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Friday
July 27, 1984

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Environmental Protection Agency

Chemicals
Environmental Protection Agency

Consumer Protection
Consumer Product Safety Commission

Dairy Products
Agricultural Marketing Service

Endangered and Threatened Species
Fish and Wildlife Service

Fisheries
National Oceanic and Atmospheric Administration

Freedom of Information
Federal Trade Commission

Marketing Agreements
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Motor Vehicle Safety
National Highway Traffic Safety Administration

Occupational Safety and Health
Occupational Safety and Health Administration

Prescription Drugs
Drug Enforcement Administration

Railroad Unemployment Insurance
Railroad Retirement Board

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 474]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 275,000 cartons during the period July 29–August 4, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: July 29, 1984.

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

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

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on July 24, 1984, at Ventura, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is steady.

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

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.774 is added as follows:

§ 910.774 Lemon Regulation 474.

The quantity of lemons grown in California and Arizona which may be handled during the period July 29, 1984, through August 4, 1984, is established at 275,000 cartons.

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

Dated: July 25, 1984.

Thomas R. Clark,

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

[FR Doc. 84-20046 Filed 7-26-84; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Freedom of Information Act; Implementation, Organization, Procedures, and Rules of Practice

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This amendment makes FTC Rule 4.10(a)(3) reflect more closely the prevailing legal standard for Exemption 5 of the Freedom of Information Act, 5 U.S.C. 552(b)(5) on which the rule is based. The Supreme Court has long construed Exemption 5 as protecting from disclosure internal agency documents that would not be "routinely" or "normally" available in private litigation with the agency. Most recently, in *Grolier, Inc.* v. *FTC*, 103 S.Ct. 2209 (1983), the Court stated that attorney work-product is not "normally" or "routinely" available to parties in litigation, and hence is exempt under Exemption 5 without regard to the status of the litigation with which it was prepared. The effect of the amendment is to reflect this legal standard by changing the definition of nonpublic information Rule 4.10(a)(3) from materials that are "not available" in civil discovery to materials that are not "routinely available."

EFFECTIVE DATE: July 27, 1984.

FOR FURTHER INFORMATION CONTACT: Alexandra Buek, Assistant to the General Counsel, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3906.

SUPPLEMENTARY INFORMATION: Rule 4.10(a)(3) is a rule of agency organization, procedure or practice. It is therefore being amended without notice and comment. 5 U.S.C. 553(b)(A); see 16 CFR 1.21 (1983). The amendment is intended to reflect the case law interpreting Exemption 5 of the Freedom of Information Act, 5 U.S.C. 552(b)(5), on which the rule is based. See, *e.g., United States* v. *Weber Aircraft Corp.*, 104 S.Ct. 1488 (1984); *Grolier, Inc.* v. *FTC*, 103 S. Ct. 2209 (1983).

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information Act, Privacy Act, Sunshine Act.

PART 4—MISCELLANEOUS RULES

Accordingly, the Commission amends 16 CFR 4.10(a)(3) by revising the first sentence, with the remainder of § 4.10(a)(3) to remain unchanged, to read as follows:

§ 4.10 Nonpublic information.

* * * * *

(a) * * *

* * * * *

(3) Interagency or intra-agency memoranda or letters which would not routinely be available by law to a private party in litigation with the Commission. * * *

* * * * *

(15 U.S.C. 41 *et seq.*)

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 84-19904 Filed 7-26-84; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1145

Rule To Regulate Under the Consumer Product Safety Act Risks of Injury That May Be Associated With Baby Bassinets Having Legs That Collapse

AGENCY: Consumer Product Safety Commission.

ACTION: Final Rule.

SUMMARY: The Consumer Product Safety Commission has learned of instances in which baby bassinets have collapsed because their supporting legs gave way. Should regulatory action become necessary to address any risk of injury associated with baby bassinets having legs that collapse, the Commission issues this rule to transfer regulation of any such risks of injury to the Consumer Product Safety Act (CPSA) from the Federal Hazardous Substances Act (FHSA).* The Commission has determined that this transfer is in the public interest because the Commission finds that if regulation of these risks of injury is necessary, public notification and remedial action can be accomplished more effectively and expeditiously under the CPSA than under the FHSA.

EFFECTIVE DATE: July 27, 1984.

FOR FURTHER INFORMATION CONTACT: Marc J. Schoem, Division of Corrective Actions, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6608.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 28, 1984 (49 FR 11846), the Commission proposed a rule to transfer from the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 *et seq.*) to the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 *et seq.*) regulation of any risk of injury, such as concussion, skull fracture, hemorrhage, anoxia, and related trauma, which may be associated with baby bassinets having legs that collapse.

A. Background

The proposal to transfer regulation of risks of injury which may be associated with these articles was made under provisions of section 30(d) of the CPSA (15 U.S.C. 2079(d)), which provides:

> A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act * * * may be regulated under this Act [the CPSA] only if the Commission by rule finds that it is in the public interest to regulate such risks of injury under this Act.

A bassinet is a small sleeping container used in the home and elsewhere for infants during the first several months after birth. A bassinet may be stationary or equipped with wheels for mobility. To enhance portability and storage in small spaces, some bassinets have folding legs.

The size of the sleeping container may vary, but it is usually about 36 inches long by about 10 inches wide by about 12 inches deep. The sleeping container is often made of wicker or plastic shaped like wicker, and resembles a basket.

The sleeping container is mounted on four legs, which sometimes have caster wheels to facilitate movement from place to place. (See figure 1.) Some bassinets are constructed with the two legs at each end connected by a horizontal cross member which allows the legs to fold as a pair. On these bassinets, each leg in a pair may have an individual brace consisting of two steel links connected by a center pivot. (See figure 1.) When the legs of these bassinets are fully extended, the links of the leg brace form a straight line. The links of the brace may have intermeshing dimples or some other mechanisms for locking the brace. (See figure 2A.) When the two links of the brace are moved in an upward direction, the legs will fold under the sleeping container. (See figure 2(B).)

When a leg brace as described above is in a straight line, it can resist compressive forces either from movement of the infant within the bassinet, or from an adult pushing the bassinet from one room to another. If a leg brace which is designed to reach a straight line is not fully opened into its straight line position, or if the interlocking dimples are small and shallow, the legs of the bassinet can collapse inward (toward the center of the bassinet). Bending stress on the links due to offset at their outer ends may also cause the leg braces to separate and allow folding of the links either upward or downward. Folding of the links in turn results in collapse of the legs and the bassinet. Collapse of the legs may also be more likely when the brace is constructed of thin-gauge steel.

The Commission had learned of the deaths of three infants associated with collapse of baby bassinets, when it published the proposed rule. The Commission has since learned of one additional death. The reports indicate that while the children were in them, the legs of the bassinets collapsed. Each infant may have suffered internal cranial hemorrhaging from the blow to the head when falling, and anoxia (inability to breathe) because of being thrown head downward and remaining in that position. From consumer complaints and investigations by its staff, the Commission has also learned of additional incidents involving bassinets having legs that collapsed which resulted in minor or no injuries.

All of these incidents, fatal or otherwise, appear to have occurred after the baby moved about in the bassinet, or when an adult pushed the bassinet from one room to another over doorsills or other routine obstructions. The reports of these incidents indicate that the braces on the legs of the bassinets loosened, detached, bent, or otherwise failed to perform their intended function of keeping the legs fully extended so that the bassinet could be moved around in the home until such time as the user desired to fold the legs under the sleeping container.

The incidents reported to and investigated by the Commission indicate that an infant can suffer concussion, skull fracture, hemorrhage, anoxia, and other related injuries from the collapse of the legs on bassinets.

B. Regulation Under FHSA

The baby bassinets described above could be regulated by the Commission under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*) as articles intended for use by children.

In accordance with provisions of sections 3 (e) through (i) of the FHSA (15

*Commissioner Carol G. Dawson did not participate in the decision of the Commission to issue this rule.

U.S.C. 1261 (e), (f), (g), (h), (i)), the Commission could begin a proceeding for the issuance of a rule to declare that the bassinets described in this notice present a mechanical hazard. If issued on a final basis, such a rule would have the effect of classifying these articles as "banned hazardous substances," as that term is used in section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261(q)(1)(A)), and would prohibit the distribution or sale of these products in the United States, as well as their importation into this country. If a children's article presents an "imminent hazard to the public health," provisions of section 3(e)(2) of the FHSA (15 U.S.C. 1262(e)(2)) authorize the Commission to issue an immediate order declaring the product to be a banned hazardous substance pending completion of a proceeding to issue a banning rule.

A final rule issued under provisions of sections 3 (e) through (i) of the FHSA would also make the products in question subject to provisions of section 15 of the FHSA (15 U.S.C. 1274). That section authorizes the Commission to determine, after affording all interested persons opportunity for a hearing, that notification to the public of the hazard presented by a product which is a "banned hazardous substance" is necessary in order to adequately protect the public. That section also authorizes the Commission, after affording all persons opportunity for a hearing (which could be combined with a hearing regarding the need for public notification), to require the manufacturer, distributor, or dealer of a product which is a banned hazardous substance to elect to repair or replace the product, or to refund the purchase price of the product.

However, the provisions of section 15 of the FHSA concerning public notification and corrective action would be applicable to the products which are the subject of this notice only if the Commission had first issued a rule under provisions of sections 3 (e) through (i) of the FHSA to announce the Commission's determination that the products present a mechanical hazard, or had published an order to declare that such products present an imminent hazard to the public health.

A proceeding to issue a rule under provisions of sections 3 (e) through (i) of the FHSA is initiated by publication of an advance notice of proposed rulemaking in the Federal Register to invite comments from all interested persons about the risk of injury associated with the product which is the subject of the proceeding, and possible means of addressing that risk of injury, including voluntary standards now in existence or which might be developed. If, after consideration of all information received in response to the advance notice of proposed rulemaking, the Commission decides to continue the proceeding, publication of a second notice in the Federal Register is required to propose the rule and invite written comments on the proposal. The Commission must then analyze all comments received in response to the proposal; describe the costs and benefits of the rule; again consider alternative means to address the risk of injury, including voluntary standards; and publish a third notice in the Federal Register to issue the rule on a final basis.

In summary, the Commission is authorized under the FHSA to issue a regulation declaring baby bassinets having legs that collapse to be banned hazardous substances. That rulemaking must consist of three stages—an advance notice of proposed rulemaking with public comment, a notice of proposed rulemaking with public comment, and a final rule that analyzes the public comments and includes a detailed regulatory analysis. Only after rulemaking is completed, a process that could take two or more years, could the Commission initiate a proceeding to seek public notice and recall of the banned bassinets, a process which would likely take an additional year. In appropriate circumstances, the Commission could declare a product to be an imminent hazard to the public health, either before or during the rulemaking proceeding, which would have the effect of immediately banning the product and allowing the public notice and recall proceeding to be started. However, even in those cases where the Commission has issued an order declaring a product to be an "imminent hazard to the public health," the rulemaking proceeding is expected to be continued to completion.

C. Regulation Under CPSA

The CPSA has provisions which authorize the Commission in certain cases to obtain an administrative order for public notification of the hazard presented by a product and for repair, or replacement of the product, or refund of the purchase price of the product without any necessity of first completing a rulemaking proceeding. Under the FHSA, the Commission may not initiate a proceeding to obtain public notification or corrective action with regard to a hazard presented by a children's article until the Commission has issued a final banning rule (unless the Commission publishes an order declaring the product to be an imminent hazard to the public health).

Section 15 of the CPSA (15 U.S.C. 2064) confers upon the Commission the authority to order public notification of the hazard presented by a product if the Commission determines, after affording all interested persons opportunity for a hearing, that the product presents a "substantial product hazard," and that notification is required in order to adequately protect the public from that substantial product hazard. Additionally, section 15 of the CPSA authorizes the Commission to order any manufacturer, importer, distributor, or retailer of a product to elect to repair or replace the product, or to refund the purchase price of the product, if the Commission determines, after affording all interested persons opportunity for a hearing, that the product presents a "substantial product hazard," and that issuance of such an order is in the public interest.

Additionally, provisions of section 12 of the CPSA (15 U.S.C. 2061) authorize the Commission to file an action in a United States district court against a manufacturer, importer, distributor, or retailer of a consumer product which presents an imminent and unreasonable risk of death or severe personal injury. The court has the authority to order the recall of the product, its repair or replacement, or refund of the purchase price. The court also has authority to order a firm to undertake extensive notification efforts to advise purchasers and the general public of the nature of the risk and of the firm's obligation for remedial action. The Commission may file an action under section 12 of the CPSA without any requirement for having first undertaken a rulemaking proceeding. No corresponding provisions exist in the FHSA.

In summary, the Commission may regulate a product under the CPSA in one or more different ways. First, after giving interested persons an opportunity for a hearing, the Commission may order that notice and recall be provided by firms manufacturing, importing, or distributing a product that presents a substantial product hazard. Unlike the FHSA, the CPSA has no requirement that the produce must first be declared to be a banned hazardous substance by issuance of a rule or that it must first be made subject to a consumer product safety standard. Second, under the CPSA, the Commission may file an action in a United States district court if a product presents an imminent and unreasonable risk of death or severe personal injury. The court has the authority to order the recall of the

product, its repair or replacement, or refund of the purchase price. Third, the Commission may undertake rulemaking to declare the product to be a banned hazardous product or to establish a consumer product safety standard for the product.

Because notification to the public of any hazard which may be presented by bassinets having legs that collapse and remedial action with regard to those products could be accomplished more effectively and expeditiously under the CPSA than under the FHSA, the Commission proposed a rule under provisions of section 30(d) of the CPSA to transfer regulation of the risks of injury associated with those products to the CPSA from the FHSA.

D. Comments on Proposal

In response to the proposal of March 28, 1984, the Commission received one written comment from Juvenile Products Manufacturers Association, Inc. (JPMA). That comment set forth several objections to the proposed rule, and urged the Commission not to issue the rule on a final basis.

The first objection to the proposed transfer rule expressed in the comment from JPMA is that the transfer of regulation is "solely for administrative convenience" and for that reason is prohibited by the decision of the U.S. Court of Appeals for the Fifth Circuit in *Gulf South Insulation, et al.* v. *CPSC*, 701 F.2d 1137 (1983).

When the Commission proposed the transfer rule for bassinets having legs that collapse, it was well aware of the *Gulf South* decision. The Commission believed then, and continues to believe, that the interpretation of section 30(d) of the CPSA by the Court of Appeals in that case is not applicable to a transfer rule involving toys or children's articles, such as bassinets.

The action reviewed in the *Gulf South* case was the issuance of a rule under the CPSA banning urea formaldehyde foam insulation. Because the product involved in the *Gulf South* case was a household substance rather than a toy or children's article, the procedures for issuance of a banning rule under the CPSA differed considerably from those required for issuing a ban under the FHSA. In *Gulf South*, the Court of Appeals expressed particular concern about the "due process" considerations of regulating urea formaldehyde foam insulation under the CPSA as opposed to the FHSA.

However, in the case of children's articles, such as the bassinets which are involved in this transfer rule, the procedures required to issue a banning rule under the FHSA are almost identical to those required for issuance of such a rule under the CPSA. If the Commission sought public notification or remedial action with regard to the risk of injury associated with bassinets having legs that collapse, provisions of section 15 of the CPSA (15 U.S.C. 2064) require an adjudicatory hearing before the Commission could issue any order to require notification of the public or remedial action. Such a hearing would afford any affected person or firm with the "due process" safeguards which the court apparaently believed to be lacking in the proceeding by which the Commission issued the banning rule applicable to urea formaldehyde foam insulation.

JPMA contends that the Commission has overly emphasized the "due process" aspects of the *Gulf South* decision in other proceedings for issuance of transfer rules under section 30(d) of the CPSA. The comment argues that the thrust of the *Gulf South* decision is that "the extra procedures of the FHSA, whatever they may be, may not be discarded simply for administrative convenience or speed."

The Commission does not accept the commenter's characterization of the basis for the public interest finding in this proceeding as being simply for administrative convenience or speed. The Commission concludes that effective and expeditious action to prevent death and serious injury to infants is clearly distinguishable from action taken for the convenience of an administrative agency.

The Commission also rejects the contention expressed in this comment that the *Gulf South* decision requires the Commission to observe "the extra procedures of the FHSA" without regard to the purpose or end which those procedures are intended to serve. The Commission finds nothing in the language of the *Gulf South* decision which supports the mechanistic approach to application of section 30(d) of the CPSA advanced in this comment.

The comment also asserts that in *Gulf South*, the Court of Appeals noted that regulation under the CPSA is an exception for products usually regulated under the FHSA or other statutes transferred to the Commission. The Commission observes that regulation of such products under the CPSA is truly the exception rather than the general practice. Since Congress amended section 30(d) of the CPSA in 1976, to allow transfer of regulation of risks of injury associated with products subject to the FHSA and other statutes enforced by the Commission, the Commission has issued only eleven transfer rules, including the one published below and the one involved in the *Gulf South* case.

E. Adequacy of FHSA

The comment also asserts that the decision in *Gulf South* is not the only reason for JPMA's opposition to the proposed transfer rule. The comment states that as children's articles, bassinets have always been regulated under the FHSA. The comment outlines the rulemaking and enforcement provisions of the FHSA applicable to children's articles, and urges the Commission to continue regulation of bassinets under the FHSA because that act contains all provisions needed by the Commission to assure the safety of children's articles, and at the same time contains protection for manufacturers and the public. The comment observes that in appropriate cases, section 3(e)(2) of the FHSA authorizes the Commission to declare that a children's article is an "imminent hazard," which has the effect of categorizing such a product as a "banned hazardous substance" pending completion of a rulemaking proceeding.

The Commission has considered the possibility of invoking the imminent hazard provisions of the FHSA before it decided to issue this rule. However, the Commission observes that some products may present a "substantial product hazard" warranting issuance of an order for public notification and corrective action under section 15 of the CPSA without amounting to an "imminent hazard" as that term is used in section 3(e)(2) of the FHSA. The Commission believes that notwithstanding the "imminent hazard" provisions of the FHSA, use of the procedures contained in the CPSA may lead to more effective and expeditious notification and corrective action in the case of bassinets having legs that collapse than might be obtained by following the procedures of the FHSA.

The comment contends that the Commission's proposal to transfer risks of injury associated with bassinets having legs that collapse was made "for no apparent reason other than the allegation that procedures of the FHSA are more time consuming than those of the CPSA."

Again, the Commission does not accept this characterization of the basis for its finding of public interest in transferring regulation of risks of injury associated with bassinets having legs that collapse from the FHSA to the CPSA. The Commission's finding that it is in the public interest to transfer regulation of those risks of injury by the rule issued below is that protection of the public from any hazard presented by

the bassinets in question can be accomplished more effectively and expeditiously under the CPSA than under the FHSA. In reaching this conclusion, the Commission has carefully considered all provisions of the FHSA and CPSA, both before proposing the transfer rule, and before deciding to issue the rule on a final basis.

F. Impact on Small Businesses

The comment from JPMA also objects to issuance of a final transfer rule because the Commission has not prepared an initial analysis of the anticipated effect of the proposed rule on small businesses in accordance with provisions of section 603 of the Regulatory Flexibility Act (RFA, 5 U.S.C. 603).

The comment states that some of the firms which manufacture bassinets are small entities, a term used in the RFA which includes small busineses. The comment alleges that if a final transfer rule is issued and action is taken under provisions of section 15 of the CPSA to order public notification or corrective action with regard to any hazard presented by bassinets having legs that collapse, manufacturers of those products will lose procedural protections afforded by the rulemaking requirements of the FHSA. The comment contends that such a result will have a "substantial impact" on those manufacturers.

As noted in the comment, section 605(b) of the RFA (5 U.S.C. 605(b)) provides that an agency is not required to prepare an initial analysis of the anticipated impact of a proposed rule if it certifies that the rule, if issued on a final basis, will not have a significant economic impact on a substantial number of small businesses.

In the proposal of March 28, 1984, the Commission made the certification required by section 605(b) of the RFA stating that the rule, if issued on a final basis, will not impose any legal obligation on any person or firm. The proposal observed that if the Commission issues the rule on a final basis and then determines that it should act to address any risk of injury transferred by the rule, the Commission will be required to initiate and follow through to completion appropriate judicial or administrative proceedings under one or more sections of the CPSA before it can impose any obligation on any person or firm.

Although the comment contends that the proposal "indicates that the Commission intends to act pursuant to section 15 of the CPSA," neither the proposal nor the rule issued below will cause any action to be taken under section 15 of the CPSA or under any other provision of that act.

While the provisions of section 15 of the CPSA were discussed in the proposal and cited as a factor in the Commission's decision to propose the transfer rule, the notice of proposal also discussed the possibility of rulemaking under provisions of sections 7, 8 and 9 of the CPSA (15 U.S.C. 2056, 2057, and 2058).

If the Commission undertakes any rulemaking proceeding under the CPSA with regard to any risk of injury which may be associated with bassinets having legs that collapse, the Commission will comply with all applicable provisions of the RFA.

G. Desirability of Rulemaking

The comment from JPMA also states that the Commission should address any risks of injury which may be associated with bassinets having legs that collapse by rulemaking, or by reliance on voluntary action by manufacturers of these products.

The comment contends that the hazards alleged to be associated with bassinets having legs that collapse are "generic" in nature, and for this reason, any action taken by the Commission to address those hazards will "necessarily have an industry-wide effect."

Because the rulemaking provisions of the FHSA applicable to children's articles are substantially similar to the rulemaking provisions of the CPSA, the comment argues that no reason exists to transfer regulation of the products in question from the FHSA to the CPSA.

Additionally, the comment cites the following factors as supporting the desirability of rulemaking, as opposed to adjudication, to address any risks of injury which may be associated with the products under consideration:

1. Any action taken to address such risks of injury would be an abrupt change in established law, because the products in question do not violate any standard or ban now in effect;

2. Adjudicative proceedings under section 15 of the CPSA would have a retroactive effect because they would be applicable to products already manufactured and sold;

3. Adjudicative proceedings under provisions of section 15 of the CPSA would exclude various parties, including consumers, consumer groups, pediatric experts, and the public at large from participating in the regulatory process; and

4. Any change in existing policy would be both drastic and unexpected.

The comment from JPMA argues that several judicial decisions require the Commission to proceed by rulemaking rather than by adjudication in appropriate cases, including those where the contemplated action would change existing law and have widespread application throughout an industry. The comment cites four cases decided by the U.S. Court of Appeals for the Ninth Circuit: *Montgomery Ward & Co.* v. *FTC*, 691 F.2d 1322 (1982); *Ford Motor Co.* v. *FTC*, 673 F.2d 1008 (1981); *Patel* v. *INS*, 638 F.2d 1199 (1980); and *Ruangswang*, v. *INS*, 591 F.2d 39 (1978); and one decided by a U.S. District Court: *Pharmaceutical Manufacturers Association* v. *Finch*, 307 F. Supp. 858 (D. Del 1970).

Finally, the comment from JPMA urges the Commission to rely on voluntary action by manufacturers of bassinets to address any risks of injury which may be presented by these products. The comment asserts that JPMA is ready and willing to work with the Commission to develop a voluntary effort.

The foregoing objections to issuance of a final transfer rule expressed in the comment from JPMA appear to be based on the assumption that after issuance of the rule on a final basis, the Commission would initiate one or more adjudicative actions under provisions of section 15 of the CPSA and take no other action. The comment seemingly overlooks the possibility that after issuance of a final transfer rule, the Commission might initiate one or more adjudicative proceedings under section 15 of the CPSA *and* begin a proceeding for the issuance of a consumer product safety standard applicable to bassinets. The Commission may determine that one or more adjudicative proceedings are necessary to obtain public notification and remedial action with regard to products which are in channels of distribution and in the possession of consumers. At the same time, the Commission might also determine that issuance of a consumer product safety standard or banning rule may be necessary to affect future production of bassinets.

The possibility also exists that voluntary action by manufacturers of bassinets would make any mandatory action unnecessary after issuance of a final transfer rule.

In view of all possible actions which could be taken under various provisions of the CPSA, the Commission concludes that the cases and other authority cited in the comment under consideration do not preclude issuance of a final transfer rule in accordance with section 30(d) of the CPSA.

With regard to the contention made by JPMA that various parties, including consumer groups, pediatric experts,

industry and the general public would be excluded from participation in an adjudicative proceeding under section 15 of the CPSA, the Commission observes that before public notification or corrective action can be ordered under that section, the Commission must afford opportunity for a hearing to "interested persons, including consumers and consumer organizations." See sections 15 (c) and (d) of the CPSA. Additionally, the Commission's rules of practice for adjudicative proceedings which govern hearings conducted in accordance with section 15 of the CPSA provide for intervention by "any person who desires to participate as a party in such a proceeding." See 16 CFR 1025.17(a).

As noted above, the comment cites four decisions by the U.S. Court of Appeals for the Ninth Circuit in support of the contention that the Commission is obligated to proceed by rulemaking in this instance because any action taken with regard to the bassinets described in this notice will have "widespread application."

The Commission does not agree with the contention expressed in this comment that the risks of injury which are being transferred by the rule issued below are "generic" in nature. Information available to the Commission indicates that bassinets are manufactured in a variety of designs and configurations. Not all bassinets have folding legs, and not all bassinets with folding legs have wheels or casters at the end of the legs. Moreover, within the subgroup of bassinets which have folding legs, a variety of designs of hinging and bracing mechanisms are used. Consequently, if the Commission takes regulatory action under any section of the CPSA to address the risks of injury described in this notice, only a few of the many designs of bassinets are likely to be affected.

Moreover, the Commission observes that the comment from JPMA does not mention one case recently decided by the U.S. Court of Appeals for the Ninth Circuit, *Saavedra* v. *Donovan*, 700 F.2d 496 (1983), in which that court stated that the decision of whether to establish administrative policies by adjudication or by rulemaking lies with the discretion of the agency. (700 F.2d at 499).

In *Saavedra* and in the *Montgomery Ward* case cited in the comment, the U.S. Court of Appeals for the Ninth Circuit stated that its authority to set aside an agency's decision to announce and implement policy by adjudication is limited to those instances in which such a decision amounts to an abuse of discretion by the agency. Both of these decisions are consistent with those of the United States Supreme Court in *NLRB* v. *Bell Aerospace*, 416 U.S. 267 (1974); *NLRB* v. *Wyman-Gordon Co.*, 394 U.S. 759 (1969); *FTC* v. *Universal Rundle Corp.*, 387 U.S. 244 (1967); and *Moog Industries, Inc.* v. *FTC*, 355 U.S. 411 (1958); and *SEC* v. *Chenery*, 332 U.S. 194 (1947).

The Commission has carefully considered the nature and severity of the risks of injury presented by bassinets having legs that collapse; provisions of the FHSA and the CPSA which could be invoked to address such risks of injury; the need of the public for protection from the risks of injury; the interests of manufacturers, importers, distributors, and retailers of bassinets; all issues raised by the comment received in response to the notice of proposed rulemaking; and applicable judicial decisions. After consideration of all of these factors, the Commission concludes that to the extent that issuance of the final rule published below may result in the announcement or implementation of policy by adjudication, the decision to issue the rule is an exercise of sound discretion.

With regard to voluntary industry action to address risks of injury which may be associated with bassinets having legs that collapse, the Commission agrees that such action can be beneficial. As stated above, if manufacturers take adequate voluntary action after issuance of the final transfer rule in this proceeding, the possibility exists that the Commission may find no necessity for any further regulatory action with regard to any bassinets.

H. Effective Date

The Administrative Procedure Act requires at 5 U.S.C. 553 that a "substantive rule" must be published at least 30 days before its effective date, unless the agency finds for good cause that an earlier effective date is needed, and publishes that finding with the final rule.

As previously stated, the rule issued below will not, by itself, impose any new requirement or obligation on any person or firm. The rule simply announces that if the Commission takes action with regard to any bassinet havings legs that collapse, it will do so under provisions of the CPSA rather than the FHSA. Any action the Commission might take would provide adequate notice and opportunity to respond.

For this reason, the requirement of 5 U.S.C. 553 for publication of a substantive rule at least 30 days before its effective date is not applicable. The rule issued below shall become effective immediately.

I. Summary

The Commission concludes that if regulation of risks of injury presented by bassinets having legs that collapse is necessary at all, it would be in the public interest to regulate such risks under the CPSA rather that under the FHSA. The FHSA would allow the product to be banned by a rulemaking procedure that would likely take at least two years. Following that, the Commission could, if appropriate, begin a proceeding to order firms to give notice of the risk and to recall the product, a process which itself could take about one year. Thus, if public notice and recall were found to be the appropriate remedies, about three years might be required to obtain these remedies under the FHSA. Although the process could be shortened, as discussed above, by declaring the products to be an imminent hazard to the public health, the Commission does not believe, based on presently available information, that this approach would be appropriate. Under the CPSA, as discussed above, no rulemaking is necessary before public notice or recall may be sought. Thus, if public notice or recall is found to be necessary because the product presents a substantial product hazard, either or both could be obtained at least two years sooner under the CPSA.

Therefore, the Commission finds that it is in the public interest to transfer regulation of any risks of injury which may be presented by bassinets having legs that collapse because public notification and corrective action can be accomplished more effectively and more expeditiously under the CPSA than under the FHSA.

List of Subjects in 16 CFR Part 1145

Administrative practice and procedure, Consumer protection, Infants and children.

PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

Accordingly, under provisions of the Consumer Product Safety Act (section 30(d), Pub. L. 92–573, 86 Stat. 1207, as amended Pub. L. 94–284, 90 Stat. 503, Pub. L. 97–35, 95 Stat. 703; 15 U.S.C. 2079(d)), the Commission amends the Code of Federal Regulations, Title 16, Chapter II, Subchapter B, Part 1145, by adding a new § 1145.15, as follows:

§ 1145.15 Baby bassinets having legs that collapse; risks of death or injury.

(a) The Commission finds that it is in the public interest to regulate under the Consumer Product Safety Act, rather than under the Federal Hazardous Substances Act, risks of death or injury associated with baby bassinets having legs that collapse when the braces on such legs give way, become loose, detach, bend, or otherwise fail to perform their intended function of keeping the legs fully extended until such time as the user desires to fold the legs.

(b) Therefore, if the Commission finds regulation to be necessary, the risks of death or injury associated with baby bassinets having any of the failures described in § 1145.15(a) shall be regulated only under one or more provisions of the Consumer Product Safety Act.

(Sec. 30(d), Pub. L. 92–573, 86 Stat. 1207, as amended Pub. L. 94–284, 90 Stat. 503, Pub. L. 97–35, 95 Stat. 703; 15 U.S.C. 2079(d))

Effective date: This amendment shall be effective on July 27, 1984.

Dated: July 20, 1984.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commission.

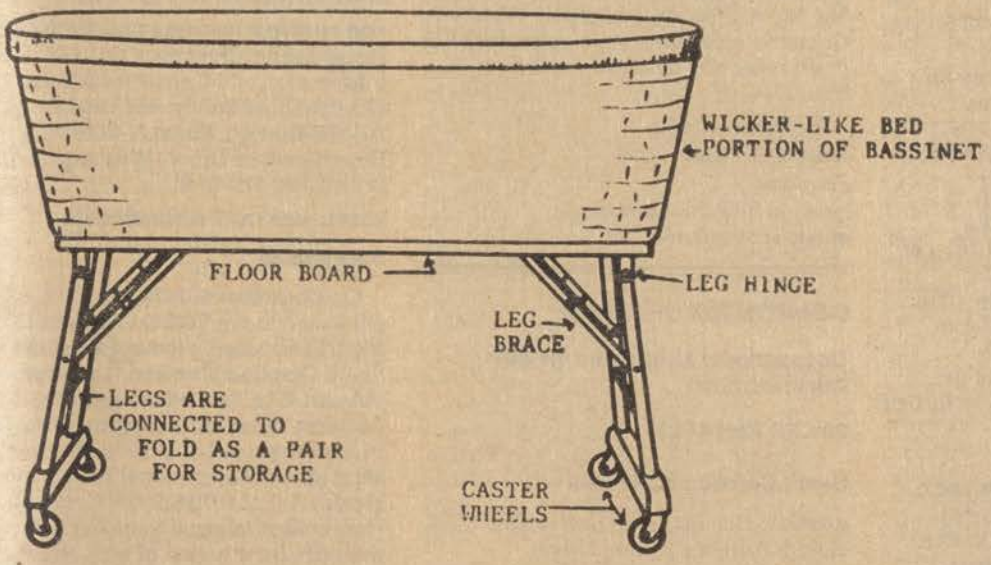

FIGURE 1 - GENERAL ARRANGEMENT OF A TYPICAL BASSINET

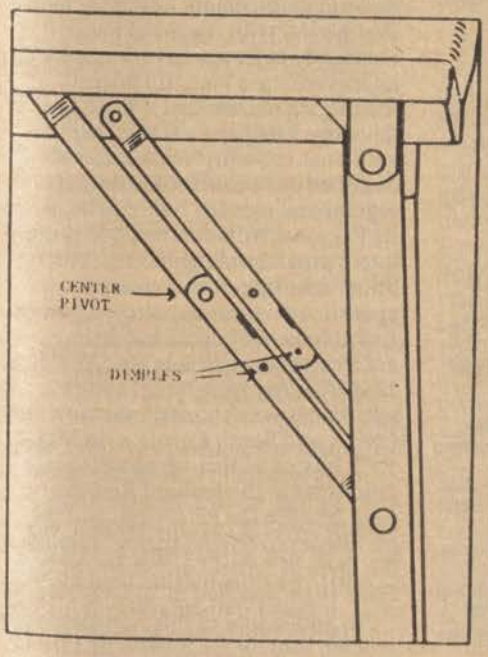

FIGURE 2A - LEG BRACES IN "LOCKED" POSITION

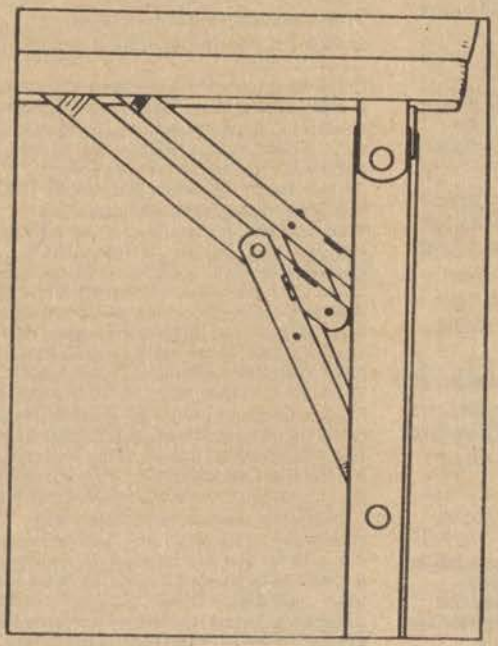

FIGURE 2B - LEG BRACES IN "UNLOCKED" POSITION

[FR Doc. 84-19597 Filed 7-26-84; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM83-71-000]

Elimination of Variable Costs From Certain Natural Gas Pipeline Minimum Commodity Bill Provisions

Issued: July 23, 1984.

AGENCY: Fedral Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing for purpose of further consideration.

SUMMARY: On May 25, 1984, the Federal Energy Regulatory Commission (Commission) issued a final rule to eliminate variable costs from the minimum commodity charge portion of natural gas pipeline sales tariffs.

Several requests for rehearing of the rule have been received. In order to allow time to consider them, the Commission grants rehearing of its decision solely for the purpose of further consideration.

EFFECTIVE DATE: July 23, 1984.

FOR FURTHER INFORMATION CONTACT: Jack Kendall, Office of the General Counsel, Rulemaking and Legislative Analysis Division, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20428, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa and Oliver G. Richard III.

The Federal Energy Regulatory Commission (Commission) recently issued Order No. 380,[1] a Final Rule requiring elimination from natural gas pipeline tariffs of any minimum commodity bill provisions that operate to recover variable costs. Requests for rehearing of Order No. 380 were due on or before June 25, 1984. Twenty-four entities filed timely requests for rehearing, clarification, or stay of the order.[2]

To have sufficient time to consider the issues raised in these requests, the Commission grants rehearing of its final rule solely for the purpose of further consideration. This order is effective on the date of issuance. This action does not constitute a grant or denial of the petitions on their merits, either in whole or in part. The Commission intends to issue an order on rehearing and responding to applications for clarification or stay of Order No. 380 prior to its effective date, July 31, 1984.

As provided in § 385.713 of the Commission's Rules of Practice and Procedure (18 CFR 385.713), no answers to the requests for rehearing of Order No. 380 will be entertained by the Commission because this order does not grant rehearing on any substantive issue.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19839 Filed 7-26-84; 8:45 am]

BILLING CODE 6717-01-M

[1] 27 FERC ¶ 61,318 (May 25, 1984), 49 FR 22778 (June 1, 1984).

[2] The entities that filed timely requests and their assigned sub-docket numbers are: Arkansas Louisiana Gas Company (001); Great Lakes Gas Transmission Company (002); Certain Distribution Company Customers of Northwest Pipeline Corporation (003); Kentucky West Virginia Gas Company (004); Wisconsin Distributors Group (005); Southern California Gas Company/Pacific Lighting Gas Supply Company (006); Pacific Interstate Offshore Company (007); Texas Eastern Transmission Corporation (008); Pacific Offshore Pipeline Company (009); Algonquin Gas Transmission Company/Pacific Gas & Electric Company (010); Pacific Gas Transmission Company/Pacific Gas & Electric Company (011); Texas Gas Transmission Corporation (012); Pan-Alberta Gas Ltd./Foothills Pipe Lines (Yukon) Ltd. (013); M.I.G.C., Inc. (014); Transwestern Pipeline Company (015); Northwest Energy Company (016); Northwest Alaskan Pipeline Company (017); Trunkline LNG Company (018); Tennessee Gas Pipeline Company (019); ANR Pipeline Company (020); TransCanada Pipelines Ltd. (021); Midwestern Gas Transmission Company/East Tennessee Natural Gas Company (022); Transcontinental Gas Pipe Line Company/Trunkline Gas Company (024).

One entity, the Independent Petroleum Association of Canda (IPAC), filed for rehearing one day after the deadline. While IPAC's filing is untimely in terms of rehearing, the Commission will treat it as a motion for reconsideration and will consider the issues it raises, which issues were, in general, raised by several timely petitioners.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

South Carolina State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; level of Federal enforcement.

SUMMARY: Pursuant to 29 CFR 1954.3, the Occupational Safety and Health Administration (OSHA) and the State of South Carolina have entered into several agreements which amend a previously executed operational status agreement between the parties delineating the level of federal enforcement to be exercised within the State. These supplemental agreements clarify Federal and State enforcement responsibility with respect to maritime activities, military bases, and several other defined situations. OSHA is hereby amending 29 CFR 1952.102 to reflect these changes to the level of federal enforcement authority.

EFFECTIVE DATE: July 27, 1984.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N–3637, U.S. Department of Labor, Washington, D.C. 20210 (202) 523–8148.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1972, notice was published in the **Federal Register** (37 FR 25932) announcing the approval of the South Carolina plan and the adoption of Subpart C to Part 1952 containing the decision. After initial approval, but prior to final approval of a State Plan, section 18(e) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(e)) (hereinafter referred to as the Act) provides for a period of concurrent Federal/State jurisdiction within a State operating an approved plan. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary, concurrent Federal enforcement authority during that period with regard to Federal standards in issues covered under an approved State plan. If Federal monitoring shows that a State has developed its program to a degree sufficient to justify suspension of duplicative Federal enforcement, regulations provide that OSHA, through its Regional Administrator, may enter into a procedural agreement with the State, usually referred to as an operational status agreement, setting forth areas of Federal and State enforcement responsibility (29 CFR 1954.3(f)). An operational status agreement was entered into between OSHA and South Carolina on May 9, 1975. Notice of this agreement was published in the **Federal Register** on June 26, 1975 (40 FR 27024), and the pertinent provisions thereof relating to the level of federal enforcement in the State were codified at 29 CFR 1952.102.

An addendum of this agreement was entered into by the parties and became

effective on April 26, 1979. That addendum provided that Federal OSHA would retain enforcement responsibility for new Federal standards not yet adopted by the State, and may reassume jurisdiction to assist the State in fulfilling its enforcement obligations under certain limited conditions.

A more recent addendum to the agreement deals with the division of enforcement authority in the area of maritime safety and health. The original operational status agreement noted that South Carolina had not assumed jurisdiction over maritime or longshoring activities, which were then covered by the standards set forth in 29 CFR 1910.13 through 1910.16. Accordingly, OSHA retained authority to enforce those standards. Maritime and longshoring activities are presently addressed in Federal OSHA standards found in 29 CFR Parts 1915, 1917, and 1918, which parts have not been adopted by the State. In order to clarify the division of responsibility between Federal OSHA and the State over maritime and longshoring activities, a second addendum to the operational status agreement was executed by the parties and became effective May 23, 1984. This addendum specifies that Federal OSHA retains enforcement responsibility over maritime activities, which include the entire premises of any private sector establishment, at least part of which is located upon the navigable waters, while the State will exercise enforcement authority over any worksite engaged in the construction of vessels and which is not located upon the navigable waters. The "navigable waters" concept is intended merely as a practical tool which is useful in the delineation of Federal/State enforcement responsibilities in South Carolina. Use of the "navigable waters" concept in the context of this operational status agreement has no bearing on the scope or applicability of the maritime or longshoring standards in other state plan states or in states where maritime coverage is provided by Federal OSHA. It should be noted that South Carolina retains the authority and responsibility to provide maritime safety and health coverage of employees of public agencies of the State and its political subdivisions, in accordance with section 18(c)(6) of the Act. This second addendum to the agreement additionally provides that Federal OSHA would exercise enforcement authority over all employers on active military reservations within the State.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational Safety and Health.

Public Participation; Effective Date

The operational status agreement and subsequent amendments which are described in the present **Federal Register** document were entered into by OSHA in an exercise of the discretionary concurrent enforcement authority set forth in the first sentence of section 18(e) of the Act. Because these agreements are "rules of agency organization and procedure" within the meaning of 29 U.S.C. 553(b)(A) public participation is not required and the agreements are effective upon signature by OSHA and the State. The purpose of today's **Federal Register** document is to amend the description of the South Carolina State plan found in Subpart C of 29 CFR Part 1952 in order to accurately reflect amendments which have already been made to the occupational status agreement. Accordingly, OSHA finds that good cause exists for publication of this amendment to 29 CFR 1952.102 in final form.

PART 1952—[AMENDED]

Accordingly, 29 CFR 1952.102 is revised to read as follows:

§ 1952.102 Level of Federal Enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with South Carolina, effective May 9, 1975, which agreement was subsequently amended effective April 26, 1979, and May 23, 1984, and based on a determination that South Carolina is operational in issues covered by the South Carolina Occupational Safety and Health Plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor alleging discrimination under section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of new Federal standards until the State adopts a comparable standard; situations where the State is refused entry and is unable to obtain a warrant or enforce the right of entry; enforcement of unique and complex standards as determined by the Assistant Secretary; enforcement in situations where the State is temporarily unable to exercise its enforcement authority fully or effectively; enforcement on all active military reservations; enforcement over maritime and long-shoring activities, which include the entire premises of any private sector establishment at least part of which is located upon navigable waters (such enforcement authority over maritime activities includes the enforcement of any applicable provision, standard, rule or order under the Act, including 29 CFR Parts 1910, 1915, 1917, 1918, 1919, and 1926); and investigations and inspections for the purpose of evaluation of the South Carolina Plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The State shall retain inspection and enforcement authority over any establishment which is engaged in the construction of vessels and which is not located upon the navigable waters. Such enforcement authority shall include the enforcement of the State's general industry standards (comparable to 29 CFR Part 1910) and the state's "general duty clause" (comparable to section 5(a)(1) of the Act). The State shall exercise enforcement authority over all on-shore maritime construction activities, except where they are regulated by the Coast Guard or Army Corps of Engineers. The Regional Administrator for Occupational Safety and Health will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in South Carolina.

(Secs. 8(g), 18; Pub. L. 91–596, 84 Stat 1600, 1608; (29 U.S.C. 657(a), 667)); Secretary of Labor's Order No. 9–83 (48 FR 35736); 29 CFR Part 1953.)

Signed at Washington, D.C. this 20th day of July, 1984.

Patrick R. Tyson,

Deputy Assistant Secretary.

[FR Doc. 84–19925 Filed 7–26–84; 8:45 am]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MS-007; OAR-FRL-2640-8]

Approval and Promulgation of Implementation Plans; Mississippi; Lead Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: As required by section 110 of the Clean Air Act and the October 5, 1978, promulgation of a National Ambient Air Quality Standard for Lead (43 FR 46246), the State of Mississippi on May 9, 1984, submitted for EPA's approval a State Implementation Plan (SIP) for lead. EPA had proposed to approve the plan on December 21, 1983, using parallel processing; no comments were received in response. Since EPA's review of this plan indicates that it satisfies all the requirements of 40 CFR Part 51, the Agency is today approving it.

DATE: This action is effective August 27, 1984.

ADDRESSES: Copies of the material submitted by Mississippi may be examined during normal business hours at the following locations. A technical support document prepared by EPA may be examined at the following EPA offices.

Mississippi Department of Natural Resources, 2380 Highway 80 West, P.O. Box 10385, Jackson, Mississippi 39209

Air Management Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

FOR FURTHER INFORMATION CONTACT: Ms. Denise W. Pack at the EPA Region IV address above or call 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On October 5, 1978 (43 FR 46246), EPA promulgated National Ambient Air Quality Standards (NAAQS) for airborne lead. Under the provisions of section 110(a)(1) of the Clean Air Act (the Act), each State is required to submit a State Implementation Plan (SIP) which provides for implementation, maintenance, and enforcement of the primary and secondary NAAQS within the State. The primary and secondary standard for lead is 1.5 $\mu g/m^3$, averaged over a calendar quarter.

The State of Mississippi has developed and submitted a SIP for the attainment of the lead NAAQS. The plan includes a control strategy for attainment of the standard in all parts of the State and shows attainment of the NAAQS. On November 15, 1983, the Mississippi Department of Natural Resources (DNR) submitted the Mississippi lead SIP to EPA for parallel processing. EPA proposed on December 21, 1983 (48 FR 56411) to approve the Mississippi plan; no comments were received in response. After adopting the plan, the State submitted it for EPA's approval on May 9, 1984.

In the plan, Mississippi has identified one secondary lead smelter as contributing to violations of the lead standard in Florence, Mississippi. The lead standard has not been exceeded in any other area of the State. The control strategy in the SIP contains enforceable emission limits, including schedules and reporting requirements for the control of fugitive emissions, and calculations of the reductions achieved by these measures. The modeling analysis demonstrates that these reductions will be adequate to attain and maintain the NAAQS for lead.

EPA's review of the modeling submitted by the State on November 15, 1983, revealed certain discrepancies and undocumented assumptions; these have been corrected in the formal submittal of May 9, 1984. To correct the plan, the State verified and revised its emission factors and resolved the apparent discrepancies in stack parameters; also, a new modeling analysis was performed and the control strategy was adjusted on the basis of that analysis. Further details pertaining to these discrepancies and other technical aspects of this plan are contained in the Technical Support Document prepared by EPA.

Also included in the plan are a summary of measured air quality data from 1974 to present and a base-year emission inventory for stationary and mobile sources. The State's current permitting regulations contained provisions for the review of all new and modified sources and, by letter, they have reinforced their commitment to review new and modified sources of lead. Provisions for the review of new and modified sources are included in Mississippi's *Permit Regulations for the Construction and/or Operation of Air Emission Equipment* (APC-S-2).

In addition, the State has committed to operate a lead monitoring network in accordance with the requirements of 40 CFR Part 58. The public may inspect the description of the monitoring network for lead at the Mississippi DNR address listed above.

Action. EPA today approves the Mississippi implementation plan for lead.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 25, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

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

Incorporation by reference of the Mississippi State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

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

(Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: July 23, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart Z—Mississippi

Section 52.1270 is amended by adding paragraph (c)(17) as follows:

§ 52.1270 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(17) Implementation plan for lead, submitted on May 9, 1984, by the Mississippi Department of Natural Resources.

[FR Doc. 84-19679 Filed 7-26-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[TN-013; OAR-FRL 2639-8]

Approval and Promulgation of Implementation Plans; Tennessee; Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today announcing approval of several State Implementation Plans (SIP) revisions submitted by the State of Tennessee. These changes and additions to the regulatory and the nonregulatory parts of the Tennessee plan involve: the opacity limit for soda recovery boilers; monitoring requirements for total reduced sulfur compounds (TRS) emitted by recovery furnaces and lime kilns of kraft pulp mills; test methods and procedures for new sources; new source requirements for iron and steel plants, ammonium sulfate manufacture, and glass manufacturing plants; requirements concerning volatile organic compounds; a bubble between two kilns at a source; permits for sources in the Kingsport area; and modeling guidance and redesignation of particulate nonattainment areas (Nashville and Columbia).

EFFECTIVE DATE: This action will be effective on September 25, 1984 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Raymond S. Gregory of EPA Region IV's Air Management Branch (see EPA Region IV address below).

Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460
Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC 20005
Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365
Divison of Air Pollution Control, Tennessee Department of Health and Environment, 150 9th Avenue North, Nashville, Tennessee 37203

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory of the EPA Region IV Air Management Branch at the address given above, 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: The purpose of this notice is to announce action on a series of revisions and additions to the Tennessee implementation plan dealing with various requirements of the Clear Air Act. EPA today approves these revisions to the Rules of the Tennessee Department of Health and Environment as they were adopted by the Tennessee Air Pollution Control Board. The following regulatory revisions were submitted by Tennessee on April 22, 1983, with supplemental information submitted on November 10, 1983.

1200-3-5-.11, Soda Recovery Boilers. A 50% opacity limit is set for sources constructed prior to August 9, 1973.

1200-3-12-.04-(4), Large Existing Fuel Burning Installations. A requirement for TRS monitoring of recovery furnaces and lime kilns located at kraft pulp mills is added. This provision is not intended as a complete section 111(d) plan for TRS emissions from kraft pulp mills.

1200-3-16-.01(5)(g), New Source Performance Standards. This section contains the reference methods and procedures to be used for tests of sources subject to New Source Performance Standards. Tennessee has revised this section to update the list of required reference methods and procedures.

1200-3-16-.14, New Source Performance Standards—Iron and Steel Plants. The following changes were made in this Performance Standard: (1) .14-(2) subparagraph (c) was added which defines "startup" as "the setting into operation for the first steel production cycle of a refined (basic oxygen process furnace) BOPF or a BOPF which has been out of production for a minimum continuous time period of eight hours."

(2) .14-(3) has added a requirement for an opacity limit which reads in part: "no owner or operator subject to the provisions of this rule shall discharge into the atmosphere from any affected facility any gases which: (1) * * * (2) Exit from a control device and exhibit 10 percent opacity or greater, except that an opacity of greater than 10 percent but less than 20 percent may occur once during steel production cycle."

(3) 14-, a new -.14-(4) was added while the present 1200-3-16-.14-(4) became 1200-3-16-.14-(5). The new (4) requires monitoring of the time and duration of each steel production cycle as well as the time and duration of any diversion of exhaust gases from the main stack servicing the BOPF. In addition, monitoring and reporting requirements for parameters involved in the operation of venturi-scrubber-emission-control equipment have been added.

(4) 14-(5)-, This section previously (4) now renumbered (5) had subparagraphs (b) and (c) added. Subparagraph (b) states that "opacity observations taken at 15-second intervals immediately before and after a diversion of exhaust gases from the stack may be considered to be consecutive for the purpose of computing an average opacity for a six-minute period. Observations taken during a diversion shall not be used in determining compliance with the opacity standard."

Subparagraph (c) reads "Sampling of flue gases during each steel production cycle shall be discontinued whenever all flue gases are diverted from the stack and shall be resumed after each diversion period."

1200-3-16-.32, Ammonium Sulfate Manufacture. New Source Performance Standards for ammonium sulfate manufacture were adopted by Tennessee.

1200-3-16-.33, Glass Manufacture Plants. Tennessee has adopted the new source performance standards for glass manufacturing plants.

1200-3-18-.02, Definitions. The definition of a "vapor control system" (.02-(1)-(hh)) was revised. A requirement was added which conditioned approval of a "vapor control system" on the system's ability to reduce volatile organic compound vapors displaced from a tank during transfer of gasoline by at least 90% of weight.

1200-3-18-.02(ii), Definitions. Tennessee has excluded the following compounds from the definition of "volatile organic compounds": trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, dichlorotetrafluoroethane, chloropentafluorethane, and methylene chloride.

1200-3-18-.03(1)(b), definition of "Potential emissions". This definition is changed to include reduction of emissions by control equipment or legally enforceable limitations.

This definition approved today applies to all major sources and modifications of volatile organic compounds (VOC) sources in the State. As such, it applies to VOC sources in ozone nonattainment areas. Under 40 CFR 51.18(j) the State is required to submit new source review regulations for new and modified major sources of all nonattainment pollutants, including VOC. Those regulations must comply with the requirements specified at 40 CFR 51.18(j). The regulations approved today were not submitted to satisfy requirements of 40 CFR 51.18(j), and approval of these regulations does not affect Tennessee's responsibility to submit regulations conforming to 40 CFR 51.18(j).

1200-3-18-.21(5), Surface Coating of Miscellaneous Metal Parts and Products. Parts (j), (k), and (l) are revised to exempt prime and top coating of

aerospace components. (A separate regulation covering aerospace components has been adopted by Tennessee—see regulation 1200–3–.18–.30 below.)

1200–3–18–.22(2), Leaks from Gasoline Tank Trucks and Vapor Collection Systems. Parts (a)1, (a)3, and (b)1(i) are changed to allow for vacuum testing. These revisions were submitted to satisfy the requirements of the conditional approval given Tennessee's Set II Volatile Organic Compound regulations on November 24, 1981 (46 FR 57486). The conditions of approval have been satisfied with these revisions.

1200–3–19–.03(1) (h) and (g), Particulate and Sulfur Dioxide Nonattainment Areas within Tennessee. Tennessee submitted changes to the boundaries of the Nashville particulate nonattainment areas (h) which correspond to the changes approved on March 15, 1983 (48 FR 10834). Tennessee also submitted a revision which removed the Columbia particulate nonattainment area from the SIP listing of nonattainment areas.

This action corresponds to the change approved on October 25, 1982 (47 FR 47248). Information confirming the continued attainment designation for this area was submitted on November 10, 1983.

1200–3–18–.30, Surface Coating of Aerospace Components. This is a new regulation setting limits for sources of VOC.

On April 14, 1982, the following nonregulatory revisions of the plan were submitted by Tennessee, supplemental information was submitted on October 4, 1983.

Section 2.15, General Alternative Emission Standards. The General Shale Company was previously granted a "banked credit" for particulate emissions from their tunnel kiln (TK) #29. The original emission rate was 7.4 lbs/hour with a "banked credit" of 6.0 lbs/hour, resulting in an approved emission rate for TK #29 of 1.4 lbs/hour. In order for the General Shale Company to "bubble" TK #29 and TK #15, they requested and were granted release of their "banked credit" of 6.0 lbs/hour.

General Shale Co. is located in the area of Kingsport that was Redesignated attainment for particulates on June 21, 1984. Emission limits for this bubble are based on the previously approved demonstration of attainment (November 17, 1980).

The emissions from TK #29 have then been bubbled with the emissions from TK #15 as follows:

EMISSIONS (POUNDS/HOUR)

Source	Before bubble	After bubble
TK #29	7.4	1.4
TK #15	3.3	9.3
Total allowable emissions	10.7	10.7

Air quality modeling was required since the increased emissions are being emitted at a lower stack height. The results on flat terrain indicated a maximum of 2.4 micrograms per cubic meter on a 24-hour basis and less than 1 microgram per cubic meter an annual basis using the CRSTER model. The results on elevated terrain, an isolated peak, indicated a maximum increase of 8.9 micrograms per cubic meter on a 24 hour basis using the VALLEY model. These are below the significance levels for increased concentrations. Supplemental information concerning the modeling for this source was submitted in October, 1983, and July, 1984.

In order to implement this "bubble", Tennessee has submitted two permits which have been subject to the State Implementation Plan (SIP) revision process. Both permits are nonexpiring and limit the particulate emissions from TK #15 and TK #29 to 9.3 and 1.4 lbs/hour respectively.

The original Part D plan for this area (Kingsport particulate nonattainment area) utilized allowable emissions for the attainment demonstration. Therefore, the "bubble" between TK #15 and TK #29 does not impact the previous Part D plan.

General Shale requested the "bubble" for economic considerations. It was more economical to bubble rather than bring TK #15, the older of the two kilns, into compliance with the established limit of 3.3 lbs/hour. The application of the bubble meets the requirements of Tennessee's general bubble requirements found in subparagraph 1200–3–21–.01–(2)–(c).

Section 2.12.E.2, Growth of Emissions in the Kingsport Nonattainment Area. The General Shale Company is removed from the list of sources having banked credits.

Section 2.8.1, Review of New Stationary Sources, was revised to include a requirement that all estimates of ambient concentrations for Prevention of Significant Air Quality Deterioration Reviews be based on the requirement of EPA's "Guideline on Air Quality Models".

Also submitted were eleven permits for sources in or impacting the Kingsport particulate nonattainment area. The original permits had expired or had minor changes. The new permits have no expiration date.

Action. EPA has reviewed these changes in the Tennessee plan and is approving them as submitted. This action is taken without prior proposal because the changes are noncontroversial and EPA anticipates no comments on them. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 25, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

Incorporation by reference of the Tennessee State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

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

(Sections 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: July 23, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart RR—Tennessee

Section 52.2220 is amended by adding paragraph (c)(57) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified. * * *

(57) Regulatory revisions (changes and additions in regulations 1200–3–5–.11, 1200–3–12–.04–(4), 1200–3–16–.01–(5), 1200–3–16–.14, 1200–3–16–.32, 1200–3–16–.33, 1200–3–18–.02(1)(hh), 1200–3–18–.02(ii), 1200–3–18–.03(1)(b), 1200–3–18–.21(5), and 1200–3–18–.22(2), 1200–3–19–.03 (g), (h) and addition of regulation 1200–3–18–.30) submitted on April 22, 1983, and nonregulatory revisions (changes in sections 2.15 and 2.12.E.2, 2.8.1, and eleven permits for sources in the Kingsport area) submitted on April 14, 1983, by the Tennessee Department of Health and Environment.

[FR Doc. 84–19873 Filed 7–26–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[OAR–FRL–2640–1; Docket No. RI 973]

Approval and Promulgation of Implementation Plans; Rhode Island; Sulfur Dioxide Revision for Narragansett Electric Company South Street Station

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Rhode Island. These revisions will allow for the burning of coal with a sulfur content not to exceed 1.21 pounds per million Btu (lbs/MMBtu) on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average at the Narragansett Electric Company (NECo) South Street Station (South Street) in Providence, Rhode Island. As part of this action, EPA is approving section 8.3.4, "Large Fuel Burning Devices Using Coal," of Rhode Island Air Pollution Control Regulation 8 (Regulation 8) as it applies to South Street. The intended effect of these actions is to approve Rhode Island's request that the proposed sulfur-in-coal limits for South Street be incorporated into its federally approved SIP. This action is taken pursuant to sections 110 and 301 of the Clean Air Act.

EFFECTIVE DATE: July 27, 1984.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2312, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street, SW, Washington, DC 20460; Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, DC 20408 and at the Division of Air and Hazardous Materials, Cannon Building, Room 204, 75 Davis Street, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT: Jon Pollack (617) 223–4867.

SUPPLEMENTARY INFORMATION: On March 23, 1984 (49 FR 11103), EPA published a Notice of Proposed Rulemaking (NPR) proposing to approve revisions to the Rhode Island SIP. These revisions would approve section 8.3.4, "Large Fuel Burning Devices Using Coal," of Rhode Island Regulation 8, "Sulfur Content of Fuels," only as this section applies to existing fuel burning devices at South Street. These revisions have the effect of specifying maximum sulfur-in-coal limits of 1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average for South Street. A more complete discussion of the revisions and the rationale for EPA's proposed action is contained in the NPR.

One public comment was received on the NPR. New England Power Service Company submitted a comment supporting the proposed action and pointed out that the approval would enable South Street to make use of the same coal supply currently used at Brayton Point Station by a New England Power Company affiliate.

Final Action

EPA is approving:

1. Changes to the Rhode Island SIP for SO_2 that would allow for the burning of coal with a sulfur content not to exceed 1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average at South Street.

2. Section 8.3.4 of Rhode Island Regulation 8 as it applies only to existing fuel burning sources at South Street.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Authority: Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

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

Dated: July 23, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart OO—Rhode Island

1. Section 52.2070, paragraph (c) is amended by adding subparagraph (23) as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

(23) Revisions to Air Pollution Control Regulation 8, "Sulfur Content of Fuels," submitted on July 19, 1983, specifying maximum sulfur-in-coal limits (1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average) for the Narragansett Electric Company South Street Station in Providence. These revisions approve Section 8.3.4, "Large Fuel Burning Devices Using Coal," for South Street Station only.

[FR Doc. 84–19881 Filed 7–26–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[OAR–FRL–2640–3]

Approval of Implementation Plans New Mexico: Revision to Regulation No. 402 "Regulation to Control Wood Waste Burners"

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice approves a revision to the New Mexico State Implementation Plan (SIP). The Secretary for Health and Environment submitted a revision to Regulation 402 (Regulation to Control Wood Waste Burners) on December 23, 1983. The principal changes to the prior Regulation 402 are replacement of Ringelmann readings with opacity limits and specification of a test method for determining these limits.

