resources and staff. The funds are being deferred until 1985 to offset part of the 1985 appropriation request for the account. This deferral is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The deferral will have no programmatic effect because the funds deferred are in excess of the amount necessary for conduct of SWPA's normal power marketing and systems operation and maintenance activities.

Outlay Effect: None.

* Revised from previous report

Deferral No: D84-64

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 98-50): $194,630,000
Bureau: Power Marketing Administration	Other budgetary resources: 84,045,169
Appropriation title & symbol: Western Area Power Administration Construction, Rehabilitation, Operation and Maintenance 89X5068	Total budgetary resources: 278,675,169
	Amount to be deferred: Part of year: ____ Entire year: 100,000
OMB identification code: 89-5068-0-2-271	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: The Western Area Power Administration markets power in fifteen western states from electrical generating projects operated by the Bureau of Reclamation and the Corps of Engineers. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report for the 1984 Energy/Water appropriations bill. Management initiatives in the Western Area Power Administration during 1984 will result in savings of $100,000 from improving the agency's organizational structure and assuring maximum effective utilization of existing resources and staff. These savings are deferred until 1985 to partially offset the 1985 budget request. This deferral is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-43 transmitted to Congress on February 1, 1984.

This increases by $375,000 the previous deferral of $29,053,000 in the Department of Energy's Departmental administration account, resulting in a total deferral of $29,428,000. These funds are based on savings from several management initiatives recommended in various studies of Departmental operations.

Deferral No: D84-43A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 98-50): $366,056,000
Bureau: Departmental Administration	Other budgetary resources: 86,406,714*
Appropriation title & symbol: Departmental Administration 89X0228 1/	Total budgetary resources: 452,462,714*
	Amount to be deferred: Part of year: ____ Entire year: 29,428,000*
OMB identification code: 89-0228-0-1-276	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification:* This account funds a variety of Department of Energy administrative activities, including policy development and analysis activities, institutional and public liaison functions, and other program support requirements necessary to ensure effective departmental operations and management. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report of the 1984 Energy/Water appropriations bill and as a result, a portion of the amount of prior year unobligated balances and recoveries of prior year obligations is not needed in 1984. Savings have also been achieved as the Department implemented management initiatives recommended by various studies of departmental operations. The excess is being deferred into 1985 to partially offset the 1985 appropriation request. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: This deferral will not have any identifiable programmatic effect since the funds deferred are in excess of the amount required to satisfy congressional directives.

Outlay Effect: None.

1/ This account was the subject of a deferral in 1983 (D83-51).

* Revised from previous report.

[FR Doc. 84-16918 Filed 6-22-84; 8:45 am]

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S. 2776 / Pub. L. 98-325

To continue the transition provisions of the Bankruptcy Act until June 27, 1984, and for other purposes. (June 20, 1984; 98 Stat. 268) Price: $1.50

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4	12.00	Jan. 1, 1984
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1-1199	13.00	Jan. 1, 1984
1200-End, 6 (6 Reserved)	6.00	Jan. 1, 1984
7 Parts:		
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1060-1119	9.50	Jan. 1, 1984
1120-1199	7.50	Jan. 1, 1984
1200-1499	13.00	Jan. 1, 1984
1500-1899	6.00	Jan. 1, 1984
1900-1944	14.00	Jan. 1, 1984
1945-End	13.00	Jan. 1, 1984
8	7.00	Jan. 1, 1984
9 Parts:		
1-199	13.00	Jan. 1, 1984
200-End	9.50	Jan. 1, 1984
10 Parts:		
0-199	14.00	Jan. 1, 1984
200-399	12.00	Jan. 1, 1984
400-499	12.00	Jan. 1, 1984
500-End	13.00	Jan. 1, 1984
11	5.50	July 1, 1983
12 Parts:		
1-199	9.00	Jan. 1, 1984
200-299	8.00	Jan. 1, 1983
300-499	9.50	Jan. 1, 1984
500-End	8.00	Jan. 1, 1983
13	13.00	Jan. 1, 1984
14 Parts:		
1-59	13.00	Jan. 1, 1984
60-139	13.00	Jan. 1, 1984
140-199	7.00	Jan. 1, 1984
200-1199	13.00	Jan. 1, 1984
1200-End	7.50	Jan. 1, 1984
15 Parts:		
0-299	7.00	Jan. 1, 1984
300-399	13.00	Jan. 1, 1984
400-End	12.00	Jan. 1, 1984