DATE: This action will be effective on September 25, 1984 unless notice is

received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be sent to the EPA Region 6 Office at the address listed below. Copies of the State's submittal are available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street NW., Washington, D.C., Room 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library Room 2404, 401 M Street SW., Washington, D.C. 20460

Environmental Protection Agency, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270

New Mexico Environmental Improvement Division, Health and Environment Department, Air Quality Bureau, P.O. Box 968, Crown Building, Santa Fe, New Mexico 87504

FOR FURTHER INFORMATION CONTACT: Keith Baugues, State Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On December 23, 1983 the State of New Mexico submitted a revision to the New Mexico State Implementation Plan—Air Quality Control Regulation 402. This regulation limits emissions of particulate matter from woodwaste burners.

This proposed revision was adopted by the New Mexcio Environmental Improvement Board (EIB) on January 10, 1975. Prior to the revision, adequate notice was provided and a public hearing was held. A submission of November 6, 1975, which revised Regulation 402, was proposed for disapproval by EPA and subsequently withdrawn by the State. The reasons for EPA's proposal of disapproval were lack of a definition for opacity and failure to specify a test method for determining compliance. An additional minor amendment was made to Regulation 402 by the Board on December 10, 1982 after adequate notice and holding of a public hearing.

The revision to the Regulation replaces a Ringelmann reading of #1 with a twenty (20) percent opacity limit and provides for a test method (certified opacity reader) for determining these values. The current and proposed regulations were reviewed by EPA. An evaluation report[1] summarizing this analysis is available for inspection by interested parties during normal business hours at the EPA Region 6 Office and the New Mexico Environmental Improvement Division. EPA considers the changes to be essentially an updating and is therefore granting full approval.

The revision does contain a provision for woodwaste burners to be certified as a "contingency-use woodwaste burner" if the owner or operator can demonstrate, to the satisfaction of the New Mexico Environmental Improvement Divsion (EID), that under normal operating conditions of the mill, the woodwaste burner will not be used to burn woodwaste. So certified, the EID may approve or disapprove any individual use of the "contingency-use woodwaste burner." If approval is granted, the contingency-use woodwaste burner must comply with an emission limit that does not equal or exceed an opacity of 40 percent. There are currently no woodwaste burners in New Mexico certified as a "contingency-use woodwaste burner." Since the requirements for an operating contingency use woodwaste burner are less stringent than the general requirement, the State has agreed in a letter dated April 30, 1984 that any woodwaste burner so certified will be submitted to EPA as a SIP revision.

Since the revision included in this approval notice is considered to be merely updating and minor in substance, EPA is approving this revision without prior proposal. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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

Under 5 U.S.C. 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 25, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

This notice of final rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

List of Subjects in 40 CFR Part 52

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

Dated: July 23, 1984.

William D. Ruckelshaus,
Administrator.

Subpart GG—New Mexico

1. In § 52.1620, (c) is amended by adding paragraph (36) as follows:

§ 52.1620 Identification of Plan

* * * * *

(c) * * *

(36) A revision to Air Quality Control Regulation 402 "Regulation to Control Wood Waste Burners" as adopted by the New Mexico Environmental Improvement Board on January 10, 1975, and revised by that Board on December 10, 1982, was submitted by the State on December 23, 1983.

[FR Doc. 84-19883 Filed 7-26-84; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[Region II Docket No. 31; OAR-FRL-2640-6]

Approval and Promulgation of State Implementation Plans; Revisions to the State of New Jersey Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to announce that the Environmental Protection Agency is approving, under the provisions of the Clean Air Act, a request from New Jersey to revise its State Implementation Plan to allow the U.S. Gypsum Co. to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2, or #3 at its Clark, New Jersey plant. This approval will remain in effect until March 31, 1985 or until Boiler #4 is ready to burn coal.

[1] Evaluation Report for New Mexico revised Regulation No. 402 "Woodwaste Burners," adopted by the New Mexico Environmental Improvement Board on January 10, 1975 and submitted by the State on December 23, 1983.

whichever occurs first. Emissions of sulfur dioxide from coal burning will be restricted to 0.3 pounds per million BTU gross heat input.

Section 110 of the Clean Air Act requires that the Administrator act on State requests to revise the applicable State Implementation Plan.

EFFECTIVE DATE: This action is effective on July 27, 1984.

ADDRESSES: A copy of the submittals from the New Jersey Department of Environmental Protection are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20406

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Room 1005, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York New York 10278 (212) 264-2517.

SUPPLEMENTARY INFORMATION: On March 23, 1984 (49 FR 11100) the Environmental Protection Agency (EPA) published in the **Federal Register** a proposal to approve a revision to the New Jersey State Implementation Plan (SIP). This revision allows the use of 2.0 percent sulfur content fuel oil at the U.S. Gypsum Company's Clark, New Jersey plant in either Boiler #1, #2, or #3 until March 15, 1985 or until Boiler #4 is converted to burn coal.

Subchapter 9, "Sulfur in Fuels," of Title 7, Chapter 27 of the New Jersey Administrative Code normally allows the use of fuel oil with 0.3 percent sulfur content, by weight, in the Clark, New Jersey area. However, section 9.5 of this regulation, "Incentive for conversion to coal or other solid fuel," allows certain coal converting sources of sulfur dioxide to burn, for up to three years, fuel oil with a higher sulfur content as long as the use of the higher sulfur content fuel does not cause a violation of the national ambient air quality standards or the Prevention of Significant Deterioration (PSD) increments.

In its March 23, 1984 notice, EPA found that the State had provided an adequate demonstration that no violations of the national ambient air quality standards or PSD increments will occur. EPA received no comments on its proposed action and in today's notice is taking final action to approve the New Jersey SIP revision.

This action is being made immediately effective because it imposes no hardship on any affected sources, and no purpose would be served by delaying its effective date.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2))

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

List of Subjects in 40 CFR Part 52

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

[Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7600)]

Dated: July 23, 1984.

William D. Ruckelshaus,

Administrator, Environmental Protection Agency.

PART 52—[AMENDED]

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

Subpart FF—New Jersey

1. Section 52.1570 is amended by adding new paragraph (c)(36) as follows:

§52.1570 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the dates specified.

* * * * *

(36) A revision submitted by the New Jersey Department of Environmental Protection to allow U.S. Gypsum Co. temporarily to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2, or #3 at its Clark, New Jersey plant. The New Jersey submittal consists of an April 14, 1983 letter transmitting a State issued February 14, 1983 Public Notice and a letter dated March 14, 1983 transmitting an Administrative consent order detailing procedures to be used by the State to determine compliance. This revision will remain in effect until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first.

2. Section 52.1601 is amended by adding new paragraph (c) as follows:

§ 52.1601 Control strategy and regulations: Sulfur oxides.

* * * * *

(c) The U.S. Gypsum Co. in Clark, New Jersey is permitted to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2 or #3 until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first. Such oil burning must conform with New Jersey requirements and conditions as set forth in applicable regulations and administrative orders.

[FR Doc. 84-19892 Filed 7-26-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[EPA Docket No. AM403PA; OAR-FRL-2641-1]

Approval of Revisions to the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves the revision to the Pennsylvania State Implementation Plan (SIP) for Lead (Pb) for each of the three Lead Smelters.

The revisions consist of a narrative portion, Consent Agreements, and technical/modeling analyses for each Smelter operation. The three Smelters are General Battery Corporation (GBC), Laureldale, Berks County; Tonolli Corporation, Nesquehoning, Carbon County and, East Penn Manufacturing Corporation, Lyons, Berks County.

EFFECTIVE DATE: This action is effective on August 27, 1984.

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

U.S. Environmental Protection Agency, Air Programs Branch (3AM11), Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: Ms. Eileen M. Glen

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M. Street, SW. (Waterside Mall), Washington, DC 20460

Pennsylvania Department of Environmental Resources, Bureau of Air Quality, 18th Floor, Fulton Bank Building, 200 W. 3rd Street, Harrisburg, PA 17120, Attn: Mr. James Salvaggio

The Office of the Federal Register, 1100 L. Street, NW., Room 8401, Washington, DC 20408

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen at the EPA, Region III address or telephone (215) 597–8379.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 109 of the Clean Air Act, 42 U.S.C. 7409, EPA promulgated primary and secondary national ambient air quality standards for Lead on October 5, 1978 (43 FR 46246). Under section 110(a)(1), 42 U.S.C. 7410(a)(1), within 9 months of this promulgation each State was required to submit a State Implementation Plan ("SIP") to provide for attainment and maintenance of the Lead standards.

Under section 110(a)(2), 42 U.S.C. 7410(a)(2), each SIP must provide for attainment of a primary standard "as expeditiously as practicable, but in no case later than three years from the date of approval of such plan." Under section 110(e), 42 U.S.C. 7410(e) a state may request a two-year extension of this three-year deadline if it demonstrates that necessary technology will not be available soon enough to provide for attainment within three years.

EPA promulgated regulations establishing specific requirements for Lead SIP's on October 5, 1978 (43 FR 46246). These regulations were codified as CFR 51.80–51.87. They supplement more general SIP requirements codified in 40 CFR Part 51, Subpart 3, and include a requirement that the attainment demonstration as it relates to significant point sources of lead be based on dispersion modeling, 40 CFR 51.84 (1983).

On September 30, 1982, the Commonwealth submitted a Lead SIP demonstrating attainment in eight of the eleven state air quality control areas. EPA approved this submittal on October 12, 1983 at 48 FR 46309. EPA approved the Lead SIP for Allegheny County on February 6, 1984 (49 FR 4379). EPA proposed to approve the lead SIP for Philadelphia on December 29, 1983 (48 FR 57328) and will take final action on it in a separate notice. The remaining areas are the areas in which three of Pennsylvania's Lead Smelters are located. Furthermore, the Commonwealth currently has regulations which set forth procedures to review the lead emitting potential of all new or modified sources as required by 40 CFR 52.10 and 52.21.

On November 21, 1983 and December 2, 1983, PaDER submitted a draft SIP for the three Lead Smelter areas and requested EPA "parallel" process the proposed SIP revisions. EPA reviewed the material submitted and proposed the revisions for approval on January 3, 1984, 49 FR 79. The public comment period expired on March 5, 1984 and no comments were received.

Public Hearing

The State provided proof that public hearings, with respect to the Lead SIP, were held as shown below:

Company	Public hearing date	Location
East Penn	May 17, 1984	State Office Building, Room 437, 625 Cherry Street, Reading, PA 19602.
GBC	do	State Office Building, Room 437, 625 Cherry Street, Reading, PA 19602.
Tonolli Corp	do	Jim Thorpe Courthouse, Courthouse Annex, Carbon County, PA.

SIP Submittal

On June 8, 1984, the final signed Consent Agreements, and revisions to the Pennsylvania State Implementation Plan for Lead (Pb), were submitted by the Pennsylvania Department of Environmental Resources (PaDER) to the U.S. Environmental Protection Agency (EPA).

At the Commonwealth's request, EPA issued a contract to Radian Corporation in June 1983 to study the proposed controls at these three Smelters and to develop the modeling analysis and control strategy demonstrations. The Radian reports are included in the SIP appendices and are discussed in detail in the Proposed Rulemaking (49 FR 79).

A detailed discussion of each facility and the associated Consent Agreement follows:

1. East Penn Manufacturing Corp., Lyons, Berks County—the Company is required to install and maintain an onsite ambient monitoring network. This monitoring data, gathered prior to installation of controls, will be used as background data in the revised modeling analysis. The Consent Agreement also required the maintenance of existing controls as well as the installation of the following control measures:

a. Low speed limits shall be imposed and strictly enforced on all smelter roadways by posting of 10 mph speed limit signs, training of employees during regular motive equipment training sessions, and enforced through disciplinary procedures.

b. Dust suppressant shall be routinely applied to all smelter road shoulders and unpaved smelter yard areas on a weekly basis.

c. The wheels and undercarriages of all smelter vehicles shall be washed before leaving the material storage building.

d. All smelter roads and paved areas shall be cleaned with a brush-type sweeper at least once per day, weather permitting.

e. The discharge of the sanitary baghouse shall be changed to a vertical vent that does not exceed "good engineering practice" stack height.

f. All materials from battery breaking shall be transferred to the ventilated material storage building by conveyors or chutes.

g. The Company shall enclose the slag storage area on three sides.

h. The Company shall ventilate the battery breaking process equipment through a scrubber and the agglomerator furnace process equipment through a baghouse or equivalent Department approved air pollution control equipment.

All of these measures (except for "e") are minor modifications of those found in the Notice of Proposed Rulemaking (49 FR 79). EPA feels that these modifications are as stringent, if not more stringent, than those found in the earlier proposal. Measure "e" is a modification from the proposed in that it limits the necessity for structural change to only the sanitary baghouse because this has been found to be the only significant source of emissions.

EPA notes that as a result of a recent Court of Appeals decision remanding EPA's stack height regulations *(Sierra Club, et al. v. EPA, et al., No. 82–1384 (D.C. Cir. October 11, 1983)*, it is unclear how much credit may be taken in developing a control strategy or in demonstrating attainment for stack height increases at this smelter.

Installation of the additional control measures by May 31, 1985, in combination with the existing control measures, will result in a level of control at the plant that is at least RACT for secondary Lead Smelters.

Because the Radian report indicates that this area may not attain the Pb NAAQS even after controls, the Commonwealth has committed to: (a) Obtain the data necessary to refine the attainment demonstration; (b) reevaluate the adequacy of the control strategy approximately one year after implementation of the control measures specified above; (c) require emission reductions beyond RACT; if necessary, to achieve the NAAQS; and (d) submit to EPA by December 31, 1987 a SIP supplement (i) documenting the reevaluation of the control strategy and (ii) specifying, if necessary, the emission control measures beyond RACT that the

East Penn Manufacturing Corporation will implement to achieve the NAAQS.

This reevaluation will include a comparison of dispersion model predicted concentrations with ambient lead measurement. This comparison is critical because of the uncertainty associated with: (a) Quantifying the residual emissions from the enclosure buildings; (b) quantifying fugitive lead emissions from other sources at the plant; and (c) performing dispersion modeling.

Pennsylvania also will attempt to improve the quantification of all residual emissions at the plant and will investigate dispersion and rollback modeling and other techniques to determine the most accurate basis for evaluating the adequacy of the control strategy. If additional emission reductions are determined to be necessary, the East Penn Manufacturing Corporation will be required to install the appropriate controls as expeditiously as practical but not later than the two-year attainment extension permitted under section 110(e) of the Clean Air Act (The basis for this extension is discussed below).

2. General Battery Corporation Laureldale, Berks County—PaDER has a Consent Order and Agreement with GBC, as part of the SIP, which requires the maintenance of existing controls and the installation of the following control measures:

a. The raw material storage areas and the charge storage bins will be enclosed and ventilated through a fabric filter.

b. All lead-bearing raw materials which are not enclosed in a case will be transported in an enclosure maintained under negative pressure except that battery plant scrap and process recyclables may be transported in closed containers between buildings.

c. Additional ventilation of the smelter building will be installed and operated.

d. The slag cooling and storage building will be enclosed and ventilated through a fabric filter.

e. Increased ventilation of the low-speed battery shredder utilizing local hooding will be installed.

f. A program will be undertaken to limit fugitive lead emissions from in-plant roadways, road shoulders and exposed yard areas. The program will include the purchase and use of regenerative type road sweeper, the application of dust suppressant to all road shoulders and exposed yard areas on a routine basis and the imposition and enforcement of low speed limits on all in-plant roadways.

Control measure "a" is an additional control measure not found in the earlier proposal; measures "b", "c", and "e" are minor modifications of those found in the NPRM (49 FR 79). EPA feels that these modifications are as stringent as if not more stringent than those found in the earlier proposal.

The following measures were in the draft Consent Agreement but are not in the Final Agreement:

a. Enclosure of the slag storage and charge storage areas with ventilation through a fabric dust collector.

b. Ventilation of the reverberatory furnace through the charge material fabric filter system.

c. All horizontal and downward discharge vents changed to vertical vents or stacks and stack heights on all significant sources increased to GEP.

Control measure "a" was deleted because the building is already enclosed. The only possible problem is closure of the doors by the workmen; this issue is resolved by paragraph "E", page 4, of the final Consent Agreement, which ensures that the slag cooling and storage building doors are closed except during entrance and exit of vehicles. The deletion of control measure "b" is due to the need for verification of an emissions problem. Paragraph "A", number 6, on page 3 of the final Consent Agreement, calls for the installation of a smelter building ventiliation system. Paragraph "D", on page 4 of the C.O., calls for the Company to submit a plan for a study of the effectiveness of the smelter building ventilation system. The deletion of measure "c" is also due to the need for verification of an emissions problem. Paragraph "C" number 1, on page 3 of the C.O., calls for an upward discharge of the Rotary Grid Casting exhaust stack and the Industrial Grid Casting Exhaust stack. Paragraph C, numbers 2 and 4, on pages 3 and 4, respectively, call for stack tests to be conducted and structural changes made if necessary. EPA believes that these changes are appropriate and not significant enough to warrant re-proposal of the SIP.

The installation of these control measures by March 31, 1985, in combination with the existing control measures, will result in a level of control at the plant that is at least RACT for secondary Lead Smelters.

Again, an analysis performed by the Radian Corporation indicates that the Pb NAAQS may not be attained even after installation of RACT. See 49 FR 79, 80, January 3, 1984. In recognition of this potential problem, Pennsylvania committed: (a) To obtain the data necessary to refine the attainment demonstration; (b) to reevaluate the adequacy of the control strategy approximately one year after implementation of the control measures identified in items a through i above, the measures related to stack and vent configuration; (c) to require emission reductions beyond RACT, if necessary, to achieve the NAAQS; and (d) to submit to EPA by December 31, 1987 a SIP supplement (i) documenting the reevaluation of the control strategy and (ii) specifying, if necessary, the emission control measures beyond RACT the General Battery Corporation will implement to achieve NAAQS. As specified in (see 49 FR 79, 81) the Notice of Proposed Rulemaking, there is a list of requirements which must be met by General Battery Corporation in order to support this commitment.

The data obtained from the ambient Lead and meteorological measurement networks, which are required to meet this commitment, will be used to reevaluate the adequacy of the SIP after implementation of RACT. This reevaluation will include a comparison of dispersion model predicted concentrations with ambient Lead measurements. This comparison is critical because of the uncertainty associated with: (a) Quantifying the residual emissions from the enclosure buildings; (b) quantifying fugitive Lead emissions from other sources at the plant; and (C) performing dispersion modeling in complex terrain.

Pennsylvania also will attempt to improve the quantification of all residual emissions at the plant and will investigate dispersion and rollback modeling and other techniques to determine the most accurate basis for evaluating the adequacy of the control strategy. If additional emission controls are determined to be necessary, the General Battery Corporation will be required to install the appropriate controls as expeditiously as practical but not later than the two-year attainment extension permitted under section 110(e) of the Clean Air Act. (The basis for this extension is discussed below.)

3. Tonolli Corporation, Nesquehoning, Carbon County—PaDER has negotiated a Consent Order and Agreement, Appendix A to the SIP. There has been no change in the Consent Agreement with regard to the installation of various control measures subsequent to the Notice of Proposed Rulemaking (see 49 FR 79, 81).

The installation of these control measures by May 31, 1986, in combination with the existing control measures, results in level of control at the plant that is at least Reasonably Available Control Technology (RACT) for secondary Lead Smelters.

An analysis of the residual emissions that would occur at the plant after the implementation of the additional control measures was performed by the Radian Corporation. A copy of the Radian analysis is attached as Appendix B to the SIP. The Radian analysis indicates that implementation of the type of controls proposed may result in attainment of the National Ambient Air Quality Standards. This conclusion is based on Radian's "best available judgments" on fugitive emission rates, building design, lead-in-air concentrations, air exchange rates and meteorological data.

Although Radian used the best available information, there are two noteworthy points associated with the adequacy of the analysis. First, on-site meteorological data is not available. Therefore, Radian used one year of "off-site" meteorological data from the Allentown Airport in the dispersion modeling analysis. The Tonolli Corporation plant, however, is located in complex terrain and the application of the Allentown data may not adequately describe the meteorological conditions that occur at the plant site. This could substantially affect the location and magnitude of the predicted maximum lead concentration reported in the Radian report.

The second point concerns the estimated lead emission rates, controlled and uncontrolled, from the Tonolli plant. Fugitive emissions are by far the major contributor to plant lead emissions. However, all fugitive lead emission rates are rough estimates and may be inaccurate by an order of magnitude. Likewise, the amount of residual emissions after the implementation of the control measures is very difficult to quantify. Although the enclosure building will substantially reduce lead emissions from the plant, insufficient data is available prior to construction of the building to precisely estimate the residual emissions. Major problem areas are, estimates of the lead-in-air concentration that will occur inside the building and the air exchange rate with the ambient air outside the building. These estimates are critical in determining the residual lead emissions and the resultant ambient concentrations.

In recognition of these points, Pennsylvania commits: (a) To obtain the data necessary to refine the attainment demonstration; (b) to reevaluate the adequacy of the control strategy approximately one year after implementation of the additional control measures; (c) to require emission reductions beyond RACT, if necessary, to achieve, and maintain the NAAQS; and (d) to submit to EPA by December 31, 1987 a SIP supplement (i) documenting the reevaluation of the control strategy and (ii) specifying, if necessary, the emission control measures beyond RACT that the Tonolli Corporation will implement to achieve the NAAQS.

To support this commitment the Consent Order and Agreement requires the Tonolli Corporation to operate and maintain ambient lead and meteorological measurement networks at the plant. The data obtained from these networks will be used to reevaluate the adequacy of the SIP after the construction of the enclosure building and the removal of the plastic storage pile. This reevaluation will include a comparison of dispersion model predicted concentrations with ambient lead measurements. This comparision is critical because of the uncertainty associated with: (a) Quantifying the residual emissions from the enclosure building; (b) quantifying fugitive lead emissions from other sources at the plant; and (c) performing dispersion modeling in complex terrain.

In general, Pennsylvania will investigate dispersion and rollback modeling and other techniques to determine the most accurate basis for evaluating the adequacy of the control strategy. If additional emission reductions are determined to be necessary, the Tonolli Corporation will be required to install the appropriate controls as expeditiously as practical but not later than the two-year attainment extension permitted under section 110(e) of the Clean Air Act. (The basis for this extension is discussed below).

Further, should a measured violation of the ambient lead NAAQS occur after the construction of the enclosure building and removal of the plastic storage pile, the Consent Order and Agreement requires the company to install air pollution control equipment on the enclosure building or institute equivalent control measures.

EPA Evaluation

EPA has reviewed the Commonwealth's submittal including the Radian reports and Consent Orders. We are approving Pennsylvania's Lead SIP revisions based on the determination that they meet the scope and intent of 40 CFR sections 51.80 through 51.88 (control strategy—Lead).

The State indicated in its SIP that a two-year extension may be needed to attain the NAAQS for lead for each of the three smelter areas. EPA is approving an extension of up to two years. The plan relies on measures that constitute Reasonably Available Control Technology (RACT), but the plan does not actually demonstrate attainment, and the State may need to develop and implement measures that require technology not currently available. Neither EPA nor the State will be able to identify such measures without further study. Therefore, an extension appears to meet the requirements of section 110(e) of the Clean Air Act (42 U.S.C. 7410(e) and EPA's regulations (40 CFR 51.30 (1983)). The basis for granting this extension is discussed in a technical support document in the SIP docket.

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

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal processings brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 52

Air Pollution Control, Ozone, Sulfur oxides, Nitrogen oxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental Relations.

Authority: 42 U.S.C. 7410 and 7601.

Dated: July 23, 1984.

William D. Ruckelshaus,

Administrator.

Note.—Incorporation by reference of the Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the Office of the Federal Register on July 1, 1982.

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

PART 52—[AMENDED]

Subpart NN—Pennsylvania

In Section 52.2020, paragraph (c)(62) is added to read as follows:

§ 52.2020 Identification of Plan

* * * * *

(c) * * *

(62) A State Implementation Plan for the control of Lead (Pb) emissions in Pennsylvania was submitted on June 8, 1984 by the Secretary of the

Pennsylvania Department of Environmental Resources.

[FR Doc. 84-19880 Filed 7-26-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[EPA Docket No. AW040PA; OAR-FRL-2640-4]

Approval of Revisions to the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Commonwealth of Pennsylvania has submitted to the Environmental Protection Agency (EPA) amendments to its Air Resources Regulations and has requested that they be reviewed and processed as revisions to the Pennsylvania State Implementation Plan (SIP). These amendments, submitted on September 23, 1983, consist of (35) minor revisions to the Air Resources Regulations (Article III) which amend Chapters 121, 123, 127, 129, 131, 139, and 141 in order to correct typographical errors, clarify ambiguities, specify "reasonably available control measure" for one category of emission sources, establish exemptions for certain minor sources, delete outdated provisions, update current references, modify public notice requirements, and correct errors in earlier rulemaking.

DATE: This action will be effective on September 25, 1984 unless notice is received by August 27, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the proposed SIP revisions, as well as accompanying support documentation submitted by the Commonwealth, are available for public inspection during normal business hours at the following locations.

U.S. Environmental Protection Agency, Air Programs Branch (3AM11), Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Ms. Donna Abrams

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, Harrisburg, PA 17120, ATTN: Gary Triplett

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, SW., Room 8401, Washington, D.C. 20408

All comments should be submitted to Mr. Glenn Hanson, Chief of the PA/WVA Section at the EPA, Region III, Curtis Building, 6th & Walnut Street, Philadelphia, PA 19106, EPA Docket No. AW040PA.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Abrams at the EPA, Region III address stated above or telephone (215) 597-9134.

SUPPLEMENTARY INFORMATION:

Background

On September 23, 1983, the Commonwealth of Pennsylvania submitted a package containing (35) minor regulatory revisions to the Air Resources Regulations (Article III) to the Environmental Protection Agency (EPA). These revisions amend Chapters 121, 123, 127, 129, 131, 139 and 141 by correcting typographical errors, clarifying ambiguities, specifying "reasonably available control measures" for one category of emission sources, establishing exemptions for certain minor sources, deleting outdated provisions, updating current references, modifying public notice requirements, and correcting errors in earlier rulemaking.

The State has submitted documentation that public hearings regarding these revisions were held in accordance with 40 CFR 51.4. The date and locations of the public hearings are listed below:

Date and Location

January 11, 1983—Kossman Building, Room 809, 100 Forbes Avenue, Pittsburgh, PA

January 12, 1983—State Office Building, First Floor Conference Room, 1875 New Hope Street, Norristown, PA

January 13, 1983—Fulton Bank Building, Second Floor Conference Room, 200 North Third Street, Harrisburg, PA

The regulation number, as well as a brief description of the minor regulatory revisions submitted by the State, are summarized below:

Regulation No.	Brief Description
121.1	Definitions.
	Beaver Valley Air Basin redefined as the Upper and Lower Beaver Valley Air Basins.
	Coil Coating is revised to apply to only continuous flat metal sheets or strips.
	Major Modification is revised to include Carbon Monoxide sources.
121.5	Referrals from associations.
	Deleted.
121.6	Request for hearings.
	Deleted.
123.2	Fugitive particulate matter.
	123.2(2) is deleted and 123.2(1) is revised in order to clearly reflect fugitive particulate emissions limitations.
123.13	Processes.
	123.13(b)(1) is revised by deleting the process group crushers, grinders or screens and its corresponding process factor. The process factor for phosphoric acid manufacturing is clarified by replacing "phosphorous burned" with "P_2O_5 produced".
123.44	Limitations of visible fugitive air contaminants from operation of any coke oven battery.
	Revisions to 123.44(b)(3) now require that the observer shall attempt to reobserve any obstructed doors.
	Revisions in 123.44(b)(4) clarify the position the observer shall take while traversing the battery.
127.14	Exemptions.
	127.14(3) is revised to exempt certain minor sources.
127.33	Notice of sale equipment.
	Deleted.
127.41, 127.42, and 127.43.	Coke oven battery abatement plans.
	This subchapter has been replaced in its entirety in order to delete outdated provisions. It is replaced by "Public notification procedures," and 127.41 (Abatement of coke oven battery emissions) is replaced by a new 127.41 (Purpose).
127.44	Notice of filing.
	The heading of this section has been changed to "Public Notice". Additional changes include the renumbering of this section to 127.42, deletion of outdated provisions, and the stipulation in 127.42(c) that an applicant does not have to publish an advertisement of a plan approval if the department intends to deny the application.
127.45	Contents of notice.
	127.45 is renumbered to 127.43 and the language is modified to clarify ambiguities.
127.46	Filing protests.
	127.46 is renumbered to 127.44 with minor wording changes.
127.47	Consideration of protests.
	127.47 is renumbered to 127.45 with minor wording changes.
127.48	Conferences and hearings.
	127.48 is renumbered to 127.46 with minor wording changes.
127.49	Informal hearing procedure.
	127.49 is renumbered to 127.47. Revisions in 127.49(c) now allow ten days instead of five to submit copies of a written statement.
127.50	Informal hearing record.
	127.50 is renumbered to 127.48 and the language is modified in order to delete outdated provisions.
127.51	Actions on a petition.
	The heading of this section has been changed to "Plan Approval Issuance". Notices of every permit action will be published, by the department, in the Pennsylvania Bulletin. Additional revisions include minor wording changes, deletion of outdated provisions, and the renumbering of this section to 127.49.
127.52	Existing air pollution abatement orders governing coke oven emissions.
	Deleted.
127.63	Sources subject to special permit requirements.
	Revised to correct typographical errors.
129.51	General (standards for sources of volatile organic compounds).
	Revisions include the amending of 129.51(c) (monitoring requirements) and minor wording changes in 129.51(a).
129.53	Alternative standards allowing internal offsets for surface coating and graphic arts facilities.
	Revision clarifies one of the definitions used in the equation.
129.56	Storage tanks greater than 40,000 gallons (152,000 liters) capacity containing volatile organic compounds.
	Revisions in 129.56(2) (vapor recovery system) delete repetitive language.
129.58	Petroleum refineries fugitive sources.

Regulation No.	Brief Description
	72 hours rather than 24 is allowed to check the repair of fugitive leaks. There are minor wording changes, and (i) is deleted in its entirety.
129.59	Bulk gasoline terminals. 129.59(a) is revised in order to delete repetitive language.
129.62	General standards for bulk gasoline terminals, bulk gasoline plants, and small gasoline storage tanks. Minor wording change.
129.64	Cutback asphalt paving. Revisions include deletion of outdated provisions and exemption of skin patching materials under certain circumstances.
129.66	Compliance schedules and final compliance dates. 129.66 is amended by adding a new paragraph, (i), and deleting outdated provisions.
129.70	Perchloroethylene dry cleaning facilities. Add Bucks County to the list of areas subject to this regulation and adds the words "Volatile Organic Compounds" to clarify the emission limit.
131.3	Ambient air quality standards. Lead and its 30-day concentration are deleted from Pennsylvania's list of standards.
139.4	References. Updates current references.
139.13	Emissions of SO_2, H_2S and NO_2. Revises method of H_2S determination.
139.14	Emissions of volatile organic compounds. Revisions include the modification of language in 139.14 (a) and (b) and the deletion of (d), (e) and (f).
139.16	Sulfur in fuel oil. Minor wording change.
139.21	Emissions of fugitive particulate matter. The subheading (Fugitive Particulate Matter) prior to this section, as well as the section itself, is deleted in its entirety.
139.53	Filing monitoring reports. Reports need no longer be submitted in duplicate.
139.61	Requirements. 139.61(b) is amended by deleting the source class "waste heat stack".
139.101	General requirements. Minor wording change.
139.102	References. Minor wording change.
141.51, 141.52, 141.53, 141.54, 141.55, 141.56, 141.57, 141.58, 141.59.	Fuel-usage and emergency variances. This subchapter is deleted in its entirety.

EPA Action

The Regional Administrator's decision to propose approval of these revisions is based on a determination that the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

The Public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notice will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

List of Subjects in 40 CFR Part 52

Ozone, Sulfur oxides, Nitrogen oxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: July 23, 1984.

William Ruckelshaus,

Administrator.

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

PART 52—[AMENDED]

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

Subpart NN—Pennsylvania

1. Section 52.2020 paragraph (c)(60) is added to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(60) Amendments consisting of minor regulatory changes to Article III of the Air Resources Regulations that amend Chapters 121, 123, 127, 129, 131, 139, and 141 was submitted by the Commonwealth of Pennsylvania on September 23, 1983.

[FR Doc. 84–19891 Filed 7–26–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[OAR-FRL-2640-2]

Oklahoma Regulation 1.4 and Variance for MESA Petroleum Co.

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice approves a revision to Oklahoma Air Pollution Control Regulation 1.4 "Air Resources Management—Permits Required" which defines the State's requirements for a permit extension under section 1.4.2(f)(2). This notice also approves the variance and extension for Mesa Petroleum Company to operate its gas incinerator at variance from Regulation 3.4 "Control of Emission of Sulfur Compounds" for a maximum of 90 operating days. The revision and variance extension were adopted by the Oklahoma State Board of Health on January 17, 1984, and submitted by the Governor on February 6, 1984. On February 17, 1984, the Oklahoma State Department of Health (OSDH) submitted a letter of clarification to sections 1.4.2(f)(2) (C) and (D).

DATE: This action will be effective September 25, 1984 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:.

The Office of the Federal Register, 1100 L Street, NW., Washington, D.C., Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library Rm. 2404, 410 M Street, SW., Washington, D.C. 20460

Environmental Protection Agency, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270

Oklahoma State Department of Health, 1000 Northeast 10th Street, P.O. Box 53551, Oklahoma City, Oklahoma 73152

FOR FURTHER INFORMATION CONTACT: Kathryn Griffith, State Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767–9853.

SUPPLEMENTARY INFORMATION: On February 6, 1984, the Governor of Oklahoma submitted a revision to Regulation 1.4 "Air Resources Management—Permits Required" and a variance and extension for Mesa Petroleum Company. EPA has reviewed the State's submittals and developed an evaluation report.[1] This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 and the Oklahoma State Department of Health offices listed above.

The revision to Regulation 1.4 adds four parts to section 1.4.2(f) Cancellation of Authority to Construct or Modify. This was previously known as 1.4.2(g) prior to being renumbered by the State. The additions to section 1.4.2(f) define

[1] EPA Review of Oklahoma Revision to Regulation 1.4 "Air Resources Management—Permits Required" and Mesa Petroleum Company Variance.

the State's requirements for a source to get a permit extension. EPA has no requirements for permit extensions that must be met by the States. On February 17, 1984, the State submitted a letter clarifying the statement "appropriate available control review" which is in sections 1.4.2(f)(2) (C) and (D). The State interprets it as encompassing both best available control technology (BACT) or lowest achievable emission rate (LAER) review, whichever applies. EPA accepts this interpretation because the regulation applies statewide and the State has both attainment and nonattainment areas. Therefore, EPA is approving the revision to Regulation 1.4.

The variance and extension allows Mesa Petroleum Company to operate its gas incinerator at variance from Regulation 3.4 "Control of Emission of Sulfur Compounds" for a maximum of 90 operating days until January 1985. The 90 day limitation is one of the conditions on the prevention of significant deterioration (PSD) permit.

Mesa proposes to treat sour gas produced near Sweetwater, Oklahoma with a sulfur recovery plant. The amount of hydrogen sulfide and carbon dioxide vary considerably from this deep gas well stream, and therefore, data must be acquired so that the plant could be designed to remove the hydrogen sulfide. Acid gases will be temporarily incinerated emitting a maximum of 1004 pounds of sulfur dioxide per hour. In order to design a sulfur recovery plant of appropriate capacity a few months time is needed to quantify the gas components.

The National Ambient Air Quality Standard (NAAQS) analysis contained in the PSD permit application demonstrates that the temporary emissions from Mesa will not violate any applicable standard. Therefore, EPA is approving the variance.

Since the revision included in this approval notice is considered administrative in nature and minor in substance, EPA is approving this revision without prior proposal. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** Notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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

Under 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeal for the appropriate circuit by September 25, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

Incorporation by reference of the State Implementation Plan for the State of Oklahoma was approved by the Director of the **Federal Register** on July 1, 1982.

This notice of final rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

List of Subjects in 40 CFR Part 52

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

Dated: July 23, 1984.

William D. Ruckelshaus,

Administrator.

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

Subpart LL—Oklahoma

1. In 52.1920, (c) is amended by adding paragraph (31) as follows:

* * * * *

(c) * * *

(31) Revision to Regulation 1.4 "Air Resources Management—Permits Required" and variance and extension for Mesa Petroleum Company submitted by the Governor on February 6, 1984. A letter of clarification on section 1.4.2(f) Cancellation of Authority to Construct or Modify was submitted by the State on February 17, 1984.

[FR Doc. 84-19882 Filed 7-26-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[TN-016]

Designation of Areas for Air Quality Planning Purposes; Tennessee: Redefinition of TSP and SO_2 Attainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is changing the description of particulate matter and sulfur dioxide attainment areas in Tennessee at the request of the Tennessee Division of Air Pollution Control. This change, according to the State, will make it easier to track increment consumption in connection with the prevention of significant deterioration of air quality.

EFFECTIVE DATE: This action will be effective unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Library, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365

Division of Air Pollution Control, Tennessee Department of Health and Environment, 150 9th Avenue North, Nashville, Tennessee 37203

FOR FURTHER INFORMATION CONTACT: Mr. Raymond S. Gregory, Air Management Branch, EPA Region IV, at the above address, telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On August 18, 1983, the Tennessee Division of Air Pollution Control asked that the designation of particulate and sulfur dioxide attainment areas in 40 CFR 81.343 be changed from "Rest of State" to a listing of individual counties. This change, according to the State, will make it easier to track increment consumption in connection with the prevention of significant deterioration of air quality. The Agency finds this request to be consistent with the provisions of section 107 of the Clean Air Act, and it is granted herewith.

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 25, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), the Administrator has certified that area redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: July 23, 1984.

William D. Ruckelshaus,

Administrator.

Part 81 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

Subpart C—Section 107 Attainment Status Designations In § 81.343, the TSP and SO_2 attainment status tables are revised to read as follows:

§ 81.343 Tennessee.

TENNESSEE—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Anderson County				X
Bedford County				X
Benton County				X
Bledsoe County				X
Blount County				X
Bradley County				X
That portion of Campbell County within downtown LaFollette.	X	X		
Rest of Campbell County				X
Cannon County				X
Carroll County				X
Carter County				X
Cheatham County				X
Chester County				X
Claiborne County				X
Clay County				X
Cocke County				X
Coffee County				X
Crockett County				X
Cumberland County				X
Those portions of Davidson County within a section of downtown Nashville and in West Nashville.		X		
Rest of Davidson County				X
Decatur County				X
DeKalb County				X
Dickson County				X
Dyer County				X
Fayette County				X
Fentress County				X
Franklin County				X
Gibson County				X
Giles County				X
Grainger County				X
Greene County				X
Grundy County				X
Hamblen County				X
That portion of Hamilton County within approximately the city limits of Chattanooga.		X		
Rest of Hamilton County				X
Hancock County				X
Hardeman County				X
Hardin County				X
Hawkins County				X
Haywood County				X
Henderson County				X
Henry County				X
Hickman County				X
Houston County				X
Humphreys County				X
Jackson County				X
Jefferson County				X
Johnson County				X
That portion of Knox County within a section of downtown Knoxville.			X	
Rest of Knox County				X
Lake County				X
Lauderdale County				X
Lawrence County				X
Lewis County				X
Lincoln County				X
Loudon County				X
McMinn County				X
McNairy County				X
Macon County				X
Madison County				X
Marion County				X
Marshall County				X

TENNESSEE—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
That portion of Maury County within the northern section of Columbia.			X	
Rest of Maury County				X
Meigs County				X
Monroe County				X
Montgomery County				X
Moore County				X
Morgan County				X
Obion County				X
Overton County				X
Perry County				X
Pickett County				X
Polk County				X
Putnam County				X
Rhea County				X
That portion of Roane County within a downtown section of Rockwood.			X	
Rest of Roane County				X
Robertson County				X
Rutherford County				X
Scott County				X
Sequatchie County				X
Sevier County				X
Shelby County				X
Smith County				X
Stewart County				X
Sullivan County				X
Sumner County				X
Tipton County				X
Trousdale County				X
Unicoi County				X
Union County				X
Van Buren County				X
Warren County				X
Washington County				X
Wayne County				X
Weakley County				X
White County				X
Williamson County				X
Wilson County				X

TENNESSEE—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Anderson County				X
Bedford County				X
That portion of Benton County surrounding TVA's Johnsonville plant.	X	X		
Rest of Benton County				X
Bledsoe County				X
Blount County				X
Bradley County				X
Campbell County				X
Cannon County				X
Carroll County				X
Carter County				X
Cheatham County				X
Chester County				X
Claiborne County				X
Clay County				X
Cocke County				X
Coffee County				X
Crockett County				X
Cumberland County				X
Davidson County				X
Decatur County				X
DeKalb County				X
Dickson County				X
Dyer County				X
Fayette County				X
Fentress County				X
Franklin County				X
Gibson County				X
Giles County				X
Grainger County				X
Greene County				X
Grundy County				X
Hamblen County				X
Hamilton County				X
Hancock County				X
Hardeman County				X
Hardin County				X
Hawkins County				X
Haywood County				X

TENNESSEE—SO_2—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Henderson County				X
Henry County				X
Hickman County				X
Houston County				X
That portion of Humphreys County surrounding TVA's Johnsonville plant.	X	X		
Rest of Humphreys County				X
Jackson County				X
Jefferson County				X
Johnson County				X
Knox County				X
Lake County				X
Lauderdale County				X
Lawrence County				X
Lewis County				X
Lincoln County				X
Loudon County				X
McMinn County				X
McNairy County				X
Macon County				X
Madison County				X
Marion County				X
Marshall County				X
That portion of Maury County surrounding the Stauffer Organic Chemical plant at Mt. Pleasant.			X	
Rest of Maury County				X
Meigs County				X
Monroe County				X
Montgomery County				X
Moore County				X
Morgan County				X
Obion County				X
Overton County				X
Perry County				X
Pickett County				X
Polk County	X	X		
Putnam County				X
Rhea County				X
Roane County				X
Robertson County				X
Rutherford County				X
Scott County				X
Sequatchie County				X
Sevier County				X
Shelby County				X
Smith County				X
Stewart County				X
Sullivan County				X
Sumner County				X
Tipton County				X
Trousdale County				X
Unicoi County				X
Union County				X
Van Buren County				X
Warren County				X
Washington County				X
Wayne County				X
Weakley County				X
White County				X
Williamson County				X
Wilson County				X

[FR Doc. 84-19872 Filed 7-26-84; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 716

[OPTS-84008A; FRL-2639-5]

Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies on Five Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule adds five chemicals to the list of chemical substances and designated mixtures subject to the requirements of the Health and Safety Data Reporting Rule (40 CFR Part 716), under the authority of section 8(d) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(d). The chemicals are: 2-methylpyridine, 3-methylpyridine, 4-methylpyridine, methylpyridine, and maleic anhydride. Manufacturers and processors of these chemicals are required to provide EPA with lists and copies of unpublished health and safety studies for the chemicals. The information received by the Agency will be used to support a more detailed assessment of the health and environmental risks of these chemicals.

DATES: This regulation shall be promulgated for purposes of judicial review at 1 p.m. eastern time on August 10, 1984. This regulation becomes effective on September 10, 1984.

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: OMB Control Number: 2070-0004.

I. Background

Under the authority of section 8(d) of TSCA, EPA promulgated the Health and Safety Data Reporting Rule (section 8(d) model rule) (40 CFR Part 716). This rule requires manufacturers (including importers) and processors of chemical substances and designated mixtures listed in the rule to submit two types of data to EPA:

1. Copies of unpublished health and safety studies (for the substances listed in the rule) which are in the possession of the manufacturer or processor.

2. Lists of unpublished health and safety studies which are being conducted by the manufacturer or processor, or which are known to the manufacturer or processor but are not in their possession.

The section 8(d) model rule contains standardized reporting requirements for the submission of copies and lists of health and safety studies, and provides for the amendment of the list of substances subject to the rule. The EPA Administrator may add substances to the rule in order to gather data for the assessment of those chemicals or designated mixtures. The Administrator has delegated this authority to the Assistant Administrator for Pesticides and Toxic Substances. This rule falls within that delegation of authority.

II. Summary of This Rule

This rule amends the section 8(d) model rule by adding five chemical substances to the list of substances subject to the model rule. The names and Chemical Abstracts Service registry numbers of these substances are as follows:

1. 2-Methylpyridine (CAS No. 109-06-8),

2. 3-Methylpyridine (CAS No. 108–99–6).

3. 4-Methylpyridine (CAS No. 108–89–4).

4. Methylpyridine (CAS No. 1333–41–1).

5. Maleic anhydride (CAS No. 108–31–6).

Manufacturers, importers, and processors of these substances are subject to the reporting requirements of the model rule, unless they are specifically exempted from those requirements. The reporting requirements are codified in Subpart A of 40 CFR Part 716. The model rule requires manufactures and processors of listed substances to submit data within 60 days of the effective date of any amendment to the model rule. Therefore, in the case of this amendment to the model rule, respondents must submit health and safety data to EPA within 104 days of the date of publication of this rule in the **Federal Register**.

This amendment of the model rule was proposed for public comment in the **Federal Register** of February 16, 1984 (49 FR 5974). EPA received one comment on the proposed rule; that comment is discussed in Unit III.A below.

III. Agency Objectives

A. Methyl Pyridines

As noted in the proposed rule, EPA is concerned that methyl pyridines may present a potential health and environmental risk of unknown magnitude. These chemical substances have not been extensively studied by the scientific community, and EPA has little data on their potential for adverse health and environmental effects. Although the Agency has conducted a preliminary evaluation of the health and environmental risks posed by methyl pyridines as part of its ongoing chemical assessment activities, it is necessary for the Agency to obtain more information on methyl pyridines in order to adequately assess the degree of risk posed by these chemicals. EPA therefore has determined that the current lack of data is sufficient justification for this information gathering rule.

Based on the limited health data on methyl pyridines available to EPA, the Agency has concluded that these chemical substances have a high dermal acute toxicity. EPA has some data on the possible neurotoxicity and teratogenicity of these substances; their primary impact may be on the central nervous system. In addition, there are studies indicating that the substances are not mutagenic. However, EPA lacks data on other possible toxic effects of methyl pyridines, such as carcinogenicity and reproductive effects.

As noted in the preamble to the proposed rule, EPA also has very little data about the possible environmental effects of methyl pyridines. These chemicals are water soluble, biodegradable, capable of being absorbed into the soil, and capable of penetrating to groundwater supplies and aquatic systems. Methyl pyridine isomers are produced as byproducts during the processing of fossil fuels such as coal and oil shale, and may be released as wastes from these processes.

EPA wishes to use this rule to supplement its limited data on methyl pyridines, because the Agency seeks to ensure that it has all existing health and safety data before undertaking any additional, detailed assessment of these chemicals. There may be other health studies, currently unknown to the Agency, which could provide valuable information about the degree of exposure necessary to cause neurotoxic effects, or the possibility that methyl pyridines may cause other health or environmental effects.

The sole commenter on the proposed rule addressed the methyl pyridines portion of the rule. The commenter did not object to the development of the rule itself, nor to the Agency's objectives in doing so. Instead, the commenter expressed some concerns about the preamble discussion of methyl pyridines, particularly with regard to EPA's preliminary conclusions and supporting data.

The preamble to the proposed rule clearly stated that the Agency's conclusions on possible health and environmental effects of methyl pyridines are tentative and based on data which are limited and inconclusive. It is in fact this lack of data that forms the underlying basis for the rule. The Administrative Procedure Act does not require EPA to provide a detailed technical discussion in the preamble to any rule; the Agency need only describe its basis for the rule and relevant issues in general terms. The Agency also must place all relevant support documents and studies into the public record for the rule.

In the case of this rule, EPA utilized three Chemical Hazard Information Profiles (CHIPs) of the methyl pyridines to identify potential health and environmental effects. The CHIPs provided a summary of available health, environmental, production, and exposure data on these chemical substances. They are contained in the public record for this rule, and referenced in the Public Record Unit of this preamble.

B. Maleic Anhydride

EPA also is proposing the addition of maleic anhydride to the section 8(d) model rule under the Agency's existing chemicals evaluation program. EPA did not receive any public comments on the addition of maleic anhydride to the model rule. Moreover, the Agency's reasons for seeking health and safety data on this substance remain unchanged from the proposed rule. This preamble therefore will contain only a brief summary of EPA's concerns and objectives with regard to maleic anhydride.

Maleic anhydride is produced in large quantities and presents a significant potential for exposure. Nevertheless, EPA has only limited health and safety data on the chemical. The Agency was able to locate only one mutagenicity study (positive for chromosomal aberrations), one teratogenicity study (judged by EPA to be inconclusive), and one significant oncogenicity study (negative). The limited health effects data base restricts the Agency's ability to make an adequate assessment of the health effects of maleic anhydride. Moreover, there are significant data gaps on the toxicity of maleic anhydride to soil microorganisms, plants, aquatic algae, invertebrates, and wildlife. EPA therefore is unable to make a comprehensive assessment of environmental risk.

As with the methyl pyridines, EPA wishes to supplement the existing health and environmental effects data on maleic anhydride with any unpublished health and safety studies that may exist, in order to ensure a comprehensive data base with which to assess potential risk.

IV. Economic Impact

EPA estimates that the establishment of section 8(d) reporting requirements for methyl pyridines and maleic anhydride will cost the chemical industry approximately $31,600. This cost estimate is relatively high, because the Agency is uncertain about the likely number of respondents to the rule. Although EPA has used the best available data to make its economic projections, much of those data are not current. Therefore, if the Agency's estimate of regulatory impact is somewhat inaccurate, EPA intends to overestimate rather than underestimate that impact.

Nevertheless, the cost of this rule is low in comparison with its potential benefits. Health and safety studies concerning methyl pyridines and maleic anhydride would improve EPA's ability to identify potential public health and

environmental problems with regard to these substances. The Agency therefore would be better able to determine whether further regulatory action would be necessary.

The total industry cost estimate is broken down as follows:

Corporate review	$15,750
File search	5,400
Title listing	234
Photocopying	1,265
Managerial review	7,790
Ongoing reporting	1,260
Total	31,609

Assuming a ±30 percent margin of error for the total industry cost estimate, the range of probable cost would be from $22,100 to $41,100. Based on this total industry cost estimate, the approximate cost for each company required to make an initial submission of health and safety data would be $1,470. With a ±30 percent margin of error, the range of probable cost per reporting firm would be from $1,030 to $1,920.

V. 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. In order to provide all interested persons with 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 the **"DATES"** section of this notice. The effective date therefore has been calculated from the delayed promulgation date.

VI. Public Record

The following documents constitute the administrative record for this rule (docket number OPTS–84008). All documents, including the index to this public record, are available to the public in the OTS Reading Room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The OTS Reading Room is located at EPA Headquarters, Room E–107, 401 M St., SW., Washington, D.C. The administrative record includes the following types of basic information considered by the Agency in developing this rule:

1. The Proposed Rule (49 FR 5974, February 16, 1984).

2. The single written comment received in response to the Proposed Rule.

3. All relevant support documents and studies, including the Chemical Hazard Information Profiles for the subject chemicals.

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

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

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

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

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a regulatory impact analysis. The Agency has determined that this rule is not "major" because it does not have an effect of $100 million or more on the economy. This rule is expected to have a one time reporting cost of approximately $31,600. It therefore will not have a significant effect on competition, costs, or prices.

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

Only a small number of companies are expected to report under this rule. Therefore, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA has determined that this amendment to the section 8(d) model rule will not have a significnat economic impact on a substantial number of small entities.

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 has approved the information collection requirements of the section 8(d) model rule (to which the chemicals in this rule are being added), and issued OMB control number 2070–0004 for the model rule and its amendments.

List of Subjects in 40 CFR Part 716

Chemicals, Health and safety, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements.

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

Dated: July 19, 1984.

Marcia E. Williams,

Acting Assistant Administrotor for Pesticides and Toxic Substances.

PART 716—[AMENDED]

Therefore, 40 CFR 716.17 is amended by adding paragraph (a)(6) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

* * * * * *

(6) As of September 10, 1984, the following chemical substances are added to this subpart.

Substances and CAS numbers

2-Methylpyridine—109–06–8
3-Methylpyridine—108–99–6
4-Methylpyridine—108–89–4
Methylpyridine—1333–41–1
Maleic anhydride—108–31–6

* * * * * *

[FR Doc. 84–19877 Filed 7–26–84; 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6557

[M–41502]

Montana; Public Land Order No. 6503, Correction Partial Revocation and Partial Modification of Secretarial Order of March 18, 1918, as Amended

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will correct the error in acreages and land descriptions in Public Land Order No. 6503 of January 24, 1984.

EFFECTIVE DATE: July 27, 1984.

FOR FURTHER INFORMATION CONTACT: James Binando, Montana State Office, 406–657–6090.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The acreage and land descriptions in Public Land Order No. 6503 of January 24, 1984, in FR Doc. 84–2599, published on pages 3857 and 3858 in the issue of Tuesday, January 31, 1984, are hereby corrected as follows:

In the summary, on page 3857, first column, line 4, which reads "7,756.35

acres, 7,499.33 acres will be" is corrected to read "7,756.35 acres, 7,249.99 acres will be";

In the summary, on page 3857, first column, line 5 which reads "opened to surface entry, and 307.02" is corrected to read "open to surface entry, and 506.36."

In the legal descriptions of Paragraph No. 2 on page 3858, first column, line 7, which reads "Sec. 18, E½NW¼" is corrected to read "Sec. 18, lot 2 and E½NW¼." On page 3858, paragraph No. 3, line 3 which reads "8 S., R. 7 W., to operation of the public" is corrected to read "8 S., R. 7 W., lot 3, SE¼NW¼ and N½SW¼, Section 5, T. 3 S., R. 16 E., lot 4, Section 5 T. 8 S., R. 25 E., to operation of the public."

Dated: July 23, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-19907 Filed 7-26-84; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6610]

Suspension of Community Eligibility Under the National Flood Insurance Program; Massachusetts, et al.

Correction

In FR Doc. 84-19199 beginning on page 29381 in the issue of Friday, July 20, 1984, make the following correction:

§ 64.6 Corrected.

On page 29382, in the table, fourth column, "regulation" should have read "regular" in every place in the column.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 1-18, Notice 25; No. 70-27, Notice 29]

Federal Motor Vehicle Safety Standards; Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: Standard No. 101, *Controls and Displays*, specifies requirements for the accessibility, identification and illumination of controls and displays in passenger cars, trucks, and buses. This notice amends several of the identification requirements of the standard to improve safety by providing easily recognizable, international symbols and to relieve unnecessary restrictions on manufacturers by providing additional flexibility in their ability to identify controls and displays. This notice also responds to manufacturer petitions. The amendments include replacing the symbol specified for headlamp/tail lamp controls that are part of master lighting switches with the International Standards Organization (ISO) master lighting switch symbol, while making the identification for headlamp/tail lamp controls that are separate from master lighting switches at the option of the manufacturer; making a minor modification in the symbol specified for the clearance lamp system control; permitting several symbols to be used in solid or outline form; specifying that horn controls, with limited exceptions, be identified by the ISO horn symbol; permitting several heating and air conditioning controls to be identified by symbols as an alternative to words, with the choice of the particular symbols left to the discretion of the manufacturer; and making minor interpretive amendments. This notice also makes minor interpretive amendments in related identification requirements of Standard No. 105, *Hydraulic Brake Systems.*

DATES: The amendments are effective on July 27, 1984. Some amendments are of an optional nature. Others are optional now and become mandatory on September 1, 1987. Any petition for reconsideration must be received by August 27, 1984.

ADDRESSES: Any petition for reconsideration should refer to the docket and notice number and be submitted by August 27, 1984, to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Art Neill, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1750).

SUPPLEMENTARY INFORMATION: Standard No. 101, *Controls and Displays*, specifies requirements for the accessibility, identification and illumination of controls and displays in passenger cars, multipurpose passenger vehicles, trucks and buses. The purpose of the standard is to ensure the accessibility and visibility of motor vehicle controls and displays to a driver and to facilitate their quick and proper identification and selection by a driver in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls.

On November 4, 1982, NHTSA published (47 FR 49993) a notice of proposed rulemaking (NPRM) to update Standard No. 101 by adding or modifying several symbols to bring the standard into harmony with recent documents promulgated by the International Standards Organization (ISO). The agency also proposed minor interpretive amendments. The November 1982 notice was issued in light of changing international standards specifying symbols for the identification of controls and displays. These standards include, in addition to the ISO standard, those of the United Nations Economic Commission for Europe (ECE) and the European Economic Community (EEC). The proposal resulted in part from a petition for rulemaking submitted by Renault.

NHTSA received numerous comments on the proposal, mostly from manufacturers. Since issuing the NPRM, the agency has received several other petitions for rulemaking from manufacturers concerning Standard No. 101, some of which followed directly from the proposal. During the same time period, the agency has also been in the process of considering comments and related petitions concerning a separate earlier NPRM to amend other aspects (other than specific symbol identification) of Standard No. 101. That proposal was published in the Federal Register (47 FR 4541) on February 1, 1982.

The various comments and petitions relating to one or the other proposal raise a number of issues, many of which are closely interrelated. After reviewing all of the comments and petitions, NHTSA has decided to adopt certain limited amendments at this time from the November 1982 NPRM. This action will enable manufacturers to appropriately, and in a timely fashion, identify their controls and displays while maintaining and improving safety by adopting internationally accepted symbols for identifying these devices. The agency is postponing a final decision on the rest of the amendments proposed by the two notices pending completion of an ongoing examination by the agency of issues related to Standard No. 101. This examination is expected to be complete this summer. Although this examination will broadly cover the requirements of Standard No.

101, it is anticipated to result in a Notice of Proposed Rulemaking, final action on which will not be timely to respond to the immediate needs of the manufacturers and the public. Thus, issuance of this final rule is necessary at this time.

The amendments adopted at this time include: (1) Replacing the symbol specified for headlamp/tail lamp controls that are part of master lighting switches with the ISO master lighting switch symbol, while making the required identification for headlamp/tail lamp controls that are separate from master lighting switches at the option of the manufacturer, (2) making a minor modification in the symbol specified for the clearance lamp system control, (3) permitting several symbols to be used in solid or outline form, (4) specifying that horn controls, with limited exceptions, be identified by the ISO horn symbol, (5) permitting heating and air conditioning controls to be identified by symbols as an alternative to words, with the symbols at the option of the manufacturer, and (6) making minor interpretive amendments.

As discussed below, the effective date for certain new or changed symbols is September 1, 1987. An immediate effective date is established for optional use of the new or changed symbols and for the other amendments, all of which are of an optional nature.

The discussion of issues and comments which follows is largely limited to those relating to the amendments adopted by this notice. Remaining issues will be addressed after the agency has completed its comprehensive examination of issues related to Standard No. 101.

Symbol Requirements

The November 1982 notice explained that Standard No. 101 specifies the mandatory use of certain symbols for the identification of a number of controls and displays. Additional words and symbols are permitted to be used for purposes of increasing clarity of the identification. (Standard No. 101 requires several other controls and displays, for which symbols are not specified, to be identified by words. Also, the use of words instead of symbols is permitted in informational readout displays.) The symbols specified by the standard are those developed by the International Standards Organization or similar symbols based on ISO standards. In the notice adopting the use of these symbols (43 FR 27541, June 26, 1978), the agency explained that the rationale for requiring symbols was that they can convey information more quickly and with less chance of human error than words. The agency noted that this was particularly true with respect to the large foreign language speaking population of this country. The agency also indicated that an additional benefit was that manufacturers which sell vehicles both in and outside of the United States could realize cost savings by utilizing internationally acceptable symbols.

As noted above, the November 1982 notice proposed to update Standard No. 101 by adding or modifying several symbols to bring the standard into harmony with the latest documents promulgated by the ISO. The agency stated that the changes would reduce compliance costs by promoting international harmonization and would result in safety benefits.

Almost all of the comments supported the concept of changing Standard No. 101 to facilitate international harmonization. The comments were mixed, however, with respect to some of the specific proposed amendments, especially to the extent that the number of required symbols would be increased.

While some manufacturers strongly supported the amendments essentially as proposed, others questioned the underlying safety need for the standard's requirement for symbols. Concern was expressed by some manufacturers that an increased number of required symbols could result in greater risk of producing non-conforming vehicles, with the possibility of having to recall vehicles.

General Motors expressed concern that either requiring an overabundance of symbols, or requiring symbols that offer no intuitive recognizability, would not be in the best interests of its customers or the marketability of its products. That company stated that while the existing set of required symbols does not present a significant problem, the addition of more mandatory symbols could lead to increased customer resistance and driver confusion. On this last point, General Motors stated that the symbols most recently adopted by the ISO have been adopted without testing to assure immediate recognizability, with a greater probability that the meaning of the symbols must be learned.

The agency agrees that too many symbols, or symbols that are not easily recognizable, are not in the public's or industry's interest. For this reason, the agency has postponed action on some of the additional requirements proposed in the November 1982 notice. These will be addressed in the agency's forthcoming evaluation of Standard No. 101. Thus, this final rule adds one completely new symbol (the horn symbol) to the standard and changes or modifies several others. The agency believes, based on the comments to the docket and the work of the ISO, that each of the new and modified symbols is easily recognizable. The agency also believes that the amendments will not create confusion or any other problems related to a possible "overabundance" of symbols, because of their limited nature. The agency will consider the broader issues of possible "overabundance" of symbols and of new symbols which may not offer intuitive recognizability as part of its comprehensive examination of Standard No. 101 issues.

Master Lighting Switch Symbol

As explained in the November 1982 notice, the proposal to replace the symbol specified for the headlamp/tail lamp control with the master lighting symbol resulted in part from a petition for rulemaking submitted by Renault. Renault's petition has pointed out that the symbol specified by Standard No. 101 for that control is different from that used elsewhere in the world. That petitioner noted that the Standard No. 101 symbol is that designated by the ISO for high beam headlamps, rather than for the headlamp/tail lamp control.

Most of the commenters supported changing to the master lighting symbol. General Motors stated that it supports the proposal to revise the symbols for those control and display functions which already require identification in order to bring them into harmonization with European requirements, including replacing the headlamp symbol with the master lighting symbol. Several other manufacturer comments specifically supported the change.

Renault stated that while it approves without reservation the introduction of the master lighting symbol into the standard, the list of functions corresponding to the symbol given in column 1 of Table 1 should be expanded or at best omitted altogether. The proposed wording in column 1 referred to by Renault was "Master Lighting Switch, Headlamp and Tail Lamps."

One commenter, Grumman Flxible, disagreed with changing to the master lighting symbol. That company argued that the symbol is too ambiguous, does not specifically indicate that the lamps it represents include headlamps, and also represents additional components not specifically indicated. Grumman Flxible also argued that the symbol is not immediately recognizable, due to both an initial unfamiliarity with the symbol in this country and because the pictogram is too abstract in nature. That commenter also stated that the symbol

does not allow for any distinction between the headlamp mode and parking light mode, and that that issue should be addressed. Finally, Grumman Flxible stated that it finds no evidence that the symbol is used by the rest of the world for headlamps and that most foreign vehicles it is familiar with use the current Standard No. 101 headlamp symbol.

Fiat stated that identification for the headlamp control has been omitted from Table 1. According to that commenter, the headlamp symbol should be required for the identification of the high beam/low beam switch if this is separate from the master lighting switch.

This notice adopts the master lighting switch symbol for headlamp/tail lamp controls that are also master lighting switches, i.e., single controls that operate several different lamp systems. The agency continues to require identification of headlamp/tail lamp controls that are separate from the master lighting switch. However, the agency has decided that the method of identifying headlamp/tail lamp controls should be at the option of the manufacturer.

Standard No. 101 currently specifies the same symbol for headlamp/tail lamp controls whether or not such controls are also master lighting switches. The description of the control designated in column 1 of Table 1 is "Headlamps and Tail Lamps." A footnote indicates that the symbol must also be used when clearance, identification, parking and/or side marker lamps are controlled with the headlamp switch. The type of control described by the footnote is a master lighting switch. Typical passenger cars, as well as many other vehicles, have master lighting switches instead of separate controls for various types of lamps.

The November 1982 notice proposed the use of the master lighting switch symbol for both master lighting switches and separate headlamp/tail lamp controls. The proposed description for column 1 of Table 1 referred to by Renault, "Master Lighting Switch, Headlamp and Tail Lamps", indicated that the symbol was to apply to both types of controls. Thus, the words "Headlamp and Tail Lamps" were not intended to be a list of functions corresponding to the master lighting switch.

The agency believes that the master lighting switch symbol is the most appropriate and easily recognizable symbol to identify master lighting switches. The agency does not agree with Grumman Flxible that the symbol is not immediately recognizable or that the pictogram is too abstract. The symbol in question obviously resembles a light bulb with lines representing rays of light going out in all directions. Since the control operates several different lamps, typically including at least headlamps and tail lamps, parking lamps and side marker lamps, the agency considers such a general lighting symbol to be more appropriate than one which more specifically indicates a single particular type of lamp, i.e., headlamps. With regard to Grumman Flxible's statement that the symbol does not allow for any distinction between the headlamp mode and parking mode, the agency notes that Standard No. 101 permits the use of words or symbols in addition to those required, for purposes of clarity. Thus, a manufacturer may, but is not required to, use such words or symbols to distinguish between different modes.

The agency does not understand Grumman Flxible's statement that it finds no evidence that the symbol is used by the rest of the world for headlamps and that most foreign vehicles it is familiar with use the current Standard No. 101 headlamp symbol. The master lighting switch symbol is specified by both the ISO and European Economic Community and is required for vehicles produced for sale in the European market.

The agency has decided that it would not be appropriate to require the master lighting switch symbol to be used for headlamp/tail lamp controls that are separate from a master lighting switch. The general master lighting switch symbol could be confusing in such instances. For example, a driver might see the master lighting switch symbol and believe that it operated all of the vehicle's lamps instead of only the headlamps. Also, identification which more specifically indicated headlamps, such as the symbols specified by the ISO, might be more appropriate. The agency has decided that identification should continue to be required for separate headlamp/tail lamp control and has therefore included that control in Table 1. The agency has decided, however, that the specific identification for such a control should be at the option of the manufacturer.

Clearance Lamp Symbol

The November 1982 notice proposed a minor modification in the symbol specified for the clearance lamp system control. The notice also proposed a change in the applicability of the symbol to identification lamp and side marker lamp controls.

The notice explained that there are three very similar versions of this symbol. The reason for the multiple versions appears to be that the symbol was still under consideration by the ISO when the United States and Europe established their identification requirements, and it was not clear which specific symbol would be adopted. The agency proposed in November 1982 deleting the version currently included in Standard No. 101 and adopting the version finally specified by the ISO in the interests of cost minimization through harmonization. That is the same version specified by the European Economic Community (EEC). The third version is specified by the United Nations Economic Commission for Europe (ECE). The agency explained that, as essentially the same symbol, all three versions are equally effective at presenting their message. The agency added, however, that for purposes of optimal driver recognition and cost minimization through international harmonization, it believed that it was desirable to specify the use of only one of the three versions.

Several manufacturer commenters agreed that the ISO/EEC version should be specified by Standard No. 101. Some commenters stated that the ECE version should not be permitted as an alternative, since it would be contrary to the anticipated goal of harmonization. It was also pointed out that the ECE version is in a draft regulation and may not be finally adopted by that organization.

GM agreed that it is desirable to have one symbol ultimately prevail and suggested that NHTSA work within the ECE to resolve differences. GM argued, however, that resolving the differences is a harmonization issue rather than a safety issue and suggested that all three versions be permitted in the meantime. GM commented that three versions are reasonably recognizable and similar enough in form that confusion should not result. Volkswagen similarly commented that the versions are virtually identical.

While it is true that the three versions are similar, the agency believes that for purposes of easy recognition only one should be specified. The leadtime provided by this notice gives adequate time for manufacturers to make the very minor changes necessitated by adoption of the ISO version, as proposed.

Grumman Flxible suggested that the ECE symbol for parking lights be adopted in place of the clearance lamp symbol. (The ECE symbol is the same as the ISO symbol.) That commenter appeared to believe that the clearance lamp symbol must be used for the master lighting switch when it is adjusted so that all lights except the headlamps are on, or for a separate

parking light control. The clearance lamp symbol need not be used in either instance. The clearance lamp symbol is only specified for a separate control for identification, side marker and/or clearance lamps. As indicated above, manufacturers may, but need not, supplement the master lighting switch symbol with additional symbols to identify the lights operated by the different adjustment position of that switch. Thus, a manufacturer could use the ISO parking light symbol, not specified by Standard No. 101, for a particular position of a master lighting switch. Similarly, since Standard No. 101 does not specify identification for a separate parking light control, a manufacturer could use the ISO parking light symbol to identify such a control.

As noted above, the agency also proposed a change in the applicability of the symbol to identification lamp and side marker lamp controls. Standard No. 101 currently specifies the symbol for clearance lamp controls, with a footnote in Table 1 indicating that the symbol should also be used when clearance lamps, identification lamps, and/or side marker lamps are controlled with one switch other than the headlamp switch. No symbols are specified for identification of separate controls for identification lamps or side marker lamps. The notice proposed that the symbol be specified for all controls operating these three types of lamps, except for a master lighting switch. This notice adopts the amendment as proposed. If separate controls are provided for these types of lamps, a manufacturer may use additional words or symbols for purposes of clarity.

Shading of Symbols

Tables 1 and 2 of Standard No. 101 include footnotes that permit framed areas of certain symbols to be filled in. Recently, the ISO adopted variants of certain other symbols to essentially permit solid areas of those symbols to be in outline form. The November 1982 notice requested comments on whether manufacturers should be permitted to use those variant symbols. All of the comments received on this issue supported allowing the variant symbols. Some commenters stated that the ISO symbols shown in outline form are sufficiently recognizable.

The agency agrees that the outline symbols are recognizable. Therefore, this notice permits those variant symbols to be used for the heating and/or air conditioning fan, the seat belt telltale, and fuel level.

Horn Control

In proposing a requirement that the horn control be identified, the November 1982 notice explained that NHTSA has received a number of complaints over the years about difficulty in locating the horn, especially in panic situations. The agency noted that since location of the horn is not standardized either by industry practice or by regulation, identification of the horn can provide important safety benefits at a minimal cost. The agency proposed that horn controls be identified by the ISO horn symbol, which is a picture of a horn (or bugle).

Comments received on this issue were mixed. Some manufacturers supported the horn requirement essentially as proposed. Several manufacturers stated that identification is unnecessary when the horn is located in the usual place, i.e., on or near the steering wheel. Also, as indicated above, some manufacturers opposed any expansion of Standard No. 101's requirements.

This notice adopts the requirements that the horn control be identified by the ISO horn symbol, with limited exceptions discussed below. The horn is an important device in accident avoidance. Accordingly, the agency believes it is essential that drivers be able to quickly locate the horn control. In adopting this symbol, the agency concludes that it is clearly and intuitively recognizable.

For other than heavy duty vehicles, the agency does not agree that identification is unnecessary when the horn control is located on or near the steering wheel. First, horn control location within the steering wheel area may vary significantly from vehicle to vehicle, making it difficult to find the horn control in an emergency situation. Second, to the extent that manufacturers locate the horn control elsewhere, e.g., on various stalks, drivers are less likely to expect the horn in what was once the traditional location. Moreover, the absence of a horn symbol in the steering wheel area will alert drivers to look elsewhere. Finally, controls other than the horn, such as a cruise control, may be located on or near the steering wheel, making it more difficult to find a horn control in that same general area.

Some commenters expressed concern about how Standard No. 101's requirement that symbols be perceptually upright might apply to horn controls located on the steering wheel. It was noted that it is impossible for these horn symbols to be perceptually upright at all times. In response to these comments, the agency has included a provision that the horn symbol need be perceptually upright only when the vehicle, aligned to the manufacturer's specification, has its wheels positioned for the vehicle to travel straight forward, i.e., when the steering wheel is centered.

Volkswagen stated that the horns on some of its vehicles are actuated by pressing virtually anywhere on a large, cushioned pad extending over almost the entire area inside the steering wheel. That commenter stated that the proposal was unclear where a horn symbol should be placed in that situation. The agency does not agree that this is unclear. Standard No. 101 generally provides that the identification for controls be placed on or adjacent to the control. Accordingly, Volkswagen could place a single horn symbol anywhere on or adjacent to the cushioned pad.

The November 1982 notice proposed to exclude narrow ring-type horn controls from the identification requirement since there may not be sufficient space on or adjacent to such controls for the horn symbol. One commenter pointed out that the requirements of Standard No. 203, *Impact protection for the driver from the steering control system*, have largely eliminated that type of control. That standard requires that the steering control system be constructed so that no components or attachments, including horn actuating mechanisms, can catch the driver's clothing or jewelry during normal driving maneuvers. While some ring-type horn control designs are prohibited by that requirement since they can catch the driver's clothing or jewelry during normal driving maneuvers, other designs do not have that problem. The agency has therefore adopted that proposed exclusion.

Several manufacturers commented that most heavy duty vehicles, unlike passenger cars, have both a standard horn and an air horn. The air horn is typically activated by pulling on a lanyard, i.e., chain, cable or rope, above the driver's head. According to these commenters, placing a symbol on such a device would be difficult due to the small area of the lanyard. These commenters also stated that identification of such horns is unnecessary since professional heavy duty vehicle operators are familiar with this type of control. These commenters also argued that the location of the standard (electric) horn on these vehicles is standardized in the center of the steering wheel hub and that identification of these horns is also unnecessary.

The agency agrees with these commenters concerning air horns and has excluded lanyard-operated horns

from Standard No. 101's identification requirements. The agency also agrees with the commenters concerning electric horns in heavy duty vehicles. Manufacturers of those vehicles have traditionally placed the electric horn in the center of the steering wheel hub and the agency therefore sees no need to regulate in this area.

Heating and Air Conditioning Controls

Standard No. 101 currently requires identification for each function of any heating and air conditioning control, and for the extreme positions of any such control that regulates a function over a quantitative range. If a symbol is not specified by the standard for such a function, the identification be in word form (unless color coding is used). Standard No. 101 currently specifies symbols for several functions of a heating and air conditioning system, including the fan, defrosting and defogging, and rear window defrosting and defogging. The November 1982 NPRM proposed to add several ISO symbols to cover additional functions, including heating, air conditioning, various types of vents, and heated seat.

The agency received numerous comments which were opposed to adding these symbols to Standard No. 101. Some commenters stated that the symbols in question were inexplicit and had been adopted hastily by the ISO, without testing for recognizability. According to some commenters, there are efforts within the ISO to change the symbols. Concern was also expressed that the symbols are difficult to apply to many of the complex heating and air conditioning systems in use today or planned for the future. Several manufacturers submitted drawings of heating and air conditioning systems to illustrate the problems associated with the application of the proposed symbols. GM stated that questions of interpretation raise the concern that these particular proposed changes are not objective, since manufacturers would not have the requisite assurance that they have met the standard with any specific design.

Ford requested that controls for automatic temperature control systems be exempted from the proposed requirements. Other manufacturers expressed concern about how to identify controls with multiple functions.

Volkswagen recommended that manufacturers be permitted to use words or symbols, of their own choosing, for heating and air conditioning controls. That company argued that such flexibility would result in more meaningful symbols being utilized for various functions. Volkswagen acknowledged that such flexibility could result in lack of uniform use of the same symbol for the same control by all manufacturers and in the use of symbols not consistent with international recommendations. That commenter did not believe that these would be significant problems, however, noting among other things that there is so much variety in heating and air conditioning systems that each car would still be unique, even if the proposed symbols were used.

This notice adopts an approach along the lines suggested by Volkswagen. NHTSA continues to believe that, as currently required, each function of a heating or air conditioning system should be identified. Based on its review of comments, however, the agency agrees that the proposed symbols are not adequate for defining the functions of all heating and air conditioning systems. While the agency considered simply maintaining the current requirement that words be used for functions where symbols are not specified, the agency has decided instead that both safety and cost reduction through harmonization are best served by permitting manufacturers to identify such functions by words or symbols, with the specific words or symbols at the discretion of the manufacturer.

As discussed above, the agency has previously concluded that symbols can convey information more quickly and with less chance of human error than words, resulting in safety benefits. Use of symbols appears to be particularly appropriate for identifying some functions of complex heating and air conditioning systems. For example, a relatively simple symbol can convey information about such things as the direction of air flow more readily and clearly than words.

The agency continues to believe that, for purposes of optimum recognizability, standardized international symbols should be used wherever possible. In the cases of symbols for some functions of heating and air conditioning systems, however, where the agency has concluded that standardized symbols are not fully or adequately developed, the agency considers it appropriate to permit manufacturers to use symbols of their own choosing. This action may not only result in safety benefits, as manufacturers develop and use symbols for these functions, but also promotes harmonization. Manufacturers which produce vehicles for sale in non-English-speaking countries using symbols will not need to develop special designs using English words.

The agency will monitor the continued development of international symbols in this area, as well as the symbols actually used by manufacturers on their vehicles' heating and air conditioning systems. If circumstances should warrant, the agency may consider specifying standardized symbols in the future.

The agency declines to exempt automatic temperature control systems from the standard's identification requirements. The need for identification of controls for this type of system is no different than for traditional heating and air conditioning systems. However, the option of using words or symbols of the manufacturer's choosing should provide ample flexibility in identifying the controls of these systems.

Manufacturers will continue to be required to use the symbols specified by Standard No. 101 for the fan, windshield defrosting and defogging, and rear window defrosting and defogging. The option of using words or symbols of the manufacturer's choosing applies only to other functions. The addition of this option does not impose any new requirements since manufacturers are already required to identify those other functions by words.

Interpretive Amendments

This notice adopts several interpretive amendments, as proposed by the November 1982 notice and in accord with previous agency interpretations. Two footnotes concerning the turn signal control symbol are added to Table 1. That symbol, a pair of horizontal arrows pointing to the left and right, is ordinarily a single symbol. One footnote makes it clear that the two arrows may be considered separate symbols where there are independent controls for the left and right turn signals. The other footnote makes it clear that framed areas of that symbol or symbols may be filled in.

Section S5.3.5 of Standard No. 105 is amended to indicate that the words "Brake Fluid" need not be used for a separate indicator lamp for brake fluid where a vehicle uses hydraulic system mineral oil rather than conventional brake fluid. (A manufacturer is instead required to use the word "Brake" and appropriate additional labeling.)

This notice also makes related interpretive amendments of a minor nature in section S5.3.5 of Standard No. 105 and Table 2 of Standard No. 101 that were not proposed by the November 1982 notice. Section S5.3.5 currently requires that a malfunction in an anti-lock system be identified by the word

"Antilock". Table 2 specifies the same word but in a hyphenated form, i.e., "Anti-Lock." This notice amends the two standards to make it clear that a manufacturer may use either form of the word. Since these amendments are interpretive, notice and comment is not required.

The November 1982 notice also proposed other changes in section S5.3.5 of Standard No. 105. While the agency is not adopting any other substantive changes in that section at this time, it is adopting a new format for that section along the lines proposed by that notice.

The November 1982 notice proposed to drop the words listed by column 2 of Table 1 for controls for which a symbol is also specified. Section S5.2.1(a) provides that while the symbol specified by Table 1 for such a control is mandatory, the words listed by column 2 may be used in addition to the symbol. That same section provides further, however, that any additional words or symbols may be used at the manufacturer's discretion for purposes of clarity. Since manufacturers may use any words in addition to the required symbol, the provision that a manufacturer may use the words specified by column 2 has no legal effect. Accordingly, this notice drops those words from column 2 and makes a conforming amendment to section S5.2.1(a).

Leadtime

The amendments are effective immediately. However, some amendments are of an optional nature until September 1, 1987. The agency finds good cause for an immediate effective date for the optional identification requirements since the amendments relieve restrictions, while reducing compliance costs and promoting safety.

The November 1982 notice proposed an effective date of September 1, 1985, for mandatory use of the new symbols. Several commenters suggested that date was too early. In promulgating this final rule, the agency has determined that a date of September 1, 1987 provides adequate leadtime. The agency also finds it is in the public interest to establish such a relatively long leadtime for mandatory use of the new symbols, given the nature of the changes and since such a leadtime minimizes compliance costs.

Analyses

The agency has evaluated the economic and other effects of this final rule and determined that they are neither major as defined by Executive Order 12291 nor significant as defined by the Department's Regulatory Policies and Procedures. The agency has determined that the economic effects of this final rule are so minimal that a full regulatory evaluation is not required.

As discussed above, adoption of these amendments will generally reduce costs through international harmonization. Manufacturers which sell vehicles both in and outside of the United States may realize slight cost savings by utilizing internationally acceptable symbols. The only new requirement added by this notice is identification of the horn symbol. Any increased costs associated with this requirement will be minimal.

In accordance with the Regulatory Flexibility Act, the agency has evaluated the effects of this action on small entities. Since the amendments would not impose any significant new requirements or result in significant cost impacts, I certify that the amendments will not have a significant economic impact on a substantial number of small entities.

Finally, the agency has analyzed the effects of this action under the National Environmental Policy Act. The agency has determined that the final rule will not have a significant effect on the quality of the human environment.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, § 571.101 and § 571.105, Chapter V of Title 49, Code of Federal Regulations, are amended as follows:

§ 571.101 [Amended]

1. Section S5 is revised to read as follows:

S5. *Requirements.* (a) Except as provided in paragraph (b) of this section, each passenger car, multipurpose passenger vehicle, truck and bus manufactured with any control listed in S5.1 or in column 1 of Table 1, and each passenger car, multipurpose passenger vehicle and truck or bus less than 10,000 pounds GVWR with any display listed in S5.1 or in column 1 of Table 2, shall meet the requirements of this standard for the location, identification, and illumination of such control or display.

(b) For vehicles manufactured before September 1, 1987, a manufacturer may, at its option—

(1) Meet the requirements in this standard to use identifying words or abbreviation or identifying symbol for a control by using those specified in Table 1(a) instead of Table 1. If none are specified in Table 1(a), none need be used for the control.

(2) Meet the requirements in this standard to use identifying words or abbreviation or identifying symbol for a display by using those specified in Table 2(a) instead of Table 2. If none are specified in Table 2(a), none need be used for the display.

2. Section S5.2.1(a) is revised to read as follows:

(a) Except as specified in S5.2.1(b), any hand-operated control listed in column 1 of Table 1 that has a symbol designated in column 3 shall be identified by that symbol. Any such control for which no symbol is shown in Table 1 shall be identified by the word or abbreviation shown in column 2, if such word or abbreviation is shown. Words or symbols in addition to the required symbol, word or abbreviation may be used at the manufacturer's discretion for the purpose of clarity. Any such control for which column 2 of Table 1 and/or column 3 of Table 1 specifies "Mfr. Option" shall be identified by the manufacturer's choice of a symbol, word or abbreviation, as indicated by that specification in column 2 and/or column 3. The identification shall be placed on or adjacent to the control. The identification shall, under the conditions of S6, be visible to the driver and, except as provided in S5.2.1.1 and S5.2.1.2, appear to the driver perceptually upright.

3. Section S5.2.1.1 is revised to read as follows:

S5.2.1.1 The identification of a master lighting switch or headlamp and tail lamp control that adjusts control and display illumination by means of rotation, or of any other rotating control that does not have an off position, need not appear to the driver perceptually upright. The identification of a horn control need not appear to the driver perceptually upright except when the vehicle, aligned to the manufacturer's specifications, has its wheels positioned for the vehicle to travel in a straight forward direction.

4. The second sentence of section S5.2.2 is revised to read as follows:

If this identification is not specified in Table 1 or 2, it shall be in word or symbol form unless color coding is used.

5. A new Table 1 is added following section S6 to read as set forth below.

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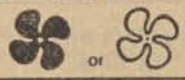
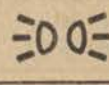
Table 1

Identification and Illumination of Controls

Column 1	Column 2	Column 3	Column 4
Hand Operated Controls	Identifying Words or Abbreviation	Identifying Symbol	Illumination
Master Lighting Switch	—	 [5]	—
Headlamps and Tail lamps	(Mfr. Option)[2]	(Mfr. Option)[2]	—
Horn	—	 [4]	—
Turn Signal	—	 [3] [5]	—
Hazard Warning Signal	—	 [5]	Yes
Windshield Wiping System	—		Yes
Windshield Washing System	—		Yes
Windshield Washing and Wiping Combined	—		Yes
Heating and or Air Conditioning Fan	—		Yes
Windshield Defrosting and Defogging System	—		Yes
Rear Window Defrosting and Defogging System	—		Yes
Identification, Side Marker and or Clearance Lamps	—	 [2] [5]	Yes
Manual Choke	Choke	—	—
Engine Start	Engine Start[1]	—	—
Engine Stop	Engine Stop[1]	—	Yes
Hand Throttle	Throttle	—	—
Automatic Vehicle Speed	(Mfr. Option)	—	Yes
Heating and Air Conditioning System	(Mfr. Option)	(Mfr. Option)	Yes

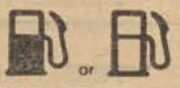
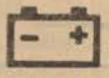
[1] Use when engine control is separate from the key locking system.
[2] Separate identification not required if controlled by master lighting switch.
[3] The pair of arrows is a single symbol. When the controls for left and right turn operate independently, however, the two arrows may be considered separate symbols and be spaced accordingly.
[4] Identification not required for vehicles with a GVWR greater than 10,000 lbs., or for narrow ring-type controls.
[5] Framed areas may be filled.

6. The existing Table 1 is redesignated Table 1(a).

7. A new Table 2 is added following Table 1(a) to read as set forth below.

Table 2

Identification and Illumination of Displays

Column 1	Column 2	Column 3	Column 4	Column 5
Display	Telltale Color	Identifying Words or Abbreviation	Identifying Symbol	Illumination
Turn Signal Telltale	Green	Also see FMVSS 108	 [1] [6]	—
Hazard Warning Telltale	Red[4]	Also see FMVSS 108	 [2] [6]	—
Seat Belt Telltale	Red[4]	Also see FMVSS 208		—
Fuel Level Telltale	Yellow	Fuel		—
Gauge	—			Yes
Oil Pressure Telltale	Red[4]	Oil		—
Gauge	—			Yes
Coolant Temperature Telltale	Red[4]	Temp		—
Gauge	—			Yes
Electrical Charge Telltale	Red[4]	Volts, Charge or Amp		—
Gauge	—			Yes
Highbeam Telltale	Blue or Green[4]	Also see FMVSS 108	 [6]	—
Malfunction in Anti-Lock or	Yellow	Antilock or Anti-lock Also see FMVSS 105	—	—
Brake System	Red[4]	Brake. Also see FMVSS 105	—	—
Brake Air Pressure Position Telltale	Red[4]	Brake Air Also see FMVSS 121	—	—
Speedometer	—	MPH[5]		Yes
Odometer	—	—[3]	—	—
Automatic Gear Position	—	Also see FMVSS 102	—	Yes

[1] The pair of arrows is a single symbol. When the indicator for left and right turn operate independently, however, the two arrows will be considered separate symbols and may be spaced accordingly.

[2] Not required when arrows of turn signal tell-tales that otherwise operate independently flash simultaneously as hazard warning tell-tale.

[3] If the odometer indicates kilometers, then "KILOMETERS" or "km" shall appear, otherwise, no identification is required.

[4] Red can be red-orange. Blue can be blue-green.

[5] If the speedometer is graduated in miles per hour and in kilometers per hour, the identifying words or abbreviations shall be "MPH and km/h" in any combination of upper or lower case letters.

[6] Framed areas may be filled.

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8. The existing Table 2 is redesignated Table 2(a).

§ 571.105 [Amended]

1. Section S5.3.5 is revised to read as follows:

S5.3.5(a) Each indicator lamp shall display word or words, in accordance with the requirements of Standard No. 101 (49 CFR 571.101) and/or this section, which shall be legible to the driver in daylight when lighted. The words shall have letters not less than ⅛-inch high. Words in addition to those required by Standard No. 101 and/or this section and symbols may be provided for purposes of clarity.

(b) If a single common indicator is used, the lamp shall display the word "Brake". The letters and background of a single common indicator shall be of contrasting colors, one of which is red.

(c)(1) If separate indicator lamps are used for one or more than one of the functions described in S5.3.1(a) through S5.3.1(d), the display shall, except as provided in (c)(1) (A) through (D) of this section, include the word "Brake" and appropriate additional labeling.

(A) If a separate indicator lamp is provided for gross loss of pressure, the words "Brake Pressure" shall be used for S5.3.1(a).

(B) If a separate indicator lamp is provided for low brake fluid, the words "Brake Fluid" shall be used for S5.3.1(b), except for vehicles using hydraulic system mineral oil.

(C) If a separate indicator lamp is provided for an anti-lock system, the single word "Antilock" or "Anti-Lock" may be used for S5.3.1(c).

(D) If a separate indicator lamp is provided for application of the parking brake, the single word "Park" may be used for S5.3.1(d).

(2) Except for a separate indicator lamp for an anti-lock system, the letters and background of each separate indicator lamp shall be of contrasting colors, one of which is red. The letters and background of a separate indicator lamp for an anti-lock system shall be of contrasting colors, one of which is yellow.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 719 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on July 24, 1984.

Diane K. Steed,

Administrator.

[FR Doc. 84-19915 Filed 7-24-84; 4:27 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Jatropha Costaricensis (Costa Rican Jatropha)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Jatropha costaricensis* (Costa Rican jatropha) to be an endangered species. Only one population of this shrub to small tree is known to occur on a steep hillside above the Pacific Ocean in tropical dry forest habitat. Dry season fires, trampling by cattle, timber cutting, and the negative genetic effects of small population size threaten the plant with extinction. The Costa Rican jatropha occurs near sea level near Playas del Coco, Guanacaste Province, Costa Rica. A single plant known from a second site about 20 miles away in Santa Rosa National Park has been lost with erosion of a river bank. This final rule will implement U.S. Federal protection provided by the U.S. Endangered Species Act of 1973, as amended.

DATES: The effective date of this rule is August 27, 1984.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000 North Glebe Road, Suite 500, Arlington, Virginia, U.S.A.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, U.S.A. (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

Jatropha costaricensis (Costa Rican jatropha) is a member of the spurge family (Euphorbiaceae). This is a primarily tropical family, with a number of species occurring in the United States. It includes many plants of economic value, providing food, drugs, rubber, etc. The genus *Jatropha* consists of perhaps 125 species, several of which are used for ornamental, industrial, or medicinal purposes. *Jatropha costarciensis* is shrub to small tree (2–5 m tall) with gray leaves and inconspicuous green or white flowers; male and female flowers are borne on different plants. It was first collected in 1973 and was described as a species new to science in 1978. It is a member of the maritime tropical dry forest community growing on steep rocky limestone slopes (Webster and Poveda, 1978).

The only known population of the species, consisting of fewer than 50 individuals, occurs on a steep, east-facing slope at Playas del Coco, and a single fire or incident of trampling by livestock could cause irreversible harm to the species. It was also reported from Parque Nacional Santa Rosa (Santa Rosa National Park) about 20 miles to the north (Janzen and Liesner, 1980), but the only individual known there is no longer extant.

The Service was petitioned in 1979 by Sr. Luis J. Poveda of the Museo Nacional, San José, Costa Rica, on behalf of *Jatropha costaricensis*. The petitioner indicated that this plant is a phytogeographically significant relict in a remnant of a more widespread vegetation formation under drier climatic conditions in the past, and that its present habitat at Playas del Coco is being destroyed by nearby housing, trampling by cattle, and the cutting of trees.

In response to the petition, the Service published a status-review notice in the July 31, 1979, **Federal Register** (44 FR 44916). Three professional botanists commented in support of the need to list and protect *Jatropha costaricensis*. The Organization of American States and the Missouri Botanical Garden commented that they had no information in their files upon which to base a decision. No one provided data to controvert the need to propose the species for listing.

On February 15, 1983, the Service published a notice in the **Federal Register** (48 FR 6752) of its prior finding that the petitioned action on such species may be warranted, in accord with section 4(b)(3)(A) of the Act as amended in 1982. On July 15, 1983, the Service found that the petitioned action was warranted, and published in the **Federal Register** (48 FR 32525) the proposed rule to implement the action, in accord with section 4(b)(3)(B)(ii) of the Act.

Summary of Comments and Recommendations

In the July 5, 1983, proposed rule (48 FR 32525) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. The government of Costa Rica, appropriate Federal agencies, scientific and conservation organizations and institutions, and other interested parties were contacted and

requested to comment. Five comments were received and are discussed below.

The New York Botanical Garden and the Threatened Plants Unit of the International Union for Conservation of Nature and Natural Resources (IUCN) indicated that they had no particular information on the species. The IUCN gave its support for such listings. Dr. Grady Webster of the University of California, Davis, indicated that the recently coined common name was inaccurate, as the species would then be confused with *Cnifoscolus;* the name has been changed accordingly. He indicated full support for listing the species, stating it might help local conservation efforts.

Sr. Luis Poveda of the Museo Nacional in Costa Rica supported the listing and noted that the species is very scarce in Santa Rosa National Park, not existing there as a population. Dr. Daniel Janzen of the University of Pennsylvania, Philadelphia, commented that the only specimen he definitely knew in the park was eroded away with the change along the river bank. He stated that he did not know if there might be any breeding population in the park, or only the isolated, dispersed individual. He noted that there was some essentially identical habitat to that at Playas del Coco in the park, and that he would continue to look for the species. He assumes there are other individuals of *Jatropha costaricensis* in the park, stating he might have seen others. He noted that while the park itself is secure, the vegetation formation of this species at Playas del Coco and elsewhere outside the park was mostly gone already and that the rest is rapidly being cut, so that the park is becoming an isolated island of vegetation.

The Service made further inquiries to Dr. Paul Opler of the Service's Division of Biological Services, Fort Collins, Colorado, and to Dr. William Burger of the Field Museum of Natural History, Chicago. Dr. Opler is a co-discoverer of the species, familiar with Costa Rica, and author of the proposed rule. He said that the park is rather well known botanically, that the species is therefore probably quite rare there, and that it seemed best to proceed with the final rule at this time. Dr. Burger is an expert on the Costa Rican flora, and also editor and an author in the continuing *Flora Costaricensis.* He also stated that the park is quite well known and that it seemed best to list the species.

The Service thanks the individuals who responded to the notice and to the proposed rule.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, in accord with section 4(b)(1)(A) of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Service has determined that *Jatropha costaricensis* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Act and regulations promulgated to implement its listing provisions (codified at 50 CFR Part 424; under revision to accommodate the 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) were followed. A species may be determined to be an endangered or a threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Jatropha costaricensis* Webster *et* Poveda, Costa Rican jatropha, are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Trampling by cattle, cutting of trees, and development of housing are modifying and could potentially further modify this species' habitat at Playas del Coco. A village and resort area are within ¼ mile of the habitat, and cattle trails run through it. The only known specimen in Santa Rosa National Park was lost because of erosion along the river bank where it occurred.

B. Overutilization for Commercial, Recreational, Scientific or Educational Purposes

Not applicable to this species.

C. Disease or Predation

Not applicable to this species.

D. The Inadequacy of Existing Regulatory Mechanisms

Costa Rican law provides no direct protection for this plant. It would be protected in the park, but it is not definitely known to occur there. It is not included among the Costa Rican plants on the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, to which Costa Rica is a party.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Dry season fires, often kindled by vandals, are frequent in the affected part of Costa Rica, and such a fire might destroy the entire known plant population. In addition, small population size might indicate a deleterious situation for the *Jatropha* from decrease in its genetic variability. Fewer than 50 individuals of the species are known to exist in the single population; the current sex ratio is unknown. Even if the species is located within the park, the probable relict nature of the plant, with loss of habitat through millennia as a consequence of climatic change, suggests that it is biologically in danger of extinction.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Jatropha costaricensis* as an endangered species. With so few individuals known and the risk of damage to its only known habitat, endangered status seems an accurate assessment of the species' condition. Critical habitat is not designated for foreign species, as discussed in the following section. A decision to take no action at this time would exclude the Costa Rican jatropha from needed attention and possible protection available under the U.S. Endangered Species Act. Since the Santa Rosa National Park is considered well known botanically, it is unlikely that the species occurs there in significant enough numbers to change its status. However, should new field work lead to new information on the species, a reclassification to threatened status or a delisting could be proposed if warranted. Section 4(b)(1)(A) of the Act requires listing on the basis of the best information available, which does not encourage delay based on speculation when sufficient information on a species' status is judged to be at hand.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. This requirement is not applicable to foreign species, however, and no critical habitat is being designated for the plant under consideration.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the U.S. Endangered Species Act include national and international recognition, possibilities for recovery actions and for U.S. Federal protection, and prohibitions against certain practices. These measures are discussed, in part, below.

Section 7(a) of the Act, as amended, requires U.S. Federal agencies to evaluate their actions with respect to species that are proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). However, based on an August 31, 1981, opinion from the Office of the Solicitor, U.S. Department of the Interior, the jeopardy prohibition of section 7(a)(2) has been determined not to apply within foreign countries. Furthermore, there are no known U.S. Federal activities in the area where this species occurs.

The Act and its implementing regulations at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Jatropha costaricensis*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service under certain circumstances. The Act and 50 CFR 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued for this species since it is not common in cultivation or in the wild.

Section 8(a) of the U.S. Act authorizes the Secretary of the Interior, in part, to cooperate with authorities of the country where foreign species are resident to provide limited financial assistance to such species listed as endangered or threatened. Sections 8(b) and 8(c) of the Act authorize the Secretary to encourage foreign conservation and management programs and to provide assistance in the form of personnel and the training of personnel, in order to promote conservation of foreign species.

The United States hereby recommends *Jatropha costaricensis* to Costa Rica for placement upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, to which both countries are party and which is implemented in the United States through section 8A(e) of the U.S. Act, and the Service will review it to determine whether it should be considered under other appropriate international agreements.

National Environmental Policy Act

The U.S. Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the U.S. National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

Janzen, D. H., and R. Liesner. 1980. Annotated check-list of plants of lowland Guanacaste Province, Costa Rica, exclusive of grasses and non-vascular cryptogams. Brenesia 18:15–90.

Webster, G. L., and L. J. Poveda. 1978. A phytogeographically significant new species of *Jatropha* (Euphorbiaceae) from Costa Rica. Brittonia 30:265–270.

Author

The primary author of this final rule is Dr. Bruce MacBryde of the Service's Washington Office of Endangered Species (telephone 703/235–1975; see Addresses section above).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture), Treaties.

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*)

2. Amend § 17.12(h) by adding the following, in alphabetical order under the family Euphorbiaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Euphorbiaceae—Spurge family:						
* * *						
Jatropha costaricensis	Costa Rican jatropha	Costa Rica	E	154	N/A	N/A
* * *						

Dated: July 13, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-19917 Filed 7-26-84; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 601

[Docket No. 40561-4061]

Regional Fishery Management Councils; Intercouncil Boundaries

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to modify the boundary between the South Atlantic and Gulf of Mexico Fishery Management Councils. The new boundary conforms to the line separating the Gulf of Mexico from the Atlantic Ocean for purposes of the Submerged Lands Act. This action is necessary to resolve questions regarding the previously specified boundary. The

intended effect is to codify the understanding which has prevailed for the past three years.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner (NMFS Regional Director, Southeast Region), 813–893–3141.

SUPPLEMENTARY INFORMATION: On July 18, 1977, NOAA published interim regulations (50 CFR 601.12(c)) which established the Inter-Council boundary between the Gulf and South Atlantic Fishery Management Councils as an eastward extension of the line separating Dade and Monroe Counties in Florida. On April 20, 1979, the interim regulations were republished without change as final regulations (44 FR 23528).

That rule was based upon a NOAA General Counsel legal opinion that § 304(f)(2) of the Magnuson Act authorized a consideration of fishery management factors as well as geography in establishing a boundary. After publication of the final regulation NOAA asked the Office of Legal Counsel (OLC) in the Department of Justice to review that opinion. OLC concluded that "boundaries between adjoining Regional Fishery Management Councils are to be based on geographical factors alone."

Based on the OLC opinion the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), published an advance notice of proposed rulemaking (ANPR) on January 18, 1980 (45 FR 3618), soliciting comments on the location of the geographical line separating the Atlantic Ocean from the Gulf of Mexico. The Assistant Administrator, taking into account the comments received in response to the ANPR, determined that the boundary line between the Gulf and South Atlantic should be changed to reflect the U.S. Supreme Court's ruling in the case of *United States* v. *Florida*, 425 U.S. 791 (1976), that the Atlantic Ocean includes the Straits of Florida (for purposes of the Submerged Lands Act). A rule to effect that change was proposed on September 4, 1980 (45 FR 58633). The boundary line, as proposed, was based on that specified in *United States* v. *Florida*, and generally runs from the Florida mainland down the middle of the Keys to the Dry Tortugas Island, then South to the outer boundary of the fishery conservation zone.

Two commenters submitted comments on the proposed rule. Their comments are summarized below, together with NOAA's response. This final rule takes into account such comments to the extent noted, and clarifies certain language utilized in the proposed rule. Furthermore, this final rule codifies the operational practices of the Gulf and South Atlantic Councils in preparing the following fishery management plans (FMPs) which have been approved and implemented: Coastal Migratory Pelagics of the Gulf and South Atlantic (48 FR 5270, February 4, 1983), Shrimp Fishery of the Gulf of Mexico (46 FR 27494, May 20, 1981), and Snapper-Grouper Fishery of the South Atlantic (48 FR 39463, August 31, 1983). The final rule essentially reflects the boundary between the Gulf and South Atlantic specified in regulations for two of those FMPs. See 50 CFR 642.21(b)(3) (Coastal Migratory Pelagics) and 50 CFR 646.2 (Snapper-Grouper Fishery).

Comments and NOAA's Response

Comment 1: The proposed rule specifies a boundary which does not comport accurately with the line specified in *United States* v. *Florida*.

Response: Comment accepted. The boundary line has been respecified.

Comment 2: The proposed rule does not specify the boundary in terms of waters over which the respective Councils have authority.

Response: Comment accepted. NOAA agrees that the boundary specified should be designated as the line which separates the Gulf of Mexico from the Atlantic Ocean (for purposes of the Magnuson Act) insofar as section 302(a) of the Magnuson Act provides that the South Atlantic and Gulf Councils have authority over fisheries in a certain portion of the Atlantic Ocean and the Gulf of Mexico, respectively.

Comment 3: The line currently specified in 50 CFR 601.12(c) is the proper location of the boundary. This commenter relied upon its submissions in response to the ANPR for the reasons in support of its position on this issue. These reasons apparently are the following: The OLC opinion regarding the factors upon which inter-Council boundaries are to be established is erroneous as a matter of law, has no binding effect and should not be followed by NOAA.

Response: NOAA considered this commenter's concerns regarding these matters prior to publishing the proposed rule. NOAA reaffirms its prior position on these matters: (a) The OLC opinion is not clearly erroneous as a matter of law, (b) the OLC opinion has not ignored any controlling judicial precedent in reaching its conclusion, and (c) NOAA believes it should adopt the OLC approach even if NOAA may not be bound legally to do so.

Comment 4: NOAA, in publishing the proposed rule, failed to give adequate consideration to one of the commenter's legal arguments submitted in response to the ANPR. That argument was that NOAA should utilize a canon of statutory construction that an undefined term in a statute generally is to be given: (1) Its ordinary common-sense meaning, or (2) its accepted technical meaning if the statute's legislative history suggests the term was used in a technical sense. The commenter believed that if NOAA had accepted and utilized that canon of construction, NOAA would have construed broadly the term "geographical" as used in section 304(f)(2) of the Magnuson Act and in the OLC opinion so as to have included fishery management considerations.

The commenter believed that the application of such interpretation of the term "geographical" would result in establishing the boundary line as specified in the existing regulation.

Response: NOAA did not ignore the commenter's legal arguments. However, NOAA could not accept the particular focusing of the issue regarding the location of the boundary line as proposed by the commenter. That is, the OLC opinion made it clear that "regional Councils are to be distinguished geographically on the basis of *different ocean areas*" (emphasis added). This serves to focus the issue in terms of the geographical factors which distinguish the "Atlantic Ocean" from the "Gulf of Mexico" as those terms are used in section 302(a) of the Magnuson Act. In other words, the primary terms subject to interpretation are "Atlantic Ocean" and "Gulf of Mexico" (as used in section 302(a)) rather than "geographical" (as used in section 304(f)(2)).

NOAA, in interpreting the two "ocean area" terms essentially utilized the canon of statutory construction indicated by the commenter. Specifically, NOAA sought to ascertain what the common understanding of these terms "Gulf of Mexico" and "Atlantic Ocean" was at the time of enactment of the Magnuson Act, in the absence of specific legislative history bearing on the matter. As NOAA indicated prior to issuing the proposed rule, the "common understanding" is believed to have been that which was enunciated by the Special Master in *United States* v. *Florida* during his process of discerning the meaning of the terms "Atlantic Ocean" and "Gulf of Mexico" in the Submerged Lands Act. The Special Master's report in that case—which subsequently was adopted

by the U.S. Supreme Court—was based on the concept of the "Gulf of Mexico" as understood by a variety of disciplines, including geographers, mariners and explorers.

It was for these reasons that NOAA specified the boundary as it did in the proposed rulemaking, not because it had ignored the prior submissions of the commenter.

Classification

NOAA has determined that this rule, which does no more than demarcate the boundary between two fishery management Councils under the Magnuson Act, does not constitute a "major" rule as defined in Executive Order 12291. This rule is not subject to requirements of the Regulatory Flexibility Act since the notice of proposed rulemaking was published prior to January 1, 1981 (see 5 U.S.C. 601 [Note]). Furthermore, this rule constitutes a "categorical exclusion" from the requirements of the National Environmental Policy Act of 1969. This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

This agency has determined that this rule does not directly affect the coastal zone of any State with an approved Coastal Zone Management Program.

List of Subjects in 50 CFR Part 601

Administrative practice and procedures, Fisheries, Fishing.

Dated: July 24, 1984.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 601 is amended as follows:

PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

1. The authority citation for Part 601 is:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 601.12(c) is revised to read as follows:

§ 601.12 Intercouncil boundaries.

* * * * *

(c) *South Atlantic and Gulf of Mexico Fishery Management Councils*—(1) *Description.* The boundary between the Gulf of Mexico and the Atlantic Ocean begins at the intersection of the outer boundary of the FCZ and the eighty-third meridian west of Greenwich (83° W. longitude), proceeds northward along that meridian to 24°35′ N. latitude (near the Dry Tortugas Islands), thence eastward along that parallel of latitude, through Rebecca Shoal and the Quicksand Shoal, to the Marquesas Keys, and then through the Florida Keys to the mainland at the eastern end of Florida Bay, the line so running that the narrow waters within the Dry Tortugas Islands, the Marquesas Keys and the Florida Keys, and between the Florida Keys and the mainland, are within the Gulf of Mexico.

(2) *Method of determination.* The boundary between the Gulf of Mexico and South Atlantic Councils reflects the determination in *United States* v. *Florida*, 425 U.S. 791 (1976), regarding the line of demarcation between the Atlantic Ocean and the Gulf of Mexico.

[FR Doc. 84-19901 Filed 7-24-84; 2:23 pm]
BILLING CODE 3510-22-M

50 CFR Part 671

[Docket No. 31230-254]

Tanner Crab off Alaska

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

ACTION: Notice of season extension.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the desired harvest level of *Chionoecetes opilio* Tanner crab in the Northern Subdistrict of the Bering Sea District in Registration Area J will not be achieved on the scheduled closure date of August 1, 1984, and that additional fishing time is necessary if *C. opilio* stocks are to be fully utilized. The Secretary of Commerce therefore issues this notice extending the fishing season for *C. opilio* in the Northern Subdistrict by vessels of the United States until noon August 22, 1984. It is intended as an appropriate management measure to achieve the optimum yield.

DATES: This notice is effective 12:00 noon, Alaska Daylight Time (ADT) August 1, 1984. It was filed for public inspection with the Office of the Federal Register on July 26, 1984. Public comments on this notice of closure are invited until August 15, 1984.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m. weekdays) at: (1) The NMFS Kodiak Field Office, ADF&G Building, Kashervaroff and Mission Roads, Kodiak, Alaska and (2) the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (NMFS Fishery Management Biologist), 907–486–4791.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP) which governs this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act provides for inseason adjustments by field order of season and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that these orders will be issued by the Secretary of Commerce under criteria set out in that section.

Section 671.26(f)(1) establishes six districts within Registration Area J. One of these is the Bering Sea District, which is further divided by § 671.26(f)(1)(vi) into three subdistricts for the purposes of better monitoring the fishery to conserve smaller units of crab stocks. One of these is the Northern Subdistrict for which a desired harvest level of 24 million pounds for *C. opilio* is estimated. This amount is based on 1983 NMFS trawl abundance surveys. Since the opening of the 1984 season for *C. opilio* on February 15, fishermen have directed significant effort at *C. opilio* stocks in other areas of the District, especially in the Pribilof Subdistrict, for which the desired harvest level will be achieved by the scheduled season closure on August 1. To date, the effort in the Northern Subdistrict has yielded only .5 million pounds. This amounts to approximately 2 percent of the desired harvest level for this area and is therefore considered negligible.

The North Pacific Fishing Vessel Owner's Association and interested fishermen have requested the Regional Director to allow additional opportunity to harvest the available *C. opilio* in the Northern Subdistrict. The Regional Director believes the request to be reasonable. Because few *C. opilio* have been harvested since the season started, the current condition of *C. opilio* stocks is good, a situation not anticipated at the beginning of the fishing year.

The Secretary, therefore, extends the season for *C. opilio* in the Northern Subdistrict as described at § 671.26(f)(1)(vi)(C) until noon August 22, 1984.

The State of Alaska's blue king crab fishery in this area will commence

September 1, 1984, and is expected to last about six days, at which time fishermen will be required to remove their gear from the grounds within seven days following the closure under 5AAC 34.050(c). The Regional Director will reevaluate the results of the extended *C. opilio* season, and may reopen the season by field order under § 671.27, after the blue king crab fishery, if further harvest is warranted.

This extension will become effective after this notice is filed for public inspection with the Office of the Federal Register and the closure is publicized for 48 hours through Alaska Department of Fish and Game procedures, under § 671.27(a)(2). Public comments on this notice of extension may be submitted to the Regional Director at the address stated above. If comments are received, the necessity of this extension will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this field order's continued effect, modifying it, or rescinding it.

Other Matters

Tanner crab stocks in the Northern Subdistrict will be subject to under harvest unless this order takes effect promptly. The Agency, therefore, finds for good cause that advance notice and public comment on this order are contrary to the public interest, and that no delay should occur in its effective date.

This action is taken under the authority of regulations specified at 50 CFR 671.27, and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information request, as defined in the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 671

Fisheries.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 23, 1984.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 84-19905 Filed 7-26-84; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 146
Friday, July 27, 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 Part 58

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes revisions in the United States Standards for Grades of Dry Buttermilk. The revisions would change the title of the standard and the definition of the product to update and accurately describe the product covered by the standard. Also, editorial changes would provide terminology currently in use by the dairy industry and which correctly identifies the agency. The format changes would provide consistency with other U.S. grade standards for dairy products. No substantive changes in grade classification criteria are proposed. This proposed revision has been developed with cooperation of the American Dry Milk Institute.

DATE: Comments are due on or before September 25, 1984.

ADDRESS: Written comments (two copies) should be filed with the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington, DC. 20250.

FOR FURTHER INFORMATION CONTACT: Richard W. Webber, Head, Standardization Section, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7473.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule under criteria contained therein. Also, pursuant to this Executive Order it has been determined that there would be no effect on trade sensitive activities.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that the revisions proposed herein would not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because this proposal would not alter the user fee structure utilized when USDA grading service is provided.

In accordance with the United States Department of Agriculture policy for regulatory review, the Dairy Standardization Section conducted a review of the United States Standards for Grades of Dry Buttermilk. The objective of the review was to obtain both current and historical information to support the criteria of the standard as written, or to support any changes necessary for modernization of the standard that might become apparent from the review. The review was designed to obtain as much information as possible from as many varied sources and interested parties as possible.

The review consisted of several phases. First, a computer search of the National Agricultural Library resources pertaining to dry buttermilk was conducted. From this search, a number of articles and texts were selected having a direct bearing on the review. Next, the dry milk industry was contacted for input via the American Dry Milk Institute. Also contacted were other parties who would have an interest in the standard.

Dry buttermilk is a product of the dairy industry. Dry buttermilk production for 1983 was 39.5 million pounds, an increase of 2.3% over 1982. total domestic sales for the same period were 38.0 million pounds, an increase of 1.6% over 1982. The Commodity Credit Corporation does not purchase dry buttermilk under the dairy price support program. The dry buttermilk standard is utilized by the industry in commercial sales.

Generally, dry buttermilk is used as an ingredient for a variety of dairy and food products. Principal markets are: Dairy, utilizing 18.6 million pounds; bakery, utilizing 10.1 million pounds; and, Prepared Dry Mixes, utilizing 6.9 million pounds.

The current United States Standards for Grades of Dry Buttermilk were last revised in Janaury 1971. Since then, a number of technological advances have been accomplished within the dairy industry and new market trends and preferences have emerged. However, analysis of the indepth review of the standard has shown that the established grading criteria have withstood the test of time and continue to adequately describe and classify into grades the product currently produced.

This proposal would change the title of the standard and the definition of the product to update and accurately describe the product covered by the standard. Also, editorial and format changes would be made to modernize the standard and to make it consitent with other U.S. grade standards for dairy products. No changes in grade criteria are proposed.

A specification for dry buttermilk product has been prepared for a new class of product. The specification covers product definition, grade designations, and quality requirements. After sufficient experience and data have ben obtained in using the specification, it is the Department's intent to propose it as a U.S. grade standard. Copies of the specification can ber obtained from the same source as indicated under **"FOR FURTHER INFORMATION CONTACT."**

USDA grade standards are voluntary standards that are developed to assist the orderly marketing process. Dairy plants are free to choose whether or not to use these grade standards. USDA grade standards for dairy products have been developed to identify the degree of quality in the various products. Quality in general refers to usefulness, desirability, and value of a product—its marketability—but the precise definition of quality depends on the individual commodity. When dry butermilk is graded, the regulations governing the gradeing service of manufactured or processed dairy products, which require all graded dairy products to be produced in a USDA approved plant, would be in effect. These regulations also require a charge for grading services provided by USDA.

List of Subjects in 7 CFR Part 58

Food grades and standards, Dairy products.

PART 58—[AMENDED]

In consideration of the foregoing, it is proposed to amend 7 CFR Part 58 by revising §§ 58.2651 through 58.2657 (Subpart Q) to read as follows:

Subpart Q—United States Standards for Grades of Dry Sweetcream Buttermilk

Definitions [1]

Sec.
58.2651 Dry sweetcream buttermilk.

U.S. Grades

58.2652 Nomenclature of U.S. grades.
58.2653 Basis for determination of U.S. grades.
58.2654 Specifications for U.S. grades.
58.2655 U.S. grade not assignable.
58.2656 Test methods.

Explanation of Terms

58.2657 Explanation of Terms.

Authority: Agricultural Marketing Act of 1946, Secs. 203 and 205, 60 Stat. 1087, as amended, and 1090, as amended; 7 U.S.C. 1622 and 1624.

Subpart Q—United States Standards for Grades of Dry Sweetcream Buttermilk

Definitions

§ 58.2651 Dry sweetcream buttermilk.

"Dry sweetcream buttermilk" (made by the spray process or the atmospheric roller process) is the product resulting from drying liquid buttermilk that was derived from the churning of sweetcream butter and was pasteurized before the drying process at a temperature of 161°F for 15 seconds or its equivalent in bacterial destruction. Dry sweetcream buttermilk shall have a protein content of not less than 30 percent.[2]

U.S. Grades

§ 58.2652 Nomenclature of U.S. grades.

The nomenclature of U.S. grades of dry sweetcream buttermilk is as follows:
U.S. Extra.
U.S. Standard.

§ 58.2653 Basis for determination of U.S. grades.

(a) The U.S. grades of dry sweetcream buttermilk are determined on the basis of flavor, physical appearance, bacterial estimate on the basis of standard plate count, butterfat content, moisture content, scorched particle content, solubility index, and titratable acidity.

(b) The final U.S. grade shall be established on the basis of the lowest rating of any one of the quality characteristics.

§ 58.2654 Specifications for U.S. grades.

(a) *U.S. Extra grade.* U.S. Extra grade dry sweetcream buttermilk shall conform to the following requirements (See tables I, II, and III of this section):

(1) *Flavor* (Applies to the reconstituted product). Shall be sweet and pleasing, and has no unnatural or offensive flavors.

(2) *Physical appearance.* Shall possess a uniform cream to light brown color; free from lumps except those that readily break up with slight pressure, and practically free from visible dark particles.

(3) *Bacterial estimate.* Not more than 50,000 per gram standard plate count.

(4) *Butterfat content.* Not less than 4.5 percent.

(5) *Moisture content.* Not more than 4.0 percent.

(6) *Scorched particle content.* Not more than 15.0 mg. for spray process, and 22.5 mg. for roller process.

(7) *Solubility index.* Not more than 1.25 ml. for spray process, and 15 ml. for roller process.

(8) *Titratable acidity.* Not less than 0.10 percent; not more than 0.18 percent.

(b) *U.S. Standard grade.* U.S. Standard grade dry sweetcream buttermilk shall conform to the following requirements (See Tables I, II, and III of this section):

(1) *Flavor* (Applies to the reconstituted product). Should possess a fairly pleasing flavor, but may possess slight unnatural flavors and has no offensive flavors.

(2) *Physical appearance.* Shall possess a uniform cream to light brown color; free from lumps except those that readily break up with moderate pressure, and reasonably free from visible dark particles.

(3) *Bacterial estimate.* Not more than 200,000 per gram standard plate count.

(4) *Butterfat content.* Not less than 4.5 percent.

(5) *Moisture content.* Not more than 5.0 percent.

(6) *Scorched particle content.* Not more than 22.5 mg. for spray process, and 32.5 mg. for roller process.

(7) *Solubility index.* Not more than 2.0 ml. for spray process, and 15 ml. for roller process.

(8) *Titratable acidity.* Not less than 0.10 percent; not more than 0.20 percent.

TABLE I.—Classification of Flavor

Identification of flavor characteristics	U.S. Extra grade	U.S. Standard grade
Unnatural	None	Slight.
Offensive	None	None.

TABLE II.—Classification of Physical Appearance

Identification of physical appearance characteristics	U.S. Extra grade	U.S. Standard grade
Lumpy	Slight	Moderate.
Visible dark particles	Practically free.	Reasonably free.

TABLE III.—Classification According to Laboratory Analysis

Laboratory tests	U.S. Extra grade	U.S. Standard grade
Bacterial estimate; standard plate count per gram	50,000	200,000
Butterfat content; percent	4.5	4.5
Moisture content; percent	4.0	5.0
Scorched particle content; mg.:		
Spray proc	15.0	22.5
Roller proc	22.5	32.5
Solubility index; ml.:		
Spray proc	1.25	2.0
Roller proc	15.0	15.0
Titratable acidity; percent	0.10–0.18	0.10–0.20

§ 58.2655 U.S. grade not assignable.

Dry sweetcream buttermilk shall not be assigned a U.S. grade for one or more of the following reasons:

(a) Fails to meet the requirements for U.S. Standard grade.

(b) Has a protein content of less than 30 percent.

(c) Produced in a plant found on inspection to be using unsatisfactory manufacturing practices, equipment, or facilities, or to be operating under unsanitary plant conditions.

(d) Produced in a plant which is not USDA approved.

§ 58.2656 Test methods.

All required tests shall be performed in accordance with "Methods of Laboratory Analysis", DA Instruction No. 918–103 (dry milk product series), Dairy Grading and Standardization Branch, AMS, U.S. Department of Agriculture, Washington, D.C. 20250; and "Official Methods of Analysis of the Association of Official Analytical Chemists", 13th Ed. or latest revision.

Explanation of Terms

§ 58.2657 Explanation of terms.

(a) *With respect to flavor.*

(1) *Slight.* Detectable only upon critical examination.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Dry sweetcream buttermilk covered by these standards shall not contain or be derived from nonfat dry milk, milkfat from whey, liquid derived from churning milkfat from whey, or other dairy derived products; or shall not contain any added preservative, neutralizing agent or other chemical.

(2) *Offensive.* Those that are obnoxious and cause displeasure when tasted.

(3) *Unnatural.* Those that are abnormal to the characteristic flavor of the product.

(b) *With respect to physical appearance.*—(1) *Practically free.* Present only upon very critical examination.

(2) *Reasonably free.* Present only upon critical examination.

(3) *Slight pressure.* Only sufficient pressure to disintegrate the lumps readily.

(4) *Moderate pressure.* Only enough pressure to disintegrate the lumps easily.

(5) *Lumpy.* Loss of powdery consistency but not caked into hard chunks.

(6) *Visible dark particles.* The presence of scorched or discolored specks.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, and 1090, as amended; 7 U.S.C. 1622, 1624)

Signed at Washington, DC, on: July 23, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-19863 Filed 7-26-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 930

Coastal Zone Management; Federal Consistency Regulations; Advance Notice of Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of additional public meeting for advance notice of proposed rulemaking (ANPR).

SUMMARY: On June 1, 1984, the National Oceanic and Atmospheric Administration (NOAA) announced in an Advance Notice of Proposed Rulemaking (ANPR) a review of existing regulations under the Coastal Zone Management Act (CZMA) to determine which existing regulations may have to be revised as a result of the United States Supreme Court's decision in *Secretary of the Interior et al.* v. *California et al.* (49 FR 22825, June 1, 1984). Written comments on the ANPR will be accepted until August 31, 1984. The ANPR announced a series of regional public meetings between June 17 and August 2, 1984, to provide an exchange of information and viewpoints concerning any possible rulemaking. At the request of a number of interested (persons) parties, NOAA has scheduled an additional public meeting.

DATE: Tuesday, August 28, 1984, 10:00 a.m.

ADDRESS: New Orleans, Louisiana, Hale Boggs Federal Building, 500 Camp Street, Room 1005, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT: Nan Evans, Senior Policy Analyst, Office of Ocean and Coastal Resource Management (202/634-4245).

SUPPLEMENTARY INFORMATION: See 49 **Federal Register** 22825 (June 1, 1984). This informational meeting will be informal. NOAA anticipates that the meeting will provide an opportunity for an exchange of information and viewpoints. A transcript will be prepared. The time for oral presentations may be limited to allow the opportunity for all interested parties to speak.

NOAA will accept written material for the record at this meeting and until the close of the public comment period. Interested parties who wish to provide comments are encouraged to do so in writing.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: July 24, 1984.

Paul M. Wolff,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 84-19900 Filed 7-26-84; 8:45 am]

BILLING CODE 3510-08-M

RAILROAD RETIREMENT BOARD

20 CFR Part 345

Contributions Under the Railroad Unemployment Insurance Act

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) proposes to revise 20 CFR Chapter II, Part 345. Part 345 of the Board's regulations provides for the filing of contribution reports and the payment of contributions by railroad employers under the Railroad Unemployment Insurance Act. The proposed amendments would alter the schedule for filing contribution reports and for payment of contributions under that Act, and would also require large employers to use the Treasury Financial Communications System wire transfer payment method. Under the proposed amendments, employers would be required to file reports and to pay contributions no later than the last day of the month following the period for which the report and contributions are made. This requirement would modestly expedite payment of contributions, making money more quickly available for the payment of benefits. The amendments would also change the name of the official to whom the reports and contributions are to be paid to reflect a recent reorganization within the Board.

DATE: Comments must be submitted on or before September 25, 1984.