Title	Price	Revision Date
16 Parts:		
0-149	9.00	Jan. 1, 1984
150-999	9.50	Jan. 1, 1984
1000-End	13.00	Jan. 1, 1984
17 Parts:		
1-239	8.00	Apr. 1, 1983
240-End	7.00	Apr. 1, 1983
18 Parts:		
1-149	7.00	Apr. 1, 1983
150-399	8.00	Apr. 1, 1983
*400-End	6.50	Apr. 1, 1984
19	8.50	Apr. 1, 1983
20 Parts:		
1-399	5.50	Apr. 1, 1983
400-499	7.00	Apr. 1, 1983
500-End	7.50	Apr. 1, 1983
21 Parts:		
*1-99	9.00	Apr. 1, 1984
100-169	6.50	Apr. 1, 1983
170-199	6.50	Apr. 1, 1983
200-299	4.75	Apr. 1, 1983
300-499	8.00	Apr. 1, 1983
500-599	13.00	Apr. 1, 1984
600-799	6.00	Apr. 1, 1984
*800-1299	9.50	Apr. 1, 1984
1300-End	6.00	Apr. 1, 1984
22	8.50	Apr. 1, 1983
23	7.00	Apr. 1, 1983
24 Parts:		
0-199	6.00	Apr. 1, 1983
200-499	8.00	Apr. 1, 1983
*500-699	6.00	Apr. 1, 1984
500-799	5.00	Apr. 1, 1983
800-1699	6.50	Apr. 1, 1983
1700-End	6.00	Apr. 1, 1983
25	8.00	Apr. 1, 1983
26 Parts:		
§§ 1.0-1.169	8.00	Apr. 1, 1983
§§ 1.170-1.300	10.00	Apr. 1, 1984
§§ 1.301-1.400	6.00	Apr. 1, 1983
§§ 1.401-1.500	7.00	Apr. 1, 1983
§§ 1.501-1.640	12.00	Apr. 1, 1984
§§ 1.641-1.850	7.50	[1] Apr. 1, 1982
§§ 1.851-1.1200	8.00	Apr. 1, 1983
§§ 1.1201-End	8.50	Apr. 1, 1983
2-29	7.00	Apr. 1, 1983
30-39	6.00	Apr. 1, 1983
40-299	7.50	Apr. 1, 1983
300-499	6.00	Apr. 1, 1983
500-599	8.00	[2] Apr. 1, 1980
*600-End	5.50	Apr. 1, 1984
27 Parts:		
1-199	6.50	Apr. 1, 1983
200-End	6.50	Apr. 1, 1983
28	7.00	July 1, 1983
29 Parts:		
0-99	8.00	July 1, 1983
100-499	5.50	July 1, 1983
500-899	8.00	July 1, 1983
900-1899	5.50	July 1, 1983
1900-1910	8.50	July 1, 1983
1911-1919	4.50	July 1, 1983
1920-End	8.00	July 1, 1983
30 Parts:		
0-199	7.00	July 1, 1983
200-699	5.50	Oct. 1, 1983
700-End	13.00	Oct. 1, 1983
31 Parts:		
0-199	6.00	July 1, 1983
200-End	6.50	July 1, 1983

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	8.50	July 1, 1983
1–39, Vol. II	13.00	July 1, 1983
1–39, Vol. III	9.00	July 1, 1983
40–189	6.50	July 1, 1983
190–399	13.00	July 1, 1983
400–699	12.00	July 1, 1983
700–799	7.50	July 1, 1983
800–999	6.50	July 1, 1983
1000–End	6.00	July 1, 1983
33 Parts:		
1–199	14.00	July 1, 1983
200–End	7.00	July 1, 1983
34 Parts:		
1–299	13.00	July 1, 1983
300–399	6.00	July 1, 1983
400–End	15.00	July 1, 1983
35	5.50	July 1, 1983
36 Parts:		
1–199	6.50	July 1, 1983
200–End	12.00	July 1, 1983
37	6.00	July 1, 1983
38 Parts:		
0–17	7.00	July 1, 1983
18–End	6.50	July 1, 1983
39	7.50	July 1, 1983
40 Parts:		
0–51	7.50	July 1, 1983
52	14.00	July 1, 1983
53–80	14.00	July 1, 1983
81–99	7.50	July 1, 1983
100–149	6.00	July 1, 1983
150–189	6.50	July 1, 1983
190–399	7.00	July 1, 1983
400–424	6.50	July 1, 1983
425–End	13.00	July 1, 1983
41 Chapters:		
1, 1–1 to 1–10	7.00	July 1, 1983
1, 1–11 to Appendix, 2 (2 Reserved)	6.50	July 1, 1983
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7	5.00	July 1, 1983
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10–17	6.50	July 1, 1983
18, Vol. I, Parts 1–5	6.50	July 1, 1983
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18, Vol. III, Parts 20–52	6.50	July 1, 1983
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42 Parts:		
1–60	12.00	Oct. 1, 1983
61–399	7.50	Oct. 1, 1983
400–End	17.00	Oct. 1, 1983
43 Parts:		
1–999	9.00	Oct. 1, 1983
1000–3999	14.00	Oct. 1, 1983
4000–End	7.50	Oct. 1, 1983
44	12.00	Oct. 1, 1983
45 Parts:		
1–199	9.00	Oct. 1, 1983
200–499	6.00	Oct. 1, 1983
500–1199	12.00	Oct. 1, 1983
1200–End	9.00	Oct. 1, 1983
46 Parts:		
1–40	9.00	Oct. 1, 1983
41–69	9.00	Oct. 1, 1983
70–89	5.00	Oct. 1, 1983
90–139	9.00	Oct. 1, 1983
140–155	8.00	Oct. 1, 1983
156–165	9.00	Oct. 1, 1983
166–199	7.00	Oct. 1, 1983
200–399	12.00	Oct. 1, 1983
400–End	7.00	Oct. 1, 1983
47 Parts:		
0–19	12.00	Oct. 1, 1983
20–69	14.00	Oct. 1, 1983
70–79	13.00	Oct. 1, 1983
80–End	13.00	Oct. 1, 1983
48	1.50	[3] Sept. 19, 1983
49 Parts:		
1–99	7.00	Oct. 1, 1983
100–177	14.00	Nov. 1, 1983
178–199	13.00	Nov. 1, 1983
200–399	12.00	Oct. 1, 1983
400–999	13.00	Oct. 1, 1983
1000–1199	12.00	Oct. 1, 1983
1200–1299	12.00	Oct. 1, 1983
1300–End	7.50	Oct. 1, 1983
50 Parts:		
1–199	9.00	Oct. 1, 1983
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[1] No amendments to these volumes were promulgated during the period Apr. 1, 1982 to March 31, 1983. The CFR volumes issued as of Apr. 1, 1982 should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).

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