ADDRESS: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: William Oczkowski, Director of Fiscal and Planning Operations, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4590 (FTS 387-4590).

SUPPLEMENTARY INFORMATION: Section 8 of the Railroad Unemployment Insurance Act requires the payment of contributions by railroad employers and provides that such payments shall be made at such time and in such manner as the Board shall by regulation prescribe. Currently the Board's regulations provide that most employers must file quarterly reports of contributions and must also pay such contributions on a quarterly basis, with both the report and payment due on the last day of the second month following the close of the quarter. The deposit schedule has not been changed since 1939. Those employers whose annual contributions are less than $100.00 need only file reports and pay contributions on an annual basis, with both due on the last day of the second month following the close of the year.

The proposed amendments to §§ 345.9 and 345.10 would accelerate the reporting and payment of contributions by one month. Thus, in the case of larger employers, reports and payments would be due on the last day of the month following the close of the quarter. Reports and payments by smaller employers would be due on the last day

of the first month following the close of the year.

The proposed amendment to § 345.10 would require employers which paid at least $1,000,000.00 in taxes under the Railroad Retirement Tax Act for the year two years prior to the current year to use the Treasury Financial Communications System wire transfer payment method for payment of contributions. This amendment should reduce somewhat the loss of interest income due to delays in transferring deposits and permit the Board to earn interest on them from the time of payment. It will also conform the requirements for payment of contributions under the Railroad Unemployment Insurance Act to those for payment of taxes under the Railroad Retirement Tax Act in that in both cases larger employers would be required to use the Treasury Financial Communications System. This amendment will be effective with respect to contributions attributable to compensation for services rendered after December 31, 1984.

Sections 345.9 and 345.10 would also be amended to reflect a change in the title of the official to whom reports and payments should be submitted. A recent reorganization of functions at the Board changed the title of the Director of Budget and Fiscal Operations to the Director of Fiscal and Planning Operations.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required.

List of Subjects in 20 CFR Part 345

Railroad employees, Railroad unemployment insurance, Railroads.

Title 20 CFR Chapter II, is proposed to be amended as follows:

§ 345.9 [Amended]

1. Section 345.9(a) of the Board's regulations is amended by removing "second" where it appears in the first sentence thereof.

2. Section 345.9(b) of the Board's regulations is amended by removing "second" where it appears in the first sentence thereof.

3. Section 345.9 of the Board's regulations is amended by removing "Director of Budget and Fiscal Operations" wherever it occurs and substituting "Director of Fiscal and Planning Operations" in lieu thereof.

4. Section 345.10 of the Board's regulations is revised to read as follows:

§ 345.10 Payment of Employers' Contributions.

(a) The contribution required to be reported on an employer's contribution report is due and payable to the Board without assessment or notice, at the time fixed for filing the contribution report.

(b) If, for the calendar year prior to the calendar year preceding the current calendar year, the aggregate amount of taxes imposed under section 3221 of the Railroad Retirement Tax Act with respect to an employer equalled or exceeded $1,000,000, such employer shall deposit the contributions under the Railroad Unemployment Insurance Act required to be deposited for the current calendar year in accord with Revenue Procedure 83–90, 1983—52 I.R.B. 18 (relating to transfers by wire to the Treasury). At the direction of the Board, the Secretary of the Treasury shall credit such contributions to the railroad unemployment insurance account in accord with section 10 of the Railroad Unemployment Insurance act and to the railroad unemployment insurance administration fund in accord with section 11 of the Railroad Unemployment Insurance Act.

(c) Except as provided in paragraph (b) of this section, certified or uncertified checks may be tendered as provisional payment of contributions and should be made payable to the Railroad Retirement Board and mailed with the contribution report to the Director of Fiscal and Planning Operations, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. No employer who tenders a check as provisional payment may be released from the obligation to make ultimate payment thereof until such check has been duly paid. If a check is not paid by the bank on which it is drawn, the employer by whom such check has been tendered shall remain liable for the payment of the contribution and for all the legal penalties and additions which may be attached thereto to the same extent as if such check has not been tendered. Any employer may pay contributions by means of wire transfer as is required for large employers in paragraph (b) of this section.

(Sec. 8, Railroad Unemployment Insurance Act, 45 U.S.C. 358)

Dated: July 20, 1984.

By Authority of the Board

For the board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 84–19842 Filed 7–26–84; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture; Adverse Effect Wage Rate Methodology; Advance Notice of Proposed Rulemaking

AGENCY: Employment and Training Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Labor (DOL) is requesting comments and suggestions on methodologies for computing the agricultural adverse effect wage rate (AEWR) in years after 1984. The AEWR is the minimum wage rate which DOL has determined must be offered and paid by the employers proposing to temporarily employ nonimmigrant alien agricultural workers in the United States.

DATE: Written comments must be received by the Department of Labor on or before September 25, 1984.

ADDRESS: Send written comments to: Assistant Secretary for Employment and Training, Employment and Training Administration, U.S. Department of Labor, Room 8100—Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213; Attention: Mr. Richard C. Gilliland, Director, U.S. Employment Service.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Bruening. Telephone: 202–376–6228.

SUPPLEMENTARY INFORMATION:

Background

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 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 the Department of Labor (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 United States workers. 8 U.S.C. 1184(c);

8 CFR 214.2(h)(3)(i); *see* 49 FR 15182 (April 18, 1984).

Pursuant to the INS regulations, DOL has published regulations at 20 CFR Part 655, Subpart C, for the certification of nonimmigrant aliens for temporary employment in agriculture and logging in the United States. DOL has determined that similarly employed United States workers had been adversely affected by the importation and employment of nonimmigrant aliens in agricultural employment. It has been determined farther that employment of those aliens in a number of States at wages below specially computed adverse effect wage rates (AEWRs) would adversely affect the wages of similarly employed United States workers. 20 CFR 655.202(b)(9) and 655.207.

Discretion in Setting AEWRs

The purpose of an AEWR, as described by the Fifth Circuit U.S. Court of Appeals, is "to neutralize any 'adverse effect' resultant from the influx of temporary foreign workers." It is a "method of avoiding wage deflation." *Williams* v. *Usery*, 531 F.2d 305, 306 (5th Cir. 1976), *cert. denied*, 429 U.S. 1000 (1979); *see Florida Sugar Cane League* v. *Usery*, 531 F. 2d 299 (5th Cir. 1976); *see also Limoneira Co.* v. *Wirtz*, 225 F. Supp. 961 (S.D. Cal. 1963), *aff'd*, 327 F. 2d 499 (9th Cir. 1964); *and* 20 CFR 655.0.

DOL has "broad discretion" to set AEWRs in accordance with "any of a number of reasonable formulas . . . ." *Florida Sugar Cane League* v. *Usery*, *supra*, 531 F. 2d at 303–304; *Florida Fruit & Vegetable Association* v. *Donovan*, Civil Action No. 83–8470–CIV–JAG (S.D. Fla. Order; March 19, 1984); *accord*, *Rowland* v. *Marshall*, 650 F. 2d 28 (4th Cir. 1981) (*per curiam*); *Williams* v. *Usery*, *supra*; *Dona Ana County Farm & Livestock Bureau, Inc.* v. *Goldberg*, 200 F. Supp. 210 (D.D.C. 1961). Thus, the AEWR is a floor, which does not prevent employers from offering more, nor employees from seeking more. *Flecha* v. *Quiros*, 567 F. 2d 1154, 1156 (1st Cir. 1977).

In *Flecha*, the U.S. Court of Appeals for the First Circuit recognized two competing statutory purposes, quoting from a Third Circuit decision:

> The common purposes are to assure [employers] an adequate labor force on the one hand and to protect the jobs of citizens on the other. Any statutory scheme with these two purposes must inevitably strike a balance between the two goals. Clearly, citizen-workers would best be protected and assured high wages if no aliens were allowed to enter. Conversely, elimination of all restrictions upon entry would most effectively provide employers with an ample labor force. *Rogers* v. *Larson*, 3 Cir. 1977, 563 F. 2d 617, 626.

The First Circuit then capsulized the purpose of the statute and regulations as "to provide a manageable scheme * * * that is fair to both sides." 567 F. 2d at 1156. Thus, the AEWR computation methodology must recognize the need to balance the goals of supplying an adequate labor force and protecting the jobs of citizens.

Employers applying for temporary labor certifications also must agree to comply with all employment-related laws. 20 CFR 655.203(b); *see also* 8 CFR 214.1(h)(3)(i). If the employment is covered by a higher wage standard applicable under any Federal, State, or local minimum wage law, the employer must comply with that law. *See, e.g.*, 29 U.S.C. 206(a). If the prevailing wage for the occupation in the labor market is higher, the employer must offer and pay that wage. Thus, a worker in employment under the temporary alien certification program must be compensated at the highest of the applicable wage rates, whether that highest rate is the AEWR, the prevailing wage, or the Federal, State, or local statutory minimum wage. *Limoneiro Co.* v. *Wirtz*, 327 F. 2d 499 (9th Cir. 1964), *aff'g* 225 F. Supp. 961 (S.D. Cal. 1963); *see also Elton Orchards, Inc.* v. *Brennan*, 508 F. 2d 493 (1st Cir. 1974); and *Flecha* v. *Quiros*, *supra*. These decisions acknowledge DOL's discretion in the area of AEWRs and form the basis for construction of DOL's temporary alien labor certification regulations. *See* 20 CFR 655.0(e).

AEWR Methodologies

Starting in 1968, AEWRs had been computed by adjusting the previous year's AEWR for a State by the same percentage as the change in annual average wage rates for field and livestock workers, as surveyed quarterly by the United States Department of Agriculture (USDA). *See* 41 FR 25018 (June 22, 1976). The USDA farm survey covered cash wages paid during one week in each calendar quarter. However, in 1981 USDA substantially reduced its number of surveys (to a one week per year survey), ceasing the compilation of annual average wage rates based on a quarterly survey. Consequently, the methodology established in 1968 for computing AEWRs was no longer adequate. AEWRs for 1981 were able to be published under the then-existing methodology, but, due to the diminished USDA data, a new AEWR methodology was necessary.

The current methodology for setting AEWRs is set forth at 20 CFR 655.207 (a) and (b); 48 FR 40168 (September 2, 1983). Under this methodology, adjustments to the AEWR are made according to movements in average weekly wages for similarly employed workers covered by unemployment insurance (UI) in the State, as determined under the ES–202 Program.

The ES–202 Program is a cooperative activity of BLS and the State employment security (unemployment compensation and job service) agencies. Annual changes in the AEWR for each State are directly proportional to the changes in average weekly wages for similarly employed workers covered by unemployment insurance (UI) in the State. The AEWRs are not set at the level of average weekly wages in the ES–202 data, but follow the movement of average weekly wages in that data series. The AEWRs established by this methodology "are rationally based and the decision to use ES–202 data is reasonable, particularly as compared to the [currently available] USDA data . . . ." *Florida Fruit & Vegetable Association* v. *Donovan*, Civil Action No. 83–8470–CIV–JAG (S.D. Fla. Order; March 19, 1984), Slip Opinion at 10.*

Invitation of Written Comments

In the final rule published on September 2, 1983, DOL stated that

> [w]ith respect to 1985 and future years, DOL expects to work closely with USDA to determine the appropriateness of the farm labor survey USDA proposes to begin in 1984. If the survey produces a more accurate indication of movements in farm wages, and would better achieve the purposes of the Immigration and Nationality Act and the regulations adopted thereunder, DOL may choose to utilize that survey in determining AWERs.

48 FR at 40172. DOL stated further that the September 2, 1983, rulemaking met a critical need, created by the recent court Orders "and the impending 1983 harvest season, to set AEWRs for 1983 and does not foreclose a determination by DOL to institute in later years other changes in the AEWR regulations."

This advance notice of proposed rulemaking is being published as part of the above process. Written comments from the public are invited, to suggest methodologies for computing the agricultural AEWRs for year after 1984

*While the U.S. District Court for the Southern District of Florida has upheld the current AEWR methodolgy regulation, it currently is being challenged in other U.S. District Courts. *See, e.g., Production Farm Mangement* v. *Donovan*, Civil Action No. 84–143 (D. Ariz.); *Shoreham Cooperative Apple Producers Association, Inc.* v. *Donovan*, Civil Action No. 83–326 (D. Vt.); *Virginia Agricultural Growers Association, Inc.*, v. *Donovan*, Civil Action No. 83–0146–D (W.D. Va.); *Fredrick County Fruit Growers Association* v. *Donovan* Civil Action No. 83–0147–D (W.D. Va.)

and to comment on the current methodology. Comments on other aspects of the temporary alien labor certification program are outside the scope of this invitation for comments.

Signed at Washington, D.C., this 20th day of July, 1984.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 84-19923 Filed 7-26-84; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances Proposed Placement of 3,4-Methylenedioxymethamphetamine Into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration (DEA) to place the substance, 3,4-methylenedioxymethamphetamine, into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This proposed action follows DEA's review of the abuse and illicit trafficking of 3,4-methylenedioxymethamphetamine, which was found by the Assistant Secretary for Health, Department of Health and Human Services, to support DEA's position that this substance be placed into Schedule I of the CSA. The effect of this proposed action would be to impose the regulatory control mechanisms and criminal sanctions of Schedule I on the manufacturing, distribution and possession of 3,4-methylenedioxymethamphetamine.

DATES: Comments must be submitted on or before August 27, 1984.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

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.

On March 13, 1984, the Administrator of the Drug Enforcement Administration, submitted information relevant to the abuse potential and illicit trafficking of 3,4-methylenedioxyamphetamine (MDMA) to the Assistant Secretary for Health, Department of Health and Human Services. Briefly, the information documented that 3,4-methylenedioxymethamphetamine, trafficked on the street as MDMA or ecstasy: (1) Is an analogue of the Schedule I Substance, 3,4-methylenedioxyamphetamine (MDA), (2) has no legitimate medical use or manufacturer in the United States, (3) has been clandestinely synthesized and encountered in the illicit drug traffic, (4) produces stimulant and psychotomimetic effects in humans similar to those produced by MDA, and (5) has been associated with medical emergencies as reported by the Drug Abuse Warning Network (DAWN).

In accordance with the provisions of 21 U.S.C. 811(b), the DEA Administrator requested a scientific and medical evaluation of the relevant information and a scheduling recommendation for 3,4-methylenedioxymethamphetamine from the Assistant Secretary for Health. On June 6, 1984, the Administrator of the Drug Enforcement Administration received a letter from the Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, stating that 3,4-methylenedioxymethamphetamine (MDMA) has a high potential for abuse and presents a significant risk to the public health, and recommending that it should be placed into Schedule I of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and relying on the scientific and medical evaluation and the recommendation of the Secretary of Health and Human Services in accordance with 21 U.S.C. 811(c), the Administrator of the Drug Enforcement Administration, pursuant to the provisions of 21 U.S.C. 811(a), finds that:

1. Based on information now available, 3,4-methylenedioxymethamphetamine (MDMA) has a high potential for abuse;

2. 3,4-methylenedioxymethamphetamine has no currently accepted medical use in treatment in the United States; and,

3. There is a lack of accepted safety for use of 3,4-methylenedioxymethamphetamine under medical supervision.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)), and delegated to the Administrator by Department of Justice regulations (28 CFR 0.100), the Administrator hereby proposes that 21 CFR 1308.11(d) (7)–(24) be redesignated as (d) (8)–(25), respectively, and that a new (d)(7) be added to read as follows:

§ 1308.11 Schedule I

* * * * *

(d) * * *

(7) 3,4-methylenedioxymethamphetamine.....7405

Some trade or other names: 3,4-methylenedioxy-N-methylphenylisopropylamine; MDMA

* * * * *

Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Requests for hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for hearing raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the proposed placement of 3,4-methylenedioxymethamphetamine into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). The substance, 3,4-methylenedioxymethamphetamine, proposed for control in this notice, has no legitimate use or manufacturer in the United States. In accordance with the provisions of Title 21, United States Code, section 811(a), this proposal to place 3,4-methylenedioxymethamphetamine into Schedule I, is a formal rulemaking "on the record after opportunity for a hearing." Such 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 12291 (46 FR 13193).

Dated: July 20, 1984.

Francis M. Mullen, Jr.,

Drug Enforcement Administration.

[FR Doc. 84-19886 Filed 7-26-84; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Erigeron Maguirei var. Maguirei (Maguire Daisy) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Erigeron maguirei* var. *maguirei* (Maguire daisy) to be an endangered species under the authority of the Endangered Species Act as amended. The only known location of the Maguire daisy is at the upper ends of a slickrock sandstone canyon in Emery County, Utah. Only seven plants were seen in 1982, all on Bureau of Land Management (BLM) land. There are undeveloped oil and gas leases and mineral claims in the area; the probability of commercial development is remote. Although there is no surface disturbance near the few plants presently, any minor surface disturbance could easily cause their extinction. The taxon may also be depleted genetically as a consequence of its reduced population size.

This proposal, if made final, would implement for this taxon the protection and management measures provided by the Endangered Species Act of 1973, as amended. The Service is requesting comments on this proposed action.

DATES: Comments from all interested parties must be received by September 25, 1984. Public hearing requests must be received by September 10, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Comments and materials received will be available for public inspection by appointment during usual business hours of the Service's Regional Endangered Species Staff at 134 Union, Fourth Floor, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Regional Botanist, Regional Endangered Species Staff at either address above (303/234-2496 or FTS 234-2496).

SUPPLEMENTARY INFORMATION:

Background

Erigeron maguirei var. *maguirei* (Maguire daisy) is a small perennial daisy growing up to 5 inches tall, which blooms in mid-June and is characterized by leafy, hairy and glandular stems and 1-5 flower heads with white to pinkish ray flowers around a yellow center. It was first collected by Dr. Bassett Maguire in 1940 in the dry, rocky, sandy bottom of Calf Canyon in the San Rafael Swell. The Maguire daisy was described by Dr. Arthur Cronquist in his monograph of the genus (Cronquist, 1947, p. 165). Not until 1980 was it seen again when James Harris, then a Brigham Young University graduate student, found a single plant in the bottom of Pine Canyon, a side canyon of Calf Canyon. This one plant, which was on State land, was looked for in 1981 but not found. In 1982, John Anderson, a Service botanist, hiked the entire length of Calf Canyon and its two side canyons, Cow Canyon and Pine Canyon, and found only seven plants, all at the upper ends of branches of Pine Canyon on sandstone ledges or among boulders (the Harris plant was not found in 1982 either). The seven known plants are on BLM land at about 5,800 feet elevation in the pinyon-juniper zone, growing with *Amelanchier utahensis* (Utah serviceberry), *Fraxinus anomalus* (single-leaf ash), *Rhus trilobata* (skunkbush), and *Philadelphus microphyllus* (little-leaf mock-orange) (Anderson, 1982). The daisy is one of the rarest taxa in Utah.

There are mining claims for uranium and oil and gas leases in the area, as in much of this part of Utah. Assessment work on mining claims is hard to monitor. Any mining development or oil and gas drilling plans require BLM permits, which would take into account the presence of endangered species. If there were to be an effect on the Maguire daisy, Section 7 consultation with the Service would be necessary. However, any development is a remote possibility, as no commercial deposits are known in the area at present. The canyon bottoms where the Maguire and Harris collections were made are grazed by cattle, which may have affected the taxon. In addition, these seven remnant plants, from a larger population known to be extirpated, may not remain viable without management.

Section 12 of the Endangered Species Act directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of this report as a petition within the context of section 4(c)(2) of the 1973 Act, and of its intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to section 4 of the Act. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, **Federal Register** notice. *Erigeron maguirei* was included in the July 1975 notice (40 FR 27880) and the June 1976 proposal (41 FR 24531). General comments received in relation to the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909). Comments on this taxon that are received during the comment period for this new proposal will be summarized in the final rule.

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. On December 10, 1979, the Service published a notice of the withdrawal of the still applicable portions of the June 16, 1976, proposal along with other proposals that had expired (44 FR 70796). The July 1, 1975, notice of review was replaced on December 15, 1980, by the Service's publication in the **Federal Register** (45 FR 82479) of a new notice of review for plants, which included *Erigeron maguirei*. No comments on this taxon have been received in response to the 1980 plant notice. On February 15, 1983, the Service published a notice in the **Federal Register** (48 FR 6752) of its prior petition finding that sufficient information exists to show that the listing of this taxon may be warranted, in accord with section 4(b)(3)(A) of the Act as amended in 1982.

In the spring of 1982, new field work was carried out at the site of the Maguire daisy by John Anderson, a Service botanist. Only seven plants were found and historical sites visited did not have any plants. In April 1983, *Erigeron maguirei* var. *harrisonii* was published as a new variety for plants in Wayne County, Utah, outside the historical and current range of *E. maguirei* var. *maguirei* in Emery County (Welsh, 1983a; 1983b, p. 274).

On October 13, 1983, the petition finding was made that listing *Erigeron*

maguirei var. *maguirei* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of the finding was published in the January 20, 1984, Federal Register (49 FR 2485). Such a finding requires a recycling of the petition, pursuant to section 4(b)(3)(C)(i) of the Act. Therefore, a new finding must be made; we find that the petitioned action is warranted and hereby publish the proposed rule to implement the action in accord with section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or a threatened species due to one or more of the five factors described in that section. These factors and their application to *Erigeron maguirei* Cronquist var. *maguirei*, Maguire daisy, are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The Maguire daisy is extremely rare. First discovered in 1940, it appears to be extirpated at its two historical sites. Based on present information, only seven plants are known at the third, current site. There are mineral claims for uranium and oil and gas leases in the area.

Even minor surface disturbance associated with exploration or assessment of these claims and leases could cause extinction if it occurred where the taxon grows.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

None known.

C. Disease or Predation.

The presently known plants are in rocky areas inaccessible to cattle grazing. The absence of plants in the canyon bottoms where they were originally found in 1940 and 1980 may be a result of cattle grazing pressures. Studies are needed to determine the actual impact of cattle grazing and its compatibility with the survival of the daisy. Presumably, this small herbaceous perennial is palatable to cattle. Two of the seven plants showed some grazing damage, perhaps from deer.

D. The Inadequacy of Existing Regulatory Mechanisms

No Federal or State laws currently protect *Erigeron maguirei* var. *maguirei*. The Endangered Species Act offers possibilities for protection of this taxon through section 7 (interagency cooperation) requirements and through section 9, which prohibits removal of specimens from areas under Federal jurisdiction when there is intent to reduce the plant to possession.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Because only seven plants of the Maguire daisy now appear to exist, its vulnerability is greatly magnified by any inadvertent human actions in the area that do not take its presence into account, or any natural catastrophe. The genetic variation may be low because of the known loss of individuals since 1940. Listing would help to increase awareness of its vulnerability and provide possibilities for management or even recovery of the taxon.

The careful assessment of the best scientific and commercial information available, as well as the best assessment of the past, present, and future threats faced by this taxon, were considered in determining the preferred action of this rule. Based on this evaluation, the preferred action is to list *Erigeron maguirei* var. *maguirei* as an endangered species. With only seven individuals known, endangered status seems an accurate assessment of the taxon's condition. Critical habitat is currently not prudent to propose for this species because doing so would increase risk to it, as detailed below.

Critical Habitat

The Endangered Species Act in section 4(a)(3), as amended, requires that, to the maximum extent prudent and determinable, the Secretary must designate any habitat of a species that is considered to be critical habitat at the time the species is determined to be endangered or threatened. The designation of critical habitat is not considered to be prudent when such designation would not be of net benefit to the species involved (50 CFR 424.12). In the present case, the Service finds that designation of critical habitat is not prudent because no benefit to the taxon can be identified that would outweigh the potential threat of vandalism, which might be exacerbated by the required publication of a detailed critical habitat map.

The BLM has been informed of this proposed action, is aware of the location of the population, has acknowledged the threats to the Maguire daisy, and is considering the taxon in its management and planning. Therefore, no further benefits would accrue to *Erigeron maguirei* var. *maguirei* by critical habitat designation. Because of the very low number of plants and the accessibility of the nearby canyon bottoms to ORV's (off-road vehicles; i.e., motorcycles), it could be detrimental to the taxon to publish a critical habitat map and exact description of the daisy's locaton due to the potential for vandalism of this rare plant.

It should be noted that the present rocky sites might be a marginal habitat that is not viable for the taxon in the long term. The few existing plants occur at the upper end of canyons on sandstone ledges or among boulders in less accessible and thus naturally protected areas. This is a different habitat from the canyon bottom land where the plants were seen in 1980 and first seen ("dry rocky sandy canyon, bottom"); bottom land is more susceptible to impacts such as cattle grazing and ORV activity. Since the remaining plants are only in less accessible sites, this upper canyon habitat may, in fact, be an ecologically marginal site for a minor remnant of the population of the Maguire daisy. The vulnerable lower canyon bottoms may represent the prime, long-term habitat and the Maguire daisy's absence there may be a reflection of past land use rather than of the habitat suitability of the upper canyons. This speculation is supported by the fact that the most robust of the remaining plants is one found among boulders on the shallow wash bottom of the upper canyon, in somewhat deeper soil. Autecological studies over several years would be recommended in a recovery plan to help evaluate the essential habitat.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and can result in conservation actions by other Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides the possibility for land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required by Federal

agencies and applicable prohibitions are discussed in part below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Provisions for interagency cooperation implementing this section are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to informally confer with the Service on any of their actions that are likely to jeopardize the continued existence of a proposed species. When a species is listed, section 7(a)(2) requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species. If an action may affect such a species, the Federal agency must enter into formal consultation with the Service. Possible effects resulting from BLM activities have already been discussed. BLM activities are likely to affect the taxon in the administration of mining or oil and gas exploration permits or grazing leases where the plants have been found, but not to any significant new extent.

The Act implementing regulations published in the June 24, 1977, **Federal Register** (42 FR 32373) set forth a series of general trade prohibitions and exceptions which apply to all endangered plant species. The regulations pertaining to endangered plants are found at §§ 17.61, 17.62, and 17.63 of 50 CFR and are summarized below. With respect to *Erigeron maguirei* var. *maguirei*, all prohibitions of section 9(a)(2) of the Act, as implemented by § 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions could apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species, under certain circumstances. No such trade in *Erigeron maguirei* var. *maguirei* is known. It is not anticipated that many trade permits would ever be issued since this plant is not common in the wild or known in cultivation, or of particular trade interest.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession endangered plant species from areas under Federal jurisdiction. The new prohibition would apply to this daisy. Permits for exceptions to this prohibition for scientific purposes or to enhance the propagation or survival of the species are available through section 10(a) of the Act, until revised regulations are promulgated to incorporate the 1982 Amendments. Proposed regulations implementing this new prohibition were published on July 8, 1983 (48 FR 31417) and these will be finalized following public comment.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903). *Erigeron maguirei* var. *maguirei* does not occur on Federal lands; however, it is anticipated that few collecting permits for the Maguire daisy will ever be requested.

If this species is listed under the Act, the Service will review it to determine whether it should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through section 8A(e) of the Act, and whether it should be considered for other appropriate international agreements.

Public Comments Solicited

The Service intends that any final rule adopted will be as accurate and effective as possible in the conservation of each endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any appropriate party concerning any aspect of the proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or the lack thereof) to *Erigeron maguirei* var. *maguirei*;

(2) The location of any additional populations of *Erigeron maguirei* var. *maguirei* and the reasons why any habitat of this taxon should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this taxon; and

(4) Current or planned activities in the subject area and their possible impacts on the daisy.

Final promulgation of any regulations on *Erigeron maguirei* var. *maguirei* will take into consideration any comments and additional information received by the Service and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, defined under authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References

Anderson, J. 1982. Search for *Erigeron maguirei*. U.S. Fish and Wildlife Service, Denver, Colorado.

Cronquist, A. 1947. Revision of the North American species of *Erigeron*, north of Mexico. Brittonia 6(2):121–302.

Harris, J. 1980. Inventory of Land in the San Rafael Resource Area for the Presence of Endangered or Threatened Plants. Bureau of Land Management, Price, Utah.

Welsh, S.L. 1983a. A bouquet of daisies (*Erigeron*, Compositae). Great Basin Naturalist 43(2):365–368.

Welsh, S.L. 1983b. Utah flora: Compositae (Asteraceae). Great Basin Naturalist 43(2):179–357.

Authors

The primary Service authors of this proposed rule are Mr. John Anderson, Grand Junction, Colorado, Field Office (303/243–2779 or FTS 322–0348) and Dr. James L. Miller, Denver Regional Office, Denver, Colorado. Dr. Bruce MacBryde of the Service's Washington Office of Endangered Species served as editor.

List of Subjects in 50 CFR Part 17

Endangered and threatened plants, Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.12(h) by adding the following in alphabetical order under family Asteraceae to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rule
Scientific name	Common name					
Asteraceae—Aster family						
*	*	*	*	*		
Erigeron maguirei var. *marguirei*	Maguire daisy	U.S.A. (UT)	E		NA	NA
*	*	*	*	*		

Dated: July 13, 1984.

G. Ray Arnett,

Assistant Secretry for Fish and Wildlife and Parks.

[FR Doc. 84–19916 Filed 7–26–84; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 49, No. 146
Friday, July 27, 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

Federal Crop Insurance Corporation

[Docket No. 1164S]

Agency Sales and Service Contract

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith publishes for the information of interested parties, the Agency Sales and Service Contract (FCIC–455), and the Application/Plan of Operation Form which become effective October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC., 20250, telephone (202) 447–3325

SUPPLEMENTARY INFORMATION: Section 506(c) of the Federal Crop Insurance Act (ACT) (7. U.S.C. 1501 *et seq.*), as amended by Pub. L. 96–365 (September 26, 1980), authorizes and directs the Federal Crop Insurance Corporation, to the maximum extent possible, to contract with private insurance companies for the purpose of selling Federal Crop Insurance.

It is the intent of FCIC in this notice to publish for the information of prospective contractors and the general public, the terms and conditions of the Agency Sales and Service Contract, and the Application/Plan of Operation Form used by FCIC in compliance with ACT relative to contracting with private insurance companies for the sale and service of Federal Crop Insurance.

This notice does not set out the documents referred to in section 12 dealing with debarment nor the provisions contained in Appendix 1, since these documents are lengthy; however, copies will be made available to qualified applicants for Agency Sales and Service Contracts.

Any interested party is invited to comment on the terms and conditions of the Agency Sales and Service Contract, and the Application/Plan of Operation contained in this notice. FCIC will consider all suggestions and may choose to publicly offer an additional or amended contract or related documents for subsequent years incorporating suggested changes.

Note.—FCIC–455, Agency sales and Service Contract will not appear in the Code of Federal Regulations.

Accordingly, the Agency Sales and Service Contract, and the Application/Plan of Operation, effective October 1, 1984 are as follows:

Agency Sales and Service Contract

For 19 (contract year)
(Contractor's Name)
(Contractor's Telephone Number)

The Federal Crop Insurance Corporation (Corporation) hereby contracts with the Agency Sales and Service Contractor (Contractor) identified above for administering, selling, and servicing of Federal Crop Insurance in accordance with the approved annual plan of operation, provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1500 *et seq.*), Title 7 Chapter IV of the Code of Federal Regulation, and procedures established by the Corporation.

I. Plan of Operation

A. The Contractor must submit a completed plan of operation with the contract application. In subsequent contract years, the Contractor must submit a plan of operation on or before August 1 prior to each contract year.

B. The plan of operation and amendments, when approved by the Corporation, are made part of this contract and may only be changed by mutual agreement of the parties. The Contractor may not perform under this contract for any contract year until a plan of operation for that contract year has been approved by the Corporation. Failure to submit a completed plan of operation on or before August 1 of each year will constitute notice to the Corporation under section X of the Contractor's intent to terminate this contract.

C. Prior to approval of the subsequent year's plan of operation, the Corporation will evaluate the Contractor's performance under the current or previous plans of operation in meeting the mutually agreed-upon marketing goal and in meeting performance requirements of this contract.

II. Contractor's Responsibilities

A. The Contractor will:

1. Perform the activities required by this contract;

2. Provide necessary training for sales and service activities;

3. Conduct field level review to ensure that performance under this contract is in compliance with procedures issued by the Corporation;

4. Designate a person as liaison to work with each field operations office in whose area the Contractor functions, (the liaison will devote the amount of time and effort necessary to assure proper coordination and implementation of procedures and ensure performance of the activities specified in this contract);

5. Within 60 days after the approval date of the initial plan of operation, have a minimum of twenty-five (25) active Contractor Representatives (Representatives) which meet the requirements of the Corporation as specified in Section IV and maintain that level for the duration of this contract; and

6. On the Corporation's form, provide a list of: (a) Representatives authorized by the Contractor to sell and service crop insurance; (b) the Contractor's officers; and (c) commercial or selling agencies affiliated with the Contractor (this form must be amended within 15 days of any change).

B. The Contractor will assure that:

1. All applications and acreage reports will be reviewed before mailing to the Corporation;

2. Documents initially submitted to the Corporation are without error or omission of data to the extent that at least 80 percent of the sales documents and acreage reports can be processed;

3. Suspension notices are resolved within 30 days of receipt by the Contractor; and

4. All sales documents and acreage reports are received in the Corporation's Kansas City Office no later than 30 days after the applicable deadlines.

III. Contractor Supervision of Representatives

A. The Contractor will ensure that service to policyholders is in accordance with applicable policy provisions and Corporation procedures.

B. The Contractor will take all actions necessary to assure that Representatives sell and service corp insurance. This includes but is not limited to:

1. Soliciting applications and securing acreage reports on or before established due dates;

2. Advising applicants on details of coverage, acreage reports, procedures to report losses and applicable compliance dates;

3. Accepting notices of crop damage or loss, notices of cancellation, farmer paid premiums, assignments of indemnity, and transfers of right to indemnities for crop insurance;

4. Assisting insureds in reporting claims;

5. Collecting crop insurance premiums;

6. Preparing, previewing, and sending documents for data entry; and

7. Resolving document errors.

C. The Contractor will not discriminate or permit its Representatives to discriminate against any person because of race, color, age, religion, national origin, sex, marital status, or handicap in the performance of activities under the contract.

IV. Licensing and Training

A. The Contractor and its Representatives who sell and service policies or represent the Contractor in sales or service of policies must be licensed as required by the applicable State laws in the States in which they conduct or solicit business and must be certified by the Corporation for each crop upon which they sell and service insurance.

B. Licensing is not required for those Representatives who successfully completed the Corporation's Basic Insurance Principles Examination prior to February 1, 1984.

C. The Contractor must provide training to Representatives by Corporation accredited instructor to assure that all activities performed under this contract are in accordance with Corporation procedures.

D. Each Representative may be required to receive a total of at least 20 hours of formal training annually in areas required by the Corporation. In addition to this requirement, Representatives in the first year of employment must receive a minimum 20 additional hours of Agent Certified Training (ACT) and program orientation and must pass certification tests administered by the Corporation.

E. The Corporation will conduct training annually for instructors designated by the Contractor. Successful completion will result in instructor accreditation by the Corporation.

V. Records and Documents

A. The Contractor will maintain, and furnish to the Corporation on request, all records, documents, and reports related to the performance of this contract.

B. All information and materials maintained by the Contractor relating to policyholders are the property of the Corporation and are subject to release to or review by the Corporation. The contractor must respond within 15 days to any inquiries by the Corporation relating to information contained or which should be contained in policyholder files.

C. The Contractor will:

1. Maintain policyholder files in local service offices and may transfer them only upon the approval of the Corporation;

2. Keep accurate policyholder records of all activities performed under this contract and report information as required by the Corporation;

3. Assure that the Representatives keep on file and available to applicants for insurance and policyholders such additional records and material as required by the Corporation; and

4. Retain the records required under this subsection C and keep them available for review for three (3) years after either the termination of this agreement or after the record is closed, whichever occurs first, unless such records are transferred to the Corporation at the Corporation's request.

D. The Corporation, the General Accounting Office, and any other person authorized by law or designated by the Corporation may at any reasonable time examine and audit the records of the Contractor or its Representatives.

VI. Billing and Payments

The Corporation is responsible for the initial and subsequent billing of crop insurance premiums. Nothing, however, prohibits the Contractor or its Representatives from pursuing collection efforts at their own initiative at any time. If the policyholder pays the Contractor or the Representative, the Contractor will transmit to the Corporation, in full, all sums collected. The Contractor or the Representative must not commingle Corporation funds with any personal funds or any other funds under the Contractor's or Representative's control except as provided under subsection D below.

A. Policyholders will be requested to make checks payable to the Federal Crop Insurance Corporation. If the Contractor or Representative receives a check payable to any other party for funds due the Corporation, such check must be endorsed "Pay without recourse to the order of Federal Crop Insurance Corporation [Signature]."

B. Cash collections must be converted to money orders, certified checks, cashier's checks, or other bank obligations (not a personal or business check) made payable to the Federal Crop Insurance Corporation.

C. Collections must be transmitted each business day to Corporation, P.O. Box 462, Kansas City, Missouri 64141, or any other location designated in writing by the Corporation.

D. In the alternative, if the payment is in cash, it may be deposited in an account exclusively for deposit of cash premium collections provided that:

1. The account is in the name of the Corporation, United States Department of Agriculture;

2. The account is with an institution insured by the Federal Deposit Insurance Corporation;

3. Records of the account are available for audit by the Corporation or an authorized representative of the Corporation at all times during normal business hours;

4. Corporation funds in the account are transmitted weekly to the Federal Crop Insurance Corporation, P.O. Box 462, Kansas City, Missouri 64141, or any other location designated in writing by the Corporation;

5. A clearly documented amount of personal funds has been deposited in the account by the Contractor or Representative for the purpose of maintaining a minimum balance; and

6. The Contractor or the Representative does not withdraw such personal funds until such funds are released in writing by the Corporation.

E. Failure to transmit funds as set out in this section may result in action against the Representative and in termination of this contract and will result in the assessment of interest against the Contractor computed at the rate established by the Secretary of the Treasury under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) and referred to as the "Renegotiation Board Interest Rate."

VII. Indemnification

A. The Corporation will provide the Contractor indemnification, including costs and reasonable attorney's fees for

errors or omissions on the part of the Corporation if the Contractor or its Representative is sued and held liable except for those errors and omissions the Contractor caused, or allowed to be caused. Conditions precedent to payment of any amount under this clause are that:

1. The Contractor immediately notify the Corporation of any such action or proceeding;

2. The Contractor secure legal counsel for any civil action brought against the Contractor or its Representatives;

3. The Corporation, at its option, be allowed to participate in any such action or proceedings on the part of the Contractor;

4. The Contractor present all good faith defenses available to it or as directed by the Corporation;

5. The Contractor not settle any such action or proceeding without the prior consent of the Corporation;

6. No material statements or admissions be made by the Contractor without prior consultation with and approval by the Corporation; and

7. The Contractor or the Representative not name the Corporation as a party in any legal proceedings for which indemnification under this clause is requested.

B. The Contractor will provide the Corporation indemnification, including costs and reasonable attorney's fees, for errors and omissions on the part of the Contractor and its Representatives for which the Corporation is liable under its policy of insurance except to the extent that the Corporation caused the error or omission. This includes payments under the Good Faith Reliance Clause of the crop insurance regulations. The Corporation will determine its liability under any policy of crop insurance for which indemnification is claimed under this subsection. Written notice at the time of the Corporation's determination will be provided to the Contractor of the amount of any payment made to an insured under the Good Faith Reliance Clause and the basis of that payment. The Corporation will make a good faith effort to notify the Contractor of the amount and basis of payment in all other situations when the Corporation determines that indemnification may be requested under this subsection. In all cases, the Contractor will also be advised in writing, when the Corporation believes that indemnification may be due. The Contractor will have the opportunity to respond to that advice within 60 days. Thereafter, the Corporation will issue its final determination and demand for payment.

VIII. Compensation

A. The Corporation will compensate the Contractor as specified in Appendix II of this contract.

B. Monies due the Corporation from the Contractor or its Representatives may be set-off, in whole or in part, against any monies payable to the Contractor or its Representatives by the Corporation or any other United States Government agency.

IX. Transfers

A. Transfer of a policyholder's contract between Contractors is limited to one transfer per crop year which must be authorized by the policyholder and the Corporation. Additional transfers may be authorized in cases of cancellation or termination of this contract and in cases which the Corporation determines, because of special circumstances, that the transfer would contribute to fair and effective administration of the Federal Crop Insurance program.

B. A Contractor may accept the transfer of a policy at any time during the crop year.

C. The receiving Contractor agrees to provide service by an authorized agent (as defined in section IV A) to the policyholder on all policies covered by the transferred contract.

D. The transfer is effective upon notification to the Contractor of acceptance of the transfer by the Contractor.

E. The Contractor shown by the Corporation on the Corporation's records to be responsible for the servicing of the policy on the cancellation date for the crop will be entitled to the Commission on amounts collected prior to debt termination for that crop (when due).

F. The premium volume of transferred business between Contractors during the contract year will not be counted as new business for purposes of marketing goals.

X. Termination

A. This contract shall continue in effect until terminated.

1. Termination may be made by either party. Notice of termination must be made by certified or registered mail (return receipt requested) by August 1 to be effective prior to the next contract year. If such notice is made by August 1, the contract will terminate on September 30. The Contractor will continue under the contract until September 30.

2. The terminated Contractor may transfer all or part of its business under this contract to another Contractor approved by the Corporation prior to the September 30 termination date. Any business not transferred by September 30 will revert to the Corporation together with all rights to commissions or other compensation not fully earned by the Contractor as of September 30.

3. The Corporation will notify the Contractor's Representatives of the termination and provide each a list of approved Contractors.

B. Any breach of this contract may result in termination of this contract by the Corporation upon 60 days notice to the Contractor.

XI. Suspension

A. In lieu of termination under section X B, the Corporation may suspend a Contractor from writing new business or accepting transfer business if:

1. The Contractor does not maintain the minimum of 25 active authorized agents as required under Section IV A; or

2. The Contractor does not remain in compliance with established financial standards.

B. Such suspension shall remain in effect until the Corporation determines the Contractor has corrected the deficiency which was the basis for the suspension.

C. The Corporation may, at anytime during the suspension, terminate the contract under clause X B.

D. The Contractor who has been suspended will be immediately notified of that suspension by the Corporation and may, in writing, request a redetermination from the Corporation. A request for redetermination will not delay the effective date of the suspension unless the Corporation agrees to such delay in writing.

XII. Debarment

A. The Corporation has the right to suspend or debar the Contractor or its Representatives in accordance with the suspension and debarment regulations of the United States and the Department of Agriculture published in Titles 41 and 48 of the Code of Federal Regulations. The Contractor agrees not to employ or contract with any individual or company who has been suspended or debarred by the Corporation or the United States during the term of such suspension or debarment.

XIII. Authority

A. The Contractor and its Representatives have no authority to waive any provision of the policies, procedures or regulations of the Corporation, or to incur any

indebtedness on behalf of the Corporation.

B. The Contractor and its Representatives will display appropriate program identification as furnished or approved by the Corporation in a conspicuous manner clearly visible to the general public identifying the Contractor or Representative as an authorized Service Office for the Corporation.

C. The Contractor and its Representatives will not: engage in any practice; perform in any manner; or print, publish or use any advertising or printed material that makes direct reference to Federal Crop Insurance, the Corporation or the United States Department of Agriculture or their symbols or abbreviations, except that which is furnished by or approved in writing by the Corporation.

XIV. Interpretation

This contract is to be interpreted in accordance with the laws of the United States of America and the regulations of the Federal Crop Insurance Corporation and the United States Government.

XV. Conflict of Interest

The Contractor, its Representatives, officers, employees, major stockholders, or any member of their immediate families may not engage in loss adjustment activity for the Corporation since to do so may constitute a conflict of interest or an apparent conflict of interest.

XVI. Definitions

A. Except as otherwise stated herein, the terms in this contract are as defined in the individual crop policies.

B. Specific definitions:

1. Certification—Formal training and successful completion of certification testing administered by the Corporation in:

a. New crop programs and policy changes;

b. Corporation procedures;

c. Sales and servicing techniques; and

d. Other areas, prescribed by the Corporation.

2. Contract—The Contract includes:

a. This Agency Sales and Service Contract;

b. Appendix I;

c. Appendix II; and

d. Plan of operation and supplements thereto.

3. Contractor—The organization or company operating under an Agency Sales and Service Contract approved by the Corporation.

4. Contractor Representatives (Representative)—Certified and/or licensed agents or sub-agents authorized by the Contractor to sell and service crop insurance, Contractor employees, and commercial or selling agencies affiliated with the Contractor.

5. Contract Year—The Corporation's fiscal year beginning October 1 and ending September 30. (Example: the 1985 contract year begins October 1, 1984, and ends September 30, 1985.)

6. Corporation—The Federal Crop Insurance Corporation, an agency of the United States Department of Agriculture.

7. Debt termination date—the date past which the insured's policy shall no longer continue in force if any amounts due the Corporation on any of the insured's policies are not paid.

8. Service Office—Point of service where policyholder's files are maintained.

9. Suspension Notice—A notification of a temporary stop or delay in the processing of a document caused by the Corporation receiving obsolete documents or documents containing non-processable data.

Executed for the Contractor by

_____

(Name)

_____

(Title)

_____

(Contractor)

_____

(Date)

Executed for the Corporation by

_____

(Contracting Officer)

_____

(Title)

_____

(Date)

Appendix II to FCIC–455 Agency Sales and Service Contract

The Corporation will compensate the Contractor on a crop year basis as specified herein for all policies sold (new and carryover) but only for which premiums are collected in full. For purposes of this Appendix, "Base Premium" is the farmer-paid premium plus subsidy after adjustment for experience, and after any reduction for hail and fire credit. Interest charges are excluded from base premium.

(1) The Contractor will be compensated at the rate of 15% of base premium for each crop insured as limited by section 7 of this appendix.

(2) If a producer advises the Contractor in writing prior to termination for indebtedness that he intends to allow FCIC to collect the total premium balance for each crop through set-off, or if premium balance is collected by the Corporation through deductions from indemnities as specified under section 5 of this Appendix, the Contractor will earn compensation under section 1 of the appendix for each crop premium collected through such agreement. The amount collected by set-off will first be credited to interest and next to the earliest terminating crop premium.

(3) Three and four-tenths percent (3.4%) of estimated base premium for each crop insured will be paid to the Contractor upon the Corporation's processing of the acreage report. This amount is partial payment of compensation under sections 1, 2, or 6 of this Appendix.

(a) Compensation earned by the Contractor for each crop and each policy under sections 1, 2, or 6 of this Appendix will be reduced by the amount paid to the Contractor under this section on that crop and policy.

(b) For those crop policies terminated for indebtedness or for any other reason without payment of the premium in full, the amount paid under this section will be repaid to the Corporation 12 months after termination unless the premium is paid in full before the expiration of the 12-month period.

(4) Accounts between the Contractor and the Corporation will be balanced twice monthly (Bi-monthly Balance). Crop policies with premiums paid in full will be included in the Bi-monthly Balance. All amounts due the Contractor and the Corporation under this Appendix will be included in the Bi-monthly Balance including any increase or decrease in the amount due the Contractor under section (3) because of the submission of revised acreage reports. Amounts due the Contractor will be paid within 30 days of the date of the Bi-monthly Balance. Any balance due the Corporation from the Contractor because of a negative Bi-monthly Balance must be paid to the Corporation within 30 days of the date of the Bi-monthly Balance.

(5) For the purpose of computing compensation under section 1 of this appendix, premiums which are mailed directly to the Corporation prior to termination for each crop policy or collected by the Corporation through deduction from indemnities, will be considered collected by the Contractor as of the date of mailing or the date the claim for a current crop year loss is signed by the insured.

(6) A 15% collection fee will be paid to the Contractor for the collection of any outstanding crop policy account balances, indemnity overpayments (as identified by the Corporation for collection), or any other money due the Corporation. Reimbursements for this

section will be computed on the actual amount of money collected by the Contractor and submitted in accordance with Corporation procedures and will be paid when the account is paid in full. (Any settlement between the Corporation and the insured for payment of a lesser amount will be considered as payment in full when all monies under settlement agreement are received by the Corporation). If a policyholder voluntarily pays the Corporation any outstanding account balances due, after the debt termination date for the crop policy, the contractor will be entitled to the collection fee. The Contractor is not entitled to compensation for that portion of a collection which occurs as a result of collection activities by anyone other than the Contractor or their Representative. This includes, but is not limited to, a collection made as a result of:

(a) Actions of a collection agency;

(b) Actions of an FCIC employee;

(c) An agreed-upon payment plan between the producer and the Corporation;

(d) Legal action by the Corporation; or

(e) Set-off.

(7) As provided in sections 1 and 6 of this appendix:

(a) Compensation referred to in section 1 of this appendix will be paid on amounts collected prior to the debt termination date.

(b) Compensation referred to in section 6 of the appendix will be paid on amounts collected after the debt termination date for each crop policy and will be based on the contract in effect when collection was made.

(8) The Corporation will assess the Contractor $50.00 for each crop for which an acreage report is obtained by the Corporation due to failure of the Contractor or Contractor Representative to comply with Sections II B 4 and III B I of the Contract.

(9) The Contractor or the Contractor Representative shall not share or rebate compensation provided by this Appendix or provide fees or other consideration to any farm producer or other entity for the purpose of obtaining an application for insurance.

(10) The Contractor may be offered servicing responsibilities beyond those identified within this contract. Such servicing responsibilities would be offered under separate compensation schedules and provisions, and if accepted by both parties, would become an addition to this contract.

(11) If a dispute arises as to which Contractor will provide service or which Contractor is entitled to compensation, the Corporation, at the request of either party, will make the determination.

(12) Compensation for amounts collected prior to the debt termination date for each crop policy will be paid according to the terms of the agreement in effect on the cancellation date for the crop and the crop year for which the indebtedness was incurred.

Signature (Corporation)
Date: _____

Signature (Contractor)
Date: _____

United States Department of Agriculture

Federal Crop Insurance Corporation

Application/Plan of Operation for Agency Sales and Service Contract

[FCIC–455A (rev. 10–85)]

_____
(Contractor)

_____
(Street Address)

_____
(City and State) (Zip Code)

_____
(Contractor Telephone Number) (Tax I.D. Number)

I. Application is hereby made by the above-named Contractor for:

[ ] continuation of, or

[ ] a new

Agency Sales and Service Contract for the —— contract year.

II. Affiliations:

A. List names of organizations affiliated with the Contractor.

B. List of the organizations whose facilities will be used in carrying out the responsibilities under the contract.

III. List names, titles, addresses, and telephone numbers of persons (at least two) designated by the contractor as managers (lead entities) for this contract. Use Form FCIC–455B—Supplement to Item III to submit signatures of Contractor officials authorized to sign documents for the Contractor.

IV. List the name, title, address and phone number for each Contractor Liaison to each field operations office in whose territory the Contractor proposes to operate (advise the Corporation immediately as changes occur).

V. List names and addresses of all officers, stockholders or investors involved in this contract.

VI. What, if any, was the most recent Best's Insurance Rating Service rating of the Contractor and date of the rating.

VII. Financial Requirements.

A. Operating Capital.

1. What is your estimated Contractor operating budget (excluding agent expenses) for the period to be covered by this plan of operation?

2. What is your source of operating funds prior to receipt of FCIC commission payments? If a written agreement for a line of credit has been established, provided a copy.

3. Does your ratio of current assets to current liabilities exceed 1.2 to 1? (Yes) ☐ (No) ☐

4. Do current assets exceed current liabilities by a minimum of 3% of anticipated volume of business for the period covered by this contract? (Yes) ☐ (No) ☐

5. List the names, addresses and telephone numbers of three credit references.

B. Security Capital

1. What security, if any, is your Company using to assure adequate financial resources to cover the error and omissions liability of the Company according to Section VII B of the Contract (If error and omissions insurance policy applicable to Federal Crop Insurance is used, state the name, address and telephone number of the policy issuing company)?

2. What is the amount of the security, if any?

C. Enclose a copy of the Company's latest dated CPA financial statement or current financial statement reviewed and signed by the Chief Executive Officer and Treasurer of the Company certifying that the statement fairly represents the financial condition of the company on the date the review was conducted. (47 FR 55887 dated December 13, 1982)

VIII. Describe the current organization and operation.

A. Description of Business.

B. Address of Service Offices operated by Contractor Representatives—by State and County (Attach separate listings).

C. Estimated scope or volume of business (acres and premium) by State (Use attached FCIC–455C supplement to Item VIII). Contractor agrees to incorporate, as a minimum, the premium goals established by mutual agreement for Spring and Fall crops sold and serviced during the contract year (See FCIC–455D Marketing Goal Worksheet attached).

D. Number of Contractor Representatives by state (Use attached FCIC–455C Supplement to Item VII).

IX How do you plan to conduct and supervise the Federal Crop Insurance business?

A. Describe the organization structure and supervisory span of control that will be used (attach organizational chart).

B. List the Contractor office locations by state (exclude Contractor Representative offices).

C. When will Contractor Representative training be conducted for:

Spring Planted Crops?

(date)

Fall Planted Crops?

(date)

X. Are you participating in the FCIC Program of reinsurance or with a company that is participating in such a program? —— If so, list company, states, and counties in which you will operate under the reinsurance program.

XI. The Contractor agrees to provide a list containing the name, address, telephone number, and counties serviced for each of its Contractor Representatives. Such information will be provided within 15 days of the date the Contractor Representative begins to function.

XII. The Contractor will certify the accuracy of Corporation listings of compensation payable for each policy of insurance and/or Contractor Representative, locations of insurance contracts, servicing offices, and certified Contractor Representatives when requested by the Corporation.

The Contractor understands and agrees that this Plan of Operation, when approved, will become a part of the Contract. The Contractor certifies that all Contractor Representative (or any employees who sell and/or service) are, or will be, duly licensed by the state or states in which they operate and are, or will be, certified in accordance with provisions of this contract and Corporation procedures.

Accepted and Executed for the Contractor by:

(Signature)

(Title)

(Agency)
Date:

Approved and Executed for the Corporation by:

(Signature)

(Title)
Date:

Done in Washington, D.C. on June 13, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: July 20, 1984.

[FR Doc. 84-19910 Filed 7-26-84; 8:45 am]

BILLING CODE 3410-08-M

Rural Electrification Administration

Plains Electric Generation and Transmission Cooperative, Inc.; Record of Decision

AGENCY: Rural Electrification Administration, USDA.

ACTION: Issuance of a record of decision.

SUMMARY: Notice is hereby given that the decision of the Rural Electrification Administration (REA) is that the NEPA process is satisfied with respect to an expected request for proposed financing assistance to Plains Electric Generation and Transmission Cooperative, Inc. (Plains) for the construction of its share of the Taos-San Luis Valley 345 kV transmission line and associated facilities. Construction will be undertaken as described in and in accordance with the Final Environmental Impact Statement (FEIS) prepared and issued by REA on February 24, 1984. In cooperation with the Public Service Company of Colorado (PSCC), the proposed 345 kV line will connect the New Mexico and Colorado transmission grid system through a proposed substation at Carson, near Taos, New Mexico, and the existing San Luis Valley Substation northeast of Alamosa, Colorado. In addition, Plains proposed the construction of a new 115 kV transmission line from the existing Taos Substation to a proposed delivery point near Questa, New Mexico. The total length of the 345 kV transmission line is approximately 192 km (120 mi); the total length of the 115 kV line is 30 km (19 mi). Plains will build and own the facilities in New Mexico and PSCC will build and own the facilities in Colorado.

DATE: The Record of Decision was prepared and approved in accordance with 40 CFR 1505.2 by REA on June 15, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Alexander E. Sherman, Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number (202) 382-1915.

SUPPLEMENTARY INFORMATION: REA issued an FEIS on the proposed construction of the 345 kV and 115 kV transmission lines and their associated facilities on February 24, 1984. Copies were sent to appropriate Federal, State and local agencies as well as individuals who requested copies. A 30-day comment period followed. Copies of all comment letters received on the FEIS and REA letters of response are contained in the Record of Decision.

The Record of Decision may be examined during regular business hours at the following locations:

Rural Electrification Administration, South Agriculture Building, 14th and Independence Avenue, SW., Room 0009, Washington, D.C. 20250.

Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, NE., P.O. Box 6551, Albuquerque, New Mexico 87197, and

Public Service Company of Colorado, 5909 East 38th Avenue, P.O. Box 840, Denver, Colorado 80207.

It is the opinion of REA that the NEPA process for the Taos-San Luis Valley 345 kV transmission line project has been conducted in an open, well publicized manner. Numerous opportunities have been given for public and agency officials to participate and to discuss the various alternatives and their associated impacts.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: July 20, 1984.

Harold V. Hunter,

Administrator.

[FR Doc. 84-19864 Filed 7-26-84; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.) Week Ended July 20, 1984

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
July 16, 1984	42349	American Airlines, Inc., P.O. Box 61616, DFW Airport, Texas 75261. Application of American Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to engage in foreign air transportation of persons, property and mail between Chicago, Illinois, and London, England. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 13, 1984.
July 20, 1984	42355	Sierra Pacific Airlines, Inc., c/o Stephen A. Alterman, Meyers and Alterman, 1710 Rhode Island Avenue, NW., Second Floor, Washington, D.C. 20036. Application of Sierra Pacific Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity authorizing the transportation by air of passengers, property and mail between and among any point in the United States and/or its territories. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 17, 1984.
July 20, 1984	42356	Ports of Call Travel Club, Inc., c/o Larry Turrill, Ports of Call, 2121 Valentia St., Denver, Colorado 80202. Application of Ports of Call Travel Club, Inc. pursuant to section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in foreign air transportation of persons, property, and mail: (a) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Canada, on the other; (b) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Mexico, on the other; (c) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea, on the other hand; (d) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, an points in British Honduras, the Canal Zone, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and in the countries on the continent of South America, on the other hand; (e) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and American Samoa, Guam, Johnson Island, the Marshall Islands, Okinawa, Wake Island, and points in Australia, Indonesia, and Asia as far west as longitude 70 degrees east via a transpacific routing, on the other hand; (f) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 17, 1984.
July 20, 1984	42357	Ports of Call Travel Club, Inc., c/o Larry Turrill, Ports of Call, 2121 Valentia St., Denver, Colorado 80202. Application of Ports of Call Travel Club, Inc., pursuant to section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas charter air transportation of persons, property, and mail: Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 17, 1984.
July 20, 1984	42361	Viacao Aerea Sao Paulo, S. A. (VASP), c/o Robert D. Papkin, Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue, NW., Washington, D.C. 20004. Application of VASP pursuant to section 402 of the Act and Subpart Q of Board's Procedural Regulations for issuance of a foreign air carrier permit authorizing it to engage in charter foreign air transportation of persons, property, and mail as follows: Between any point or points in Brazil, and any point or points in the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 17, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-19936 Filed 7-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-7-60]

Institution of Show-Cause Procedures Pertaining to the Transamerica Group's Acquisition of Central American International, Inc., and Certification of the New Trans International Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Tentative appoval, under section 408 of the Federal Aviation Act of 1958, as amended, of the acquisition of Central American International, Inc. by Transamerica Corporation, Trans International Enterprises, Inc. and Midcontinent Air Investors, Inc. without antitrust immunity and without labor protective provisions; tentative exemption of the interlock relationships of Robert Lindberg and Richard W. Newburgh from section 409 of the Act, pursuant to 14 CFR 287.3; and tentative determination that the acquired carrier, to be known as Trans International Airlines, Inc., is fit, willing and able to engage in all-cargo and foreign chartered cargo air transportation.

SUMMARY: The Board tentatively finds that the acquisition of Central American International, Inc., a dormant carrier with a section 401(d)(3) foreign charter cargo certificate, by the Transamerica Corporation (which also owns Transamerica Airlines) and by the related applicants, will have no anticompetitive effects within the meaning of section 408 of the Act. It further tentatively finds that there are no public interest consideration warranting disapproval of the acquisition, nor are there any public interest considerations warranting approval of labor protective provisions. The Board also tentatively exempts, from the requirement of Board approval under section 409, the interlocking relationships of Robert Lindberg and Richard W. Newburgh, pursuant to § 287.3 of its Economic Regulations. Additionally, the Board tentatively finds that Trans International Airlines (which will be the name of the acquired carrier) meets the Board's fitness criteria in the areas of managerial skills and technical ability, financial and operating proposals, and compliance disposition.

The Board has directed interested persons to show cause why its tentative findings and conclusions should not be made final.

DATES: Objections to the issuance of an order making final the proposed findings and conclusions shall be filed, no later than August 10, 1984, in Docket 42035, Docket Section, Room 714, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Nancy R. Kessler, Legal Affairs, Competition Maintenance Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW, Washington, D.C. 20428, Telephone (202) 673-5450.

By the Civil Aeronautics Board: July 19, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-18081 Filed 7-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41968]

Indian International Air Lines, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled matter will be held on July 31,

1984, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 23, 1984.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 84-19935 Filed 7-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 42185]

Jetpass Airlines Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on August 3, 1984, at 9:30 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., July 24, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-19932 Filed 7-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 42185]

Jetpass Airlines Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated: Washington, D.C., July 23, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-19934 Filed 7-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 42107]

Pacific Interstate Airlines; Fitness Investigation; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter scheduled to commence on July 23, 1984, has been changed to July 26, 1984, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 20, 1984.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 84-19933 Filed 7-26-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Quarterly Report on Working Capital and Long-term Debt
Form Nos.: Agency—QFR-105 (R-2), OMB—0607-0435
Type of Request: Extension
Burden: 220 respondents; 660 reporting hours
Needs and Uses: The information is collected under the authority of Title 13, U.S.C. 91 which requires that financial statistics of business operations be collected and published quarterly. It is the best available source of timely working capital data of nonfinancial corporations. It is the basis for much of the current reporting that appears on the subject of business financial health and prospects for capital market activity.
Affected Public: Businesses
Frequency: Quarterly
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395-4814

Agency: Bureau of the Census
Title: Report on Shipments to Federal Government Agencies
Form Nos.: Agency—MA-175, OMB—0607-0149
Type of request: Revision
Burden: 8,000 respondents; 8,000 reporting hours
Needs and Uses: This survey is the only source of information on the value of manufacturers' shipments to the Federal Government and on employees engaged in work related to government expenditures for manufactured products, among the data users are the Bureau of Economic Analysis for the national income accounts and input output studies and the Department of Defense to identify areas of unusual defense dependency.
Affected public: Businesses
Frequency: Annually
Respondent's obligation: Mandatory
OMB desk officer: Timothy Sprehe, 395-4814

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: July 23, 1984.

Edward Michals,

Department Clearance Officer.

[FR Doc. 84-19908 Filed 7-26-84; 8:45 am]

BILLING CODE 3510-CW-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit; Southwest Fisheries Center

Notice is hereby given given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

a. Name: Southwest Fisheries Center (P77#12).

b. Address: National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038.

2. Type of permit: Scientific Research.

3. Name and number of animals: California sea lions (*Zalophus californianus*), 4.

4. Type of take: Rehabilitated beached/stranded animals will be used to determine if a chemical aversion response can be established in this species. The intent of the research is to provide a non-lethal management alternative to reduce sea lion fishery interactions.

5. Location of activity: Marineland Rehab Center, California.

6. Period of activity: 1 year.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. 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 application 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 application are summaries of

those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 23, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-19899 Filed 7-26-84; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will convene a public meeting to discuss reports of the groundfish, surf clam, bluefish, striped bass, and foreign fishing oversight committees; election of new officers, as well as other fishery management and administrative matters. The public meeting will convene on August 10, 1984, at approximately 10 a.m., adjourn on August 11, at approximately 5 p.m., and will take place at the Howard Johnson Motel, Danvers, MA. The meeting may be lengthened or shortened or agenda items rearranged depending upon progress on the agenda. For further information on seating arrangements, changes to the agenda, and or written comments, contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, MA 01906; telephone: (617) 231-0422.

Dated: July 23, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-19897 Filed 7-26-84; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council and its Scientific and Statistical Committee (SSC) will convene public meetings as follows:

Council—will meet in Charleston, SC, August 20–23, 1984, to discuss swordfish, mackeral, striped bass, bluefish, spiny lobster, certain law enforcement activities, election of officers, and other fishery management matters. A detailed agenda will be available to the public around August 10.

SSC—The Council's SSC will meet in Charleston, SC, August 14–15, 1984, to discuss fishery management plan (FMP) status, complete the SSC glossary of terms, review proposed FMP monitoring report, election of officers, and other fishery management matters. A detailed agenda will be available to the public around August 3.

For further information contact David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571-4366.

Dated: July 23, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-19898 Filed 7-26-84; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for a Proposed Water Storage Contract for a Coal Slurry Pipeline From Montana to Texas Using Missouri River Water From Oahe Reservoir in South Dakota

AGENCY: U.S. Army Corps of Engineers, Omaha District.

ACTION: Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement (DSEIS).

SUMMARY:

1. Description of the Proposed Actions

The State of South Dakota and the South Dakota Conservancy District propose to acquire, pursuant to the Water Supply Act of 1958, storage in Oahe Reservoir, South Dakota. The storage would be sufficient to yield 20,000 acre-feet of water annually on a firm basis for industrial use by Energy Transportation Systems, Inc. (ETSI) Pipeline Project in a coal slurry pipeline project. In connection with this, ETSI proposes to build a water pipeline from South Dakota to Wyoming and Montana and a coal slurry pipeline from Montana to southern Texas, which would require additional Section 10/404 and National Pollutant Discharge Elimination System (NPDES) permits. A Final EIS on a similar ETSI proposal was filed by the Bureau of Land Management (BLM) in 1981. However, a supplement will be prepared because project changes have been proposed and review by several agencies will be required.

The water delivery system would consist of an intake at Oahe Reservoir, pumping stations, buried pipe leading from Oahe Reservoir to northeastern Wyoming and to southeastern Montana, and an upland reservoir in Wyoming. The slurry system would consist of slurry preparation plants in Montana and Wyoming; buried pipe from Montana to Texas; holding ponds, pump stations and maintenance bases along the route; and tank farms and dewatering plants at user points. Cogeneration powerplants are also part of the proposal.

An industrial water service contract was issued to ETSI in 1982 by the Bureau of Reclamation (BR) for the proposed Oahe water. However, in a 1984 ruling, the U.S. District Court for the District of Nebraska enjoined the BR from performing that contract. Because of that ruling, the Omaha District has received an application from the State of South Dakota for Oahe Reservoir storage to provide Missouri River water. As the Federal agency responsible for marketing storage for the industrial water and for section 10/404 permit actions under the new proposal, the Corps is acting as lead agency in the DSEIS effort.

2. Description of Alternatives

Alternatives to the proposed pipeline alignments, water source, coal transport method, and other project elements will be considered insofar as they are reasonable.

3. Scoping Process

(a) Federal, state, and local agencies; Indian tribes; individuals; and other interested parties are invited to contribute to this study and participate in the scoping. Public scoping meetings will be held in several locations related to the project route.

(b) Significant issues tentatively identified for treatment in the DSEIS include Missouri River depletion impacts, effluent NPDES permits, ruptures or spills, alternative slurry technologies, a coal demand analysis, pipeline routing and stream crossings, socioeconomic impacts in urbanized areas, cultural resources impacts, and fish and wildflife impacts.

(c) Related environmental review and consultation requirements include the

NPDES permits, state water quality certification, land use and siting approvals from Texas and other states, easements for crossing state lands, and renewed Section 7 endangered species consultation.

4. Scoping Meetings

Public scoping meetings have been scheduled for August 14, 1984, in Omaha, Nebraska, and August 16, 1984, in Casper, Wyoming. Full time and location details will be specified in later media notices. Dates and locations of other meetings along the project route, including Texas locations, will be publicized in a later supplemental **Federal Register** notice.

5. DSEIS Completion

The DSEIS is tentatively scheduled for completion by summer 1985.

ADDRESS: Questions about the proposed action and DSEIS can be answered by: Richard Buse, Chief, Plan Formulation Branch, Planning Division, U.S. Army Corps of Engineers, Omaha District, 6014 U.S. Post Office and Courthouse, Omaha, Nebraska 68102. Phone (402) 221–4472 or FTS 864–4472.

Dated: July 23, 1984.

Roger B. Whitney,

Lieutenant Colonel, Corps of Engineers, Deputy District Engineer.

[FR Doc. 84-19841 Filed 7-26-84; 8:45 am]

BILLING CODE 3710-62-M

DEPARTMENT OF EDUCATION

Office for Civil Rights

Proposed Annual Operating Plan for Fiscal Year 1985

AGENCY: Department of Education.

ACTION: Proposed Annual Operating Plan for Fiscal Year 1985.

SUMMARY: The Secretary of Education proposes the FY 1985 Annual Operating Plan for the Office for Civil Rights.

DATE: Comments must be received on or before September 10, 1984.

ADDRESS: Comments should be addressed to Harry M. Singleton, Assistant Secretary for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 5000), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Fred Tate, (202) 245–0301.

SUPPLEMENTARY INFORMATION: The Office for Civil Rights (OCR) was established to ensure that no person is unlawfully discriminated against on the basis of race, color, national origin, sex, handicap, or age, in the delivery of services or the provision of benefits, in programs or activities receiving financial assistance from the Department of Education (ED). The jurisdictional authorities under which OCR operates are Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

These authorities cover ED funded programs and activities carried out by 50 State education and rehabilitation agencies and those of their sub-recipients, as well as those of the District of Columbia and the territories and possessions of the United States; 16,000 local education agencies; 3,200 institutions of higher education; and other institutions, such as libraries and museums. OCR is responsible for protecting the civil rights of, among others, 12 million minority group members, 4 million handicapped persons and 26 million women who attend these institutions.

I. Introduction

OCR's strategy for ensuring ED recipients' compliance with Federal civil rights statutes involves two basic types of activities: compliance activities and technical assistance activities. Nearly all of OCR's compliance activities (including complaint investigations, compliance reviews, and monitoring the implementation of voluntary compliance plans) are required by various statutes, regulations and court orders. However, OCR has some discretion over where it will conduct its compliance review activities and what issues the reviews will cover. For the most part, OCR concentrates its investigative activities on those recipients that have been identified as having possible compliance problems. OCR also provides technical assistance, including the transfer of information, material and skills, to facilitate ED recipients' voluntary compliance with civil rights laws and to inform beneficiaries of their rights.

Compliance activities and technical assistance activities also may be combined. OCR may provide technical assistance to recipients at any time after the initiation of a compliance review or complaint investigation, or following its conclusion, either in response to a request from a recipient or after an inquiry by investigative staff as to whether a recipient would be interested in such assistance. As a result, compliance issues may be resolved in a nonconfrontational manner that facilitates closer cooperation at the recipient level while assuring that the rights of beneficiaries are protected.

During FY 1985, OCR will continue to promote the use of two operational techniques designed to improve the efficiency of the case handling process. The first, Early Complaint Resolution (ECR), is a process in which OCR acts as a mediator between the complainant and the recipient to negotiate a settlement between them. If the mediation is successful, OCR closes the complaint without an investigation. If the parties cannot reach an agreement, OCR investigates the complaint. During the first three quarters of FY 1984, ECR was offered in 196 complaints and accepted in 142 complaints (72 percent). Of those cases in which ECR was offered and accepted, 90 (63 percent) were resolved through mediation.

The second technique is pre-letter of findings (LOF) settlement, in which OCR reviews with the recipient its findings on each of the issues raised in the complaint or covered by the compliance review in an attempt to reach a settlement prior to the issuance of an LOF addressing areas of noncompliance. Where settlement is reached, OCR sets forth the terms of the settlement, along with the applicable statutory requirements, in an LOF sent to the recipient. Where the settlement results from a complaint, the complaint is also sent an LOF. If an area of noncompliance has been resolved, the LOF cites the basis for the violation finding and the remedy adopted by the recipient. OCR then monitors the implementation of these agreements.

The following narrative and tables describe the activities that OCR plans for FY 1985.

II. Compliance and Enforcement Activities

OCR's compliance and enforcement responsibilities are divided into three general categories: complaint investigations, compliance reviews, and monitoring activities.

A. Complaint Investigations

OCR's primary compliance activity is the investigation and resolution of complaints alleging discrimination. Each timely, written complaint must be resolved in accordance with established procedures and time frames.

OCR received 1,428 and closed 1,518 complaints during the first three quarters of FY 1984, some of which had been filed prior to the beginning of the fiscal year. OCR had 793 complaints pending as of June 30, 1984. Alleged discrimination against handicapped persons was the basis of approximately 44 percent of complaint receipts; race, multiple bases, sex, age, and national

origin complaints followed in descending order of frequency. The largest number of complaints involved elementary and secondary schools. In the first three quarters of FY 1984, 68 percent of the complaints received involved issues of service delivery to students, 24 percent involved various employment issues, 4 percent involved both, and 4 percent involved other issues.

B. Compliance Reviews

OCR's compliance review program complements its complaint investigation activities. Compliance reviews differ from complaint investigations in that OCR has some discretion in selecting the issues and institutions for review. This permits OCR to target resources on compliance problems that appear to be serious or national in scope and that may not have been raised by complaints.

In the first three quarters of FY 1984, OCR initiated compliance reviews of 170 recipients; Table 1 gives information on the number of reviews initiated for each issue. During this same period, OCR closed 171 reviews, some of which had been initiated prior to the beginning of FY 1984.

Tables 2 and 3 describe the elementary and secondary education and postsecondary education issues, respectively, to be included in the FY 1985 compliance review program. OCR has modified some of the issues and issue descriptions that appeared in the FY 1984 Annual Operating Plan. For example, the elementary and secondary education issue of Free Appropriate Public Education has been modified to achieve more appropriate grouping of subissues under the main issue category. The proposed grouping includes all areas covered last year under this issue, with the addition of reviewing the extent to which transition services are available for handicapped students mainstreamed into regular classes. Under the elementary and secondary education issue of Employment, OCR modified the issue description to include sex discrimination in policies and practices related to recruitment, selection, assignment, promotion, and termination, and to include race, national origin, and/or handicap discrimination in benefits such as medical insurance and leave. Other proposed changes in the compliance review issues and issue descriptions include: modification of the elementary and secondary education issue description of Segregated Schools to expand the focus to include small as well as large school districts; inclusion of recruitment in the postsecondary education issue description for Admissions; and expansion of the postsecondary education issue description for Vocational Education.

While some review activities are required by court order, most compliance reviews are discretionary and represent the only area in which OCR has flexibility to choose the institutions to be investigated, the issues to be examined, and the dates on which the reviews will commence. Selection of review sites has, in the past, been based on various sources of information, including survey data indicating potential compliance problems and information provided by complainants, interest groups, the media and the general public. In selecting sites for compliance review, OCR attempts to achieve a geographically balanced and jurisdictionally comprehensive compliance program. In order to provide greater flexibility in the targeting of institutions and to help validate OCR's current targeting methods, during FY 1984, OCR initiated a random site selection program for compliance reviews in some regional offices.

C. Monitoring Activities

OCR closes many of the complaints and compliance reviews in which it has identified a violation of civil rights statutes on the basis of a commitment by the recipient institution to complete remedial action at a future date. OCR has a responsibility to ensure that recipients that agree to carry out such remedial actions honor their agreements. To fulfill that responsibility, OCR may require a recipient to submit one or more progress reports detailing efforts to come into compliance with applicable laws. In some cases, OCR may go on-site to monitor a recipient's compliance with a negotiated remedial action plan. Other types of OCR monitoring activities include monitoring of *Adams* higher education desegregation plans, implementation of *Lau* plans, and vocational education Methods of Administration.

In FY 1985, OCR will monitor the following:

- Implementation by a recipient institutions of remedial action plans resulting from OCR complaint investigations and compliance reviews;
- Implementation of *Adams* higher education desegregation plans of approximately 416 institutions of higher education in 13 States;
- Implementation of a minimum of 50 Title VI *Lau plans; and*
- Activities of 50 States, four territories, and the District of Columbia, to ensure that they fulfill their Methods of Administration responsibilities under the Vocational Education Guidelines and the July 1979 Memorandum of Procedures regarding the civil rights compliance of their vocational education subrecipients.

III. Technical Assistance Activities

Programs and activities of over 20,000 education institutions that receive Federal financial assistance must comply with civil rights requirements. Because of this large number of institutions, OCR is unable to review the activities of each.

Technical assistance complements OCR's compliance activities because it encourages voluntary compliance. Through technical assistance, OCR is able to reach a far greater number of recipients than could be reached solely through complaint investigations or compliance reviews. OCR provides technical assistance to recipients to inform them of their responsibilities under the civil rights statutes and the ED implementing regulations and of means to meet these responsibilities. OCR also provides technical assistance to beneficiaries to inform them of their rights under the civil rights statutes and to explore voluntary methods of securing those rights. In FY 1984, OCR began to place greater responsibility for the provision of technical assistance on the OCR regional offices. During FY 1985, in addition to responding to requests for technical assistance, OCR regional offices will be encouraged to increase technical assistance outreach activities, which will be based on ongoing assessements of recipient and beneficiary needs.

To carry out its technical assistance programs effectively, during FY 1985 OCR will:

- Continue development of Memoranda of Understanding with State education and human rights agencies to facilitate meeting mutual civil rights compliance goals and objectives and to promote the sharing of information;
- Coordinate with other ED program offices on the provision of civil rights related technical assistance;
- Facilitate the exchange of information, materials, technical assistance strategies, techniques and successful compliance practices and procedures among OCR staff providing technical assistance;
- Provide materials and courses to investigators and legal staff on the provision of technical assistance training to education institutions, State and local governments;
- Provide training to State and local education agencies to increase their

capabilities to carry out civil rights activities; and

• Prepare mataerials for dissemination to recipients and beneficiaries, summarizing and explaining OCR policies and regulations.

In addition, in FY 1985 OCR's staff will continue to provide technical assistance to meet unique regional needs.

IV. Program Management Activities

In conducting its compliance, enforcement and technical assistance activities, OCR continues to implement a comprehensive program that includes:

• Formulating or updating regulations, policies, and investigative manuals;

• Providing technical guidance on complaints and compliance reviews referred from regional offices;

• Conducting hearings before Administrative Law Judges on the compliance of Federal financial recipients with civil rights requirements;

• Meeting with congressional staffs, school district representatives, college and university officials, complainants and civil rights groups to discuss OCR activities;

• Conducting and evaluating OCR surveys and data collection projects to obtain information on recipients and beneficiary populations;

• Providing in-house programmatic training to investigators and legal staff engaged in civil rights compliance activities;

• Conducting a quality assurance program to systematically review, evaluate and recommend improvements in OCR operations; and

• Operating a management-by-objectives program designed to enhance management planning and to track performance in meeting organizational goals.

V. Summary

While regional programs will vary due to considerations such as the number and type of complaints received, compliance reviews conducted, and requests for technical assistance, all OCR activities will be guided by national policies, priorities, and direction. As in previous years, each Regional Director will be responsible for timely fulfillment of OCR's obligations in handling complaint investigations and compliance reviews. A large part of each region's compliance program will involve the investigation of compliants of discrimination. Compliance reviews initiated in FY 1985 will include, as appropriate, each of OCR's civil rights jurisdictions in the geographic area served by each regional office. Monitoring activities will focus on ensuring that recipients comply with voluntary compliance plans and fulfill their vocational education Methods of Administration responsibilities. OCR will design technical assistance activities to respond to recipient and beneficiary needs.

Paperwork Reduction Act of 1980

Where required by the Paperwork Reduction Act of 1980, information collection activities undertaken pursuant to the regulations that underlie this proposed plan will be submitted for approval to the Office of Management and Budget (OMB). These activities are not implemented until OMB approval has been obtained and the public notified to that effect through a notice published in the **Federal Register.** Examples of information collection activities submitted to OMB for approval include a biennial elementary and secondary school civil rights survey and a vocational education survey.

TABLE 1.—COMPLIANCE REVIEW STARTS BY ISSUE NOVEMBER 1, 1983 TO JUNE 30, 1984

	Review starts
Elementary and Secondary Education Issues:	
Within-School Discrimination	46
Vocational Education	15
Special Purpose Schools	1
Free Appropriate Public Education	43
Employment	1
Segregated Schools	5
Within District Comparability	0
Joint Issue: Within-School Discrimination and Free Appropriate Public Education	5
Other Elementary and Secondary Reviews	5
Postsecondary Issues:	
Program Accessibility	26
Admissions	9
Intercollegiate Athletics	5
Vocational Education	2
Student Services	4
Vocational Rehabilitation Services	0
Employment	2
Other Postsecondary Reviews	1
Total	170

TABLE 2.—FISCAL YEAR 1985 ELEMENTARY AND SECONDARY EDUCATION COMPLIANCE REVIEW ISSUES

Issue	Issue description
1. Within-School Discrimination	This issue includes one or more of the following areas: Student Assignment to Courses, Programs, Classes, Ability Groups and Tracks; Disciplinary Policies and Practices; Counseling Policies and Practices; Interscholastic Athletics; and Provisions for Effective Participation of National Origin Minority Students with Limited-Proficiency in English in the Education Program.
a. Student Assignment to Courses, Programs, Classes, Ability Groups and Tracks.	This sub-issue covers: whether assignments to programs for the educable mentally retarded or handicapped, gifted and talented, learning disabled, speech-impaired, and emotionally disturbed are free from discrimination on the basis of race, national origin, and/or sex; whether assignments to ability groups and tracks are free from discrimination on the basis of race, national origin, and/or sex; whether assignments to or exclusion from pre-vocational classes in home economics or industrial arts are on the basis of sex; whether assignment to or exclusion from physical education classes is on the basis of sex; whether assignment to or exclusion from other classes is on the basis of race, national origin, and/or sex; and exclusion of pregnant students from the regular instructional program, including requirements for attendance in special courses or programs.
b. Disciplinary Policies and Practices	This sub-issue covers the extent to which disciplinary criteria and the application of disciplinary sanctions, including suspensions, expulsions and other punitive measures, are free from discrimination on the basis of race, national origin, and/or sex.
c. Counseling Policies and Practices	This sub-issue covers whether counseling practices and materials, including course information and appraisal instruments, are free of discrimination on the basis of race, national origin, and/or sex.
d. Interscholastic Athletics	This sub-issue covers provisions for pupils of each sex to participate in interscholastic athletics, including, but not limited to, sports offerings, scheduling, coaching, equipment, uniforms and supplies, and facilities.
e. Provisions of Effective Participation of National Origin Minority Students of Limited-English Proficiency in the Education Program.	This sub-issue covers the extent to which national origin minority pupils of limited-English proficiency are identified and provided with the services necessary for their effective participation in classes, courses, programs and activities.
2. Vocational Education: Access, Recruitment, Admissions, Counseling and Assignment.	This issue includes review of policies and practices related to access, recruitment, counseling, admissions and assignment to vocational education institutions, programs, courses and classes, including apprentice training, work-study, and cooperative education, to determine the extent to which they are free of discrimination on the basis of race, national origin, sex, and/or handicap. It also includes the extent to which handicapped pupils and national origin minority pupils of limited-English proficiency receive the services they need to participate effectively in the vocational education program offered.

TABLE 2.—FISCAL YEAR 1985 ELEMENTARY AND SECONDARY EDUCATION COMPLIANCE REVIEW ISSUES—Continued

Issue	Issue description
3. Special Purpose Schools: Placement, Admissions, Referral, Program Availability and Pupil Services and Activities.	This issue covers the policies and practices of State-administered special purpose schools to determine whether referral, placement or admission to them is without discrimination on the basis of race or national origin, and the extent to which equivalent programs and opportunities are available to pupils of each sex. Major considerations will be the extent to which handicapped pupils could be placed in an alternative program with a less restrictive environment and the extent to which opportunities are provided for the integration of handicapped and nonhandicapped pupils. In addition, review will examine the extent to which reasonable accommodations are provided for, and programs are accessible to, mobility-impaired and sensory-impaired pupils; the extent to which provision of services such as work-study and job training and placement are free of discrimination on the basis or race, national origin, sex, and/or handicap; the extent to which housing assignments are without discrimination on the basis of race or national origin, and the extent to which policies and practices related to student treatment, including disciplinary sanctions and provisions for praticipation in athletics and other extracurricular activities, are free of discrimination on the basis or race, national origin, sex, and/or handicap.
4. Free Appropriate Public Education	This issue includes one or more of the following issues: Location and Identification of Persons Needing Services, Evaluation and Placement, Post-Placement Treatment, Procedural Safeguards, and Program Accessibility.
a. Location and Indentification of Persons Needing Services	This sub-issue covers policies and practices for location and identification of handicapped persons needing services and policies and practices for identifying the special needs of pupils within the school system.
b. Evaluation and Placement	This sub-issue covers policies and practices related to placement or change of placement, including provisions for evaluation, use of tests, and the range of information considered; consideration of integration objectives in making placement and educational decisions; and the range of services considered in making educational and placement decisions.
c. Post-Placement Treatment	This sub-issue covers provisions for free education and related services; availability of room and board; transportation and other non-medical services for beneficiaries in residential placements; and the extent to which transition services are available for handicapped student mainstreamed into regular classes.
d. Procedural Safeguards	This sub-issue covers policies and procedures for notifying handicapped persons and their parents or guardians of their rights under section 504 and of the services available to them; the extent to which disciplinary sanctions are applied without denying beneficiaries necessary services; the extent to which handicapping conditions are considered in applying disciplinary sanctions; and other procedural safeguards.
e. Program Accessibility	This sub-issue covers the extent to which education programs are accessible to, and usable by, physically handicapped beneficiaries.
5. Employment: Recruitment, Selection, Assignment, Promotion, Compensation, Benefits and Termination.	This issue covers whether employment practices and policies relating to recruitment, selection, assignment, promotion, termination and provisions for compensation and such other benefits as medical insurance and leave are discriminatory on the basis of race, national origin, sex and/or handicap.
6. Segregated Schools: School Attendance Zones, Pupil Transfer Policies and Practices; Assignment of Teachers and Administrative Staff.	This issue covers whether schools are intentionally segregated or resegregated on the basis of race or national origin as a result of attendance zone boundaries, student transfer policies and practices, employment and assignment of teachers and administrative staff that indicate a school is intended to serve pupils of a particular race or national origin, or by providing school district assistance to any other school which is segregated in order to support and maintain a segregated school option in the geographic area at the time the school district is desegregating.
7. Within District Caparability—Discriminatory Delivery of Services	This issue covers discrimination on the basis of race and national origin in the provision of educational services and benefits among schools (e.g., limited course offerings, less qualified staff) in districts having schools that are disproportionately minority. There will be an initial inquiry to determine if a district's disproportionately minority schools are the product of unlawful segregation. If no illegal segregation exists, then the issue of equal educational opportunity will be investigated.

TABLE 3.—FISCAL YEAR 1985 POSTSECONDARY EDUCATION COMPLIANCE REVIEW ISSUES

Issue	Issue Description
1. Program Accessibility for the Handicapped	This issue covers the extent to which education programs are accessible to and usable by physically handicapped beneficiaries.
2. Admissions	This issue covers discrimination on the basis of sex, race, and/or national origin in admissions and recruitment to undergraduate, graduate and professional schools.
3. Intercollegiate Athletics	This issue covers discrimination on the basis of sex in athletic financial assistance or athletic financial assistance and overall program comparability.
4. Vocational Education: Access, Recruitment, Admissions, Counseling, Financial Aid and Job Placement.	This issue includes review of policies and practices related to access, recruitment, financial aid, job placement, counseling and admissions to vocational education institutions, programs, courses and classes, including apprentice training, work-study, and cooperative education, to determine the extent to which they are free of discrimination on the basis of race, national origin, sex, and/or handicap.
5. Student Services	This issue covers discrimination on the basis of race, national origin, sex, and/or handicap as applicable in the provision of services such as financial aid, housing special programs for minorities, counseling and tutorial services, academic adjustments, auxiliary aids and/or student employment, placement services and similar services.
6. Vocational Rehabilitation Services	This issue covers discrimination in the provision of vocational rehabilitation services and benefits to individuals on the basis of handicap, sex, race, and/or national origin.
7. Employment	This issue covers discrimination on the basis of race, national origin, sex, and/or handicap in matters related to employment such as selection, promotion, compensation, and termination.

Invitation to Comment

The Secretary invites interested persons to submit comments and recommendations regarding the proposed plan. Written comments and recommendations may be sent to the address given at the beginning of this document. The Secretary will consider all comments redeived on or before the end of the comment period in the development of the final plan.

All comments submitted in response to the proposed plan will be available for public inspection, during and after the comment period, at the Department of Education, Room 5074, Switzer Building, 330 C Street SW., Washington, D.C., between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday of each week except Federal holidays.

Dated: July 23, 1984.

T.H. Bell,

Secretary of Education.

[FR Doc. 84-19851 Filed 7-26-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Availability of Guidance for Preparation of Exhibit E

July 24, 1984.

Take notice that the staff of the Federal Energy Regulatory Commission has prepared a document which contains guidance for completing the environmental analysis portion of

applications for licenses filed with the Commission for major unconstructed hydroelectric projects and major modified hydroelectric projects filed under §§ 4.40 and 4.41 of Commission regulations. It was written to assist the public in completing such applications, and to promote a better understanding among interested parties of the environmental dimension of licensing procedures. It consists of an overview of environmental analysis procedures, a discussion of consultation between developers and public agencies, and a review of the information requirements associated with each section of Exhibit E, the environmental report which must accompany all license applications.

The document may be ordered under GPO Stock #061–0002–00085–5 for $2.25 from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–19838 Filed 7–26–84; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 2266–006, et al.]

Hydroelectric Applications (Nevada Irrigation District, et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: Amendment of License.

b. Project No: 2266–006.

c. Date Filed: April 2, 1984.

d. Applicant: Nevada Irrigation District.

e. Name of Project: Bowman Transmission Line.

f. Location: In Nevada and Sierra Counties, near Sierra City, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Frederick G. Bandy, Manager, Nevada Irrigation District, P.O. Box 1019, Grass Valley, California 95945.

i. Comment Date: September 4, 1984.

j. Description of Project: The project would consist of a 9-mile-long, 60-kV transmission line to connect Yuba-Bear Hydroelectric Project (FERC No. 2266) to the Pacific Gas and Electric Company's (PG&E) interconnected electric system at Spaulding No. 3 Powerhouse (FERC No. 2310).

k. Purpose of Project: The transmission line would transmit power from the Bowman Powerhouse, a part of FERC Project No. 2266, to PG&E's system. The cost of the project is estimated to be about $1,209,000.

l. This notice also consists of the following standard paragraphs: B and C.

m. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license amendment. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

2a. Type of Application: Lease, Amendment of License and Transfer, in Part, of License.

b. Projects Nos: 2375–004 and 8277–000.

c. Date Filed: April 30, 1984.

d. Applicant: International Paper Company and Otis Hydroelectric Company.

e. Name of Project: Otis-Livermore Falls Project.

f. Location: Androscoggin River, Androscoggin, Franklin and Oxford Counties, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: William J. Madden, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, D.C. 20036.

i. Comment Date: August 27, 1984.

j. Description of the Proposed Action: International Paper Company (Licensee) and Otis Hydroelectric Company (Transferee) jointly propose to transfer the Otis Development, one of four developments under the license for Project No. 2375, to the Transferee. The purpose of the transfer of part of the license is to enable the redevelopment of the project works at the Otis Development under more favorable financial terms. Such redevelopment has been previously authorized by the Commission under Project No. 2375. In concert with the proposed transfer, Applicants request approval of the lease of the existing Otis powerhouse to the Transferee until completion of redevelopment of the new Otis powerhouse. The license for Project No. 2375 would also be amended to delete reference to the Otis Development since it would then become Project No. 8277. No change to the term of the license for Project No. 2375 would result from the proposed actions described above. The expiration date of Project No. 8277 would be the same as Project No. 2375. Transferee has proposed to operate the newly designated Otis Project No. 8277 in accordance with the terms and conditions of the original license for Project No. 2375. Transferee is a general partnership organized under the laws of the State of Maine.

k. Purpose of Project: Energy produced by the Otis Project would he sold to Central Maine Power Company.

l. This notice also consists of the following standard paragraphs: B, C.

3a. Type of Application: New Minor License (under 5 MW).

b. Project No: 2593–003.

c. Date Filed: April 18, 1984.

d. Applicant: Beaver Falls Power Company.

e. Name of Project; Beaver Falls.

f. Location: Beaver River in Lewis County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C., 791(a)–825(r).

h. Contact Person: Mr. John C. Tarbell, E.C. Jordan Company, 562 Congress Street, Portland, ME 04112.

i. Comment Date: September 14, 1984.

j. Description of Project: The existing operating project commenced operation in 1938 and was issued an initial license in 1968, which will expire in 1987. The Licensee has filed for a new license for the continued operation of the project. No new construction or major change in operation is proposed. The constructed project consists of: (1) A 328-foot-long, 25-foot-high concrete gravity dam; (2) a 48-acre reservoir at elevation 799 feet M.S.L. with a storage capacity of 800 acre-feet; (3) a 22.5-foot-wide, 14-foot-high intake structure; (4) a 90-foot-long, 16-foot-wide, and 8-foot-high concrete penstock; (5) a 51.5-foot by 28.5-foot powerhouse containing one turbine/generator with an installed capacity of 1.5 MW; (6) a tailrace excavated in the river; (7) a 2, 120-foot-long, 23-kV transmission line; and (8) appurtenant facilities. The spillway surface has deteriorated and the Applicant intends to repair/resurface it after field investigations are completed. The average annual generation is 8,700 MWh. The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act.

k. Purpose of Project: Project power is currently used in the Applicant's mills

with excess being sold to Niagara Mohawk Power Corporation. Future plans include selling all of the power to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

4a. Type of Application: Major License.

b. Project No: 4797–001.

c. Date Filed: May 31, 1983.

d. Applicant: Cogeneration, Inc.,

e. Name of Project: Auger Falls Hydroelectric.

f. Location: On Snake River, partially within US lands administered by Bureau of Land Management (BLM), near Twin Falls Township, in Twin Falls County, Idaho.

g. Filed Pursuant to: Water Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Marc A. Auth, J-U-B Engineers, Inc; 250 South Beechwood Avenue, Boise, Idaho 83709.

i. Comment Date: September 10, 1984.

j. Description of Project: The proposed project would consist of: (1) An 18-foot-high, 340-foot-long concrete diversion overflow weir at stream-bed elevation of 3,110 feet; (2) a 9000-foot-long, 15-foot-wide concrete-lined canal with a 29-foot-high canal-intake structure; (3) three steel penstocks, each 255 feet long and having a diameter varying from 156 inches to 228 inches; (4) a 110-foot-long concrete powerhouse containing three generating units with a total installed capacity of 43.6 MW; (5) a 52-foot-long tailrace; (6) a switchyard; and (7) a 0.75-mile-long, 138-kV transmission line connecting to an existing Idaho Power Company transmission line.

The Applicant estimates the average annual energy production to be 157.6 million kWh. The total cost to construct the project is estimated to be approximately 59 million dollars, in 1983 dollars.

k. Purpose of Project: The project power would be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B and C.

5a. Type of Application: License (Under 5 MW).

b. Project No: 5146–001.

c. Date Filed: November 30, 1983.

d. Applicant: The City of Allentown, Pennsylvania.

e. Name of Project: Hamilton Street.

f. Location: On the Lehigh River and Lehigh Canal in Lehigh County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mayor Joseph S. Dadona, City Hall, 435 Hamilton Street, Allentown, Pennsylvania 18101.

i. Comment Date: September 10, 1984.

j. Description of Project: The proposed project would consist of: (1) The existing Hamilton Street Dam, a 14-foot-high, 490-foot-long concrete gravity dam; (2) an existing 82-acre reservoir; (3) a 1,700-foot-long section of the existing Lehigh Canal; (4) a proposed powerhouse to be located adjacent to the existing fish ladder at the dam and to contain an installed generating capacity of 200 kW; (5) a proposed powerhouse to be located 1,700 feet downstream of the dam and to contain an installed generating capacity of 1,830 kW; (6) a proposed 2,600-foot-long, 12-kV transmission line connecting one powerhouse to the Pennsylvania Power and Light Company's Allentown Substation; and (7) a proposed 650-foot-long, 12-kV transmission line connecting to the above transmission line; and (8) appurtenant works. The Hamilton Street Dam is owned by the Commonwealth of Pennsylvania and operated by the Applicant. The project would have an average annual generation of 10.3 GWh.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C & D1.

6a. Type of Application: License (5 MW or Less).

b. Project No: 7163–000.

c. Date Filed: November 7, 1984.

d. Applicant: Lynchburg Hydro Associates.

e. Name of Project: Scott's Mill Dam.

f. Location: On the James River in Amherst and Bedford Counties, Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Bruce J. Wrobel, Mitex, Inc., 91 Newbury Street, Boston, Massachusetts 02116.

i. Comment Date: September 4, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing masonry dam which is approximately 925 feet long and 15 feet high; (2) an existing reservoir with a surface area of 316 acres and a storage capacity of 3,790 acre-feet at powerpool elevation of 511 feet m.s.l.; (3) a proposed reinforced concrete powerhouse containing 2 generating units rated at 1,700 kW each; and (4) appurtenant facilities. The estimated average annual energy output for the project is 12,000,000 kWh. Since the Appalachian Power Company's transmission line will be located adjacent to the proposed powerhouse, the Applicant does not plan to construct a transmission line.

k. Purpose of Project: Power generated at the project will be sold to Virginia Electric Power Company or the Appalachian Power Company.

l. The notice also consists of the following standard paragraphs: A3, A9, B, C & D1.

7a. Type of Application: Minor License.

b. Project No: 7242–001.

c. Date Filed: April 16, 1984.

d. Applicant: Television Communications, Inc.

e. Name of Project: Kanaka.

f. Location: On Sucker Run Creek, a tributary of the South Fork Feather River (Oroville Reservoir), near Feather Falls, in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Richard D. Spight, Television Communications, Inc., P.O. Box 629, Orinda, California 94563; Mr. William G. Dunn, Hydroelectric Power Engineers, P.O. Box 620630, Woodside, California 94062.

i. Comment Date: September 12, 1984.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) An 11-foot-high, 92-foot-wide concrete diversion structure located at elevation 1,645 feet m.s.l.; (2) a 30-inch-diameter, 4,960-foot-long pipeline/penstock; (3) a powerhouse, located at elevation 1,130 feet m.s.l., containing a single 1,500 hp impulse turbine connected to a 1.12 MW generator with an average annual generation of 2.81 GWh; and (4) an 850-foot-long tap line to interconnect the project with an existing 11-kV transmission line. Project power would be sold to Pacific Gas and Electric Company or an alternate purchaser. Applicant estimates construction cost at $1,939,000. The project would be located entirely on the Applicant's property. The Applicant does not propose to develop any recreational facilities.

k. The notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

8a. Type of Application: Preliminary Permit.

b. Project No: 7631–000.

c. Date Filed: September 19, 1983.

d. Applicant: City of Independence, Iowa.

e. Name of Project: Independence Milldam Water Power Project.

f. Location: On the Wapsipinicon River, near Independence in the County of Buchanan, Iowa.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Frank R. Brimmer, Mayor, City Hall, Independence, Iowa 50644.

i. Comment Date: September 4, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 223-feet-long concrete spillway, 11 feet in height; (2) an existing impoundment of about 150 acres extending about 2½ miles upstream of the dam, with a

storage capacity of 800 acre-feet at a normal water surface elevation of 899 feet m.s.l.; (3) an existing powerhouse about 44 feet long and 40 feet wide, which will house two proposed generating units with a total capacity of 550 kW; (4) a proposed 4.16 kV transmission line approximately 300 feet long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy would be 2,000,000 kWh. The Owner of the dam is the City of Independence, Iowa.

k. Purpose of Project: The Applicant anticipates that project energy will be sold to the Interstate Power Company.

l. The notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $11,000.

9a. Type of Application: Preliminary Permit.

b. Project No.: 7851–000.

c. Date Filed: November 15, 1983.

d. Applicant: Reeds Creek Hydro, Inc.

e. Name of Project: Reeds Creek Hydroelectric.

f. Location: On Reeds Creek, within Clearwater National Forest, near Headquarters Township, in Clearwater County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

Prior Notice: The Public notice of this application supersedes the public notice issued on April 20, 1984. Those who commented pursuant to the Apirl 20, 1984 notice need not comment again.

h. Contact Person: Mr. James R. Morris, Reeds Creek Hydro, Inc., P.O. Box 1016, Lewiston, Idaho 83501.

i. Comment Date: September 10, 1984.

j. Description of Project: The project would consist of: (1) A 6-foot-high, 35-foot-long concrete diversion structure at elevation 2040 feet; (2) a 9200-foot-long, 63-inch-diameter steel conduit; (3) a 750-foot-long, 57-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 4,200 kW; and (5) a 10-mile-long, 69-kV transmission line connecting to an existing Washington Water Power Company transmission line. The Applicant estimates the average annual energy production to be 18.45 million kWh.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Applicant has stated that no new roads are necessary and that drilling is not anticipated as part of the studies. The estimated cost of permit activities is $690,000.

k. Purpose of Project: The project power would be sold to Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

10a. Type of Application: Preliminary Permit.

b. Project No.: 783–000.

c. Date Filed: November 15, 1983.

d. Applicant: Beaver Creek Hydro, Inc.

e. Name of Project: Beaver Creek Hydroelectric.

f. Location: On Beaver Creek, within Clearwater National Forest, near Headquarters Township, in Clearwater County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

Prior Notice: The public notice of this application supersedes the public notice issued on April 20, 1984. Those who commented pursuant to the April 20, 1984 notice need not comment again.

h. Contact Person: Mr. James R. Morris, Beaver Creek Hydro, Inc., P.O. Box 1016, Lewiston, Idaho 83501.

i. Comment Date: September 10, 1984.

j. Description of Project: The proposed project would consist of: (1) a 6-foot-high, 35-foot-long concrete diversion structure, at elevation 2360 feet; (2) a 13,800-foot-long, 51-inch-diameter steel conduit; (3) a 7600-foot-long, 45-foot-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 4,200 kW; and (5) a 23-mile-long, 69-kV transmission line connecting to an existing Washington Water Power Company transmission line. The Applicant estimates the average annual energy production to be 18.8 million kWh.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 24-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Applicant has stated that no new roads are necessary and that drilling is not anticipated as part of the studies. The estimated cost of permit activities is $920,000.

k. Purpose of Project: The project power would be sold to Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

11a. Type of Application: Preliminary Permit.

b. Project No.: 7855–000.

c. Date Filed: November 15, 1983.

d. Applicant: Snake Creek Hydro, Inc.

e. Names of Project: Snake Creek Hydroelectric.

f. Location: ON Snake Creek, near Headquarters Township, in Clearwater County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

Prior Notice: The public notice of this application supersedes the public notice issued on April 20, 1984. Those who commented pursuant to the April 20, 1984 notice need not comment again.

h. Contact Person: Mr. James R. Morris, Snake, Creek Hydro Inc., P.O. Box 1016, Lewiston, Idaho 83501.

i. Comment Date: September 10, 1984.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 35-foot-long concrete diversion structure at elevation 2,570 feet; (2) a 3,500-foot-long, 30-inch-diameter steel conduit: (3) a powerhouse containing a single generating unit with an installed capacity of 1,000 kW; and (4) a 10-mile-long, 69-kV transmission line connecting to an existing Washington Water Power Company transmission line. The Applicant estimates the average annual energy production to be 4.38 million kWh.

A preliminary permit, if issued does not authorize construction. Applicant seeks a 24-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasiblity and to support an application for a licence to construct and operate the project. Applicant has stated that no new roads are necessary and that drilling is not anticipated as part of the studies. The estimatd cost of permit activities is $235,000.

k. Purpose of Project: The project power would be sold to Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

12a. Type of Application: Preliminary Permit.

b. Project No: 8034–000.

c. Date Filed: February 2, 1984.

d. Applicant: Energenics Systems Inc.

e. Name of Project: South Canal Station 233+30.

f. Location: U.S. Bureau of Reclamation's South Canal, Montrose County, Colorado.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Granville J. Smith, President, Energenics Systems Inc., 1100 17th Street NW., Suite 1109, Washington, DC 20036.

i. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would be constructed within the U.S. Bureau of Reclamation's South Canal right-of-way and would consist of the following: (1) A proposed radial gate check structure on the existing canal; (2) a proposed intake structure; (3) a proposed 10-foot-diameter penstock, approximately, 100 feet long; (4) a proposed powerhouse with a single 410 kW capacity generating unit; (5) a proposed short tailrace from the powerhouse to an existing stilling basin; (6) a proposed 6½-mile-long 46-kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The estimated average annual generation of 2,450 MWh would be sold to a nearby utility or industrial user.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be $30,000.

13a. Type of Application: Preliminary Permit.

b. Project No: 8035–000.

c. Date Filed: February 2, 1984.

d. Applicant: Energenics Systems Inc.

e. Name of Project: South Canal Station 19+50.

f. Location: U.S. Bureau of Reclamation's South Canal, Montrose County, Colorado.

g. Filed Pursuant to: Federal Power Act 16, U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Granville J. Smith, President, Energenics Systems Inc., 1725 K Street NW., Suite 1112, Washington, DC 20006.

i. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would be constructed within the U.S. Bureau of Reclamation's South Canal right-of-way and would consist of the following: (1) A proposed radial gate check structure on the existing canal; (2) a proposed intake structure; (3) a proposed 8-foot-diameter penstock, 1,325 feet long; (4) a proposed powerhouse with a single 3,332 kW capacity generating unit; (5) a proposed short tailrace from the powerhouse to an existing stilling basin; (6) a proposed 6½-mile-long 46 kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The estimated average annual generation of 16,900 MWh would be sold to a nearby local utility or industrial user.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be $35,000.

14a. Type of Application: Preliminary Permit.

b. Project No: 8036–000.

c. Date Filed: February 2, 1984.

d. Applicant: Energenics Systems, Inc.

e. Name of Project: South Canal Station 181+10.

f. Location: U.S. Bureau of Reclamation's South Canal, Montrose County, Colorado.

g. Filed Pursuant to: Federal Power Act 16, U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Granville J. Smith, President, Energenics Systems, Inc., 1725 K Street NW., Suite 1112, Washington, DC 20006.

i. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would be constructed within the U.S. Bureau of Reclamation's South Canal right-of-way and would consist of the following: (1) A proposed radial gate check structure on the existing canal; (2) a proposed 9-foot-diameter penstock, approximately 2,610 feet long; (4) a proposed powerhouse with a single 2,558 kW capacity generating unit; (5) a proposed short tailrace from the powerhouse to an existing stilling basin; (6) a proposed 6½-mile-long 46 kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The estimated average annual generation of 14,400 MWh would be sold to a nearby utility or industrial user.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be $40,000.

15a. Type of Application: Preliminary Permit.

b. Project No: 8037–000.

c. Date Filed: February 2, 1984.

d. Applicant: Energenics Systems Inc.

e. Name of Project: South Canal Station 72+50.

f. Location: U.S. Bureau of Reclamation's South Canal, Montrose County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Granville J. Smith, President, Energenics Systems Inc., 1100 17th Street NW., Suite 1109, Washington, DC 20036.

i. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would be constructed within the U.S. Bureau of Reclamation's South Canal right-of-way and would consist of the following: (1) A proposed radial gate check structure on the existing canal; (2) a proposed intake structure; (3) a proposed 10-foot-diameter penstock, 1,620 feet long; (4) a proposed powerhouse with a single 800 kW capacity generating unit; (5) a proposed short tailrace from the powerhouse to an

existing stilling basin; (6) a proposed 6½-mile-long 46-kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The estimated average annual generation of 4,500 MWh would be sold to a nearby local utility or industrial user.

l. This notice also consists of the following standards paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be $30,000.

16a. Type of Application: Preliminary Permit.

b. Project No: 8038–000.

c. Date Filed: February 2, 1984.

d. Applicant: Energenics Systems Inc.

e. Name of Project: South Canal Station 472+000

f. Location: U.S. Bureau of Reclamation's South Canal, Montrose County Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Granville J. Smith, President, Energenics Systems Inc., 1725 K Street NW., Suite 1112, Washington, DC 20006.

i. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would be constructed within the U.S. Bureau of Reclamation's South Canal right-of-way and would consist of the following: (1) A proposed radial gate check structure on the existing canal; (2) a proposed intake structure; (3) a proposed 10-foot-diameter penstock, approximately 1,100 feet long; (4) a proposed powerhouse with a single 800 kW capacity generating unit; (5) a proposed short tailrace from the powerhouse to an existing stilling basin; (6) a proposed 6½-mile-long 46-kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The estimated average annual generation of 5,000 MWh would be sold to a nearby utility or industrial user.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be $30,000.

17a. Type of Application: Preliminary Permit.

b. Project No: 8039–000.

c. Date Filed: February 2, 1984.

d. Applicant: Energenics Systems Inc.

e. Name of Project: South Canal Station 106+65.

f. Location: U.S. Bureau of Reclamation's South Canal, Montrose County Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Granville J. Smith, President, Energenics Systems Inc., 1725 K Street NW., Suite 1112, Washington, DC 20006.

i. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would be constructed within the U.S. Bureau of Reclamation's South Canal right-of-way and would consist of the following: (1) A proposed radial gate check structure on the existing canal; (2) a proposed intake structure; (3) a proposed 9-foot-diameter penstock, 435 feet long; (4) a proposed powerhouse with a single 2,065 kW capacity generating unit; (5) a proposed short tailrace from the powerhouse to an existing stilling basin; (6) a proposed 6½-mile-long 46-kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The estimated average annual generation of 10,700 MWh would be sold to a nearby local utility or industrial user.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be $35,000.

18a. Type of Application: Preliminary Permit.

b. Project No: 8071–000.

c. Date Filed: February 10, 1984.

d. Applicant: Hungry Hydro Associates.

e. Name of Project: Lower Hungry.

f. Location: On the Hungry River in Henderson County, North Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. E.D. Tice, P.O. Box 24, Pauline, South Carolina 29374.

i. Comment Date: August 9, 1984.

j. Description of Project: The proposed project would use property owned by Duke Power Company and would consist of: (1) Restoration of the existing 20 to 30-foot-high concrete dam; (2) the existing reservoir having a surface elevation of 1,675 feet m.s.l.; (3) a new 50-foot-long, 30-inch-diameter penstock; (4) the existing powerhouse containing one or more new generating units having a total rated capacity of 95 kW; (5) approximately 2,000 feet of new transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 410,000 kWh.

k. Purpose of Project: The most likely market for the energy derived from the proposed project would be Duke Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 18 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project.

Applicant estimates that the cost of the work to be performed under the preliminary permit would be $20,000.

19a. Type of Application: Preliminary Permit.

b. Project No: 8072–000.

c. Date Filed: February 10, 1984.

d. Applicant: Hungry Hydro Associates.

e. Name of Project: Upper Hungry.

f. Location: On the Hungry River in Henderson County, North Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. E.D. Tice, P.O. Box 24, Pauline, South Carolina 29374.

i. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would use property owned by Duke Power Company and would consist of: (1) An existing 15 to 30-foot-high concrete dam; (2) an existing reservoir having a maximum surface elevation of 1,760 feet M.S.L.; (3) a new 450-foot-long, 30-inch-diameter penstock; (4) a proposed concrete powerhouse containing one or more new generating units having a total rated capacity of 100 kW; (5) approximately 1,000 feet of new transmission line to interconnect with the existing lines; and (6) appurtenant facilities. The Appplicant estimates that the average annual energy output would be 437,000 kWh.

k. Purpose of Project: The most likely market for the energy derived from the proposed project would be Duke Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 18 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $20,000.

20a. Type of Application: Preliminary Permit.

b. Project No: 8086–000.

c. Date Filed: February 15, 1984.

d. Applicant: The Nuclear Energy Group, Inc.

e. Name of Project: Monongahela Lock and Dam #3.

f. Location: On the Monongahela River, in Allegheny County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Brian B. Hegarty, The Nuclear Energy Group, Inc., Hydro System Division, 1000 RIDC Plaza, Suite 312, Pittsburg, Pennsylvania 15238.

i. Comment Date: September 4, 1984.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Lock and Dam Number 3 on the Monongahela River and would consist of: (1) New steel intake gates at the west end of the dam; (2) a new powerhouse with 7 turbine-generator units with a total installed capacity of 5,375 kW; (3) a new 0.1-mile-long transmission line; and (4) other appurtenances. Applicant estimates an average annual generation of 28,252,000 kWh.

k. Purpose of Project: Project energy would be sold to the West Penn Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

21a. Type of Application: Preliminary Permit

b. Project No: 8105–000.

c. Date Filed: February 16, 1984, revised May 24, 1984.

d. Applicant: Iowa Hydropower Development Corporation.

e. Name of Project: Central City Mill.

f. Location: On the Wapsipinicon River, in Central City, in Linn County, Iowa.

g. Filed Pursuant to: Federal Power Act, 16b U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jean-Pierre Bourgeacq, Iowa Hydropower Development Corporation, 228 Melrose Court, Iowa City, Iowa 52240.

i. Comment Date: September 10, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing dam with a 490-foot-long concrete spillway and rolled earth embankment, 13.7 feet high; (2) an existing impoundment with a storage capacity of 430 acre feet and an area of 63 acres at a normal elevation of 322 feet m.s.l.; (3) a new powerhouse 41 feet long and 35 feet wide containing one 950-hp turbine operating under a head of 12 feet and powering a 640-kW generator; (4) a new transmission line rated at 4.16 kV and extending 120 feet; and (5) appurtenant electrical and mechanical facilities.

k. Purpose of Project: The estimated average annual generation of 1.36 million kWh would be sold to the local utility company.

l. The notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

22a. Type of Application: Preliminary Permit.

b. Project No: 8143–000.

c. Date Filed: March 1, 1984.

d. Applicant: A.M. Crews.

e. Name of Project: Alder Creek Water Power.

f. Location: On Alder Creek, in San Miguel County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: A.M. Crews, 144 North Mesa, Box 177, Fruita, Colorado 81521.

i. Comment Date: September 10, 1984.

j. Description of Project: The proposed project would consist of: (1) A proposed diversion dam, approximately 12-feet wide and 36 inches in height; (2) a propposed reservoir with a storage capacity of about 5 acre-feet and normal maximum water surface elevation of 8,621.2 m.s.l.; (3) a proposed 18 inch diameter penstock, approximately 10,900 feet long; (4) a proposed wood powerhouse, approximately 18 feet by 24 feet, with an installed capacity of 326 kW; (5) upgrading of approximately 7 miles of existing transmission line at 69-kV; and (6) appurtenant facilities. Applicant estimates that the average annual energy generation would be 2,000,000 kWh.

k. Purpose of Project: The Applicant anticipates that project energy will be sold to either the Public Service Company of Colorado, or Colorado-Ute Electric Association, Inc.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 12 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license.

Applicant estimates the cost of the studies under the permit would be $40,000.

23a. Type of Application: Preliminary Permit.

b. Project No: 8154–000.

c. Date Filed: March 5, 1984.

d. Applicant: City of Yakima, Washington.

e. Name of Project: Rattlesnake Creek.

f. Location: On Rattlesnake Creek, in the Snoqualmie National Forest, Township 15 N., Range 14 E.W.M., in Yakima County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: CH2M Hill, Attn: John Mayo, P.O. Box 9249, Yakima, Washington 98909.

i Comment Date: September 10, 1984.

j. Description of Project: The proposed project would consist of: (1) A 315-foot-high rockfill dam, (2) a reservoir with a storage capacity of 70,000 acre-feet and a surface area of 666 acres at normal water surface elevation 2,840 feet; (3) a 1,300-foot-long, 84-inch-diameter penstock; (4) a powerhouse with a single generating unit having a total capacity of 3.2 MW, with an annual average generation of 16,000 MWh; (5) a 21-mile-long transmission line; and (6) two access roads with a combined length of 12,000 feet.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $230,000. No new roads would be constructed during the feasibility study. Exploratory borings and subsurface investigations will be conducted and remedial measures will be taken to restore any altered or distrubed areas.

k. Purpose of Project: Project power would be sold to Pacific Power and Light Company.

l. This notice also consist of the following standard paragraphs: A6, A7, A9, B, C, and D2.

24a. Type of Application: Preliminary Permit.

b. Project No: 8158–000.

c. Date Filed: March 7, 1984.

d. Applicant: Littlefield Hydro Company.

e. Name of Project: Littlefield.

f. Location: Little Androscoggin River in Androscoggin County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ms. Denise R. Diesen, ESI Hydropower, One Rockefeller Plaza, New York, New York 10020.

i. Comment Date: September 13, 1984.

j. Description of Project: The proposed project would consist of: (1) Repairing a 90-foot-long breach in an existing 420-foot-long, 28-foot-high concrete dam; (2) restoring the current 4-acre reservoir at 204 feet NGVD to its original elevation of 215 feet NGVD, creating an impoundment of 750 acre-feet and 101 acres of surface area; (3) proposed 2-foot flashboards; (4) repairing or replacing the existing headgates and trashracks; (5) repairing the existing powerhouse; (6) a proposed 900-kW turbine/generator unit operating under a head of 21 feet; (7) a proposed 767-foot-long transmission line; and (7) appurtenant facilities. The estimated average annual generation would be 5,000 MWh.

k. Purpose of Project: Project power would be sold to the Central Maine Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $10,000.

25a. Type of Application: Preliminary Permit.

b. Project No: 8162–000.

c. Date Filed: March 8, 1984.

d. Applicant: Manlius Associates.

e. Name of Project: Edwards Falls.

f. Location: On the Limestone Creek in Onondaga County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Joel Kirk Rector, Manlius Associates, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: September 4, 1984.

j. Description of Project: The proposed project would utilize existing facilities consisting of: (1) A 400-foot-long and 12-foot-high masonry and earthen dam; and (2) a reservoir having a surface area of 12 acres and negligible storage capacity at normal maximum surface elevation 720 feet msl. Applicant proposes to construct: (1) an intake structure; (2) a 5-foot-diameter and 600-foot-long penstock; (3) a powerhouse containing a generation unit having a rated capacity of 800-kW; (4) a tailrace; (5) a 400-foot-long 4.8-kV transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 3,000,000 kWh. Project energy would be sold to local municipalities. The owner of the dam is George Van Langen, State Tower Building, Syracuse, New York.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

l. Proposed Scope of Studies under Permit. A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, the Applicant would prepare an application for an FERC license. Applicant estimates that the cost of the studies under permit would be $125,000.

26a. Type of Application: Preliminary Permit.

b. Project No: 8218–000.

c. Date Filed: April 3, 1984.

d. Applicant: James River Hydro Associates.

e. Name of Project: Twelfth Street Hydropower.

f. Location: On the James River, in Richmond, Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. David M. Coombe, Synergics, Inc. 410 Severn Ave./Suite 409, Annapolis, MD 21403.

i. Comment Date: August 27, 1984.

j. Competing Application: Project No. 8214–001 Date Filed: April 3, 1984.

k. Description of Project: The proposed project would consist of: (1) An existing concrete dam, 1708-feet long and 6-feet high, mounted in part by 30 taintor gates; (2) a reservoir extending approximately 2,800 feet upstream, and an approximate water surface area of 92 acres at elevation 33.3 feet m.s.l. Reservoir storage capacity is negligible; (3) existing headworks composed of three 42.5-feet long by 10-feet-high steel gates; (4) an existing masonry-walled canal, approximately 2240-feet long by an average width of 48-feet; (5) two existing control spillways located at the southern portion of the canal; (6) nine existing turbine intake conduits, each 13.5-feet in diameter; (7) an existing powerhouse, approximately 285-feet long by 85-feet wide, which will be refurbished and house six proposed turbine/generator units with a total installed capacity of 11,500 kW; (8) an existing tailrace; (9) a proposed 600-feet long transmission line, either at 13.2 kV or 34.5 kV; and (10) appurtenant

facilities. Applicant estimates that the average annual energy generation would be 5,700,000 kWh. The owner of the facility is Virginia Electric and Power Company.

l. Purpose of Project: The Applicant anticipates that project energy will be sold to the Virginia Electric and Power Company.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $150,000.

Competing Applications

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, or or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop a least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A2. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, or or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will not be accepted in response to this notice.

A3. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit: Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file and competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 cFR 4.33 (a) and (d).

A6. Preliminary Permit: No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modidfcations, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A7. Preliminary Permit—Except as provided in the following paragraph any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before th specified comment date for the particular application, either a competing license conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any

competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or counduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commision's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular applications.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commisison, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resoucres are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: July 24, 1984.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19914 Filed 7-26-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2638-1]

Availability of Environmental Impact Statements Filed July 16 Through July 20, 1984 Pursuant to 40 CFR 1506.9

Responsible agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

EIS No. 840315, Draft, AFS, AK, Quartz Hill Molybdenum Mine Development, Construction and Operation, Approval/Permits, Due October 5, 1984, Contact: Edward Johnson (907) 225-3101.

EIS No. 840316, Final, EPA, VI, Mangrove Lagoon/Turpentine Run Wastewater Facilities Plan, Grant, St. Thomas, Due: August 30, 1984, Contact: Edward Als (212) 264-1375.

EIS No. 840317, Draft, FHW, OR, South Slough Bridge Replacement, Cape Arago Highway, Coos County, Due: September 10, 1984, Contact: Campbell Gilmour (503) 378-8486.

EIS No. 840318, Draft, FHW, TN, TN-28/Jamestown Bypass Construction, TN-28 South to TN-28 North, Fentress County, Due: September 10, 1984, Contact: Edward Oakley (615) 251-5394.

EIS No. 840319, Draft, COE, MS, Pascagoula Harbor Navigation Channel, Improvements, Jackson County, Due: September 10, 1984, Contact: Dr. Susan Rees (205) 690-2724.

EIS No. 840320, Draft, AFS, LA, Kisatchie National Forest Land and Resource Management Plan, Due: October 25, 1984, Contact: John Alcock (404) 881-4177.

EIS No. 840321, Final, DOE, MT, Great Falls-Conrad Transmission Line Project, C/O/M, Cascade, Teton, and Pondera Counties, Due: August 27, 1984, Contact: Robert Stern (202) 252-4600.

EIS No. 840322, Final, NOAA, PAC, Ocean Management Deep Seabed Mining Exploration, License, Pacific Ocean, Central America to Hawaii, Due: August 27, 1984, Contact: James Lawless (202) 653-7695.

EIS No. 840323, Final, NOAA, PAC, Kennecott Deep Seabed Mining Exploration, Licenses, Pacific Ocean, Central America to Hawaii, Due: August 27, 1984, Contact: James Lawless (202) 653-7695.

EIS No. 840324, Final, NOAA, PAC, Ocean Minerals Deep Seabed Mining Exploration, License, Pacific Ocean, Central America to Hawaii, Due: August 27, 1984, Contact: James Lawless (202) 653-7695.

EIS No. 840325, Final, NOAA, PAC, Ocean Mining Associates, Deep Seabed Mining Exploration, License, Pacific Ocean, Central America to Hawaii, Due: August 27, 1984, Contact: James Lawless (202) 653-7695.

EIS No. 840326, Final, EPA, OH, Cleveland Southwest Planning Area, Westewater Treatment Facilities Improvements, Grant, Cuyahoga, Lorain, Medina and Summit Counties, Due: August 27, 1984, Contact: Harlan Hirt (312) 353-2157.

EIS No. 840327, Draft, EPA, AK, Akutan Solid Waste Incinerator Residue, Ocean Disposal Site Designation, Akutan Island, Due: September 10, 1984, Contact: Ron Lee (206) 442-1442.

Amended Notices:

EIS No. 840312, Draft, COE, NY, Limestone Creek Local Flood Protection, Fayetteville, Onondaga County, Published FR 7-20-84—Officially retracted due to noncompliance of distribution.

Dated: July 24, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-19852 Filed 7-26-84; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2638-2]

Intent To Prepare an Environmental Impact Statement; Rhode Island and Massachusetts

Lead agency: Environmental Protection Agency.

Cooperating agency: Army Corps of Engineers.

Action: Preparation of an Environmental Impact Statement on the Designation of a Dredged Material Disposal Site(s) for Rhode Island and Southeastern Massachusetts.

Purpose: In accordance with the Environmental Protection Agency's (EPA) procedures for voluntary preparation of environmental impact statements (EIS) on significant regulatory actions (39 FR 379119, October 21, 1974), the EPA will prepare an EIS on the designation of dredged material disposal site(s) for projects in Rhode Island and Southeastern Massachusetts. This notice of intent is issued pursuant to 40 CFR 1501.7, section 102 of the Marine Protection Research and Sanctuaries Act of 1972 (MPRSA), and 40 CFR Part 228 (Criteria for the Management of Disposal Sites for Ocean Dumping).

For Further Information Contact:

Mr. Robert E. Mendoza, NEPA Compliance Coordinator, Water Management Division, US. EPA—Region I, JFK Federal Bldg, Rm 2100, Boston, Mass. 02203, Telephone—FTS: 223-0841, Commercial: (617) 223-0841

Mr. James P. Crawford, Chief, Dredged Material Management Section, Regulatory Branch, NED Corps of Engineers, 424 Trapelo Road, Waltham, MA 02254, Telephone—FTS: 839-7211, Commercial: (617) 647-8211

Summary

A. *Background.* There are many harbors in Rhode Island and Southeastern Massachusetts which must receive periodic maintenance dredging to ensure safe navigation. Some must be deepened beyond historical depths to meet changing economic and safety needs. Some of these necessary public and private projects have not been accomplished due to the unavailability of disposal sites for dredged material. In other cases, sites on land have been used and the agency or permit applicant had no alternative but to transport the dredged material outside of the project area for disposal, which can often increase the cost of the project substantially. Prior studies directed at resolving the disposal management problem were limited in scope, addressing only the immediate disposal needs of a project pending at the time. This EIS will focus on regional needs and solutions in a more comprehensive approach and should aid federal/state planning and regulatory decisions.

B. *Description of EPA Action.* The EPA action is to evaluate the benefical and adverse environmental impacts associated with designating regional site(s) for the disposal of dredged material from harbors in Rhode Island and Southeastern Massachusetts. It should be emphasized that if one or more ocean disposal sites are designated for dredged material, such designation would not constitute the Corps of Engineers or EPA's approval for use of the respective site(s) for the actual disposal of dredged material from any particular project, public or private. It would remain the responsibility of each potential user to demonstrate compliance with the marine environmental impact criteria of the Marine Protection, Research and Sanctuaries Act (MPRSA), independent of the EIS recommendations. Each project would be subject to full public notice and review before being approved or permitted.

C. *Significant issues to be discussed in the EIS.* 1. A determination of whether or not there is a need to designate regional site(s) (upland, coastal, ocean) for disposal of dredged materials. An updated study of dredging needs is being conducted by the University of Rhode Island and Southeastern Massachusetts University as part of this EIS.

2. The alternatives to be evaluated in this EIS are:

a. No—action: this is defined as not designating a regional site;

b. Use of land-based site(s);

c. Use of ocean disposal site(s) within the study area as well as beyond the continental shelf; and

d. Coastal site(s) for shallow-water disposal.

3. All potential disposal sites will be evaluated with respect to the following factors; some of which pertain only to ocean disposasl sites:

a. Geographical position, depth of water, bottom topography and distance from the coast;

b. Location and capacity of land sites, transportation and community impact issues;

c. Location in relation to breeding, spawning, nursery, feeding or passage areas of living resources in adult juvenile phases;

d. Types and quantities of dredged materials to be disposed and methods of release;

e. Location in relation to beaches and other amenity areas;

f. Feasibility of surveillance and monitoring; (any regional site(s) designated would be subject to comprehensive, long-term monitoring);

g. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects);

h. Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any;

i. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean;

j. The existing water quality and ecology of the site(s) as determined by available data, trend assessment, or baseline surveys;

k. Potential for development or recruitment of nuisance species at the disposal site(s);

l. Existence at or in close proximity to the site(s) of any significant material or cultural features of historical importance;

m. The existence of Endangered Species in or in close proximity to the site(s);

n. Compliance with all other Federal and State environmental laws; and

o. The specific location(s) for disposal within the designated site(s) (e.g., deep versus shallow, northeast versus southeast quadrant(s)).

4. Mitigation measures and management controls will also be discussed. This includes the feasibility and necessity of imposing restrictions on the use of a site(s) such as seasonal restrictions, specifying lanes of approach and departure, etc.

D. *Public participation in the EIS process.* Full public participation by interested federal, state, and local agencies as well as other interested organizations and the general public is invited. All interested parties are encouraged to submit their names and addresses to the person indicated above for inclusion on the mailing list for newsletters, the proposed draft EIS and related public notices. EPA, Region I will sponsor scoping meetings to request comments on a draft EIS scope of work which will be issued in advance of these meetings. These scoping meetings will be held in late August or early September, the dates and time to be published at a later date. We request that all interested parties submit comments on the proposed EIS scope of work no later than September 30, 1984. All comments should be addressed to Director, Water Management Division, U.S. Environmental Protection Agency, JFK Federal Building, Boston, MA 02203. It is anticipated that the Draft Environmental Impact Statement (DEIS) will be available aproximately 18 months following the scoping process. Copies of the DEIS will be available at EPA, Region I.

Dated: July 24, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-19854 Filed 7-26-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51529; FRL-2638-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of thirty-eight PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 84-946, 84-947, 84-948, 84-949, 84-950 and 84-951—October 10, 1984

PMN 84-952, 84-953, 84-954, 84-955, 84-956 and 84-957—October 13, 1984

PMN 84-958, 84-959, 84-960, 84-961, 84-962, 84-963, 84-964, 84-965, 84-966, 84-967, 84-968, 84-969, 84-970, 84-971, 84-972, 84-973, and 84-974—October 14, 1984

PMN 84-975 and 84-976—October 15, 1984

PMN 84-977, 84-978, 84-979, 84-980, 84-981, 84-982 and 84-983—October 16, 1984.

Written comments by:

PMN 84-946, 84-947, 84-948, 84-949, 84-950, and 84-951—September 10, 1984

PMN 84-952, 84-953, 84-954, 84-955, 84-956 and 84-957—September 13, 1984

PMN 84-958, 84-959, 84-960, 84-961, 84-962, 84-963, 84-964, 84-965, 84-966, 84-967, 84-968, 84-969, 84-970, 84-971, 84-972, 84-973 and 84-974—September 14, 1984

PMN 84-975 and 84-976—September 15, 1984

PMN 84-977, 84-978, 84-979, 84-980, 84-981, 84-982 and 84-983—September 16, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-51529]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

PMN 84-916

Manufacturer. The Dow Chemical Company.

Chemical. (G) Modified epoxy resin solution.

Use/Production. (S) Industrial coating. Prod. range: Confidential.

Toxicity Data. Acute oral: >4,000 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin—Not a primary irritant, Eye—Essentially no irritation.

Exposure. Manufacture: dermal, a total of 5 workers.

Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 84–947

Manufacturer. Inmont Corporation.

Chemical. (G) Modified pigment yellow 12.

Use/Production. (G) Lithographic inks. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. 0.12 kg/day released to water. Disposal into an industrial sewer.

PMN 84–948

Manufacturer. Phillips Chemical Company.

Chemical. (S) Oxidase alcohol.

Use/Production. (G) Component of medical device, industrial waste treatment, organic chemical synthesis and oxygen scavenger. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 2 workers, up to 1 hr/da, up to 10 da/yr.

Environmental Release/Disposal. 10 g released to water. Disposal by publicly owned treatment works (POTW).

PMN 84–949

Manufacturer. The Dow Chemical Company.

Chemical. (G) Modified epoxy resin.

Use/Production. (G) Paint binder, degree of containment—open, nondispersive use. Prod. range: Confidential.

Toxicity Data. Acute oral: >2,000 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin—Not a primary irritant, Eye—Essentially no irritation.

Exposure. Manufacture: dermal, a total of 15 workers.

Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 84–950

Manufacturer. Confidential.

Chemical. (G) Dimer acids, monocarboxylic acid, polyamines polyamide resin.

Use/Production. (G) Hot melt adhesive in a contained use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal and inhalation, a total of 4 workers.

Environmental Release/Disposal. Released to air with less than 0.1 kg/batch to water and less than 2 kg/batch to land. Disposal by approved landfill and state-approved treatment system.

PMN 84–951

Manufacturer. Confidential.

Chemical. (G) Substituted aminobenzoic acid ester.

Use/Production. (G) Chemical intermediate. Prod. range: 3,200–6,500 kg/yr.

Toxicity Data. Acute oral: (Male and female): >3,200 mg/kg; Acute dermal: >1 g/kg; Irritation: Skin—Slight, Eye—Slight; Skin sensitization: Normal.

Exposure. Manufacture and use: dermal, a total of 13 workers, up to 0.5 hr/da, up to 10 da/yr.

Environmental Release/Disposal. No release. 1 to less than 50 kg/batch incinerated.

PMN 84–952

Manufacturer. Confidential.

Chemical. (G) Ketimine.

Use/Production. (G) Intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–953

Manufacturer. Owens-Corning Fiberglas.

Chemical. (G) Reacted epoxy resin.

Use/Production. (G) Size ingredient. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: a total of 2–10 workers, up to 24 hrs/da, up to 350 da/yr.

Environmental Release/Disposal. Release to air and water. Disposal by POTW, incineration and on-site treatment plant.

PMN 84–954

Manufacturer. Confidential.

Chemical. (G) Substituted aromatic.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: 20.0 mg/kg; Irritation: Skin—Minimal; Ames Test: Positive; Bone marrow chromosome study: No significant increase/difference occurred; DNA hepatocyte assay: Negative; Cell transformation assay: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 84–955

Manufacturer. Confidential.

Chemical. (G) Modified polyester resin.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by industrial waste water treatment plant.

PMN 84–956

Importer. Confidential.

Chemical. (G) Polyester resin.

Use/Import. (G) Coatings/adhesives for open, non-dispersive use. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–957

Importer. Confidential.

Chemical. (G) Polyester resin.

Use/Import. (G) Coatings/adhesives for open, non-dispersive use. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential

Environmental Release/Disposal. Confidential.

PMN 84–958

Manufacturer. Confidential.

Chemical. (G) Modified polymer of styrene with alkyl acrylate and alkyl methacrylate.

Use/Production. (G) Industrial coating with an open use. Prod. range: 450,000–2,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 22 workers, up to 4 hrs/da, up to 270 da/yr.

Environmental Release/Disposal. 5 to 60 kg/batch released to land. Disposal by incineration and landfill.

PMN 84–959

Manufacturer. Confidential.

Chemical. (G) Substituted polyamine.

Use/Production. (G) Chemical intermediate. Prod. range: 15,000–65,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 39 workers, up to 4 hrs/da, up to 270 da/yr.

Environmental Release/Disposal. 5 to 60 kg/batch released to land. Disposal by incineration and landfill.

PMN 84–960

Manufacturer. Confidential.

Chemical. (G) Complex polyurethane.

Use/Production. (G) Industrial chemical having an open use. Prod. range: 240,000–1,100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 56 workers, up to 8 hrs/da, up to 270 da/yr.

Environmental Release/Disposal. 1 to 10 kg/batch released to land. Disposal by incineration and landfill.

PMN 84–961

Manufacturer. Confidential.

Chemical. (G) Modified polymer of styrene with alkyl metharcylates.

Use/Production. (G) Industrial coating (dispersive use). Prod. range: 45,000–75,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 59 workers, up to 8 hrs/da, up to 16 da/yr.

Environmental Release/Disposal. 1 to 50 kg/batch released to land. Disposal by incineration and landfill.

PMN 84–962

Manufacturer. Confidential.

Chemical. (G) Metal salt of phosphoric acid ester.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 10 workers, up to 2 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. Release to air and land. Disposal by landfill or heat recovered in accordance with the Clean Air and Water Act and/or Resource Conservation and Recovery Act (RCRA).

PMN 84–963

Manufacturer. Confidential.

Chemical. (S) 6-Nitro-2(3H)-benzoxazolone.

Use/Production. (G) Chemical intermediate. Prod. range: 17,000 kg/yr.

Toxicity Data. Acute oral: Males—336 mg/kg, Females—200 mg/kg; Acute dermal: >1 g/kg; Irritation: Skin—Slight, Eye—Slight.

Exposure. Manufacture and use: dermal, a total of 48 workers, up to 0.8 hr/da, up to 14 da/yr.

Environmental Release/Disposal. No release. Less than 9 kg/batch disposed of by biological treatment system with less than 2–35 kg/batch incinerated.

PMN 84–964

Manufacturer. Confidential.

Chemical. (G) Disubstituted hexanamide.

Use/Production. (G) Chemical intermediate. Prod. range: 36,000 kg/yr.

Toxicity Data. Acute oral: (Male and female) <3,200 mg/kg; Acute dermal: <1 g/kg; Irritation: Skin—Slight, Eye—Slight; Skin sensitization: Normal.

Exposure. Manufacture, processing and use: dermal, a total of 32 workers, up to 1.3 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. Less than 0.18 kg/batch released to air. Less than 2 to less than 180 kg/batch incinerated.

PMN 84–965

Manufacturer. Spencer Kellogg Divsion of Textron Inc.

Chemical. (G) Alkyd resin.

Use/Production. (G) Alkyd resin to be used in an open, non-dispersive manner. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

PMN 84–966

Manufacturer. Confidential.

Chemical. (G) Oligomeric diol.

Use/Production. (S) Intermediate for manufacture of latex paint additive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacturer: dermal, a total of 5 workers, up to 8 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. Confidential. Disposal by industrial waste water treatment plant.

PMN 84–967

Manufacturer. Confidential.

Chemical. (G) Polyether urethane polymer.

Use/Production. (G) Paint additive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers, up to 6 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. Confidential.

PMN 84–968

Manufacturer. Confidential.

Chemical. (G) Alkyl ester.

Use/Production. (S) Solvent for use in coatings formulations. Prod. range: Confidential.

Toxicity Data. Acute oral: Male—7.4 g/kg, Female—9.8 g/kg; Acute dermal: 10–20 ml/kg; Irritation: Skin—Mild, Eye—Mild; Inhalation: Slight.

Exposure. Manufacture: dermal, a total of 4 workers, up to 0.5 hr/da, up to 66 da/yr.

Environmental Release/Disposal. Confidential. Disposal by industrial waste water treatment plant.

PMN 84–969

Manufacturer. Confidential.

Chemical. (G) Modified sodium polyacrylate.

Use/Production. (G) Industrial thickener, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 3 hrs/da, up to 173 da/yr.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 84–970

Manufacturer. Confidential.

Chemical. (G) Further clarification needed before information can be released to the public file.

Use/Production. (G) Emulsifier in hard surface cleaning compounds and emulsion polymerization. Dispersive use. Prod. range: 50,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacturer: dermal, a total of 4 workers, up to 4 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 84–971

Manufacturer. Products Research and Chemical Corporation.

Chemical. (G) 2-propanol-1,1 thiobis, oxirane extended, alkyl terminated.

Use/Production. (S) Industrial plasticizer in rubber and sealant compositions. Prod. range: 10,000–25,000 kg/yr.

Toxicity Data. Acute oral: <5 g/kg; Irritation: Skin—Non-irritant, Eye—Minimal/non-irritant; Ames Test: Non-mutagenic; Skin sensitization: Non-sensitizer.

Exposure. Manufacture and processing: dermal, a total of 47 workers, up to 8 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. 0.3 to 5 kg/batch released to land. Disposal by permitted landfill.

PMN 84–972

Manufacturer. Confidential.

Chemical. (G) Epoxidized alcohol.

Use/Production. (G) Intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers.

Environmental Release/Disposal. No data submitted. Disposal by POTW.

PMN 84–973

Importer. Confidential.

Chemical. (G) Substituted triazine.

Use/Import. (G) Flame retardant. Import range. Confidential.

Toxicity Data. No data submitted.

Exposure. Import: 20 compaines, 6–8 hr/shifts.

Environmental Release/Disposal. No data submitted.

PMN 84–974

Manufacturer. Ashland Chemical Company.

Chemical. (G) Acrylic ester terpolymer.

Use/Production. (S) Commercial pressure-sensitive adhesive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers, up to 6 hrs/da, up to 15–20 da/yr.

Environmental Release/Disposal. No release.

PMN 84–975

Importer. Confidential.

Chemical. (G) Polymer of aliphatic diamines, an alkanediol polyester, a monoalcohol polyether, a metal salt of an alkenediol polyether, and aliphatic diisocyanates.

Use/Import. (S) Industrial glass fiber sizing. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 84–976

Importer. MTC America Inc.

Chemical. (G) Polyamic acid.

Use/Import. (G) Adhesives. Import range: Confidential.

Toxicity Data. Confidential.

Exposure. No exposure.

Environmental Release/Disposal. No release.

PMN 84–977

Importer. Colonial Printing Ink Corporation.

Chemical. (G) Aluminum modified long oil alkyd 85% in white spirit.

Use/Import. (S) Site-limited industrial air drying paints. Import range: 5,000–25,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: inhalation, a total of 2–3 workers, up to 2 hrs or longer.

Environmental Release/Disposal. No data submitted.

PMN 84–978

Manufacturer. NL Chemicals/NL Industries, Inc.

Chemical. (G) Polyurea polyurethane polymer.

Use/Production. (G) Additive for water based paints and water based adhesives. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–979

Manufacturer. NL Chemicals/NL Industries, Inc.

Chemical. (G) Polyurea polyurethane polymer.

Use/Production. (G) Additive for water based paints and water based adhesives. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–980

Manufacturer. NL Chemicals/NL Industries, Inc.

Chemical. (G) Polyurea polyurethane polymer.

Use/Production. (G) Additive for water based paints and water based adhesives. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–981

Manufacturer. Confidential.

Chemical. (G) Polyether polyol oligomer.

Use/Production. (G) Crosslinkabel oligomer. Prod. range: Confidential.

Toxicity Data. No data submited.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. 0.05 to 300 kg/day released to land. Disposal by approved landfill.

PMN 84–982

Manufacturer. The Dow Chemical Company.

Chemical. (S) 1,3-bis(1-phenylethyl)benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and use: dermal, a total of 3 workers.

Environmental Release/Disposal. 0.005 to less than 0.001 kg/hr and less than 0.005–0.2 kg/batch released to air with less than 0.005 kg/batch to water. Disposal by incineration and navigable waterway after treatment.

PMN 84–983

Manufacturer. Confidential.

Chemical. (G) Ployester resin based on mixed phthalic acids and mixed polyols.

Use/Production. (G) Polymeric binder for industrial baking finshes. Prod. range: confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers.

Environmental Release/Disposal. Confidential.

Dated July 23, 1984.

Joselle Gatrell,

Acting Director, Information Management Division.

[FR Doc. 84–19739 Filed 7–26–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59165; FRL–2639–6]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the Federal Register on May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of six applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: August 13, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS–59165]" and the specific TME number should be sent to: Document Control Officer (TS–793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street, SW, Washington, DC 20460.

TME 84–67

Close of Review Period. August 30, 1984.

Manufacturer. Confidential.

Chemical. (G) Acrylate copolymer.

Use/Production. (S) Anti-foulant. Prod. range: 23,000 kg/yr 30 months.

Toxicity Data. No data on the TME substance submitted.

Exposure. Processing: dermal, a total of 10–20 workers, up to 8 hrs/da, up to 20 da/total.

Environmental Release/Disposal. Release to water at extremely low water concentrations.

TME 84–68

Close of Review Period. August 30, 1984.
Manufacturer. Confidential.
Chemical. (G) Acrylate copolymer.
Use/Production. (S) Anti-foulant. Prod. range: 23,000 kg/yr 30 months.
Toxicity Data. No data on the TME substance submitted.
Exposure. Processing: dermal, a total of 10–20 workers, up to 8 hrs/da, up to 20 da/total.
Environmental Release/Disposal. Release to water at extremely low concentrations.

TME 84–69

Close of Review Period. August 30, 1984.
Manufacturer. Confidential.
Chemical. (G) Acrylate copolymer.
Use/Production. (S) Anti-foulant. Prod. range: 23,000 kg/yr 30 months.
Toxicity Data. No data on the TME substance submitted.
Exposure. Processing: dermal, a total of 10–20 workers, up to 8 hrs/da, up to 20 da/total.
Environmental Release/Disposal. Release to water at extremely low concentrations.

TME 84–70

Close of Review Period. August 30, 1984.
Manufacturer. Confidential.
Chemical. (G) Acrylate copolymer.
Use/Production. (S) Anti-foulant. Prod. range: 23,000 kg/yr 30 months.
Toxicity Data. No data on the TME substance submitted.
Exposure. Processing: dermal, a total of 10–20 workers, up to 8 hrs/da, up to 20 da/total.
Environmental Release/Disposal. Release to water at extremely low concentrations.

TME 84–71

Close of Review Period. September 1, 1984.
Manufacturer. Confidential.
Chemical. (G) Mixed polymer of acrylates and methacrylates.
Use/Production. (G) Industrial coating (open use). Prod. range: 1,540 kg 6 months.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 21 workers, up to 8 hrs/da, up to 2 da/yr.
Environmental Release/Disposal. 5 to 10 kg/batch released to land. Disposal by incineration.

TME 84–72

Close of Review Period. September 1, 1984.
Manufacturer. Confidential.
Chemical. (G) Alkyl diamine.
Use/Production. (G) Epoxy reactant. Prod. range: Confidential.
Toxicity Data. Acute oral: (Male and female) 250 mg/kg; Irritation: Skin—Severe, Eye—Extreme.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Dated: July 23, 1984.

Joselle Gatrell,

Acting Director, Information Management Division.

[FR Doc. 84–19678 Filed 7–26–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY:

Title of Information Collection

Application for Consent to Exercise Trust Powers (OMB No. 3064–0025).

Background

In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Judy McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389–4351.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB to extend the expiration date of the form used by insured state nonmember banks to apply to the FDIC for consent to exercise trust powers. The application Form FDIC 6200/09, OMB No. 3064–0025 expiring September 30, 1984, contains information needed by the FDIC to evaluate the qualifications of bank management to administer a trust department and to verify that a bank's financial condition will not be jeopardized as a result of the trust operation. It is estimated that the preparation of the application imposes an annual paperwork burden of 15.7 hours on the average bank.

Dated: July 23, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–19846 Filed 7–26–84; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

Bancorp Hawaii, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) 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 acquire or control voting securities or assets of a company engaged 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 interest, or unsound banking practices." Any request for a hearing on this question must be accompained 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 Aguust 16, 1984.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Bancrop Hawaii, Inc.*, Honolulu, Hawaii; to engage through its subsidiary, BHI Trust Limited (following merger of BHI Trust Limited with and into Hawaiian Trust Company, Limited) in fiduciary and trust activities, including administration of testamentary and irrevocable trusts; administration of living trusts; estate settlement (probate); investment management and advice; guardianship services; employee benefit services (pension-profit sharing trusts and agencies); corporate trusteeships; bookkeeping, custody, and bill paying for corporations; and ancillary services directly related to its trust activities. These activities are to be conducted in Hawaii and other United States jurisdictions in the Pacific Basin.

Board of Governors of the Federal Reserve System, July 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-19859 Filed 7-26-84; 8:45 am]

BILLING CODE 6210-01-M

Chemical New York Corporation, et al.; Notice of Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have 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.

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 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.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 13, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Chemical New York Corporation*, New York, New York; to engage *de novo* through its subsidiary Sunamerica Corporation ("SUN") and Subsidiaries in making or acquiring for its own account loans and other extensions of credit and servicing loans and other extensions of credit and related activities. Such activities include, 1) making or acquiring loans to customers; purchasing installment sales finance contracts; making or acquiring loans and other extensions of credit to businesses (including inventory financing); making or acquiring extensions of credit secured by personal property lease contracts; and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a finance company; 2) acting as agent or broker for the sale of life, accident and health insurance directly related to such extensions of credit. The credit life and credit accident and health insurance would be reinsured through Sun States Life Insurance Company and Great Lakes Insurance Company, subsidiaries of SUN; 3) providing to others access to data processing and data transmission services, facilities (including data processing and data transmission hardware, software, documentation or operating personnel) or data bases by any technological means; 4) acting as agent for credit related property and casualty insurance issued in connection with extensions of credit by subsidiaries of SUN in the following states; Arizona, California, Colorado, Florida, Georgia, Indiana, Kentucky, Louisiana, North Carolina, Oklahoma, Ohio, South Carolina and Tennessee. SUN wishes to engage in such activities throughout such above-listed states and the states listed below, which below-listed states are the state of the principal place of business of SUN's parent, CNYC, and the states adjacent to such state: New York, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, and Vermont. SUN wishes to engage in the activity of acting as agent for credit related property and casualty insurance for property used as collateral for extensions of credit by SUN or its subsidiaries throughout the United States. These activities are to be conducted nationwide except as noted with respect to credit related property and casualty insurance.

2. *Midlantic Banks Inc.*, Edison, New Jersey; to engage *de novo* through its subsidiary, Midlantic Home Mortgage Corporation, Melville, New York, in the business of mortgage banking on a nationwide basis.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Chesapeake Financial Shares, Inc.*, Kilmarnock, Virginia; to engage *de novo* through its subsidiary, Chesapeake Insurance Agency, Inc., Kilmarnock, Virginia, in the general insurance agency business. These activities are to be conducted in Kilmarnock, Virginia, and in other communities in which the holding company is engaged in business with populations of 5,000 or less. Comments on this application must be received not later than August 16, 1984.

2. *Chesapeake Financial Shares, Inc.*, Kilmarnock, Virginia, to engage *de novo* through its subsidiary, Chesapeake Mortgage Company, Inc., Kilmarnock, Virginia, in making loans secured by mortgages and deeds of trust and to hold, sell, purchase and deal in mortgages and deeds of trust and to engage generally in the mortgage banking business and mortgage servicing business. Comments on this application must be received not later than August 16, 1984.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690.

1. *Merchants National Corporation*, Indianapolis, Indiana; to engage *de novo* through its subsidiary, Merchants Mortgage Corporation of Indianapolis, Indianapolis, Indiana, in expanding its mortgage banking activities beyond the State of Indiana, through Company. The mortgage banking activities include originating mortgates on single and multi-family residential and commercial non-residential properties; selling the

mortgages to permanent investors, servicing the loans and assisting developers and builders in obtaining construction loans and other types of development loans. Comments on this application must be received not later than August 16, 1984.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BankAmerica Corporation*, San Francisco, California; to engage *de novo* through its subsidiary, BA Futures, Incorporated, San Francisco, California, as well as other possible subsidiaries, in providing investment advisory services to non-affiliates with respect to futures contracts and options on futures contracts in bullion, foreign exchange, government securities, certificates of deposit and other money market instruments that a bank may buy and sell for its own account. These activities are to be conducted in the Atlanta, Georgia; Chicago, Illinois; Houston, Texas; London, United Kingdom; Los Angeles, California; New York, New York; Washington; Republic of Singapore, and San Francisco, California. Comments on this application must be received not later than August 15, 1984.

Board of Governors of the Federal Reserve System, July 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-19860 Filed 7-26-84; 8:45 am]

BILLING CODE 6210-01-M

First Illini Bancorp, 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 August 17, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Illini Bancorp, Inc.*, Galesburg, Illinois; to acquire 100 percent of the voting shares of Abingdon Bank and Trust Company, Abingdon, Illinois.

2. *Valley Bancorporation*, Appleton, Wisconsin; to acquire 100 percent of the voting shares of Bank of Oregon, Oregon, Wisconsin.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City Missouri 64198:

1. *Firstbank Holding Company and Firstbank Holding Company of Colorado*, Lakewood, Colorado; to acquire 100 percent of the voting shares of Firstbank at Broadway/County Line Road, N.A., Arapahoe County, Colorado, a *de novo* bank. Comments on this application must be received not later than August 13, 1984.

2. *First Nebraska Bancs, Inc.*, Sidney, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Sidney, Sidney, Nebraska.

Board of Governors of the Federal Reserve System, July 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-19861 Filed 7-26-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of The Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on July 20.

Public Health Service

National Institutes of Health

Subject: Assessment of CNS Toxoplasmosis Therapy in Immunosuppressed Patients— New Collection
Respondents: State and local governments, physicians
OMB Desk Office: Fay S. Iudicello

Health Care Financing Administration

Subject: Billing Forms for Medicare/ Medicaid Hospice Demonstration— Extension/No Change
Respondents: Medicare/medicaid hospice demonstration providers
Subject: Medicare Participating Physician or Supplier Agreement— New Collection
Respondents: Physicians or suppliers participating in medicare
OMB Desk Officer: Fay S. Iduicello

Social Security Administration

Subject: Quarterly Estimate of Expenditures (0960-0301)—Revision
Respondents: State and local governments
OMB Desk Officer: Robert J. Fishman

Office of the Secretary

Subject: HHS Acquisition Regulations— HHSAR Part 315—Contracting by Negotiation (0990-0139)
Respondents: Certain HHS contractors
Subject: HHS Acquisitiion regulations— HHSAR Part 316—Types of Contracts (0990-0138)—Extension/No Change
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations— HHSAR Part 323—Environment, Conservation and Occupational Safety (0990-0137)—Extension/No Change
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations— HHSAR Part 324—Protection of Privacy and Freedom of Information (0990-0136)—Extension/No Change
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations— HHSAR Part 327—Patents, Data and Copyrights—New Collection
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations— HHSAR Part 328—Bonds and Insurance (0990-0135)—Extension/No Change
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations— HHSAR Part 332—Contract Financing (0990-0134)—Extension/No Change
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations— HHSAR Part 333—Disputes and Appeals (0990-0133)—Extension/No Change

Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations—HHSAR Part 337—Service Contracting (0990–0132)—Extension/No Change
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations—HHSAR Part 342—Contact Administration (0990–131)—— Extension/No Change
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations—HHSAR Part 352—Solicitation Provisions and Contract Clauses (0990–0130)—Extension/No Change
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations—HHSAR Part 353—Forms (0990–0091)—Extension/No Change
Respondents: Certain HHS contractors
Subject: HHS Acquisition Regulations—HHSAR Part 370—Special Programs Affecting Acquisition (0990–0129)—Extension/No Change
Respondents: Certain HHS contractors
Subject: PHS Acquisition Regulations—HHSAR Part 380—Special Program Requirements Affecting PHS Acquisitions and Part 352—Solicitation Provisions and Contract Clauses (0990–0128)
Respondents: Certain HHS contractors
OMB Desk Officer: Robert J. Fishman

Office of Human Development Services

Subject: Objective Progress Report (0980–0155)—Extension/No Change
Respondents: Tribal governments, Native American Organizations
Subject: Objective Evaluation Report (0980–0144)—Extension/No Change
Respondents: Tribal governments, Native American Organizations
OMB Desk Officer: Robert J. Fishman.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503, Attn: (name of OMB Desk Officer).

Dated: July 20, 1984.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84–19725 Filed 7–26–84; 8:45 am]

BILLING CODE 4150–04–M

Alcohol, Drug Abuse, and Mental Health Administration

Support for Child And Adolescent Mental Health Research and Research Training

AGENCY: The National Institute of Mental Health, HHS.

ACTION: Issuance of Program Announcement for Support for Child and Adolescent Mental Health Research and Research Training.

SUMMARY: The National Institute of Mental Health is encouraging applications for support of research and research training in child and adolescent mental health and mental and emotional disorders. Support is available in any of the following areas: Epidemiology; clinical studies; treatment, services, and prevention research; the behavioral sciences; and the neurosciences.

Receipt and Review Date of Applications

Applications will be accepted and reviewed according to the usual Public Health Service schedule and procedures. Specific dates are given in the Program Announcement.

For Further Information or a Copy of the Announcement, Contact

Michael E. Fishman, M.D., Assistant Director for Children and Youth, National Institute of Mental Health, Room 17C–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (Telephone: 301–443–4580).

Robert L. Tractenberg,

Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 84–19913 Filed 7–26–84; 8:45 am]

BILLING CODE 4160–20–M

National Institutes of Health

Cancer Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, September 13–14, 1984, Building 31, A Wing, Conference Room 2, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on September 13 from 8:30 a.m. to 9:00 a.m. to review administrative details. Attendance by the public will be limited to space availabe.

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 September 13, from 9:00 a.m. to recess, and on September 14, from 8:30 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, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, Room 832, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7978) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

Dated: July 20, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84–19858 Filed 7–26–84; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the Cardiology Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, October 29 and 30, 1984, Building 31C, Conference Room 7, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 8:30 a.m. on October 29 to adjournment on October 30. Attendance by the public will be limited to space available. Topics for discussion will include a review of the research programs relevant to the Cardiology area and consideration of future needs and opportunities.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Room 4A21, Building 31, National Institutes of

Health, Bethesda, Maryland 20205, telephone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Eugene R. Passamani, M.D., Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Room 320, Federal Building, Bethesda, Maryland 20205, telephone (301) 496–5421, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: July 23, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84–19857 Filed 7–26–84; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the Pulmonary Diseases Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, September 6–7, 1984, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 8, Bethesda, Maryland 20205.

The entire meeting, from 8:30 a.m. on September 6 to adjournment on September 7, will be open to the public. The Committee will discuss the current status of the Division of Lung Diseases' programs and Committee plans for fiscal year 1986. Attendance by the public will be limited to the space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A–21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Dr. Suzanne S. Hurd, Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Dated: July 23, 1984.

Betty J. Beveridge,

Committee Management Officer.

[FR Doc. 84–19856 Filed 7–26–84; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–84–771; FR–1998]

Delegation of Authority With Respect to the Rental Rehabilitation Program

AGENCY: Development of Housing and Urban Development (HUD); Office of the Secretary.

ACTION: Notice of concurrent delegation of authority.

SUMMARY: The Rental Rehabilitation Program was authorized by a new section 17 of the United States Housing Act of 1937, as amended. This Notice delegates to the Assistant Secretary and the General Deputy Assistant Secretary for Community Planning and Development the Secretary's power and authority with respect to this program, subject to specified exceptions.

EFFECTIVE DATE: July 19, 1984.

FOR FURTHER INFORMATION CONTACT: Craig S. Nickerson, Office of Urban Rehabilitation, Room 7162, Department of Housing and Urban Development, Washington, D.C. 20410, 202/755–5970. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: This notices states the scope of authority given to the Assistant Secretary and General Deputy Assistant Secretary for Community Planning and Development for the Rental Rehabilitation Program. All of the Secretary's authority with respect to this program is delegated except the power to sue and be sued. The authority delegated includes the authority to redelegate to employees of the Department, except for the authority to issue or waive rules and regulations.

The Rental Rehabilitation Program is a new program authorized by section 17 of the United States Housing Act of 1937. Section 17 is codified at 42 U.S.C. 1437o. It was added to the USHA of 1937 by section 301 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98–181, 97 Stat. 1153, 1196. The program provides grants to States, cities over 50,000 in population, urban counties, and consortia of units of general local government recognized by the Secretary for the purpose of rehabilitating privately-owned, primarily residential property for the benefit of lower income families. Accordingly, the Secretary delegates as follows:

Section A. Authority Delegated

The Assistant Secretary for Community Planning and Development and the General Deputy Assistant Secretary for Community Planning and Development are authorized individually to exercise the power and authority of the Secretary of Housing and Urban Develpment with respect to the Rental Rehabilitation Program under section 17 of the Housing Act of 1937 (42 U.S.C. 1437o), except as indicated in Section B below. This includes the authority to issue or waive rules and regulations.

Section B. Authority Excepted

There is excepted from the authority delegated under Section A the power to sue or be sued.

Section C. Authority to Redelegate

The Assistant Secretary for Community Planning and Development and the General Deputy Assistant Secretary for Community Planning and Development are authorized, individually, to redelegate to employees of the Department any of the power and authority delegated under Section A, and not excepted under Section B of this delegation. In addition, the Assistant Secretary and General Deputy Assistant Secretary are not authorized to redelegate the authority to issue or waive rules and regulations.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))]

Dated: July 19, 1984.

Samuel R. Pierce, Jr.,

Housing and Urban Development.

[FR Doc. 84–19931 Filed 7–26–84; 8:45 am]

BILLING CODE 4210–01–M

Office of The Assistant Secretary for Community Planning and Development

[Docket No. D–84–772; FR–1998]

Redelegation of Authority With Respect to the Rental Rehabilitation Program

AGENCY: Department of Housing and Urban Development (HUD); Assistant Secretary for Community Planning and Development (CPD).

ACTION: Notice of redelegation of authority.

SUMMARY: The Assistant Secretary for Community Planning and Development is redelegating his power and authority with respect to the Rental Rehabilitation Program to Regional Administrators, Field Office Managers, and Field Directors of Community Planning and Development Divisions, subject to certain specified exceptions.

EFFECTIVE DATE: July 19, 1984.

FOR FURTHER INFORMATION CONTACT: Craig S. Nickerson, Office of Urban Rehabilitation, Room 7162, Department of Housing and Urban Development, Washington, D.C. 20410, 202/755-5970. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Secretary has delegated his power and authority with respect to the Rental Rehabilitation Program to the Assistant Secretary for Community Planning and Development, subject to certain exceptions; such exceptions include the authority to sue or be sued and the authority to redelegate responsibility and authority for the issuance or waiver of rules and regulations, published elsewhere in today's issue. In this redelegation, the Assistant Secretary, Community Planning and Development is redelegating to specified officials of HUD Field Offices his delegated authority with respect to the Rental Rehabilitation Program, subject to additional exceptions. This redelegation is intended to maximize the authority of HUD Field Offices to administer the Rental Rehabilitation Program within Departmental regulations, subject to the specific exception enumerated in section B of this notice.

Accordingly, the Assistant Secretary for Community Planning and Development redelegates as follows:

Section A. Authority Redelegated

Each Regional Administrator, Office Manager, and Director of a Field Office Community Planning and Development Division, and the Deputy of each such official, is authorized by the Assistant Secretary for Community Planning and Development to exercise the power and authority of the Assistant Secretary with respect to the Rental Rehabilitation Program under section 17 of the United States Housing Act of 1937 (42 U.S.C. 1437o), except the power and authority specified in Section B of this Notice.

Section B. Authority Excepted

There is excepted from the authority delegated under Section A, the authority to reduce lower income benefit to 50 percent pursuant to 24 CFR 511.10(a)(3).

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: July 19, 1984.

Jack R. Stokvis,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 84-19930 Filed 7-26-84; 8:45 am]

BILLING CODE 4210-29-M

Office of Regional Administrator, Regional Housing Commissioner, Region I

[Docket No. D-84-770; FR-1980]

Redelegations of Authority

AGENCY: Office of the Regional Administrator, Regional Housing Commissioner, Region I, HUD.

ACTIONS: Redelegation of Authority.

SUMMARY: This redelegation of authority delegates from the Regional Administrator, Region I, to the Massachusetts Program Coordinator, Region I, with respect solely to Washington Apartments, Columbia Apartments, Grove Hall Apartments, Franklin Hill Apartments and Elm Hill Apartments in Boston, Massachusetts, the authority to authorize expenditures to remedy defects in heating, plumbing and electrical systems and equipment, and to correct structural defects subsequent to conveyance of title pursuant to the provisions of the contract of sale; to excute purchase orders for supplies and services and to issue orders for the publication of Notices and advertisements in all forms of the media, all in connection with the repair, construction, improvement, alteration, maintenance, operation, management, demolition or removal of acquired properties; to inspect or arrange for the inspection of such services and to authorize payment thereof; to establish, approve, implement, and amend the program for repairs, management, and operation of Washington Apartments, Columbia Apartments, Grove Hall Apartments, Franklin Hill Apartments and Elm Hill Apartments and to authorize expenditures to undertake the rehabilitation and repair as provided in the approved program for management and operation, with amendments; and to take all actions necessary to protect the interests of the Secretary, U.S. Dept. of Housing and Urban Development, in the management of the above-mentioned projects during the period the Secretary is mortgagee-in-possession of the projects.

EFFECTIVE DATE: March 20, 1984.

FOR FURTHER INFORMATION CONTACT: Marvin H. Lerman, Regional Counsel, Department of Housing and Urban Develpment, John F. Kennedy Federal Building, Boston, MA 02203, telephone (617) 223-4321. (This is not a toll-free number.)

Authorities delegated: Section A.

Authority redelegated. The Massachusetts Program Coordinator, Boston Regional Office, Region I, is authorized to exercise the following power and authority of the Secretary of Housing and Urban Development, as redelegated to the Regional Administrator, Region I, in connection with the following properties during foreclosure procedures while they are held by the Secretary as mortgagee-in-possession and once they have been conveyed to the Secretary:

Columbia Apartments Project No. 023-55124

Washington Apartments Project No. 023-55123

Elm Hill Apartments Project No. 023-35022

Franklin Hill Apartments Project No. 023-35059

Grove Hall Apartments Project No. 023-35035

a. To authorize expenditures to remedy defects in heating, plumbing and electrical systems and equipment, and to correct structural defects subsequent to conveyance of title pursuant to the provisions of the contract of sale;

b. To take all actions necessary to protect the interests of the Secretary in the management of multifamily properties during the period the Secretary is mortgagee-in-possession;

c. To execute purchase orders for supplies and services and to issue orders for the publication of Notices and advertisements in all forms of the media, all in connection with the repair, construction, improvement, alteration, maintenance, operation, management, demolition or removal of the named multifamily properties, once acquired; to inspection or arrange for the inspection of such services and to authorize payment therefor;

d. To establish, approve, implement, and amend the program for repairs, management, and operation of the named multifamily properties, once acquired, and to authorize expenditures to undertake the rehabilitation and repair as provided in the approved program for management and operation, with amendments.

Section B. *Exercise of Delegated Authority.* Redelegation of Authority in Section A shall not be construed to modify or otherwise affect the administrative and supervisory power of the Regional Administrator to whom a delegate is responsible.

Authority: Delegation of Authority to the Regional Administrator, 35 FR 16106 (October 14, 1970), as amended, and 48 FR 51695 (November 10, 1983).

Dated: March 16, 1984.

John C. Mongan,

Regional Administrator—Regional Housing Commissioner, Region I.

[FR Doc. 84-19844 Filed 7-26-84; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Proposal to Designate Research Natural Areas and Areas of Critical Environmental Concern in the Ukiah District, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposal to designate research natural areas and areas of critical environmental concern.

SUMMARY: Pursuant to 43 CFR 1610.7–2 the Ukiah District of the Bureau of Land Management is proposing to designate four areas of critical environmental concern: (1) Cedar Roughs, (2) Cache Creek River Corridor, (3) California Chaparral Community, and (4) Red Mountain. Pursuant to 43 CFR 8223, Cedar Roughs, California Chaparral Community, and Red Mountain are also proposed to be designated as Research Natural Areas.

DATES: Comments on this proposal are being solicited from public agencies, interested individuals, and organizations. Written comments should be received no later than 60 days after the publication of this notice in the **Federal Register** but the Ukiah District Manager, P.O. Box 940, Ukiah, California 95482, in order to be considered in the final decision.

FOR FURTHER INFORMATION CONTACT: Timothy P. Julius, Planning and Environmental Coordinator, P. O. Box 940 Ukiah, California 95482. Telephone (707) 462–3873.

SUPPLEMENTARY INFORMATION: The four proposed areas of critical environmental concern were analyzed in environmental impact statements on the wilderness suitability of each area. Proposing to designate areas of critical environmental concern (ACECs) and Research Natural Areas (RNAs) at this time will have no affect on the wildernes decision, which will ultimately be made by Congress.

1. The proposed Cedar Roughs RNA/ACEC is located in Napa County and would be managed for the educational and scientific values of a large Sargent cypress stand. The legal description is:

T. 8 N., R. 4 W., MDM

Section 1: SW¼SW¼, W½SW¼
Section 2: Lots 2, 3, 4, 5, 8, SW¼NE¼, S½NW¼, SE¼SE¼
Section 3: All
Section 4: All
Section 5: Lots 1, 2, S½NE¼, N½SE¼, SE¼SE¼
Section 9: E½, E½ W½
Section 10: N½, N½S½SE¼
Section 11: All
Section 14: N½N½, SW¼NW¼
Section 15: E½NE¼

T. 9 N., R. 4 W., MDM

Section 28: SE¼SE¼
Section 29: E½
Section 32: E½
Section 33: All
Section 34: SW¼NW¼, SW¼, W½SE¼, SE¼SE¼
Section 35: W½SE¼, SE¼SW¼.

Cedar Roughs is approximately 5,597.01 acres. There are no existing uses which would be affected by the designations.

2. The Cache Creek River Corridor is in Lake and Yolo counties and would be managed to protect the recreational and scenic values of Cache Creek. All public land one half mile on each side of Cache Creek (measured horizontally from normal high flow) in T. 12 N., R. 4 W.; T. 12 N., R. 5 W.; T. 13 N., R. 5 W.; and T. 13 N., R. 6 W., MDM is within this corridor, which totals approximately 7,500 acres. Plans of Operations would be required for mining activities other than casual use.

3. The proposed California Chaparral Community RNA/ACEC is in Lake County and would be managed to maintain biological diversity and provide for scientific study of a large, natural chaparral community. The legal description is:

T. 12 N., R. 6 W., MDM

Section 2: Lots 3, 4, S½NW¼, N½SW¼
Section 3: Lots 1–4, S½N½, NE¼SE¼
Section 4: Lots 1–4
Section 5: Lots 1–4, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼
Section 6: Lot 1

T. 13 N., 6 W., MDM

Section 13: SE¼NW¼, SW¼
Section 14: S½NE¼, SE¼, SW¼SW¼
Section 15: S½SW¼, SE¼SE¼
Section 20: NE¼NE¼, W½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, SE¼
Section 21: All
Section 22: All
Section 23: All
Section 24: W½E½, W½
Section 25: W½E½, W½
Section 26: All
Section 27: All
Section 28: All
Section 29: E½, NW¼NW¼, S½NW¼, SW¼
Section 30: SE¼NE¼
Section 31: E½NE¼, NE¼Se¼
Section 32: N½NE¼, NE¼NW¼,SW¼NE¼, S½
Section 33: All
Section 34: All
Section 35: All.

The proposed California Chaparral Community RNA/ACEC is approximately 10,121.89 acres. There are currently no activities that would be affected by the designations. However, plans of operations would be required for mining activities other than casual use.

4. The proposed Red Mountain RNA/ACEC would be managed to protect unique ecological values and to encourage scientific study of these values, which include the Cedar Creek watershed, lateritic soils, and several sensitive plant taxa, including a Federally listed species, *Arabis macdonaldiana*. Red Mountain is in northern Mendocino County. The legal description is:

T. 23 N., R. 16 W., MDM

Section 5: The portions of Lot 2 and the portions of SW¼NE¼ north of the road.
Section 6: Lots 5, 6, 11, 12.

T. 23 N., R. 17 W., MDM

Section 1: Lots 1–12, SE¼, N½SW¼
Section 2: NE¼SE¼

T. 24 N., R. 16 W., MDM

Section 17: Lot 10
Section 18: Lots 7, 8, 11, 12, W½SE¼
Section 19: Lots 1–12, NE¼, N½SE¼, SE¼SE¼
Section 20: Lots 2 and 3, E½NW¼
Section 27: Lots 5, 6, 11–14
Section 28: S½N½, SE¼,N½SW¼, SW¼SW¼
Section 29: S½, S½N½, NE¼NW¼
Section 30: Lots 1–12, S½NE¼, SE¼
Section 31: All
Section 32: W½, W½E½, NE¼NE¼
Section 33: NW¼NW¼, N½NE¼
Section 34: Lots 3–6

T. 24 N., R. 17 W., MDM

Section 23: NE¼NE¼
Section 24: Lots 2, 3, 4, E½E½, SW¼NE¼, W½SE¼, W½W½
Section 25: E½, NW¼NW¼, E½NW¼, SW¼SW¼
Section 36: All.

Red Mountain is approximately 6,957.12 acres. Recreational off road vehicle use would be prohibited, and logging would be restricted to protect the recognized values as much as practical. Much of the area has mining claims and the operator would be required to submit a plan of operations for all mining activities other than casual use.

Detailed management plans will be prepared for each designated area of critical environmental concern, incorporating concerns and environmental assessments.

Dated: July 20, 1984.

Van W. Manning,

District Manager.

[FR Doc. 84-19685 Filed 7-26-84; 8:45 am]

BILLING CODE 4310-84-M

Draft Jacks Creek Wilderness EIS; Availability; Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Draft Jacks Creek Wilderness EIS availability, public review and public hearings concerning proposed wilderness recommendations.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement concerning preliminary wilderness recommendations for seven Wilderness Study Areas located in southwestern Idaho's Owyhee County. WSAs considered in this document are:

ID-111-6 Little Jacks Creek WSA
ID-111-7B Duncan Creek WSA
ID-111-7C Big Jacks Creek WSA
ID-111-18 Pole Creek WSA
ID-111-36A Sheep Creek West WSA
ID-111-36B Sheep Creek East WSA
ID-111(16)-44 Upper Deep Creek WSA

The BLM proposes to recommend to the Secretary of the Interior that 110,655 acres of public land in these WSAs are suitable for wilderness designation and 66,642 acres are nonsuitable for wilderness designation.

DATES AND ADDRESSES: Notice is hereby given that the public comment period, which seeks comments on the proposed wilderness recommendations and the adequacy fo the EIS will continue to November 2, 1984. Written comments may be submitted anytime during the comment period to the Bureau of Land Management, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

Two public hearings have been scheduled to receive public comments on the wilderness suitability recommendations. Persons wishing to testify at the hearings should contact Kris Long or Ted Milesnick at the Boise District Office, in advance, to preregister, (208) 334-1582. The public is invited to attend either or both of the hearings listed below:

Date	Location	Time
Sept. 4, 1984	Rimrock High School Auditorium, Highway 78, Grand View, Idaho.	7 p.m.
Sept. 5, 1984 (two sessions).	Boise Public Library Auditorium, 715 S. Capital Blvd, Boise, Idaho.	2 p.m. and 7 p.m.

FOR FURTHER INFORMATION CONTACT: Ted Milesnick, BLM, Boise District Office. Telephone: (208) 334-1582.

SUPPLEMENTARY INFORMATION: All public comments will receive consideration in preparation of the final EIS and wilderness study report. The final EIS and wilderness study report will then be forwarded to the Secretary of the Interior and the President for review and recommendation. Ultimately, Congress will make the final decision on whether any of the areas will be designated as wilderness.

Copies of the draft document are available at the BLM Boise District Office.

Martin J. Zimmer,

District Manager.

[FR Doc. 84-19847 Filed 7-26-84; 8:45 am]

BILLING CODE 4310-GG-M

[Alaska AA-48511-AF]

Proposed Reinstatement of a Terminated Oil and Gas Lease

July 19, 1984.

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease AA-48511-AF has been timely filed for the following lands:

Copper River Meridian

T. 10 N., R. 5 W.,
Sec. 28, N½SE¼.
(80 acres.)

The proposed reinstatement of the lease will be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent. The $500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from March 1, 1984, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA-48511-AF as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective March 1, 1984, subject to the terms and conditions cited above.

Dated: July 19, 1984.

Fred E. Wolf,

Associate State Director.

[FR Doc. 84-19906 Filed 7-26-84; 8:45 am]

BILLING CODE 4310-JA-M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf

ACTION: Notice of availability of environmental documents prepared for Outer Continental Shelf (OCS) mineral prelease and exploration proposals on the Alaska OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's) prepared by the MMS for the following oil and gas prelease and exploration activities proposed on the Alaska OCS. The listing includes all proposals for which environmental documents were prepared by the Alaska OCS Region in the 3-month period preceding this notice.

Activity/Operator

Exploration Drilling Program St. George Basin; Exxon Company, U.S.A.

Location

Exxon Company, U.S.A. proposes to drill up to 18 exploratory wells from a semisubmersible drilling rig or a drill ship at locations 69 of more miles east southeast of St. George Island. Depending upon the results of drilling, testing, and evaluation of the initial well, subsequent wells may be drilled at other locations. Initial potential sites are described as follows:

Lease	Location	Latitude/longitude
OCS-Y:		
0530 No. 1	2345' FWL 2371' FSL	56.16504 N. 167.15278 W.
0529	671' FEL 4494' FSL	56.17061 N. 167.16764 W.
0527	5011' FEL 964' FSL	56.20365 N. 167.19109 W.
0526	4701' FEL 6965' FNL	56.22369 N. 167.26811 W.
0518	2430' FEL 892' FSL	56.23598 N. 167.72252 W.
0518	3626' FEL 2657' FNL	56.26928 N. 167.73080 W.
0528	7531" FEL 3398' FNL	56.18067 N. 167.74360. W.

Environmental Assessment

No. AK–84–03.

FONSI Date

April 23, 1984.

Activity/Operator

Exploration Drilling Program for St. George Basin; Chevron U.S.A., Inc.

Location

Chevron U.S.A., Inc. proposes to drill up to 11 exploratory and delineation wells from a simisubmersible drilling rig or a drill ship at locations approximately 75 miles east southeast of St. George Island. Depending upon the results of drilling, testing, and evaluation of the initial well, subsequent wells may be drilled at other locations. Initial potential sites are described as follows:

Lease	Location	Latitude/longitude
OCS-Y 0513:		
No. 1	6060' FWL	56°17'25.3" N.
	9823' FWL	167°50'22.9" W.
No. 2	4449' FWL	56°16'57.9" N.
	12589' FNL	167°50'49.3" W.
No. 3	14997' FWL	56°16'38.3" N.
	14961' FNL	167°47'40.9" W.
No. 4	9662' FWL	56°18'27.2" N.
	3681' FNL	167°49'23.5" W.
OCS-Y 0519:		
No. 1	2953' FWL	56°14'24.8" N.
	13547' FNL	167°41'46.7" W.
No. 2	5699' FWL	56°15'13.7" N.
	8684' FNL	167°41'1.5" W.
No. 3	15302' FWL	56°15'8.8" N.
	9554' FNL	167°38'11" W.
No. 4	10030' FWL	56°16'28" N.
	1312' FNL	167°39'49.9" W.
No. 5	200' FWL	56°15'42.3" N.
	5568' FNL	167°42'40.9" W.
No. 6	200' FWL	56°15'3.1" N.
	9547' FNL	167°42'38.1" W.
No. 7	200' FWL	56°14'36.9" N.
	13547' FNL	167°42'35.3" W.

Environmental Assessment

No. AK–84–04.

FONSI Date

April 30, 1984.

Activity/Operator

Exploration Drilling Program for St. George Basin; Placid Oil Company.

Location

Placid Oil Company proposes to drill up to eight exploratory wells from a semisubmersible drilling rig approximately 70 miles east southeast of St. George Island. The first well to be drilled will be OCS-Y 0461 No. 1. Depending upon the results of drilling, testing, and evaluation of the initial well, subsequent wells may be drilled at other locations. Proposed sites are described as follows:

Lease	Location
OCS-Y 0461:	
No. 1	1670' FWL 1670 FSL
No. 2	500' FWL1000 FSL
No. 3	2925' FWL 1000 FSL
No. 4	4600' FWL 2600 FSL
OCS-Y 9465:	
No. 1	1000' FWL 1600 FNL
No. 2	500' FWL 6370 FNL
No. 3	1650' FWL 2500 FSL
No. 4	11500' FWL 4000 FNL

Environmental Assessment

No. AK–84–05.

FONSI Date

May 4, 1984.

Activity/Operator

Exploration Drilling Program for St. George Basin; Gulf Oil Company

Location

Gulf Oil Company proposes to drill up to five exploratory wells from a semisubmersible drilling rig approximately 90 miles north of Dutch harbor. The first well to be drilled will be OCS–Y 0477–1. Depending upon the results of drilling, testing, and evaluation of the initial well; subsequent wells may be drilled at other locations. Proposed sites are described as follows:

Lease	Location	Latitude/longitude
OCS-Y 0477:		
No. 1	2310' FWL	55°10'19.7" N.
	869' FSL	166°56'54.1" W.
No. 2	7146'FEL	55°10'53.4" N.
	4117' FSL	166°55'07.3" W.
OCS-Y 0479:		
No. 1	2424'FWL	55°08'37.0" N.
	6188'FSL	166°56'46.3" W.
No. 2	4682' FEL	55°08'36.6" N.
	5912' FSL	166°54'18.3" N.
OCS-Y 0482: No. 1	5459' FEL	55°54'00.1" N.
	6375' FNL	160° 54'18.5" W.

Environmental Assessment

No. AK–84–06.

FONSI Date

May 10, 1984.

Activity/Operator

Exploration Drilling Program for St. George Basin; Shell Western E&P, Inc.

Location

Shell Western E&P, Inc. proposes to drill up to 24 exploratory wells from a semisubmersible drilling rig in the St. George lease area ranging from 80 to 200 miles north of Dutch Harbor. The first well be drilled will to be OCS–Y 0454. Depending upon the results of drilling, testing, and evaluation of the initial well, subsequent wells may be drilled at other locations. Proposed sites are described as follows:

Lease		North latitude	West longitude
OCS-Y	Line calls		
0454	7138' FEL 4364' FNL	55°33'15.7248"	166°19'40.7928"
0453	4132' FEL 5612' FSL	55°32'16.3716"	166°23'20.3496"
0449	6803' FEL 5665' FNL	55°35'35.2356"	166°24'05.2092"
0450	4298' FEL 3719' FNL	55°35'57.844"	166°18'56.808"
0451	3836' FEL 3442' FSL	55°34'36.138"	166°14'11.771"
0456	5968' FEL 3340' FNL	55°30'50.807"	166°19'15.931"
0448	5569' FWL 2139' FSL	55°34'12.904"	166°29'43.760"
0446	3883' FEL 1406' FNL	55°35'33.2088"	167°13'39.4824"
0442	6173' FWL 4430' FNL	55°37'36.7536"	167°15'25.704"
0445	4755' FEL 2732' FSL	55°33'33.480"	167°18'21.902"
0498	NE common corner	56°26'44.646"	167°52'52.4136"
0498	7550' FEL 1511' FNL	56°26'26.639"	167°55'5.484"
0499	1808' FEL 6499' FSL	56°25'18.88"	167°48'37.850"
0499	500' FEL 4000' FNL	56°26'11.4810"	161°48'18.4689"
0463	NE common corner	55°26'26.6496"	165°54'37.5228"
0460	3643' FEL 3564' FSL	55°27'5.119"	165°46'35.195"
0464	6352' FEL 2823' FNL	55°26'0.002"	165°51'53.986"
0463	6246' FWL 7490' FNL	55°25'11.55"	165°57'20.513"
0485	5385' FEL 4615' FSL	55°01'26.0976"	165°33'4.3992"
0485	1461' FWL 2204' FNL	55°2'54.3984"	165°35'38.4972"
0484	2964' FEL 2085' FNL	55°05'32.8687"	165°27'55.4354"
0497	3584' FWL 4523' FSL	56°28'06.2976"	167°23'51.3076"
0460	SE common corner	55°5'0.132"	166°57'18.252"
0480	NE common corner	55°7'35.332"	166°57'25.834"

Environmental Assessment

No. AK–84–07.

FONSI Date

May 11, 1984.

Activity/Operator

Exploration Drilling Program for St. George Basin; ARCO Alaska, Inc.

Location

ARCO Alaska, Inc. proposes to drill up to 13 exploratory wells from a semisubmersible drilling rig to explore 4 prospects within St. George Basin. The proposed drilling sites are located 50 to 90 miles east southeast and 80 miles southeast of St. George Island and 50 miles northeast of Cape Mordvinof, Unimak Island. The first well to be

drilled will be OCS–Y 0537. Depending upon the results of drilling, testing, and evaluation of the initial well, subsequent wells may be drilled at other locations. Proposed sites are described as follows:

Lease	Location
OCS–Y:	
0457	Southeast Quarter.
0490	Do.
0493	Do.
0494	Southwest Quarter.
0500	Northwest Quarter.
0505	Do.
0509	Do.
0511	Southwest Quarter.
0516	Do.
0531	Do.
0536	Southeast Quarter.
0537 No. 1	Northwest Quarter.
0538	Southwest Quarter.

Environmental Assessment

No. AK–84–08.

FONSI Date

May 25, 1984.

Activity/Operator

Exploration Drilling Program for St. George Basin; Mobil Oil Corporation

Location

Mobil Oil Corporation proposes to drill one exploratory well from a semisubmersible drilling rig approximately 125 miles northeast of Dutch Harbor and 96 miles west of Cold Bay. The well to be drilled will be located on OCS–Y 0466. Depending upon the results of drilling, testing, and evaluation of the initial well, one or two subsequent confirmation wells may be drilled at other locations on OCS–Y 0466. The proposed site for the initial well is as follows:

Lease	Location	Latitude/longitude
OCS–Y 0466 No. 1	1203' FEL 2008' FNL	55°26'19.4" N. 165°0'20.4" W.

Environmental Assessment

No. AK–84–09.

FONSI Date

May 25, 1984.

SUPPLEMENTARY INFORMATION: The MMS prepares (EA's) and FONSI's for proposals which relate to exploration for oil and gas resources on the Alaska OCS.

The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposal constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis of that finding and includes a summary or copy of the EA.

The FONSI and associated EA for the activities listed above are available for public inspection between the hours of 8 a.m. and 4 p.m., Monday through Friday (excluding lunch hour, 11:45 a.m. to 12:30 p.m.) at: Minerals Management Service, Alaska OCS Region, Office of the Regional Supervisor, Field Operations, 800 A Street, Suite 205, Anchorage, Alaska 99501, Phone: (907) 261–2255.

Persons interested in reviewing specific environmental documents, or obtaining information about EA's and FONSI's prepared for activities on the Alaska OCS, are encouraged to contact the above listed MMS office.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Irven F. Palmer, Jr.,

Acting Regional Manager.

[FR Doc. 84–19683 Filed 7–26–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Ice Age National Scenic Trail

ACTION: Notice of Route Selection and of Availability of Trail Maps and the Comprehensive Plan for Management and Use.

SUMMARY: The Ice Age National Scenic Trail was established as a component of the National Trails System by the Act of October 3, 1980, 94 Stat. 1360. The National Trails System Act, 82 Stat. 919, 16 U.S.C. 1241 et seq., as amended, provides a period of 2 complete fiscal years following the establishment of the trail for preparation of a Comprehensive Plan for Management and Use, including selection of the trail rute. Planning for the trail was completed in September 1983 and the final plan was transmitted to Congress on December 23, 1983.

Notice is hereby given that a route for the Ice Age National Scenic Trail has been selected as shown on the accompanying map. This map and 101 section maps of the route at a scale of 1 inch equals 1 mile, accompanied by general information about the trail, are available from the National Park Service, Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102.

Copies of the comprehensive management plan have been sent to all agencies, organizations, and individuals who participated in the preparation of the plan and many others which potentially may become involved in developing and managing segments of the trail. Any others who wish to become involved in developing and managing the trail may request a copy of the plan from the address given above.

SUPPLEMENTARY INFORMATION: The National Park Service is responsible for overall administration of the Ice Age National Scenic Trail (NST) on behalf of the Secretary of the Interior. This responsibility will be carried out in close cooperation with the Wisconsin Department of Natural Resources, the Ice Age Trail Council, and the Ice Age Park and Trail Foundation. Actual development and management of the trail, however, will be accomplished through many cooperating Federal, State, and local agencies and private trail organizations, including those just mentioned. Federal Agencies will directly manage those portions of the Ice Age NST which lie within the boundaries of existing Federal areas. State and local agencies will develop and manage portions of the trail that cross lands they administer. Private volunteer trail organizations will have to accomplish most, if not all, of the work of developing and managing portions of the Ice Age NST which cannot be located on public lands.

When completed, the Ice Age NST will meander approximately 1,000 miles across Wisconsin following a chain of glacial landscape features from Interstate State Park on the St. Croix River in Polk County to Potawatomi State Park in Door County. The trail connects six of the nine units of the Ice Age National Scientific Reserve.

One of the primary objectives in preparing the Comprehensive Plan for Management and Use of the Ice Age NST was to fulfill the Secretary of the Interior's responsibility to select a route for the trail. The planning process for the Ice Age NST has resulted in the selection of a route for the trail.

To the extent possible, the selected route of the Ice Age NST follows existing trails which were cooperatively developed by Federal, State, and local agencies and private interests as the Ice Age Trail prior to the passage of Federal legislation which made it a component of the National Trails System. Approximately 340 miles of such trails have been incorporated into the selected route. Of this, 12 trails and trail segments totaling 151 miles comprise the initial official, or certified portions of the

Ice Age NST. A list of these segments is given below.

Where no trails currently exist, two symbols are used in the Ice Age NST maps to define the location of future trail segments. One symbol shows "high potential opportunities" for future trail segments—known opportunities for establishing a segment of the Ice Age NST because of the existence of public lands, an abandoned railroad right-of-way, etc.

Where no such special opportunities are known to exist, the maps show "connecting road segments" which a hiker or other trail user could potentially follow to get from one existing trail segment to the next. Although these "connecting road segments" cannot become official segments of the Ice Age NST, they serve a utilitarian purpose for present trail users and help to define in a general way the future location of yet to be established trail segments. They are used most frequently to define the general route of the Ice Age NST where it must traverse areas of private ownership. No specific route could be identified across these areas because landownership and development can change greatly before trail segments are actually developed along these portions of the route sometime in the future. The "connecting road segments" shown on the maps in the comprehensive management plan are based largely on those included in the route described in the book, "On the Trail of the Ice Age," by former U.S. Representative Henry S. Reuss.

Certified Segments

In accordance with the procedures established in the comprehensive management plan and by permission of the responsible managing authorities, the following 12 existing trails and trail segments totaling approximately 151 miles are officially recognized, or certified, as segments of the Ice Age NST by the National Park Service and may be marked with the official Ice Age NST marker. They are described from west to east. Lengths are approximated.

1. Tuscobia State Trail (9.25 miles)—From Barron County Highway SS to State Route 48 at the Barron-Washington County Line.

2. Ice Age Trail, Chequamegon National Forest (36.3 miles)—From the trailhead on State Route 64 in sec. 35, T. 31 N., R. 3 W., to the trailhead at the intersection of Forest Routes 101 and 563.

3. Devils Lake State Park (7 miles)—Connecting portions of the park trail system which form a loop around Devils Lake and the northeastern portion of the park.

4. Indian Lake County Park (Dane County) and adjacent lands (1.2 miles)—From State Route 19 to the southern park boundary.

5. Sugar River State Trail (19 miles)—From Rufener Road in sec. 30, T. 4 N., R. 8 E., to the end of the trail in the village of Brodhead.

6. Kiwanis Trail, city of Janesville (0.5 miles)—From the intersection of North River Street and Mineral Point Avenue to West Memorial Drive.

7. Ice Age Trail, Kettle Moraine State Forest, Southern Unit (28.6 miles)—From Kettle Moraine Drive near the intersection of Hi-Lo Road to Waukesha County Highway G at the entrance to Pine Woods Campground.

8. Ice Age Trail, Lapham Peak Recreation Area (1 mile)—From the southern to the northern boundary of this isolated piece of state land in sec. 32, T. 7 N., R. 18 E.

9. Ice Age Trail, Pike Lake State Park (2 miles)—From the southern park boundary in sec. 26, T. 10 N., R. 18 E., to the northeast corner of the park property at Washington County Highway CC.

10. Ice Age Trail, Kettle Moraine State Forest, Northern Unit (26.75 miles)—From the trailhead on Washington County Highway H at the southern boundary of the forest to County Highway T at the northern boundary.

11. Ahnapee State Trail (16.7 miles)—From Kewaunee County Highway M in sec. 21, T. 25 N., R. 25 E., to State Route 42/57 near the intersection of Door County Highway U in the city of Sturgeon Bay.

12. Ice Age Trail, Potawatomi State Park (2.7 miles)—From the trailhead on the Shore Road near the south boundary of the park to the trail head on Norway Road near the observation tower in the north end of the park.

Dated: June 19, 1984.

Charles H. Odegaard,

Regional Director, Midwest Region.

BILLING CODE 4310-70-M

WISCONSIN GLACIATION

ICE AGE
NATIONAL SCENIC TRAIL
U.S. DEPARTMENT OF THE INTERIOR / NATIONAL PARK SERVICE

[FR Doc. 84-19869 Filed 7-26-84; 8:45 am]
BILLING CODE 4310-70-C

Revised Park Road Standards

AGENCY: National Park Service, Interior.
ACTION: Notice of adoption.

SUMMARY: The May 1, 1984 (49 FR 18630), **Federal Register** contained a notice of Public Review and Opportunity for Comment on revised Park Road Standards the National Park Service was proposing to adopt. Seventeen requests for copies were received, and written comments were received from the National Parks and Conservation Association and from the Wilderness Society. General comments were supportive of the Standards; specific issues addressed in the letters were considered to be adequately covered or, as appropriate, were incorporated into the Standards.

Effective this date, the 1984 Park Road Standards are adopted to supersede the previous Standards adopted in 1968 and shall be used in the planning, design and construction of National Park Service roads and parkways.

This Notice is issued pursuant to the authority delegated to me in accordance with Department of Interior Departmental Manual *245 DM 1.1.*

Subject to time for final printing, copies of the 1984 Park Road Standards may be obtained from Superintendent of Documents, Documents Control Branch (SSMC), U.S. Government Printing Office, Washington, D.C. 20401.

Russell E. Dickenson,
Director.

[FR Doc. 84-19903 Filed 7-26-84; 8:45 am]
BILLING CODE 4310-70-M

Bureau of Reclamation

Umbarger Dam Modification Study, Texas; Public Meeting

The Department of the Interior, Bureau of Reclamation, will hold a public meeting at 7:30 p.m. August 15, 1984, in the Virgil Henson Activity Center, West Texas State University, Canyon, Texas, to provide information on the effect this modification will have on wetlands (Executive Order 11990) and flood plains (Executive Order 11988). Reclamation plans to prepare an environmental assessment of this study. The meeting will also give the public an opportunity to express their views and comments relating to environmental concerns.

The study is being conducted by Reclamation for the U.S. Fish and Wildlife Service (FWS), which is responsible for operation and maintenance of the Buffalo Lake National Wildife Refuge near Umbarger, Texas. Umbarger Dam has been determined to be unsafe to handle any sizable flood because of a structurally and hydraulically inadequate spillway. The FWS has requested Reclamation to study approaches to correcting deficiencies in the dam and spillway.

Additional information concerning this study may be obtained by contacting Mr. Gene Bass, Bureau of Reclamation, 714 South Tyler Street, Suite 201, Amarillo, Texas 79101, telephone (806) 378-5477.

Dated: July 23, 1984.

Robert A. Olson,
Acting Commissioner.

[FR Doc. 84-19893 Filed 7-26-84; 8:45 am]
BILLING CODE 4310-09-M

Proposed Realty Action and Restrictive Title Covenants; Idaho

SUMMARY: The United States is proposing to sell 15 parcels of land in the Minidoka Project, Idaho, totaling 500 acres. These are small tracts of Federal land interspersed within privately owned and developed irrigated lands in the "A" and "B" units of the Minidoka Project. Since project development, these small undeveloped parcels of land have become valuable habitat for game animals, particularly the ring-necked pheasant. Restrictive covenants proposed to be included in patents issued to these lands are intended to preserve the wildlife potentials of the lands following sale, while still allowing further irrigated crop development.

DATES: Comments on the proposal to include protective wildlife covenants must be received on or before September 10, 1984.

ADDRESSES: All comments should be directed to: Regional Director, Pacific Northwest Region, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724.

FOR FURTHER INFORMATION CONTACT: Mr. Lloyd Ericson, Chief, Lands Branch, Pacific Northwest Region, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724, Telephone (208) 334-1173.

Notice is hereby given that, pursuant to the Disposal of Small Tracts Act of March 31, 1950 (64 Stat. 39), and the Fish and Wildlife Coordination Act of August 12, 1958 (72 Stat. 563), the Government is studying a proposal to sell approximately 500 acres of land in approximately 15 parcels located within the "A" and "B" units of the Minidoka Project, in Minidoka and Jerome Counties, Idaho. A wildlife conservation easement over the lands would be retained by the United States when patents are issued. The wildlife conservation easement would reserve certain rights to the United States, limiting some harvesting of crops for the benefit of wildlife propagation, together with the lands remaining open to lawful public hunting.

The "A" and "B" units of the Minidoka Project were constructed between 1953 and 1961 by pumping from ground water and the Snake River. Irrigation water was supplied to approximately 77,000 acres of arid lands. The project has proven very successful.

Design of the irrigation system, capacity of pumps and wells, and layout of the farm units left several parcels of land that could not be practically reclaimed by the gravity irrigation methods used during the development period. However, modern sprinkler irrigation methods have made it practical to reclaim several of these "bypassed" small tracts by incorporating them into adjacent farm units. Several of the parcels have already been developed under lease arrangements.

Since development, this area has become a very productive upland game bird resource (particularly Chinese ring-necked pheasant) of considerable importance to the local and State economy. The undeveloped lands within the project area provide some protective cover for these birds. However, increased cover and feed produced by irrigation development would enhance the game habitat of these parcels, provided certain beneficial farming practices were employed. Sale of the parcels would encourage permanent development of the parcels benefitting the landowners as well as the wildlife populations of the area. Retaining hunting rights over the lands would ensure public access.

The rights which would be retained by the United States would provide a means to ensure that appropriate wildlife management procedures are incorporated into the farming practices implemented on each parcel of land. The Idaho Department of Fish and Game would manage the wildlife conservation easement under an agreement with the United States.

Prior to taking action on the proposed sales, detailed information will be supplied to concerned agencies and individuals for their review and comment. Appropriate actions will also be taken to assure compliance with the National Environmental Policy Act.

Dated: July 23, 1984.

Robert A. Olson,

Acting Commissioner, Bureau of Reclamation.

[FR Doc. 84-19894 Filed 7-26-84; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Larry E. Self d.b.a. Action Drywall, 102 Cedar Lane, Chattanooga, Tennessee 37421.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation: Action Truck Lines, Inc., 102 Cedar Lane, Chattanooga, Tennessee 37421. Incorporated in the State of Tennessee.

1. Parent Corporation: Duchossois Industries, Inc., 845 Larch Avenue, Elmhurst, IL 60126.

2-Subsidiaries:

(a) Thrall Car Manufacturing Company (Delaware)

(b) Chamberlain Manufacturing Company (Iowa)

1. *Parent corporation and address of principal office:* Lone Star Steel Company, a Texas corporation, 2200 W. Mockingbird Lane, P.O. Box 35888, Dallas, Texas 75235.

2. *Wholly-owned subsidiaries which will participate in the operations.*

(a) Texas and Northern Motor Transport Company, a Texas corporation, 10731 Rockwall Road, Dallas, Texas 75238.

(b) Texas and Northern Railway Company, a Texas corporation, 10731 Rockwall Road, Dallas, Texas 75238.

(c) T & N Lone Star Warehouse Company, a Texas corporation, 10731 Rockwall Road, Dallas, Texas 75238.

(c-2) T & N Lone Star Warehouse d.b.a. Iberia Scrap & Salvage

(c-3) T & N Lone Star Warehouse d.b.a. Southwest Scrap & Salvage

(c-4) T & N Lone Star Warehouse d.b.a. Raw Materials Division

(d) Lesco Transportation Co., Inc., a Texas corporation, 10731 Rockwall Road, Dallas, Texas 75238.

(e) Lesco Trucking Company Inc., a Texas corporation, 10731 Rockwall Road, Dallas, Texas 75238.

(f) T&N Fabrication Co., a Texas corporation, 10731 Rockwall Road, Dallas, Texas 75238.

(g) Fort Collins Pipe Company, a Colorado corporation, 10731 Rockwall Road, Dallas, Texas 75238.

James H. Bayne,

Secretary.

[FR Doc. 84-19870 Filed 7-26-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-115X)]

Seaboard System Railroad, Inc.; Abandonment Exemption in Perry County, KY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903 *et seq.* the abandonment by Seaboard System Railroad, Inc., of approximately 2.07 miles of rail line between Valuation Station 43+00 and Valuation Station 152+28 in Perry County, KY, subject to conditions for the protection of employees. Tariff cancellations may be made effective on not less than 10 days' notice.

DATES: This exemption is effective on July 27, 1984. Petitions to reopen must be filed by August 16, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB-55 (Sub-No. 115X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Charles M. Rosenberger, Esq., Seaboard System Railroad, Inc., 500 Water Street, Jacksonville, FL 32202

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: July 20, 1984.

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

James H. Bayne,

Secretary.

[FR Doc. 84-19871 Filed 7-26-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-80)]

Baltimore and Ohio Railroad Co.; Discontinuance of Service in Macon and Sangamon Counties, IL; Petition for Waiver

Decided: July 24 1984.

On June 29, 1984, the Baltimore and Ohio Railroad Company (B&O) filed a petition for waiver of 49 CFR 1152.20(b)(1) requiring service of a Notice of Intent to discontinue operations prior to the filing of an application to discontinue with regard to Ortner Freight Car Company (Ortner), a particular user of its service. Concurrently with the filing of this petition, B&O filed its application to discontinue service (1) over a line of the Norfolk and Western Railway Company extending between N&W milepost DET 375.3 at or near Decatur and N&W milepost DET 414.2 at or near Springfield and (2) over a line of the Chicago and Illinois Midland Railway (C&IM) between B&O milepost 181.29 and B&O milepost 183.31 at or near Springfield, all in Macon and Sangamon Counties, IL.

The Commission's regulation at 49 CFR 1152.20(b)(1) requires that an applicant's Notice of Intent to discontinue service must be served upon significant users of the line at least 15 days, but not more than 30 days, prior to the filing of the application. On June 1, 1984, petitioner served its Notice of Intent upon The Pillsbury Company and Continental Grain Company, Inc., patrons located in Springfield, IL, served under a switching arrangement.

At some point after the expiration of the 15 day service period required by § 1152.20(b)(1), B&O discovered that Ortner had made one shipment of 61 railway freight cars on their own wheels from Springfield within the 12 month period prior to the filing of its Notice of Intent. This shipment, characterized by petitioner as an apparent one-time move, originated on the line of the C&IM. On June 27, 1984, B&O mailed a copy of its Notice of Intent to Ortner.

B&O maintains that as it does not own a line of railroad in Springfield and can only originate or terminate shipments at that point under switching arrangements with other railroads serving Springfield, its patrons in Springfield are not significant users as that term is defined in 49 CFR 1152.2(m). In that event it would not be necessary for B&O to serve patrons located in Springfield with its Notice of Intent. I find no merit to this contention since B&O can originate or terminate traffic at Springfield under its present operating authority.

Should it be necessary for petitioner to comply with the service requirement to § 1152.20(b)(1), B&O submits that waiver of this requirement will not prejudice Ortner.

The failure of B&O to timely serve its Notice of Intent upon Ortner appears to be the result of its inadvertent overlooking of an infrequent user of its service. As B&O's late tendered service of its Notice of Intent upon Ortner on June 27, 1984, does provide that shipper with a reasonable opportunity to file written comments or protest the proposed discontinuance application, little purpose would be served in denying waiver and subjecting the application to rejection. See 49 CFR 1152.24(e)(5). The petition for waiver will be granted.

This action will not significantly affect either the quality of the human environment or energy conservation.

It is ordered:

1. The petition for waiver is granted.
2. This decision shall be effective on July 27, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-19987 Filed 7-26-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, the Resource Conservation and Recovery Act and the Clean Water Act

In accordance with Departmentl policy, 28 CFR 50.7, notice is hereby given that on July 20, 1984, a proposed Consent Decree in *United States* v. *Western Processing Co., et al.* Civil Action No. C83-252M, was lodged with the United States District Court for the Western District of Washington. The complaint filed by the United States alleged violations of the Comprehensive Environmental Response, Compensation, and Liability Act, the Resource Conservation and Recovery Act and the Clean Water Act due to improper waste disposal practices of Western Processing Co., and the release or threatened release of hazardous substances from the Western Processing site. The complaint sought injunctive relief to require defendants to abate the dangers posed by the site, and to require the owners and operators of the site to comply with the requirements of RCRA and regulations promulgated under RCRA. The complaint also asserted claims for civil penalties for past violations of RCRA and the Clean Water Act. Finally, the complaint sought recovery of costs incurred by the U.S. Environmental Protection Agency in conducting an emergency cleanup of the site. The Consent Decree provides that certain waste generators will hire a contractor to conduct a surface cleanup of the site.

The Department of Justice will receive for a period of ten (10) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Western Processing Co., et al.*, D.J. Ref. 90-7-1-223.

The proposed Consent Decree may be examined at the office of the United States Attorney, 3600 Seafirst Fifth Avenue Plaza, Seattle, Washington, and at the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $41.60 payable to the Treasurer of the United States.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-19990 Filed 7-26-84; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 84-10]

Manhattan Drug, Manhattan, MT; Hearing

Notice is hereby given that on April 4, 1984, the Drug Enforcement Administration, Department of Justice, issued to Manhattan Drug, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke its DEA Certificate of Registration, AB7311905, and deny its application, executed on November 25, 1983, for renewal of its registration as a retail pharmacy under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondant, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Wednesday, August 15, 1984, in Room 5000, Federal Building, 316 North 26th Street, Billings, Montana.

Dated: July 19, 1984.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 84-19889 Filed 7-26-84; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated May 18, 1984, and published in the **Federal Register** on May 25, 1984; (49 FR 22144), Applied Science Laboratories, Inc., a Division of Alltech Associate, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Lysergic acid diethylamide (7315)	I
Mescaline (7381)	I
Normorphine (9313)	I
Dihydromorphine (9145)	I
1-phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile(PCC) (8603)	II
Codeine (9050)	II
Benzoylecgonine (9187)	II
Egogonine (9180)	II
Dextropropoxyphene (9273)	II

Any other such applicant and any person who is currently registered with DEA to manufacture such substances were invited to file comments or a written request for a hearing concerning this application. Two bulk manufactureres of codeine (9050), McNeil and Mallinckrodt, Inc., filed comments noting that the applicant intends only to bulk manufacture minute quantities of salts derived from domestically procured codeine for the production of chemical standards. A third bulk manufacturer of codeine (9050), Penick Corporation, requested a hearing concerning this applicant's intent to bulk manufacture codeine (9050), but withdrew the request for a hearing on July 5, 1984 upon being advised by DEA that the applicant indicated in correspondence dated June 14 and 29, 1984 that they did not intend to bulk manufacture codeine (9050). Since the applicant will not bulk manufacture codeine (9050), it is deleted from this Notice of Registration. No

other comments or requests for hearings have been received.

Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of a controlled substance listed above is granted.

Dated: July 20, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-19885 Filed 7-26-84; 8:45 am]

BILLING CODE 4410-09-M

Revocation of Registration; Ricardo Oscar Gershanik

On April 19, 1984, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) directed an Order to Show Cause to Ricardo Oscar Gershanik, M.D., 1300 Coral Way, Suite 201, Miami, Florida 33040 (Respondent). The order sought revocation of DEA Certificate of Registration AG6898487 issued to Dr. Gershanik. The statutory predicate under 21 U.S.C. 824(a) (3) for the Order to Show Cause is the revocation of Dr. Gershanik's license to practice medicine in the State of Florida. The Order to Show Cause detailed the alternative procedures for response including those required to request a hearing. The Order further stated that a response was required within thirty days of receipt.

Respondent through counsel submitted a letter dated May 31, 1984, requesting that any action by DEA be postponed pending Respondent's judicial appeal of the action of the Florida Board of Medical Examiners. The letter was received by DEA on June 7, 1984. The Respondent's response, even if considered timely filed, did not request a hearing, therefore the opportunity for a hearing is waived pursuant to 21 CFR 1301.54(c).

Effective August 30, 1983, the Board of Medical Examiners, Department of Professional Regulation, State of Florida, revoked Respondent's license to practice medicine. This action terminated Respondent's authority to dispense, prescribe, administer or otherwise handle controlled substances under the laws of the State of Florida. DEA has consistently held that when a registrant is without authority to handle controlled substances under the laws of the jurisdiction in which he practices, DEA is without lawful authority to maintain a registration. See: *Kenneth K. Birchard, M.D.*, 48FR 33778 (1983); *Floyd A. Santner, M.D.*, Dk. No. 79-23, 47 FR 51831 (1982); *Henry Weitz, M.D.*, 46 FR 34858 (1981). Since Dr. Gershanik is without authority to possess, dispense, administer or otherwise handle controlled substances in Florida, the Administrator has no choice but to revoke his DEA Certificate of Registration. The decision of the Florida Board of Medical Examiners is final. The fact that it is being appealed in the Florida courts does not affect the fact that the doctor cannot practice medicine or handle controlled substances in Florida at this time.

In addition, the Administrator notes that DEA has been informed by Respondent's counsel that Respondent is currently residing outside the United States in Argentina, where he has no need for a DEA Certificate of Registration.

There is no lawful basis for DEA to continue of register Dr. Gershanik since he is no longer licensed to practice medicine or handle controlled substances in the State of Florida. Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) hereby orders that DEA Certificate of Registration AG6898487 issued to Ricardo Oscar Gershanik be, and it is hereby revoked, effective immediately.

Dated: July 23, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-19887 Filed 7-26-84; 8:45 am]

BILLING CODE 4410-09-M

Revocation of Registration; Frank J. Brown, M.D.

On April 23, 1984, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Frank J. Brown, M.D., P.O. Box 982, Norcross, Georgia 30071 (Respondent). The Order sought revocation of DEA Certificate of Registration AB5825091 issued to Dr. Brown for reason that on December 12, 1983, in the United States District Court for the Western District of North Carolina Respondent was convicted of three (3) counts of obtaining controlled substances by misrepresentation in violation of 21 U.S.C. 843(a)(3) and four (4) counts of distribution of controlled substances outside the usual course of professional practice in violation of 21 U.S.C. 841(a)(1). These are felony convictions relating to controlled substances which constitute grounds for revocation of a DEA Certificate of Registration pursuant to 21 U.S.C. 824(a)(2).

On May 7, 1984, DEA received a letter dated May 1, 1984, from Respondent requesting DEA forego further action until the appeal of his conviction was decided. Respondent indicated that his attorney would also be responding to the Order to Show Cause. No correspondence has been received from Respondent's counsel or any other person relating to this matter. Therefore, since Respondent did not request a hearing, the Administrator finds that he waived his opportunity for a hearing under 21 CFR 1301.54(d), and enters this final order on the record as it appears.

As to Respondent's request for a stay of any DEA action pending judicial appeal, the Administrator has invariably held that for purposes of 21 U.S.C. 842(a)(2) a conviction is final even though the registrant is pursuing appellate remedies. See: *Michael C. Berry, M.D.*, 48 FR 33777 (1983); *Ronald Wardell Andrews, M.D.*, 47 FR 56745 (1982); *Faunce Drug Store*, DK. No. 82-3, 47 FR 30122 (1982). The Administrator notes that Respondent is free to reapply for DEA registration at any time, and that his application will be evaluated in light of circumstances existing at that time.

The Administrator has reviewed and examined the investigative file in this matter as well as the letter submitted by Respondent in response to the Order to Show Cause. The Administrator finds that on December 12, 1983, after a jury trial, Respondent was convicted in U.S. District Court for the Western District of North Carolina of three (3) counts of violation of 21 U.S.C. 843(a)(3) and four (4) counts of violation of 21 U.S.C. 841(a)(1). All are felony violations of the Controlled Substances Act. As a result of the conviction Dr. Brown was sentenced to three years in prison and a special parole term of three years. He is currently practicing medicine in the State of Georgia while appealing his conviction.

The Administrator finds that the Respondent presented no evidence in his brief letter responding to the Order to Show Cause, nor is there any evidence in the record, which would serve to mitigate the Respondent's recent controlled substances related felony conviction and his history of other drug related activity. In 1974, Respondent was placed on probation with restrictions by the North Carolina Board of Medical Examiners because he falsely told them during license

application proceedings that he had never used narcotics and barbiturates. Dr. Brown later admitted to the Board that while licensed to practice medicine in Georgia in late 1972 and early 1973, he had self-administered Percodan which he had obtained by writing prescriptions in the names of individuals who never received the drug. The Georgia Medical Board also placed his medical license on five years probation. From December, 1981 to October, 1982, while probation in North Carolina, Dr. Brown obtained Biphetamine and Percodan on prescriptions from another physician after falsely representing to this doctor that he had narcolepsy and back pain. In turn, Dr. Brown prescribed Percodan to this same physician which the physician used to maintain his dependence on the narcotic. In August, 1982 Dr. Brown paid $400 to an escort service for the company of a young woman for whom he later prescribed the controlled substances Placidyl and Percodan in return for her services. The young woman indicated that she and Dr. Brown took the drugs together and that he had also given her shots of Dilaudid as well as having administered Dilaudid to himself in her presence. Dr. Brown had ordered substantial quantities of injectable Dilaudid via DEA-222 order forms, allegedly for office use, during this period. Dr. Brown surrendered his medical license to the North Carolina Board of Medical Examiners in February, 1983. Attempts were made at that time to have Dr. Brown surrender his DEA Certificate of Registration since he was no longer authorized to be registered, having no license to practice medicine in North Carolina. Dr. Brown informed a DEA Diversion Investigator that if he was not left alone he would sue, and refused to surrender his registration. In June, 1983, Respondent was arrested pursuant to a nine-count Federal indictment which resulted in the conviction previously mentioned. In August, 1983, Respondent transferred his DEA registration to Georgia. Since his conviction Respondent is practicing in Georgia. At the present time action by the Georgia Board of Medical Examiners is pending concerning Respondent's license to practice medicine.

The Administrator finds nothing in the record to explain or mitigate Dr. Brown's violations of the law. It is clear that Dr. Brown should not be allowed to handle controlled substances. The Administrator finds a lawful basis for revocation of Respondent's registration and concludes under the facts and circumstances presented that the registration should be revoked. Accordingly, pursuant to the authority vested in him by 21 U.S.C. 824 and 28 CFR 0.100(b), the Administrator of the Drug Enforcement Administration hereby orders that DEA Certificate of Registration AB5825091 previously issued to Frank J. Brown, M.D. be and it hereby is revoked, effective August 27, 1984.

Dated: July 23, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-19888 Filed 7-26-84; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Elkins-Sinn, Inc.; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a registration under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 19, 1984, Elkins-Sinn, Inc., Subsidiary of A. H. Robins, Two Esterbrook Lane, Cherry Hill, New Jersey 08034, made application to the Drug Enforcement Administration to be registered as an importer of Fentanyl (9801), a basic class controlled substance in Schedule II, Elkins-Sinn, Inc., in their application to DEA, indicates that they do not have access to the domestic supply of Fentanyl (9801) and, therefore, must seek a foreign source of supply.

As to the basic class of controlled substances listed above for which application for registration has been made, any other applicant, therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than August 30, 1984.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (Sept. 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: July 20, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-19890 Filed 7-26-84; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Under Secretary

Solicitation for Grant Application; Job Training Partnership Act, Title IV, Part D, Program Year 1984

AGENCY: Bureau of Labor-Management Relations and Cooperative Programs, Labor.

ACTION: Notice.

SUMMARY: This notice sets forth the procedures and schedule for the Solicitation for Grant Application (SGA) for the funding of demonstration projects in accordance with Title IV, Part D of the Job Training Partnership Act (JTPA).

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Johnson, Bureau of Labor-Management Relations and Cooperative Programs, 200 Constitution Avenue, NW., Room N-5677, Washington, DC 20210, Telephone (202) 523-6098.

SUPPLEMENTARY INFORMATION: The Bureau of Labor-Management Relations and Cooperative Programs announces the availability of funds and the schedule for Solicitation for Grant Application and award of funds to conduct demonstration projects authorized under Title IV, Part D of JTPA. This part provides for demonstration projects for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems.

On July 19, 1984, all known eligible applicants were mailed a Solicitation for

Grant Application package which consists of:

Part A—General Program Information and Requirements

Paart B—Instructions and Forms for Preparation and Submission of Applications

Eligible applicants are limited to nonprofit organizations, jointly established by employers and labor organizations representing employees in a geographic area for the purpose of improving labor-management relations, job security, organizational effectiveness, enhancing economic development of involving workers in decisions affecting their jobs including improving communication with respect to subjects of mutual interest and concern.

The Solicitation for Grant Application contains grant awards in amounts up to $25,000.00 for projects in the following categories:

1. Displaced Worker Projects—Grantees performing under this category shall demonstrate the effectiveness of area labor-management committees in designing and implementing programs to minimize the impact of plant closings and mass layoffs in the community.

2. Industrial Retention and Expansion Projects—Grantees performing under this category shall demonstrate the effectiveness of area labor-management committees in designing and implementing in-plant cooperative labor-management programs to assist the community's existing business to remain, prosper and expand, leading to stabilization and/or expansion of the number of jobs available in the local labor market.

Applications must be received by the Office of Procurement Operations, Room S-1521, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210 not later than 4:45 p.m., prevailing Washington, D.C. time on September 10, 1984.

Award of funds will be made through a competitive discretionary grant process utilizing the evaluation criteria specified in the solicitation. It is anticipated that grant awards will be made in November 1984.

Consultation, technical assistance and a Solicitation for Grant Application package may be obtained upon request from Mr. Robert L. Johnson, Bureau of Labor-Management Relations and Cooperative Programs, 200 Constitution Avenue NW., Room N-5677, Washington, D.C. 20210, Telephone (202) 523-6098.

Signed at Washington, D.C., this 23rd day of July 1984.

Ronald J. St. Cyr,

Acting Deputy Under Secretary for Labor-Management Relations and Cooperative Programs.

[FR Doc. 84-19924 Filed 7-26-84; 8:45 am]

BILLING CODE 4510-29-M

MERIT SYSTEMS PROTECTION BOARD

Change in Policy Regarding Service of Orders and Decisions

AGENCY: Merit Systems Protection Board.

ACTION: Notice concerning change in service of Board orders and decisions.

SUMMARY: This notice sets forth the Board's revised policy regarding service by the Board of procedural orders and notices, initial decisions, and final Board orders upon parties to appeals before the Board.

EFFECTIVE DATE: September 1, 1984.

ADDRESS: Office of the Secretary, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419.

FOR FURTHER NFORMATION CONTACT: Kathy W. Semone, Assistant Secretary, 653-7200.

SUPPLEMENTARY INFORMATION: The Board has previously served copies of its orders and decisions on various offices and individuals within an agency as requested by the agency. In some instances the Board has served as many as four different offices within a single agency. In a time when increasing emphasis is placed upon cost effectiveness and efficiency of operations, the Board has determined that it is neither cost effective nor an efficient use of Board resources for the Board to continue to serve its orders and decisions upon multiple components of an agency.

Accordingly, the Board shall serve procedural orders and notices upon the appropriate agency personnel office, as previously identified by the agency, until such time as the agency designates a representative in an appeal before the Board. After a representative has been designated, that representative or a properly designated successor, shall be the sole agency party to be served with orders and decisions issued by the Board in the subject appeal. The Board shall serve its orders and decisions upon the agency representative by regular mail except in extraordinary circumstances.

The Board also modifies its policy with respect to service of Board orders upon appellants and their representatives. Procedural orders and notices and initial decisions shall continue to be served upon both appellant and his/her representative by regular mail.

However, service of final Board orders shall depend upon whether the case is "mixed" (discrimination has been alleged). Final Board orders in mixed cases shall be served upon both the appellant and his/her representative by certified or registered mail, return receipt requested, and upon the designated agency representative by regular mail. Final Board orders in non-mixed cases shall be served upon the appellant by regular mail and upon appellant's representative by certified or registered mail, return receipt requested, unless appellant is not represented. If appellant is not represented, service shall be made upon him/her by certified or registered mail, return receipt requested. Final Board orders in non-mixed cases shall be made upon the designated agency representative by regular mail.

The Board is not obligated by law to serve an appellant if there is a designated representative upon whom service can be made. *Gragg* v. *United States*, 717 F.2d 1343 (Fed. Cir. 1983). However, the Board will continue to attempt to serve both appellant and his/her representative. Under appropriate circumstances, the Board may modify this and other service policies described in this notice.

Dated: July 23, 1984.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 84-19911 Filed 7-26-84; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506:

Date: August 20-21, 1984.
Time: 9:00 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for Special Projects/Youth Projects program, Division of General

Programs, for projects beginning after January 1, 1985.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 84-19922 Filed 7-26-84; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–155]

Consumers Power Co., Big Rock Point Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.49 to Consumers Power Company (the licensee) for the Big Rock Point Plant, located at the licensee's site near Charlevoix, Michigan.

Environmental Assessment

Identification of Proposed Action

The exemption would extend the deadline for final environmental qualification of electrical equipment within the scope of the rule from the end of the 1984 refueling outage to March 31, 1985. The proposed exemption is in accordance with the licensee's request for exemption dated June 29, 1984. In the June 29, 1984 submittal the licensee requested an extension of the deadline until November 30, 1985 for certain items of equipment. After discussions with the NRC staff, the licensee agreed to a modification of the schedular exemption to the rule as described above.

The Need for the Proposed Action

10 CFR 50.49(g) requires a licensee to complete final environmental qualification of electrical equipment within the scope of the rule by the end of the second refueling outage after March 31, 1982 or by March 31, 1985, whichever is earlier. The refueling outage which began on May 31, 1984 is the second refueling outage at Big Rock Point since March 31, 1982. Therefore, the regulation would require completion of final qualification at Big Rock Point before startup from this refueling outage.

The current refueling outage was scheduled to begin in September 1984. However, the plant was forced to shut down on May 31, 1984 by leakage in the condensate system and because of fuel leakage problems the licensee made the decision to refuel early. The June 29, 1984 letter explains the process by which Consumers Power Company intends to achieve final qualification of any equipment for which final qualification has not been achieved at the end of the refueling outage. Consumers Power Company concluded that this process including additional analysis and testing, equipment procurement and installation, cannot be completed before the end of the outage. This process was reviewed and approved by the NRC staff in NUREG–0828, "Integrated Plant Safety Assessment, Systematic Evaluation Program for the Big Rock Point Plant," dated May 1984.

Environmental Impacts of the Proposed Action

The purpose of the final environmental qualification of electrical equipment required by 10 CFR 50.49 is to ensure that electrical equipment which is needed to achieve safe shutdown or mitigate a reactor accident is capable of performing properly under the environmental conditions which might ensue (for example, high temperature and pressure) during such an accident. The environmental impact of delaying final qualification is the slightly increased risk of radiological releases during the next eight months of power operation which could be associated with a reactor accident if the equipment failed due to the accident environment.

To ensure that this risk is minimized, the licensee has provided justifications for continued operation for equipment for which final qualification will not be completed by the end of the outage. These justifications are based on the acceptance criteria for such justifications provided in 10 CFR 50.49. These justifications provide reasonable assurance that an accident would be properly mitigated even though the final qualification of the equipment is not complete. Therefore, this incremental risk is quite low and the releases if they did occur would be bounded by releases which have been previously determined as possible consequences for other accidents at Big Rock Point. Therefore, the Commission concludes that there are not significant radiological environmental impacts associated with this proposed exemption.

The proposed exemption involves only systems located entirely within the restricted area as defined in 10 CFR Part 20. Also, the proposed exemption does not affect non-radiological plant effluents or other non-radiological environmental impacts. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

The principal alternative to the proposed action would be to deny the exemption and not allow reactor startup until final qualification was complete. Such an action would negate the insignificant incremental risk described above. However, such an action would result in the loss of approximately eight full power months of generated electricity, a large adverse impact.

Alternative Use of Resources

This action does not involve the use of resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of no Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated June 29, 1984, which is available

for public inspection at the Commission's Public Document Room, 1717 H Street NW., Wshington, D.C., 20555, and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Dated at Bethesda, Maryland, this 24th day of July 1984.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-19928 Filed 7-26-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331; License No. DPR-49 EA 84-9]

Iowa Electric Light & Power Co. (Duane Arnold Energy Center); Order Imposing Civil Monetary Penalty

I

Iowa Electric Light and Power Company, P.O. Box 351, Cedar Rapids, Iowa 52406 (the "licensee") is the holder of Operating License No. DPR-49 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to operate the Duane Arnold Energy Center near Palo, Iowa in accordance with conditions specified therein. The license was issued on February 22, 1974.

II

A safeguards inspection of the licensee's activities under the license was conducted on December 20-22, 1983. As a result of this inspection, it appears that the licensee has not conducted its activities in full compliance with the conditions of its license. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated March 13, 1984. The Notice states the nature of the violation, the provisions of the Commission's requirements that the licensee violated, and the amount of the civil penalty proposed for the violation. An answer to the Notice of Violation and Proposed Imposition of Civil Penalty, dated April 12, 1984, was received from the licensee.

III

Upon consideration of the licensee's reply to the Notice of Violation and arguments for mitigation of the proposed civil penalty, the Director, Office of Inspection and Enforcement, has determined for the reasons set forth in the Appendix to this Order that the penalty proposed for the violation identified in section I of the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, Pub. L. 96-295, and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Twenty Thousand Dollars ($20,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may within thirty days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty; and

(b) Whether, on the basis of such violation, this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 17th day of July 1984.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 84-19927 Filed 7-26-84; 8:45 am]

BILLING CODE 7590-01-M

Rochester Gas and Electric Corp.; Consideration of Issuance of Amendment to Provisional Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation (the licensee), for operation of the R.E. Ginna Nuclear Power Plant (Ginna), located in Wayne County, New York.

The amendment would allow spent fuel pool storage capacity expansion from 595 to 1016 spaces. The proposed expansion is to be achieved by reracking the six west most rack modules resulting in a spent fuel pool with two discrete regions. This amendment was requested in the licensee's application dated April 2, 1984 and supplemented by letter dated June 12, 1984.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The technical evaluation of whether or not an increased spent fuel pool storage capacity involves significant hazards considerations is centered on three standards: (1) Does increasing the spent fuel pool storage capacity significantly increase the probability or consequences of accidents previously evaluated? Reracking to allow closer spacing of fuel assemblies does not significantly increase the probability or consequences of accidents previously analyzed; (2) does increasing the spent fuel pool storage capacity create the possibility of a new or different kind of accident from any accident previously analyzed? With respect to Ginna, the staff has not identified any new categories or types of accidents as a result of reracking to allow closer spacing for the fuel assemblies. The proposed reracking does not create the possibility of a new or different kind of accident previously evaluated for the spent fuel pool. In all reracking reviews completed to date, all credible accidents postulated have been found to be conservatively bounded by the evaluations cited in the Safety Evaluation Reports (SERs) supporting each amendment; and (3) does increasing the spent fuel pool storage

capacity significantly reduce a margin of safety? The staff has not identified significant reductions in safety margins due to increasing the storage capacity of the spent fuel pool. The expansion may result in a minor increase in pool temperature by a few degrees, but this heat load increase is generally well within the design limitations of the installed cooling systems. In some cases it may be necessary to increase the heat removal capacity by relafively minor changes in the cooling system, i.e., by increasing a pump capacity. But in all cases, the temperature of the pool will remain below design values. The small increase in the total amount of fission products in the pool is not a signficant factor in accident considerations. The increased storage capacity may result in an increase in the pool reactivity as measured by the neutron multiplication factor (K_{eff}). However, after extensive study, the staff determined in 1976 that as long as the maximum neutron multiplication factor was less than or equal to 0.95, then any change in the pool reactivity would not significantly reduce a margin of safety regardless of the storage capacity of the pool. The licensee has indicated that the K_{eff} would not exceed 0.95. The techniques utilized to calculate K_{eff} have been bench-marked against experimental data and are considered very reliable. Reracking to allow a closer spacing between fuel assemblies can be done by proven technologies.

In summary, replacing existing racks with a design which allows closer spacing between stored spent fuel assemblies is considered not likely to involve significant hazards considerations if two conditions are met. First, no new technology or unproven technology may be utilized in either the construction process or in the analytical techniques necessary to justify the expansion. Second, the K_{eff} of the pool must be maintained less than or equal to 0.95. Reracking to allow closer spacing satisfies these conditions.

The licensee's submittals included a discussion of the proposed action with respect to the issue of no significant hazards consideration. This discussion has been reviewed and the Commission finds it acceptable. Pertinent portions of the licensee's discussion, addressing each of the three standards, is provided herein.

The analysis of the proposed reracking was accomplished using currently acceptable codes and standards and conforms to staff guidance of April 1978. The results of the licensee's analysis in relation to the three standards is as follows:

First Standard

Involve a significant increase in the probability or consequences of an accident previously evaluated.

In the course of the analysis the licensee identified the following potential accident scenarios:

1. A spent fuel assembly drop in the spent fuel pool.
2. Loss of spent fuel pool cooling system flow.
3. A seismic event.
4. A spent fuel cask drop.

The probability of any of the four accidents is not affected by the racks themselves; thus reracking cannot increase the probability of these accidents. In consideration of a construction accident, the licensee does not intend to carry any rack directly over the stored spent fuel assemblies. All work in the spent fuel pool area will be controlled and performed in strict accordance with specific written procedures. The Auxiliary Building crane which will be used to access the spent fuel pool area has been addressed in the licensee's response to the NUREG–0612, "Control of Heavy Loads at Nuclear Power Plants." This response demonstrated the licensee's compliance with Phase 1 of the NUREG–0612 criteria. The Ginna Technical Specifications prohibit the trolley of the Auxiliary Building crane from moving over racks containing spent fuel. While the trolley will not travel directly over any spent fuel, the trolley will pass over two to three empty rows of a rack containing spent fuel. Should a load drop occur, the distance between the rows and the cells containing spent fuel will prevent fuel damage. By letter dated January 18, 1984, the NRC concluded that the control of heavy loads program (Phase 1) at Ginna satisfies the guidelines in NUREG–0612, Sections 5.1.1. and 5.3. This program provides for the safe handling of heavy loads in the vicinity of the Spent Fuel Pool.

Accordingly, the proposed rerack will not involve a signifiant increase in the probability of an accident previously evaluated.

The consequences of (1) a spent fuel assembly drop in the spent fuel pool are discussed in the licensee's Safety Analysis Report. For this accident condition, the criticality acceptance criterion is not violated. The radiological consequences of a fuel assembly drop are not changed from previous analysis. The proposed modification only affects storage of well cooled fuel; the maximum radiological releases would occur from the drop of an assembly in the region of the spent fuel pool which will not be changed. The results of the evaluation were transmitted to the licensee in November 1976. Thus, the consequences of this type accident will not be significantly increased from previously evaluated spent fuel assembly drops, and have been found acceptable by the NRC.

The consequences of (2) loss of spent fuel pool cooling system flow have been evaluated for both the current pool cooling system and the system to be installed in 1986. The structural integrity of the spent fuel pool will be maintained and no means of losing cooling water or flow have been identified. Previous evaluations concluded that there is sufficient time to provide an alternate means for cooling (i.e., the 100% capacity spare pump) in the event of a failure in the cooling system. A new spent fuel pool cooling system scheduled for completion in 1986 will use the existing system plus a skid mounted backup unit operating in parallel to provide 100% backup capacity in the event of cooling system failure. Thus, the consequences of this type accident will not be significantly increased from previously evaluated loss of cooling system flow accidents. Additionally, the NRC has previously accepted this system design in a separate SER dated November 3, 1981.

The consequences of (3) a seismic event have been evaluated and are described in Section 4.0 of the Safety Analysis Report. The new racks will be designed and fabricated to satisfy the NRC staff accepted design criteria. The method of support of the new racks remains the same as for the existing racks which are freestanding on embedments in the pool floor and able to transfer normal and shear loads to the Spent Fuel Building. Shims will be installed under the modified racks to provide greater load transfer. The new racks are designed so that the floor loading from the racks filled with spent fuel assemblies does not exceed the structural capacity of the Auxiliary Building. Therefore, the integrity of the pool will be maintained and no new means of losing cooling water or flow have been identified. Thus, the consequences of a seismic event will not significantly increase from previously evaluated events.

The consequences of (4) a spent fuel cask drop accident are unchanged by the requested modification. The current Technical Specifications prohibit the movement of a cask in the Auxiliary Building. An application for Amendment to the Operating License has been submitted to the NRC to delete the restriction by modifying the crane to be single failure proof in accordance with

the requirements of NREG–0554. Approval of this request would obviate the need to evaluate the consequences of a cask drop accident.

Therefore, it is concluded that the proposed amendment to rerack the spent fuel pool will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Second Standard

Create the possibility of new or different kind of accident from any accident previously evaluated.

The proposed reracking will be evaluated in accordance with the guidance of the NRC position paper entitled, "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," appropriate NRC Regulatory Guides, appropriate NRC Standard Review Plans, and appropriate Industry Codes and Standards as listed in the Safety Analysis Report. In addition, several previous NRC SERs for rerack applications similar to this proposal have been reviewed. Neither the licensee nor the NRC staff could identify a credible mechanism for breaching the structural integrity of the spent fuel pool which could result in loss of cooling water such that cooling flow could not be maintained. As a result of this evaluation and these reviews, the proposed reracking does not, in any way, create the possiblity of new or different kind of accident from any accident previously evaluated for the Ginna Spent Fuel Pool Storage Racks.

Third Standard

Involve a significant reduction in a margin of safety.

The NRC staff safety evaluation review process has established that the issue of margin of safety, when applied to a reracking modification, will need to address the following areas:

1. Nuclear criticality considerations.
2. Thermal-hydraulic considerations.
3. Mechanical, material, and structural considerations.

The established acceptance criteria for criticality is that the neutron multiplication factor in spent fuel pools shall be less than or equal to 0.95, including all uncertainties, under all conditions. This margin of safety has been adhered to in the criticality analysis methods for the new rack design as discussed in the licensee's Safety Analysis Report.

The methods to be used in the criticality analysis conform with the applicable portions of the codes, standards, and specifications listed in the Safety Analysis Report. In meeting the acceptance criteria for criticality in the spent fuel pool, such that K_{eff} is always less than 0.95, including uncertainties of a 95/95 probability confidence level, the proposed amendment to rerack the spent fuel pool will not involve a significant reduction in the margin of safety for nuclear criticality.

Conservative methods are used to calculate the maximum fuel temperature and the increase in temperature of the water in the spent fuel pool. The NRC reviewed and approved (November 3, 1981) proposed spent fuel pool cooling modifications. The modifications scheduled for completion in 1986 would provide sufficient cooling capacity for projected discharges through year 2009 with a full core discharge in year 2010 (1360 fuel assemblies total). This cooling capacity exceeds the maximum that would be required under the proposed modifications to the racks (1016 fuel assemblies total). The current projected refueling cycles are consistent with the assumptions of this safety analysis. Thus, there is no significant reduction in the margin of safety for thermal-hydraulic or spent fuel cooling concern.

The main safety function of the spent fuel pool and the racks is to maintain the spent fuel assemblies in a safe configuration through all normal and abnormal loadings, such as an earthquake, impact due to a spent fuel cask drop, drop of a spent fuel assembly, or drop of any other heavy object. The mechanical, material, and structural considerations of the proposed rerack are described in Section 4.0 of the Safety Analysis Report. The proposed racks are to be designed in accordance with applicable portions of the "NRC Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," dated April 14, 1978, as modified January 18, 1979; and Standard Review Plan 3.8.4. The rack materials used are compatible with the spent fuel pool and the spent fuel assemblies. The structural considerations of the new racks address margins of safety against tilting and deflection or movement, including impact on each other or the pool walls, damage of spent fuel assemblies, and criticality concerns. The results of the analysis satisfied NRC accepted design criteria. As previously stated, neither the licensee nor the NRC staff could identify a credible mechanism for breaching the structural integrity of the spent fuel pool which could result in loss of cooling water such that cooling flow could not be maintained. Thus, the margins of safety are not significantly reduced by the proposed rerack.

The licensee's request to expand Ginna's spent fuel storage pool capacities satisfies the following conditions: (1) The storage expansion method consists of modifying a portion of the existing racks with a design which allows closer spacing between stored spent fuel assemblies; (2) the storage expansion method does not involve rod consolidation or double tiering; (3) the K_{eff} of the pool is maintained less than or equal to 0.95; and (4) no new technology or unproven technology is utilized in either the construction process or the analytical techniques necessary to justify the expansion. Consequently, the request does not involve significant hazards consideration in that it: (1) Does not involve a significant increase in the probability or consequences of an accident previously evaluated, (2) does not create the possibility of a new or different kind of accident from any accident previously evaluated, and (3) does not involve a significant reduction in a margin of safety.

Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

By August 27, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the

designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner is required to file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity, pursuant to 10 CFR 2.714(b). Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

The Commission hereby provides notice that this proceeding is on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any petitioner or party to the proceeding, is required to employ hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." Section 134 procedures provide for oral argument on those issues "determined to be in controversy", preceded by discovery under the Rules of Practice, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law to be resolved at an adjudicatory hearing. Actual adjudicatory hearings are to be held only on those issues found to meet the criteria of section 134 and set for hearing after oral argument on the proposed issues. However, if no petitioner or party requests the use of the hybrid hearing procedures, then the usual 10 CFR Part 2 procedures apply.

At this time, the Commission does not have effective regulations implementing section 134 of the NWPA although it has published proposed rules. See Hybrid Hearing Procedures for Expansion of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors, 48 FR 54499 (December 5, 1983).

Subject to the above requirements, and any limitations in the order granting leave to intervene, those permitted to intervene become parties to the proceeding and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Dennis M. Crutchfield: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, NW., Suite 1100, Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. The determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14604.

Dated at Bethesda, Maryland, this 24 day of July 1984.

For the Nuclear Regulatory Commission.

Walter A. Paulson,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 84-19929 Filed 7-26-84; 8:45 am]

BILLING CODE 7590-01-M

Meeting on In-Situ Testing for High-Level Waste Disposal

AGENCY: Nuclear Regulatory Commission.

ACTION: Rescheduling of DOE/NRC Meeting on DOE In-Situ Testing.

SUMMARY: The DOE/NRC Meeting on DOE In-Situ Testing has been rescheduled from July 25 to August 9, 1984, at 9:00 a.m. This meeting was originally announced in the **Federal Register** on July 20, 1984.

ADDRESS: The meeting will be held at the NRC Willste Building, Room 110, 7915 Eastern Avenue, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Maxine Dunkelman, Respository Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone No. (301) 427–4685.

Status: Open to the public as observers.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to clarify appropriate approaches to in-situ testing. First, NRC will present its views. Then, DOE will present its rationale for in-situ testing in basalt, salt, and tuff.

For information on future meetings, please call either NRC's or DOE's toll-free telephone information service. NRC's toll free number is 1–(800) 368–5642, extension 79002. DOE's number is (800) 368–2235, or (800) 492–4610 for calls originating in Maryland.

Dated at Silver Spring, Maryland, this 20th day of July, 1984.

For the Nuclear Regulatory Commission.

Hubert J. Miller,

Chief, Repository Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 84–19921 Filed 7–26–84; 8:45 am]

BILLING CODE 7590–01–M

Applications for Licenses To Export and Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following applications for export and import licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utiliazation facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The Table below lists all new major applications.

For the Nuclear Regulatory Commission.

Dated this 24th day of July 1984 at Bethesda, Maryland.

R. Neal Moore,

Acting Assistant Director, Export/Import and International Safeguards, Office of International Programs.

NRC IMPORT/EXPORT APPLICATIONS

Name of applicant, date of application, date received, and Application No.	Material type	Material in Kilograms		End-use	Country of destination
		Total element	Total isotope		
Edlow International Co., July 9, 1984, July 13, 1984, XSNM02159	3.5 percent enriched uranium	7,598	270	Reload fuel for Mihama 2	Japan.
General Electric Co., July 10, 1984, July 16, 1984, XSNM02160	4.0 percent enriched uranium	22,356	648	Reload fuel for Tokai 2	Do.
Union Carbide, July 18, 1984, July 18, 1984, XMAT0304	Graphite	23,550		For use in Hendel Facility	Do.

[FR Doc. [84–19919 Filed 7–26–84; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Columbia River Basin Fish and Wildlife Program; Proposed Amendments; Additional Information

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of additional information available for public comment regarding proposed amendments to the Columbia River Basin Fish and Wildlife Program.

SUMMARY: Notice of proposed amendments to the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program was published at pages 25326 and 25327 of the **Federal Register** of June 20, 1984. That notice described the proposed amendments, explained how to obtain additional information, and outlined the process for submitting written comments and participating in public hearings. The Council recently released two additional documents designed to stimulate further discussion of the proposed Fish and Wildlife Program amendments. This notice describes those additional documents and explains how to obtain copies of them.

DATES AND ADDRESSES: To assist the Council in adopting final Fish and Wildlife Program amendments, interested parties may submit comments on the two additional documents through the previously-announced public comment process for the proposed fish and wildlife amendments. The public comment period regarding the proposed amendments closes at 5 p.m., August 10, 1984. Written comments must be addressed to the Council's central office (Suite 200, 700 SW. Taylor, Portland, Oregon 97205).

FOR FURTHER INFORMATION CONTACT: (Regarding the adaptive management issue paper) Jody Lawrence, 206–545–6533 or 206–754–0716; (regarding the preliminary budget planning information) Ron Eggers, Special Projects Coordinator, 503–222–5161, toll-free 1–800–222–3355 in Montana, Idaho and Washington, and toll-free 1–800–452–2324 in Oregon. Questions regarding the comment process and requests for copies of the documents should be directed to Ruth Curtis, Information Coordinator, at the telephone numbers

listed above for Mr. Eggers or at the address of the Council's central office listed above.

SUPPLEMENTARY INFORMATION: To stimulate further public discussion regarding the proposed Fish and Wildlife Program amendments, the Council has released two additional documents. The first document, an issue paper regarding "Adaptive Management", discusses a scientific approach to restoring fish and wildlife by treating measures as experiments so that program action will result in program learning. The second document includes preliminary cost estimates for the proposed amendments. These estimates may be useful to agencies responsible for implementing the Council's program in planning their budgets for program implementation. The Council invites comments on both these documents through the public comment period regarding the Fish and Wildlife Program amendments.

(Sec. 4, Pub. L. 96-501, 16 U.S.C. 839b)

Edward Sheets,

Executive Director.

[FR Doc. 84-19840 Filed 7-26-84; 8:45 am]

BILLING CODE -M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14041; 812-5847]

State Bank of New South Wales; Filing of Application for an Order Pursuant to Section 6(c) of the Act Granting Exemption From All Provisions of the Act

Notice is hereby given that State Bank of New South Wales ("Bank"), c/o Charles J. Johnson, Jr., Esq., Brown, Wood, Ivey, Mitchell & Petty, One World Trade Center, New York, New York 10048, a bank organized under the laws of the Commonwealth of Australia, filed an application on May 10, 1984, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting the Bank and a proposed wholly-owned, Delaware finance corporation ("Proposed Subsidiary") from all of the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of all applicable sections.

According to the application, the Bank is a statutory corporation governed by the State Bank Act of 1981 ("State Bank Act") of the Parliament of the State of New South Wales, Commonwealth of Australia. The application states that the Bank acts as both a commercial bank and as an agent of the Government of New South Wales ("State Government"). As a commercial bank, the Bank's primary business is receiving deposits and extending short-term and medium-term credit in New South Wales. As an agent of the State Government, the Bank disburses State Government funds and administers various State Government financial programs.

According to the application, on June 30, 1983, total assets and total liabilities attributable to the Bank's general banking business amounted to $4.0 billion and $3.7 billion, respectively (at the rate of exchange prevailing on June 30, 1983) and total assets and total liabilities attributable to its government agency business amounted to $838 million. It is further represented that, on June 30, 1983, deposits, mainly from retail and commercial customers, amounted to $2.8 billion, or 71.9% of the total liabilities and reserves attributable to the Bank's general banking business. It is stated that as of June 30, 1983, the Bank was the third largest commercial bank in the State of New South Wales in terms of deposits from sources within the state and the fifth largest commercial bank in Australia in terms of deposits from sources within the Commonwealth. It is asserted that the Bank is regulated by the State Government under the State Bank Act which contains liquidity and reporting requirements as well as provisions requiring inspections of the Auditor-General of New South Wales.

The Bank proposes to issue and sell in the United States, directly or through the Proposed Subsidiary, short-term unsecured negotiable promissory notes of the type generally referred to as commercial paper (the "Notes"). The Notes will be (1) direct and unconditional obligations of the Bank, (2) direct and unconditional obligations of the Proposed Subsidiary unconditionally guaranteed by the Bank or (3) some combination of (1) and (2). It is represented that, in any event, through the guarantee provisions of the State Bank Act, the Notes will be fully backed by the credit of the State of New South Wales, will have maturities not exceeding 270 days and will be denominated in United States dollars. It is stated that the Notes will be issued in the minimum denomination of $100,000 and that it is presently intended that the aggregate principal amount of the Notes outstanding at any one time will not be in excess of $200,000,000.

It is represented that the Notes issued by the Bank will rank *pari passu* among themselves and equally with all other unsecured indebtedness ot the Bank, including the Bank's deposit liabilities, and prior to any subordinated indebtedness of the Bank. It is further represented that the Notes issued by the Proposed Subsidiary will be direct liabilities of the Proposed Subsidiary and will rank *pari passu* among themselves and prior to the Proposed Subsidiary's capital stock. It is not contemplated that the Proposed Subsidiary will have any indebtedness other than the Notes issued by it, but in the event that it does issue other debt securities, it is represented that the Notes issued by the subsidiary will rank equally with all other unsecured, unsubordinated indebtedness of the Proposed Subsidiary and prior to any subordinated indebtedness. As a result of the Notes issued by the Proposed Subsidiary being unconditionally guaranted by the Bank, holders of the Notes issued by the Proposed Subsidiary will be holders of obligations of the Bank. The application states that the Bank's guarantee of the Notes issued by the Proposed Subsidiary will rank equally with all other unsecured, unsubordinated indebtedness of the Bank, including the Bank's deposit liabilities, and prior to any subordinated indebtedness of the Bank.

The Bank represents that the terms and manner of offering the Notes will be such that the Notes will qualify for the exemption from registration under the Securities Act of 1933 ("1933 Act") provided by Section 3(a)(3) of the 1933 Act. The application states that neither the Bank nor the Proposed Subsidiary will issue and sell any Notes until an opinion of special legal counsel in the United States has been received to the effect that, under the circumstances of the proposed offering, the Notes and any guarantee thereof would be entitled to the Section 3(a)(3) exemption. The Bank does not request the Commission's review or approval of such opinion, and the Commission expresses no opinion as to the availability of any such exemption.

The application represents that the proposed issue of Notes and any future issuance of securities by the Bank or the proposed Subsidiary shall have received prior to issuance one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that United States legal counsel will certify that such rating has been received; provided that this rating need not be obtained if special legal counsel in the United States, taking into account the doctrine of "integration" referred to in Rule 502

of Regulation D under the 1933 Act, and relevant no-action letters made public by the Commission, opines that an exemption from registration is available under Section 4(2) of the 1933 Act.

It is stated that the Notes will be sold to one or more commercial paper dealers in the United States which, as principal, will reoffer them to investors in the United States. It is also stated, however, that in certain cases the commercial paper dealers may offer the Notes as agent. The Bank undertakes to secure an undertaking from each such dealer that (1) the Notes will not be advertised or otherwise offered for sale to the general public, but instead will be sold to institutional investors and other sophisticated investors who ordinarily buy commercial paper, and (2) such commercial paper dealers will provide to each offeree, prior to sale, a memorandum which describes the business of the Bank and, where appropriate, the Proposed Subsidiary, and contains the most recent publicly available fiscal year-end audited balance sheet and income statement of the Bank and, where appropriate, the Proposed Subsidiary. It is represented that the memorandum will be at least as comprehensive as those customarily used in commercial paper offerings in the United States and will describe the material difference between Australian and United States generally accepted accounting principles applicable to commercial banks such as the Bank. It is further stated that the memorandum will be updated periodically to reflect material changes in the financial status of the Bank and, where appropriate, the Proposed Subsidiary.

The application states that, although it has no present intention of doing so, the Bank may in the future, directly or through the Proposed Subsidiary, offer other securities (other than equity securities) for sale in the United States. It is represented that future offerings of securities in the United States will be made only pursuant to a registration statement under the 1933 Act or pursuant to an applicable exemption from registration under the 1933 Act, the availability of which is confirmed by an opinion of special United States counsel. It is further represented that any such offering will be made on the basis of a disclosure document at least as comprehensive as disclosure documents for similar securities offered by United States issuers and, in any event, at least as comprehensive as that used in the presently proposed offering. The Bank undertakes to secure an undertaking from each commercial paper dealer selling Notes on behalf of the Bank that the disclosure document will be provided to each offeree who has indicated an interest in these securities prior to sale except that in the case of an offering made pursuant to a registration statement under the 1933 Act, the disclosure document will be provided to such persons and in such manner as may be required by the 1933 Act and the rules and regulations thereunder. The Bank consents on behalf of itself and the Proposed Subsidiary to any order granting the relief requested being expressly conditioned on their compliance with the foregoing undertakings regarding disclosure documents.

It is represented that the Proposed Subsidiary will appoint the Corporation Trust Company as its agent for service of process in any action against it, based on Notes issued by the Proposed Subsidiary instituted in any state or Federal Court by a holder of any of such Notes. It is further represented that the Bank will appoint CT Corporation System as its agent in the United States to accept service of process in any action based on Notes issued by the Bank or any guarantee by the Bank of Notes issued by the Proposed Subsidiary instituted in New York State or United States Federal court in The City of New York by a holder of any of the Notes. It is stated that the Bank will expressly accept the jurisdiction of any New York State or United States Federal court in The City of New York in respect of any such action and that the appointments of an agent to accept service of process and the consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid. It is also represented that the Bank will be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or other debt securities, or otherwise.

The Bank also undertakes, in connection with any future offering in the United States of securities by the Bank, to appoint and, if the Proposed Subsidiary is the issuer, to cause the Proposed Subsidiary to appoint an agent to accept any process which may be served in any action based on these securities instituted in an appropriate state or federal court by any holder of these securities. The Bank further undertakes that it will expressly accept the jurisdiction of an appropriate state or federal court in respect of any such action and that such appointments of an agent to accept service of process and such consent to jurisdiction will be irrevocable so long as the securities remain outstanding and until all amounts due and to become due in respect of the securities have been paid.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 13, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Bank 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. 84-19865 Filed 7-26-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21164; File No. SR-DTC-84-3]

Self-Regulatory Organizations; Filing of a Proposed Rule Change and Pilot Project of Depository Trust Company

The Depository Trust Company ("DTC") on July 11, 1984, submitted a proposed rule change to the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1). The Commission is publishing notice of the proposed rule change to solicit comments.

Recent changes in MSRB rules soon will require certain municipal securities brokers and dealers to use an automated comparison system for certain inter-dealer trades.[1] DTC's proposal is

[1] *See* Securities Exchange Act Release No. 20365 (Nov. 14, 1983), 48 FR 52531 (Nov. 18, 1983), which approved proposed changes to MSRB Rules G-12 and G-15 to establish a two-phased timetable for integrating municipal securities brokers and dealers into the National Clearance and Settlement System. By August 1, 1984, municipal securities brokers and dealers that participate in registered clearing agencies, or clear transactions through an agent that is a member of a registered clearing agency, must use the automatic comparison facilities of a registered clearing agency to compare certain transactions in municipal securities issues that are assigned CUSIP numbers. By February 1, 1985, brokers and dealers that are members of a registered depository, or that clear transactions through an agent that is a member of a registered

Continued

designed to facilitate access to a National Securities Clearing Corporation ("NSCC") system that provides centralized, automated comparison services to municipal securities brokers and dealers that participate directly in NSCC's system.[2] Through the NSCC system, NSCC also will process municipal securities trade data submitted to NSCC by other registered clearing agencies on behalf of non-NSCC municipal securities brokers and dealers.

DTC's proposal would enable DTC to act as a conduit for communication with NSCC for: (1) municipal securities brokers and dealers that are DTC participants but not NSCC participants, and (2) municipal securities brokers and dealers that are NSCC Municipal Comparison Only Members ("MCOMs") but not DTC participants. The latter may find it more convenient to use DTC's communication facility to communicate with NSCC.[3] Through use of that facility, many municipal securities brokers and dealers not presently using automated comparison services would be able to access NSCC's Municipal Bond Processing System.[4]

Under the proposal, DTC would become an NSCC MCOM and would be subject to the limited NSCC financial responsibility and operational standards applicable to MCOMs. As an MCOM, DTC would not be eligible to participate in NSCC's Continuous Net Settlement or other settlement systems, and therefore would have no financial responsibilities stemming from settlement through those systems. Instead, municipal securities brokers and dealers using DTC's communications facilities for MCOM activity would be solely responsible for settlement of submitted transactions.[5]

Pursuant to a multi-number agreement concluded by DTC and NSCC, DTC on behalf of municipal securities brokers and dealers would transmit trade input to NSCC and forward NSCC comparison output back to submitting brokers and dealers.[6] Operationally, DTC would receive trade data from brokers and dealers either on computer tape, via a direct computer-to-computer connection, or via a dial-up computer connection, and would transmit that data to NSCC. NSCC would enter the data into its Municipal Bond Processing System to compare trades. NSCC would produce comparison reports for each number maintained by DTC (*i.e.*, each broker or dealer), and transmit those reports to DTC. DTC then would forward the reports to the submitting brokers and dealers, using the same computer communication mode used for the inputs. DTC also would forward to NSCC responses to advisories and other forms of uncompared trade notices.

DTC intends the proposal to help the municipal securities industry comply with the recent changes in MSRB Rule G–12 requiring automated comparison for certain trades. DTC believes that the proposal is consistent with the requirements of the Act because it promotes the prompt and accurate clearance and settlement of municipal securities transactions.

DTC requested accelerated approval of the proposal because of the impending August 1, 1984, deadline for municipal securities brokers and dealers to use an automated comparison system. However, since the Commission is not the appropriate regulatory agency ("ARA") for DTC, Section 19(b)(4)(A) of the Act prohibits the Commission from approving DTC's proposal on an accelerated basis unless DTC's ARA notifies the Commission of its determination that the proposal is consistent with the safeguarding of funds and securities. Such notice has not been received. However, because the Commission seeks to maximize the use of automated comparison services and because DTC's proposal will enable certain NSCC MCO Members to communicate with NSCC more easily, the Commission has authorized DTC to implement its proposal on a pilot basis pending final Commission determination.

Written comments on the proposal may be submitted within 21 days from the date this notice is published in the **Federal Register**. Six copies should be filed with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Please refer to File No. SR–DTC–84–3.

Copies of the proposal, amendments, comment letters, and written communications relating to the proposed rule change, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, may be inspected and copied at the Commission's Public Reference Room in Washington, D.C. Filings also may be inspected and copied at the above-referenced self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–19866 Filed 7–26–84; 8:45 am]

BILLING CODE 8010–01–M

depository, must book-entry settle through a registered depository certain transactions in depository-eligible securities that have been compared through a registered clearing agency.

[2] *See* Securities Exchange Act Release No. 20976 (May 18, 1984), 49 FR 22426 (May 29, 1984), which permanently approved implementation of NSCC's Municipal Bond Processing System.

[3] Many such brokers and dealers are located far away from NSCC's branch offices, to which they would ahve to bring daily trade data to use NSCC's system directly. DTC believes it likely therefore that some MCOMs will find it convenient to use DTC to communicate with NSCC.

[4] While NSCC MCO Members will be able to submit trade data to NSCC and receive comparison output, they will not be able to use DTC's Participant Terminal System or gain access to any participant account in DTC's book-entry system.

[5] For some municipal securities transactions submitted to NSCC via DTC's communications facilities, settlement may be made by book-entry at DTC. Until February 1, 1985, DTC participants using DTC's communication facilities to submit trades to NSCC for comparison may settle trades in depository eligible securities either by book-entry movement or by physical delivery outside of depository facilities.

[6] Municipal securities brokers and dealers will be required to adhere to NSCC's trade comparison and uncompared trade resolution rules.

[Release No. 21159; SR–NASD–82–24]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

On November 2, 1982, the National Association of Securities Dealers, Inc. ("NASD") 1735 K Street NW., Washington, D.C. 20006, filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder, a proposed rule change ("original proposal") that would amend Part I of Schedule C of the NASD's By-Laws by adding standards and procedures to be used by the NASD staff during an interview with an applicant for membership ("Interview").[1] Notice of

[1] In 1975, the NASD submitted a proposed rule change, SR–NASD–75–6 ("1975 filing"), that would have revised Schedule C of Article II, Section 2 of the By-Laws of the NASD. Securities Exchange Act Release No. 11889 (Dec. 1, 1975), 40 FR 57533 (Dec. 10, 1975). This revision of Schedule C contained qualification standards for membership in the NASD and required persons associated with a member to register with the NASD and to pass specified qualification examinations.

While the 1975 filing was pending at the Commission, the Commission proposed Rule 15b7–1 under the Act, which would have established minimum qualification requirements for all registered broker-dealers and their asssociated persons. Securities Exchange Act Release No. 13679 (June 27, 1977), 42 FR 34328 (July 5, 1977). Because proposed Rule 15b7–1 addressed certain issues contained in several sections of the 1975 filing, the filing was held in abeyance until action on the Rule was completed.

In response to its proposal of Rule 15b7–1, the Commission received a number of unfavorable comment letters and, as a result, delayed acting on the rule until 1982 when a draft rule applicable only

Continued

the original proposal together with its terms of substance was given by issuance of Securities Exchange Act Release No. 19382 (Dec. 29, 1982) and by publication in the **Federal Register** (48 FR 1137, Jan. 10, 1983). One comment on the original proposal was received by the Commission and two comments were received by the NASD. The NASD forwarded these comments, together with its responses, to the Commission.

The NASD filed an amendment to the proposed rule change ("amended proposal") on August 18, 1983. Notice of the amended proposal was given by issuance of Securities Exchange Act Release No. 20753 (Mar. 14, 1984) and by publication in the **Federal Register** (49 FR 10605, Mar. 21, 1984). No comments on the amended proposal were received by the Commission.

The original proposal would require an applicant for NASD membership to submit various documents to, and be interviewed by, the appropriate NASD District Office. The purpose of the Interview is to permit the applicant to demonstrate that it should be admitted to membership because its proposed business plans and practices: (1) Are consistent with the federal securities laws and the NASD's rules; (2) are well-organized and responsibly designed; and (3) will permit the applicant to discharge properly its obligations to its customers and the public. When the District Office conducts this Interview, it is required to consider such factors as the applicant's capital, recordkeeping system, compliance procedures, personnel, and any other relevant information. The original proposal states that the District Office shall notify the applicant in writing whether its application has been granted, denied, or granted subject to restrictions, and the reasons for its decision. If the District Office grants the application for membership subject to restrictions, and the applicant concurs, the applicant must sign a document specifying those restrictions and agreeing to abide by them.

If the applicant disagrees with the proposed restrictions or is denied membership, it may petition the appropriate District Committee for a review of the District Office's decision. An applicant dissatisfied with that decision may request a *de novo* review by the NASD's Board of Governors ("Board"). An applicant also is entitled to various procedural protections in both settings, such as the right to present evidence, be represented by counsel, and receive a written decision from the Committee or Board. Finally, the applicant may apply for a review of the Board's decision to the Commission in accordance with Section 19 of the Act. In addition, the original proposal provides that the District Office may remove restrictions previously imposed by the NASD that have become burdensome or unnecessary. The proposal also permits the District Committee to conduct a subsequent Interview when a firm's ownership or control changes.

The NASD subsequently filed the amended proposal to modify some of the Interview procedures. In general, the amended proposal provides that once an applicant has been interviewed at the NASD's District Office, the District Office will make a preliminary determination and advise the applicant in writing whether it may become an NASD member, and, if so, what restrictions would be imposed on its membership. The amended proposal also provides provides that (1) a member may petition, according to specified procedures, for the removal of restrictions imposed as a result of the Interview; (2) subsequent changes in restrictions are subject to review by the Board and by the Commission; and (3) the NASD and the applicant must execute a new agreement whenever the restrictions are changed.

As noted above, although neither the Commission nor the NASD received any comments on the amended proposal, three comment letters were received on the original proposal. One commentator stated that, although real estate agents applying for a license to sell Direct Participation Programs ("DPP") must take a DPP Registered Representative examination, which includes questions on DPPs for investments in oil, gas, and cattle as well as real estate, the applicant at the subsequent Interview must agree only to sell real estate DPPs.[2] This commentator claimed that existing NASD procedures and the original proposal thus require an applicant to learn about several types of DPPs it has no intent to sell and then restricts the applicant from selling those securities. Finally, the commentator noted that general securities firms are not subject to the same stringent restrictions as are firms that sell only DPPs.

The NASD responded to this comment by explaining that a preponderance of the questions in a DPP registered representative examination are relevant to the sale of real estate securities.[3] The NASD also stated that, if an applicant demonstrates that it is competent to offer other DPP products, it will be permitted to sell those securities. Finally, the NASD observed that, contrary to this commentator's statement, the NASD has imposed equivalent and appropriate restrictions on general securities firms.

A second commentator suggested that applicants for DPP licenses also should be examined on state securities rules governing registration and licensing.[4] The NASD agreed with this suggestion and instructed its District Offices to include a review of state licensing and registration requirements in the Interview.[5] The same commentator also observed that the original proposal did not state that qualification standards may be waived for financial and operational principal and questioned whether minimally capitalized firms dealing in DPPs should have operational as well as financial principals.[6]

The NASD responded [7] by stating that the proposed rule does not discuss waiver of the requirement for a Limited Principal-Financial and Operations [8]

to firms registered with the Commission (so-called "SECO" firms), and not to firms that were members of the NASD, was published for comment. Securities Exchange Act Release No. 18710 (May 4, 1982), 47 FR 20783 (May 14, 1982).

On November 29, 1983, the Commission withdrew proposed Rule 15b7-1, Securities Exchange Act Release No. 20410 (November 22, 1983), 48 FR 53718 (November 29, 1983), because the SECO program had been abolished. *See* Pub. L. 98-38, section 3, 97 Stat. 205, 206-207 (1983), *codified at* Sections 15(b)(8) and 15(b)(9) of the Act and discussion, *infra* note 21.

In the meantime, certain of the substantive provisions of the 1975 filing had been submitted to the Commission and approved in other proposed rule changes. *See, e.g.*, SR-NASD-78-16, Securities Exchange Act Release No. 15883 (May 30, 1979), 44 FR 33203 (June 8, 1979) (revision of the NASD's requirements for the registration and qualification of principals of member firms). Subsequently, the NASD determined that some sections of the 1975 filing were no longer applicable to its qualification standards or requirements for membership. On November 2, 1982, the NASD filed SR-NASD-82-24, which contained those remaining portions of the 1975 filing that the NASD wished to add to Schedule C of its By-Laws, and withdrew the 1975 filing.

[2] Letter from Alan J. Parisse, President, Real Estate Securities and Syndication Institute, to George A. Fitzsimmons, Secretary, Commission, dated April 28, 1983.

[3] Letter from Frank J. Wilson, Executive Vice President and General Counsel, NASD, to George A. Fitzsimmons, Secretary, Commission, dated June 23, 1983.

[4] Letter from Larry D. Hayden, Executive Vice President, Hanifen, Imhoff, Inc., to Frank J. Wilson, Executive Vice President and General Counsel, NASD, dated March 11, 1983 ("Hanifen Letter").

[5] Letter from Frank J. Wilson, Executive Vice President and General Counsel, NASD, to Larry D. Hayden, Executive Vice President, Hanifen, Imhoff, Inc. (April 22, 1983) ("Wilson April 22 Letter").

[6] Hanifen Letter, *supra* note 4.

[7] Wilson April 22 Letter, *supra* note 5.

[8] A Limited Principal-Financial and Operations is a person associated with a member whose duties include matters involving the financial and operational management of the member. NASD By-Laws, Art. I, Sch. C, pt. I, § (2)(b)(ii), *NASD Manual* (CCH) ¶ 1102A at 1049.

because the By-Laws waive that requirement for broker-dealers with a net capital requirement of less than $25,000.[9] The NASD further explained that the Board determined that firms dealing exclusively in DPPs were not required to have a Limited Principal-Financial Operations because DPP firms normally do not hold customer funds or securities and have simple bookkeeping responsibilities.

A third commentator stated that District Offices or Committees would not act uniformly when reviewing membership applications.[10] This commentator also stated that the original proposal, in sections (1)(a)(6) and (1)(c)(5), grants District Offices and Committees excessive discretion in deciding whether to admit applicants. The NASD responded by stating that, because the NASD is charged with examining all aspects of the member's securities business, it is imprudent to limit the Interview to a narrowly defined list of topics.[11] The NASD believes that its District Office and Committees must have substantial discretion to evaluate all relevant circumstances surrounding an application for membership. That commentator further suggested that District Committees should include at least one representative from a DPP member firm whenever a prospective or existing DPP firm is seeking a hearing.[12] The NASD explained that currently there is no such requirement for any other NASD procedure and observed that adopting this suggestion might unnecessarily complicate the Interview procedure.[13]

The Commission believes that, under the terms of the amended proposal, the NASD will make membership decisions based on the requirements of the Act. The Commission believes that the proposal requires NASD District Offices and Committees to examine factors, such as an applicant's capital and recordkeeping system, that are relevant to the applicant's financial and operational condition. Accordingly, the Commission believes that the Interview will permit the NASD to determine whether: (1) The applicant satisfies the NASD's standards of financial responsibility or operational capability; (2) the applicant, or any natural person associated with the applicant, satisfies the NASD's standards of training, experience, and competence, and (3) the applicant, or any person associated with the applicant, has engaged, and is reasonably likely to engage again in practices inconsistent with just and equitable principles of trade.[14] The Commission also believes that the system of procedures and appeals created by the amended proposal ensure a fair procedure for the consideration of membership applications.[15] In addition, the Interview will permit the NASD to impose restrictions on a member to ensure that the member will not operate its business at a level that exceeds its financial or operational capabilities.[16] The Commission believes that the thorough investigation of the applicant afforded by the Interview, combined with the authority to impose limitations on a new member's operations, should further the NASD's efforts to ensure that broker-dealers meet the Act's qualification requirements.

In addition, the rule change will assist applicants for membership because it identifies many of the specific criteria used by the NASD in making membership decisions. Codification of existing procedures also should provide some additional uniformity in membership decisions made by the various Districts. Furthermore, the Commission believes that the procedural protections outlined above will ensure that these criteria will be applied fairly in each circumstance.

The Commission also has considered whether the amended proposal unfairly discriminates between brokers and dealers [17] or imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[18] The Commission believes that the amended proposal, as discussed above, would exclude from membership only those applicants that properly would be denied membership under the Act. Furthermore, the Commission believes that the composition of the DPP Registered Representative examination and the lack of a requirement that all hearing committees be composed of at least one representative from a DPP member firm whenever a propective or an existing DPP member firm requests a hearing would not permit unfair discrimination against brokers and dealers and do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Specifically, the Commission does not believe that the Act requires the NASD to create extremely narrow categories of membership and corresponding application and examination procedures. Accordingly, the Commission does not believe that NASD admission procedures are unfair or anticompetitive it they test a range of knowledge that is somewhat broader than an applicant's intended area of business. (Of course, as noted above, the NASD should permit an applicant to sell a broader range of DPP products if the applicant demonstrates that it is competent to sell that broader range of products.) In addition, the Commission does not believe that the presence or absence of a representative of a DPP member on a reviewing panel would either ensure or prevent anticompetitive or unfair treatment of applicants. The Commission believes that each such committee must be composed of persons who are impartial in fact and who will not deny membership to an applicant, or admit an applicant subject to unnecessary limitations, in order to impair competition or unfairly restrict the business activity of the applicant.

Finally, even assuming that these procedures have a limited competitive impact, the Commission finds that such impact is, on balance, justified as the most effective method of implementing the NASD's specific statutory responsibilities.[19] Accordingly, the Commission believes that the amended proposal does not contravene the fairness and competition requirements

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[9] NASD By-Laws, Art. I, Sch. C, pt. I, section (2)(b)(iv), *NASD Manual*, (CCH) ¶ 1102A at 1049. Specifically, that section states that a member is exempted from the requirement to have a Limited Principal-Financial and Operations if the Commission has granted an exemption to the member from Rule 15c3–1 under the Act, pursuant to paragraph (b)(3) of that Rule, or if the member is subject to the provisions of Rule 15c3–1(a) (2) or (3). *See* Wilson April 22 Letter, *supra* note 5.

[10] Letter from John D. Ellsworth, John D. Ellsworth, P.C., to Dennis C. Hensley, then Vice President, Corporate Financing Department, NASD, dated February 25, 1983 ("Ellsworth Leter").

[11] Letter from Frank Wilson, Executive Vice President and General Counsel, NASD, to John D. Ellsworth, John D. Ellsworth, P.C. (April 26, 1983) ("Wilson April 26 Letter").

[12] Ellsworth Letter, *supra* note 10.

[13] Wilson April 26 Letter, *supra* note 11. While the Commission believes that it could be beneficial, in certain circumstances, for District Committees to include a person associated with a member that deals in the same type of securities as the applicant proposes to sell, the Commission does not believe that a rule to that effect is required by the Act. Moreover, such a rule might impair the efficiency of District Committees because persons associated with every type of member may not be available for Committee service at all times. The Commission also notes that if the District Committee includes persons who deal in the same type of securities as the applicant, special attention should be given to the conflict of interest provisions contained in the NASD Code of Procedure for Handling Complaints, Section 24, *NASD Manual* (CCH) ¶ 3022 at 3030.

[14] Section 15A(g)(3) of the Act.

[15] Section 15A(g)(8) of the Act.

[16] While the amended proposal basically codifies existing procedures, the Commission believes that the rule change clarifies the NASD's authority to enforce compliance with imposed restrictions.

[17] Section 15A(b)(6) of the Act.

[18] Section 15A(b)(9) of the Act.

[19] *See* Section 15A(g)(3)(A) of the Act.

of the Act and, in particular, of Section 15A.[20]

Accordingly, the Commission believes that the amended proposal would improve the NASD's ability to admit or deny applicants for membership in accordance with the Act's requirements.[21] The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A of the Act and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, the SR-NASD-82-24 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-19867 Filed 7-26-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21157; File No. SR-NYSE-84-26]

Self-Regulatory Organizations; Proposed Rule Changes by New York Stock Exchange, Inc.; Relating to the Implementation of DOT and LMT Systems and OARS for Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 12, 1984, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

[20] *See* Clement v. S.E.C., 674 F.2d 641, 646-47 (7th Cir. 1982).

[21] As indicated, *supra* note 1, in 1983, Congress abolished the SECO progam that allowed broker-dealers dealing in over-the-counter ("OTC") securities to choose whether to join the NASD or participate in SECO, the Commission's program of direct regulation of broker-dealers. Since the elimination of the SECO program, virtually all registered broker-dealers dealing in OTC securities are required to join a national securities association. Because the NASD is the only national securities association registered under Section 15A of the Act, it is essential that the NASD maintain fair procedures for processing membership applications and be sensitive to the fact that NASD membership is now, in effect, a prerequisite to commencing an OTC securities business. *See* Section 15A(b)(8) of the Act.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule changes consist of the application of the Designated Order Turnaround ("DOT") and Limit Order Turnaround ("LMT") Systems and Opening Automated Report Service ("OARS") to the trading of options.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(1) Purpose

The purpose of the proposed rule changes is to facilitate the implementation and operation of the proposed applications of the DOT and LMT Systems and OARS to options trading in order to increase the efficiency with which option orders are entered and executed on this Exchange. These proposed systems represent a continuation of the Exchange's efforts to provide maximum automated systems support for the trading process.

DOT and LMT Systems. The DOT and LMT Systems and OARS (the "System") have provided considerable automated support to the trading of equity securities. The Exchange now proposes to use the experience gained with the System, coupled with state-of-the-art advances in systems technology, and apply it to the trading of options.

The System enables a member organization to transmit via its own order processing system any designated orders through the Exchange's Common Message Switch ("CMS") directly to the appropriate specialist location for execution by the specialist in accordance with normal auction market procedures. Completed execution reports are returned by the System to the originating member organization with comparable speed and efficiency.

No new computer hardware installation is required of member firms that are already linked to the CMS and they would only need to make minor software modifications in order to participate in options DOT, LMT and OARS.

All post-opening day market and day limit (including stop and stop limit) orders in any options series, of no more than 100 contracts each, will be eligible for the DOT and LMT Systems. The Exchange-set limit of 100 contracts on the size of orders entered into the System is to limit the potential financial risks to participants in the new System. However, the limit is sufficient to allow members a large degree of flexibility in using the System. After experience is gained with the System, this limit may be increased in order to increase the efficiency of this tracking support facility.

In a technological advance, orders will be displayed on cathode ray tube ("CRT") screens located on the trading Floor for the specialist's use. Also located on the trading Floor are (i) order printers and (ii) log printers, which print all System traffic. The CRT enables the user to report executions, cancel or obtain information on any order in the System rapidly and with fewer errors. No charge will be levied by the specialist for his handling of market orders, including all OARS orders, and immediately executable limit orders, as defined by the Exchange.

OARS Enhancement. OARS is designed to provide for more efficient and accurate excution and reporting of orders received prior to the opening of trading.

All individual day market orders, of no more than 100 contracts each, in all option series entered in the System prior to the opening of trading will be stored by OARS. OARS will continuously match the number of contracts to buy and to sell in each series and calculate any remaining imbalance. This information will be displayed on the CRT.

As new buy or sell order are received prior to the opening, OARS will instantly recalculate and display the new buy and sell interest and the remaining imbalance. This procedure is a technological improvement over equity OARS, in which this information is available only upon request by the specialist.

Each option series may be opened in the order in which they are displayed, or in any order the specialist may deem necessary. Each option series will automatically be prevented from accepting new orders for the opening once the operator moves the cursor on the CRT screen to the appropriate key

and causes the number of contracts in the final opening order imbalance to be displayed. The opening price is then determined by the specialist and entered into the CRT. All day market orders transmitted to the Exchange through the CMS are no longer directed to OARS after the specialsit has reached that series, but are directed to the DOT System for execution after the opening. Execution reports for all orders stored in OARS are automatically generated and sent to the firms entering the orders.

Trade Comparison and Clearance. The System will have the additional benefit of the use of universal contra-symbols as give-ups. Universal contra-symbols have proven their effectiveness in providing for fewer questioned trades and more efficient and accurate comparison and settlement procedures in the equity System.

As codified in proposed supplementary material to Exchange Rule. 760, any member organization that submits an option order that is executed through DOT or LMT, or is stored and executed within OARS, shall receive "TOD", "LOC" or "OPN", respectively, as the contra-side to those trades. Any subscriber organization receiving one of these contra-symbols to its trade will not have to submit any comparison data to the Exchange. The comparison data for these trades will be automatically entered into the comparison process by the Exchange.

However, if a member with an order in the crowd or on the specialist's book has a bid or offer paired off against an imbalance of buy or sell orders in OARS, that member will have to submit the comparison data regarding its side of the contract as part of the normal comparison procedures, giving up "OARS" as the contra-side to the trade. Similarly, any member whose non-System order trades against an order entered into the System shall receive "DOT" or "LMT" as the contra-side to the trade. That member will have to submit the comparison data regarding its side of the trade, as part of is normal comparison procedures.

The overall option System basically performs the same functions in regard to order routing and reporting and trade comparison as its equitites counterpart. However, the two Systems differ in the clearance and settlement of trades, due to the shorter, next-day settlement of options trades as compared to five-day settlement for equities. Therefore, on the envening of trade date, the universal contra-symbols interposed between orders entered into DOT, LMT and OARS and orders trading against these systems must balance out to zero, in order to aviod a net position on either side of the market.

Subscriber organizations entering orders through DOT, LMT or OARS will have the ability to resolve perceived errors with the specialist before the cut-off time for the final comparison pass, which is performed prior to the submission of data to the Options Clearing Corporation ("OCC") on the evening of trade date. Any items not resolved within that time period will be resolved via the questioned trade procedure.

The subscriber organization that trades against a DOT or LMT order, or within OARS, and which fails to submit comparison data, submits incorrect comparison data or otherwise receives an execution which it believes to be incorrect, must attempt to resolve the matter before the cut-off time for the final comparison pass performed prior to the submission of data to OCC. If a problem is not resolved before the final comparison pass, the comparison system will automatically generate the appropriate entry with the specialist as the give-up in order to eliminate any imbalance. The comparison entry will have the effect of an ecceptance of the transaction by the specialist for his own account. However, this entry will not prejudice the right of the specialsit to resolve the trade with the member who is actually the contra-side of the trade.

Amendments to Exchange Rule 763 are proposed so that all option trades involving order reported through DOT, LMT or OARS are compared by the Exchange and list of compared, uncompared and advisory trades are generated.

Specialist Guarantee of Execution Reports. The Exchange also proposes to extend to options the equity DOT concept of the specialsit guaranteeing the execution prices he reports through the DOT System, even if erroneous. However, some changes are necessitated by the differences in the markets for options and equities. The major difference between the specialist guarantee in the two Systems is that the option specialsit will be responsible for erroneous execution reports of no more than 100 contracts each, for up to ⅛ point, instead of the ½ point guarantee in equities. The ⅛ point guarantee for the option DOT System reflects the fact that option contracts generally trade at premiums much lower than the average price of NYSE equity securities. Therefore, an ⅛ point option premium represents a risk approximately comparable to an ½ point equity price.

The only other difference between the equities and options guaranteed execution report rule is the result of the shorter, next day settlement of option transactions. The DOT subscribing member organization must request a correction of an option trade from the specialist prior to the opening on the business day following the day of the transaction. Similarly, when an options specialist must render a corrected report, he must do so by 10:00 a.m. on the business day following the day of the transaction.

(2) Statutory Basis

The proposed rule changes further the Congressional prupose in enacting Section 11A(a)(1) of the Securities Exchange Act of 1934 (the "Act"), in that they will help facilitate economically efficient executions of securities transactions through new data processing and communication techniques. They will also advance the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(a)(1) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule changes. The proposed rule changes have been unanimously approved by the Options Subcommittee on Market Performance, comprised of individuals representing member organizations and a broad cross-section of the investment community.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 522, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 17, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

July 20, 1984.

[FR Doc. 84-19868 Filed 7-26-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 909]

Determination To Make Available Supplemental Military Assistance for El Salvador

July 12, 1984.

Pursuant to the Joint Resolution "Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture" (Pub. L. 98-332), and applicable delegations of authority, I hereby determine that the Government of El Salvador has demonstrated progress toward land reform, free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders.

This determination shall be transmitted to Congress immediately as part of the report required by this Joint Resolution for the obligation and expenditure of supplemental military assistance funds for EL Salvador.

This determination shall be published in the **Federal Register.**

Kenneth W. Dam,

Acting Secretary of State.

[FR Doc. 84-19912 Filed 7-26-84; 8:45 am]

BILLING CODE 4710-08-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and the Delegation of Authority from the Director, USIA (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit "Renaissance Drawings from the Biblioteca Ambrosiana, Milan" (included in the list [1] filed as a part of this Determination), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement between the Medieval Institute of the University of Notre Dame du Lac, Notre Dame, Indiana, and the Biblioteca Ambrosiana, Milan. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, DC, beginning on or about August 12, 1984, to on or about October 7, 1984, the Snite Museum, Notre Dame, Indiana, beginning on or about October 21, 1984, to on or about December 30, 1984, the Los Angeles County Museum, Los Angeles, California, beginning on or about January 24, 1985, to on or about March 17, 1985, the Cleveland Museum of Art, Cleveland, Ohio, beginning on or about April 2, 1985 to on or about June 16, 1985, and at the Kimbell Art Museum, Fort Worth, Texas, beginning on or about July 1, 1985, to on or about August 25, 1985, is in the national interest.

Public notice of this Determination is ordered to be published in the **Federal Register.**

Dated: July 25, 1984.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 84-20006 Filed 7-26-84; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of imported objects included in the exhibit is filed as part of the original document.

VETERANS ADMINISTRATION

Scientific Review and Evaluation Board for Rehabilitation Research and Development; Availability of Annual Report

Notice is hereby given that the Annual Report of the Veterans Administration Rehabilitation Research and Development Service Merit Review Board for calendar year 1983 has been issued.

The report summarizes activities of the Board on matters related to the review, discussion, and evaluation of individual investigator initiated projects. The report is available for public inspection at two locations:

Library of Congress, Serial and Government, Publications Reading Room, LM 133, Madison Building, Washington, DC 20540

and

Veterans Administration, Rehabilitation Research and Development Service, Room 642, 810 Vermont Avenue, NW., Washington, DC 20420

Dated: July 19, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 84-19862 Filed 7-26-84; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 146
Friday, July 27, 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).

Contents

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 31, 1984.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

Microchips: Meeting With Industry

The Commission will meet with representatives of the microchip industry, appliance industry and testing organizations.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301—492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84–19969 Filed 7–25–84; 10:38 am]

BILLING CODE 6335–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, August 1, 1984.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Diphenhydramine: PPPA Final Rule

The staff will brief the Commission on a final rule to require child-resistant packaging for over-the-counter drugs containing diphenhydramine.

2. Mattress Standard Amendment: Final Rule

The staff will brief the Commission on the draft final amendments to the Mattress Flammability Standard, 16 CFR, Part 1632 Standard for Flammability of Mattresses (and Mattress Pads).

3. FY 86 Priorities

The staff will brief the Commission on Fiscal Year 1986 priorities.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301—492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84–19970 Filed 7–25–84; 10:38 am]

BILLING CODE 6355–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:45 p.m. on Tuesday, July 24, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Coalmont Savings Bank, Coalmont, Tennessee, which was closed by the Commissioner of Financial Institutions for the State of Tennessee on Tuesday, July 24, 1984; (2) accept the bid for the transaction submitted by First Bank of Marion County, South Pittsburg, Tennessee, an insured State nonmember bank; (3) approve the application of First Bank of Marion County, South Pittsbury, Tennessee, for consent to purchase certain assets of and to assume the liability to pay deposits made in Coalmont Savings Bank, Coalmont, Tennessee, and for consent to establish the four offices of Coalmont Sevings Bank as branches of First Bank of Marion County; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: July 25, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–20037 Filed 7–25–84; 3:25 p.m.]

BILLING CODE 6714–01–M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, July 31, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, August 2, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, DC (Fifth Floor).

STATUS: This meeting will be opened to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential Primary Matching Funds
Draft Advisory Opinion #1984–30, Leslie J. Kerman on behalf of Freeze Voter '84
New trade association brochure
Finance Committee report
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 84–19971 Filed 7–25–84; 10:50 am]

BILLING CODE 6715–01–M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE–84–34A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 29190 (July 18, 1984).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Wednesday, July 25, 1984.

CHANGES IN THE MEETING: Change of location for Commission meeting from Room 117 to the Hearing Room (Room 331).

In conformity with 19 CFR 201.37(b), Commissioners Stern, Liebeler, Eckes, Lodwick, and Rohr determined by recorded vote that Commission business requires the change in location of the meeting, affirmed that no earlier announcement of the change to the agenda was possible, and directed the issuance of this notice at the earliest practicable time. There are no other changes to the agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[FR Doc. 84–20040 Filed 7–25–84; 3:25 pm]

BILLING CODE 7020–02–M

6

LEGAL SERVICES CORPORATION

TIME AND DATE: The meeting will commence at 7:00 p.m. on Friday, August 3, 1984 and continue until all official business is completed.

PLACE: Key Bridge Marriott, Potomac Ballroom A, B, and C, 1401 Lee Highway, Arlington, Virginia.

STATUS OF MEETING: Open [Portion of meeting is to be closed to discuss personnel, personal, criminal, litigation, and investigatory matters under 45 CFR 1622.5 (a), (d), (e), (f) and (h)].

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Draft Minutes
   —July 9, 1984
3. Report from the President
4. Report from the Office of Government Relations
5. Report from the Acting Comptroller
   —3rd Quarter Budget Review
   —Proposed Budget Modifications

CONTACT PERSON FOR MORE INFORMATION: Thomas Opsut, Executive Office, (202) 272–4040.

DATE ISSUED: July 25, 1984.

Thomas J. Opsut,

Acting Secretary to the Board.

[FR Doc. 84–20024 Filed 7–25–84; 3:53 pm]

BILLING CODE 6820–35–M

7

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, August 1, 1984.

PLACE: Board Hearing Room 8th Floor, 1425 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of July 1984.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523–5920.

Date: July 24, 1984.

Rowland K. Quinn, Jr.,

Executive Secretary, National Mediation Board.

[FR Doc. 84–19937 Filed 7–25–84; 9:24 am]

BILLING CODE 7550–01–M

8

POSTAL SERVICE BOARD OF GOVERNORS

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m. on Monday, August 6, 1984, in Washington, D.C., and at 8:30 a.m. on Tuesday, August 7, in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, D.C. As indicated in the following paragraph, the August 6 meeting is closed to public observation. The August 7 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, David F. Harris, at (202) 245–3734.

At its meeting on July 9, 1984, the Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for August 6. (See 49 FR 28646, July 13, 1984.) The agenda item of the meeting to be closed concerns strategic planning in connection with collective bargaining negotiations involving the Postal Service and four labor organizations representing certain postal employees.

Agenda

Monday Session, August 6 (Closed)

1. Strategic Planning—Collective Bargaining.

Tuesday Session, August 7 (Open)

1. Minutes of the Previous Meeting, July 9–10, 1984.
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the Members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)
3. Quarterly Report on Financial Performance. (Mr. Coughlin, Senior Assistant Postmaster General, Finance Group, will present the quarterly summary of financial performance.)
4. Quarterly Report on Service Performance. (Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will present the quarterly summary on service performance.)
5. Review of Legislative Matters and Government Relations. (Mr. Johnstone, Assistant Postmaster General, Government Relations, will report on current legislative matters.)
6. Briefing on INTELPOST.
7. Capital Investment:

a. Lakeland, Florida (General Mail Facility/Vehicle Maintenance Facility).

b. New York City (Vehicle Maintenance Facility and Parking Facility in Manhattan).

c. Vehicle Procurement:

1. 763 semi-trailers
2. 329 truck trailers

d. Procurement of 5,000 integrated retail terminals.

8. Consideration of proposed agenda for the September 10–11 meeting of the Board in Washington, DC.

David F. Harris,

Secretary.

[FR Doc. 84–20019 Filed 7–25–84; 2:36 p.m.]

BILLING CODE 7710–12–M

Federal Register

Friday
July 27, 1984

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notices

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Connecticut: CT84–3016	June 8, 1984.
Georgia: GA82–1058	Oct. 8, 1982.
Indiana: IN83–2073	Sept. 9, 1983.
Michigan: MI82–2042	July 9, 1982.
Minnesota: MN83–2058	July 29, 1983.
New York:	
NY83–3018	May 20, 1983.
NY83–3032	July 29, 1983.
Pennsylvania: PA84–3002	Feb. 10, 1984.
Virginia:	
VA82–3035	Dec. 3, 1982.
VA84–3025	July 6, 1984.
VA84–3006	Mar. 2, 1984.
Texas: TX84–4020	Apr. 13, 1984.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

New Jersey: NJ83–3016 (NJ84–3020)	June 17, 1983.

Signed at Washington, D.C. this 20th day of July 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

DECISION NO. CT84-3016 - MOD. #4
(49 FR 23980 - June 8, 1984)
Statewide Connecticut

ADD:
LABORERS (BUILDING):

	Basic Hourly Rates	Fringe Benefits
Group 4 Asbestos Removal Laborer	13.15	2.80

DECISION NO. GA82-1058 - MOD. #3
(47 FR 44665 - October 8, 1982)
Chatham County, Georgia

Change:
Plumbers & Pipefitters (excluding irrigation)

	Basic Hourly Rates	Fringe Benefits
Contracts $20,000 or less	$13.65	1.85
Contracts over $20,000	14.30	1.85

DECISION NO. IN83-2073 - Mod. #5
(48 FR 40832 - September 9, 1983)
Statewide (except Lake, LaPorte, Porter and St. Joseph Counties), Indiana

Change:
PAINTERS:

	Basic Hourly Rates	Fringe Benefits
Area 1:		
Brush and Roller	$12.75	$2.27
Spray and Sandblasting	13.75	2.27

DECISION #MI82-2042-Mod.#7
(47 FR 29976 - July 9, 1982)
Statewide, Michigan

Change Description of Work to read:
Highway, Bridge, Airport and Sewer Construction projects (exclusive of buildings) (does not include TV/Grout work)

DECISION NO. NY83-3018 - MOD. #6
(48 FR 22870 - May 20, 1983)
DUTCHESS, ORANGE, SULLIVAN & ULSTER COUNTIES, NEW YORK

CHANGE:
ELECTRICIANS:

	Basic Hourly Rates	Fringe Benefits
Area 1	14.40	4.95+ 3.5%
Area 4	16.65	1.50+ 11.5%
Area 5	17.15	1.50+ 11.5%

DECISION NO. NY83-3032 - MOD. #3
(48 FR 34629 - July 29, 1983)
BRONX, KINGS, NEW YORK, QUEENS & RICHMOND COUNTIES, NEW YORK

CHANGE:

	Basic Hourly Rates	Fringe Benefits
METALLIC LATHERS & REINFORCING IRON WORKERS	20.99	4.87+g

DECISION NO. MN83-2058 - MOD. #2
(48 FR 34617 - July 29, 1983)
Benton, Sherburne, & Stearns Counties, Minnesota

Change:
Laborers:
Building Construction:
Benton & Stearns Cos.:

	Basic Hourly Rates	Fringe Benefits
General; Demolition & Wrecking; & Concrete Joint Saw Operator	$11.75	1.35
Power Buggy Operators	11.80	1.35
Mortar Mixers; Plasterers' Tenders	11.85	1.35
Jackhammer Men Underground; Caisson; Cofferdam; & Tunnel Work	11.90	1.35
	12.00	1.35
Dynamite Men & Pipelayers	12.05	1.35

DECISION #PA84-3002 - Mod. #2
(49 FR 5295 - February 10 1984)
Adams & York Counties, Pennsylvania

CHANGE:

Electricians:

	Basic Hourly Rates	Fringe Benefits
Adams County and the remainder of York County: Zone 1 - includes all projects predominately within an area zero (0) to twenty-two (22) mile radius from Farmers, Pa. on Route 30 West of York, Pa.	$15.65	3% + $1.36
Zone 2 - includes all projects predominately within the area over twenty-two (22) miles radius from Farmers, Pa.	$16.20	3% + $1.36

DECISION NO. VA82-3035-Mod. #8
(47 FR 54747-December 3, 1982)
York County, & The City of Hampton

ADD TO DECISION COVERAGE:
LANGLEY AFB & FORT MONROE

DECISION NO. VA84-3025-Mod. #1
(49 FR 27878-July 6,1984)
City of Newport News & (FORT EUSTIS)

DELETE FROM DECISION COVERAGE:
LANGLEY AFB & FORT MONROE

DECISION NO. VA84-3006-Mod. #1
(49 FR 7918-March 2,1984)
AMELIA, BRUNSWICK, CHARLES CITY, CHESTERFIELD, DINWIDDIE GOOCHLAND, HANOVER, HENRICO, LUNENBURG, MECHKLENBURG, NEW KENT, NOTTOWAY, POWHATAN, PRINCE GEORGE, and the Independent Cities of RICHMOND PETERSBURG, CHESTERFIELD, & COLONIAL HEIGHTS

ADD TO DECISION COVERAGE:
Independent City of HOPEWELL

DECISION NO. TX84-4020 - MOD. #7
(49 FR 14839 - 4/13/84)
Galveston & Harris Cos., Texas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Pipefitters	$15.51	2.53

SUPERSEDEAS DECISION

STATE: New Jersey

COUNTIES: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem

DECISION NUMBER: NJ84-3020 DATE: Date of Publication

Supersedes Decision No. NJ83-3016 dated June 17, 1983, in 48 FR 28003.

DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING and REFRIGERATION MECHANICS:		
Group I	14.65	1.15+a
ASBESTOS WORKERS:		
Zone 1	17.96	4.22
Zone 2	17.72	4.185
Zone 3	16.89	5.68
Zone 4	17.99	3.69
Zone 5	18.75	4.45
BOILERMAKERS	18.27	.29+ 38%
BRICKLAYERS, STONEMASONS, MARBLE MASONS, CEMENT MASONS, PLASTERERS, TILE LAYERS, and TERRAZZO WORKERS:		
Zone 1	15.15	3.79
Zone 2:		
Bricklayers, Stone masons, Marble Masons, and Terrazzo Workers	16.77	3.57
Cement Masons	9.27	
Plasterers	13.45	2.00
Zone 3	15.45	3.50
Zone 4	17.95	2.93
Zone 5	16.66	3.98
CARPENTERS, MILLWRIGHTS and INSULATORS:		
Zone 1	19.31	15.5%
Zone 2:		
Carpenters & Insulators	19.31	15.5%
Millwrights	19.56	15.50
Zone 3:		
Carpenters & Insulators	18.50	20.5%
Millwrights	18.75	20.5%
Zone 4:		
Carpenters, Insulators & Millwrights	16.40	3.60
Zone 5:		
Carpenters & Insulators	17.25	20.5%
Millwrights	17.75	20.5%
Zone 6:		
Carpenters & Insulators	16.70	15.5%
Millwrights	16.95	15.5%
DIVERS & DIVER TENDERS:		
Zone 1:		
Divers	20.87	6.83
Diver Tenders	16.27	6.83
DOCK BUILDERS and PILEDRIVERMEN:		
Zone 1	14.82	6.16+b
Zone 2	17.66	6.75
DRYWALL TAPERS & FINISHERS		
Zone 1	10.60	2.10
Zone 2	13.03	4.19
ELECTRICIANS and CABLE SPLICERS:		
Zone 1	19.66	1.51+ 10%
Zone 2	19.68	1.00+ 16.75%
Zone 3	18.58	1.80+ 10%
Zone 4	18.41	2.89+ 10%
Zone 5	18.87	2.38+ 10%
ELEVATOR CONSTRUCTORS:		
Mechanics	14.62	2.474+ c+d
Helpers	10.30	2.474+ c+d
Probationary Helper	7.36	
GLAZIERS:		
Zone 1	16.90	6.60
Zone 2	7.80	.50
Zone 3	16.04	3.55
30" Above ground	16.64	3.55
Zone 4	9.41	.87
IRONWORKERS:		
Structural, Ornamental, and Reinforcing:		
Zone 1	15.00	6.80
Zone 2	14.93	7.20
Zone 3	18.40	3.75
Zone 4	16.20	8.00
MARBLE FINISHERS:		
Zone 1	7.84	2.75

DECISION NO. NJ84-3020

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Zone 1:		
New Construction and Major Alterations	13.30	3.13
Repaint-New Construction and Major Alterations	12.30	3.13
Repaint - Spray Exterior over 3 stories and Steel	12.90	3.13
Repaint - Steel	13.45	3.13
Bridges, TV Towers	12.45	3.13
Zone 2:	13.90	3.13
Painters on New Construction and Major Alterations	13.80	2.43
Painters on Repaint Work	12.70	2.43
Spraying or application of hazardous or dangerour materials on repaint work	13.30	2.43
Exterior work exceeding 3 stories in height for painting of open structrual steel and tanks under 3 stories in height except Flat Tanks on the ground and on interior work which requires painting higher than 20' above (this shall not be applicable to machinery or equipment located therein)	13.95	2.43
Repaint Work as described above	12.85	2.43
On Bridges, Television and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over) Smoke Stacks, Water Towers, Sandblasting, Steamcleaning, Sparying or application of hazardous materials	14.40	2.43
Paperhanging	14.30	2.43
Zone 3:		
Commercial Brush, Roller and Paperhanging	16.30	2.20
Comercial Spray or dipping, or the use of any special material, brushing or Rolling on Steel or Tanks, or Working Swing or Chair	17.05	2.20
Sandblasting or Power Tools; Spraying or the use of any special material on Steel or Tanks	17.80	2.20
Zone 4:		
New Construction: Brush or Roller; Paperhanging and Vinyl-wall covering	15.00	2.25
Working on all Structural Steel and Iron, Steeples, Stacks, Tanks, Flagpoles, all Swing Work & Window Jack Work above 2 stories, Spray Painting & Sandblasting and Line Striping by machinery, all Power Tools and Hazardous materials (i.e. Creosote, Epoxy, Acid, Pitchmaster and Urethanes)	16.00	2.25
Zone 5:		
General Painting	10.75	1.35
Spray, Special material and Blasting	12.90	1.35
Repainting Work except Bridges, Tanks, Towers all other open structural Steel and Power Plants	8.75	1.35
PLUMBERS & PIPEFITTERS:		
Zone 1	18.72	4.55
Zone 2	16.48	2.95
ROOFERS:		
Zone 1:		
Shingle, Slate or Tile MECHANIC II (for Shingle Slate, or Tile) Handle and transport all materials, tools, and equipment; cleanup debris	19.57	2.55
	8.25	2.55
Composition	16.50	3.50
Slate and Tile	16.625	3.50
SHEET METAL WORKERS:		
Zone 1	18.06	4.47
Zone 2	16.40	5.83
Zone 3	17.70	4.58
Zone 4	18.72	4.95
SOFT FLOOR LAYERS:		
Zone 1	10.65	15.2%
Zone 2	15.88	16%

DECISION NO. NJ84-3020	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS:		
Zone 1	15.62	2.50
Zone 2	17.67	2.83
TERRAZZO FINISHERS:		
Zone 1	7.82	2.75
TILE SETTERS FINISHERS:		
Zone 1	8.45	13%
Zone 2	7.61	2.75
LABORERS:		
Building Construction:		
Zone 1:		
Group 1	12.00	3.65
Group 2	12.15	3.65
Group 3	12.40	3.65
Zone 2:		
Group 1	12.40	3.22
Group 2	12.50	3.22
Group 3	12.625	3.22
Group 4	12.75	3.22
Zone 3:		
Group 1	12.80	2.85
Group 2	13.05	2.85
Zone 4	12.55	3.10
Zone 5:		
Laborers	11.95	3.70
Jackhammers	12.20	3.70
Zone 6:		
Laborers	11.65	4.00
Hod Carriers and Plasterers Tenders	11.75	4.00
Heavy & Highway Construction		
Zone 1:		
Group 1	12.40	2.45
Group 2	12.60	2.45
Group 3	12.90	2.45
Group 4	13.10	2.45
Group 5	13.35	2.45
Group 6	14.90	2.45
Zone 2:		
Group 1	11.80	2.35
Group 2	12.00	2.35
Group 3	12.30	2.35
Group 4	12.50	2.35
Group 5	12.75	2.35
Group 6	13.80	2.35
FREE AIR TUNNEL JOBS:		
Group 1	13.75	2.35
Group 2	12.85	2.35
Group 3	12.70	2.35
Group 4	12.20	2.35
ASPHALT CONSTRUCTION		
Street:		
Head Rakers	11.65	2.60
Rakers & Screed Men	11.50	2.60
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	11.25	2.60

	Basic Hourly Rates	Fringe Benefits
Plant:		
Scale Mixers & Burner Men	11.50	2.60
Feeders and Dust Men	11.25	2.60
LINE CONSTRUCTION:		
(Excluding Railroad Construction):		
Zone 1:		
Linemen, Cable Splicers and Equipment Operators	21.63	2.45+ 10.75%
Groundmen	17.71	2.45+ 10.75%
Zone 2:		
Linemen, Cable Splicers, Truck Drivers, Equipment Operators and Technicians	15.27	.80+ 10.75%
Groundmen and Winch Operators	12.22	.80+ 10.75%
Zone 3:		
Linemen	18.58	1.70+ 10.75%
Groundmen & Winch Operators	16.13	1.70+ 10.75%
Zone 4:		
Linemen	18.41	1.85+ 10%
Line Digger Truck Drivers	13.94	1.85+ 10%
Groundmen	15.09	1.85+ 10%
Zone 5:		
Linemen, Equipment Operators, Technicians and Certified Linemen Welder	20.33	2.00+ 3.75%
Truck Drivers	14.64	2.00+ 3.75%
Groundmen	13.65	2.00+ 3.75%
(Railroad ONLY):		
Zone 1:		
Linemen	16.96	25%
Line Equipment Operator	16.20	25%
Groundman Winch Op.	13.07	25%
Groundman	11.06	25%
Dynamite Man	14.20	25%
Street Light Mechanic	12.97	25%
Line Equipment Mechanic	12.90	25%

DECISION NO. NJ84-3020	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Building Construction Projects in which individual items of work are $100,000 or less (including clearing, and grading, excavation, for foundations, back filling, storm and sanitary sweres, sidewalks, street excavation and paving, curbing and landscaping, water and gas supply lines)	11.94	4.40+a
OTHER BUILDING CONSTRUCTION PROJECTS: HEAVY, HIGHWAY, ROAD, STREET, AND SEWER PROJECTS:		
Class A	21.67	4.80+a
Class B	20.08	4.80+a
Class C	18.17	4.80+a
Class D	16.54	4.80+a
Class E	14.83	4.80+a
Class F	23.49	4.80+a
TANK ERECTION:		
Class A	23.16	4.80+a
Class B	23.32	4.80+a
Class C	25.30	4.80+a
Class D	21.73	4.80+a
Class E	16.02	4.80+a
OILOSATATIC MAINLINES & TRANSPORTATION PIPELINES:		
Class A	22.30	4.80+a
Class B	20.65	4.80+a
Class C	18.51	4.80+a
Class D	17.61	4.80+a
Class E	15.29	4.80+a
Class F	24.23	4.80+a

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

	Basic Hourly Rates	Fringe Benefits
STEEL ERECTION:		
Class A	23.89	4.80+a
Class B	22.58	4.80+a
Class C	21.24	4.80+a
Class D	18.58	4.80+a
Class E	17.58	4.80+a
Class F	15.69	4.80+a
Class G	25.30	4.80+a
TRUCK DRIVERS:		
Zone 1:		
Group 1	8.55	f+g+h+i
Group 2	8.65	f+g+h+i
Group 3	8.80	f+g+h+i
Group 4	8.95	f+g+h+i
Zone 2:		
Group 1	12.15	j+k+l+m
Group 2	12.85	j+k+l+m
Group 3	13.00	j+k+l+m
Group 4	13.05	j+k+l+m
Group 5	13.20	j+k+l+m
Group 6	13.40	j+k+l+m
Group 7	13.55	j+k+l+m
Zone 3:		
Group 1	14.97	1.855+ n+o
Group 2	15.20	1.855+ n+o
Group 3	15.25	1.855+ n+o
Group 4	15.35	1.855+ n+o
Group 5	15.45	1.855+ n+o

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Paid Holidays: A through F plus Washington's Birthday, Presidential Election Day and Veterans Day, provided the employee works any of the 3 days in the 5-day workweek preceeding the holiday and the first work day after the holiday.
b. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day; Independence Day; Presidential Election Day; Veteran's Day; and Thanksgiving Day
c. Paid Holidays: A through F
d. Employer contributes 4% of basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
e. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veteran's Day provided the employee works any of the 3 days in the 5 work days preceeding the Holiday and the first work day after the recognized Holiday
f. Employer contributes $6.30 per day per employee to Health and Welfare Funds
g. Employer contributes $4.00 per day per employee to Pension Funds
h. One week vacation after one year's work; Two weeks vacation after three year's work
i. Paid Holidays: A through F, plus Washington's Birthday, Veteran's Day and Presidential Election Day provided the employee works 3 days in the week in which the Holiday falls
j. Employer contributes $48.50 per week per employee to Health and Welfare Funds
k. Employer contributes $53.00 per week per employee to Pension Funds
l. Employee who has worked or receive pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; 15 years or more he will receive 165 hours of straight time vacation pay
m. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day, Armistic Day, 2 Personal Holidays, Good Friday, and Christmas Eve afternoon (provided the employee works that morning) on the condition that the employee works or is available for work on at least 2 days in the week in which the Holiday occurs
n. Employees working or receiving pay for 80 days within a year receive one week's paid vacation(48 hours); 125 days receive two weeks' vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours)
o. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbia Day and Veteran's Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the Holiday Falls

GROUP and ZONE DESCRIPTIONS

AIR CONDITIONING and REFRIGERATION MECHANICS:
Group 1: Installation of refrigeration equipment for any type of building where the combined compressor tonnage does not exceed 5 tons; Installation of water-cooled air-conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); Installation of air-cooled air conditioning that does not exceed 15 tons

ASBESTOS WORKERS:
Zone 1: Atlantic, Burlington (Bass River and Washington Townships); Cape May, Cumberland and Ocean (Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton, and Union Townships) Counties
Zone 2: Burlington (Bordentown, Burlington, Chesterfield, Easthampton, Florence, Mansfield, Mount Holly, New Hanover, North Hanover, Pemberton, Roebling, Springfield, Wrightstown, and Woodlawn Townships); Mercer, Monmouth (Allentown, Blainsinburg, Brielle, Englishtown, Farmingdale, Freehold, Howell, Manalapan, Manasquan, Millstone, Roosevelt, Sea Girt, South Belmar, Spring Lake Heights, Upper Freehold, Wall, and West Belmar Townships) and Ocean (Remainder of County) Counties
Zone 3: Monmouth (Remainder of County)
Zone 4: Salem County
Zone 5: Burlington (Remainder of County); Camden and Gloucester Counties

BRICKLAYERS, STONEMASONS, MARBLE MASONS, CEMENT MASONS, PLASTERERS, TILE LAYERS, and TERRAZZO WORKERS:
Zone 1: Atlantic and Cape May Counties
Zone 2: Camden, Gloucester, and Salem Counties
Zone 3: Cumberland County
Zone 4: Burlington and Mercer Counties
Zone 5: Monmouth and Ocean Counties

CARPENTERS, MILLWIRGHTS and INSULATORS:
Zone 1: Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties
Zone 2: Burlington County (except the City of Bordentown)
Zone 3: Mercer County (beginning from the present Post Office in Lawrenceville to a point northward through the present "Radio Site" to the junction of Rosedale Road and Read's Mill Road to the junction of Pennington and Mount Rose Road to the Somerset County Line; again starting at the present Post Office in Lawrenceville and eastward to the junction of Brunswick Pike and Delaware and Raritan Canal Bridge taking the center of the road to Clarksville then south on Providence Line Road to the Pennsylvania Railroad then east on Dutch Neck North to Grover's Mills to the Middlesex County Line
Zone 4: Burlington County (City of Bordentown only) and Remainder of Mercer County
Zone 5: Ocean County
Zone 6: Monmouth County

DIVER and DIVER TENDERS:
Zone 1: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties

GROUP and ZONE DESCRIPTIONS (Cont'd)

DOCKBUILDERS and PILEDRIVERMEN
Zone 1: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer (Trenton Area), Ocean and Salem Counties
Zone 2: Mercer (Princeton Area) and Monmouth Counties

DRYWALL TAPERS and FINISHERS:
Zone 1: Atlantic, Burlington, Cape May, Cumberland, Mercer, Monmouth and Ocean Counties
Zone 2: Camden, Gloucester and Salem Counties

ELECTRICIANS and CABLE SPLICERS:
Zone 1: Monmouth and Ocean Counties
Zone 2: Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, south-southeast along this road to and including the Town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon and continuing along the Pennsylvania Railroad to the Ocean County Line) and Mercer Counties
Zone 3: Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingsboro, Hainesport, Lumberton, Medford, Evesham Townships in the County and that portion of Shamong, Tabernacle, Woodland Townships north of the Central Railroad of New Jersey Line and that portion of Burlington, Westhampton, Easthampton, South Hampton and Pemberton Townships in the County south of a line starting at the Delaware River and following the southern boundary of Burlington Borough to the Burlington, Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Manuta, Harrison, South Harrison, Woolwich and Logan Townships and Pitman Borough) and Salem (from Lower Penns Neck, Upper Pens Neck, Oldmans Townships and that portion of Mannington and Pilesgrove Townships north of a line following State Highway #45 northeast from Fenswick Creek to the Borough of Woodstown, around and including Woodstown to U. S. Highway #40 and east on #40 to Upper Pittsgrove Townships Line) Counties
Zone 4: Atlantic (that portion south and west of a line following the White Horse Pike (U. S. Highway #30) in a southeasterly direction from Camden County to the Mays Landing-DaCosta Road, continuing south along that road to the Great Egg Harbour River near Weymouth along that river to the Harding Highway to the Mays Landing - Tuckahoe Road, south on that road to the north limits of Corbin City to the Tuckahoe River), Cumberland, Gloucester (remainder of County) and Salem (Remainder of County) Counties
Zone 5: Atlantic (Remainder of County), Burlington (Remainder of County) and Cape May Counties

GROUP and ZONE DESCRIPTIONS (Cont'd)

GLAZIERS:
Zone 1: Monmouth and Ocean and Mercer Counties
Zone 2: Atlantic and Cape May Counties
Zone 3: Camden, Gloucester and Salem Counties
Zone 4: Burlington (that portion north of a line that begins at Florence-Roebling and that extends in a southeasterly direction that includes Fort Dix to the Ocean County Line) County

IRONWORKERS:
Zone 1: Monmouth and Ocean (northern half of County) Counties
Zone 2: Atlantic, Cape May, Cumberland (that portion east of a line drawn from the Delaware Bay through the Town of Cedarville and upwards to the point where the County Lines of Gloucester, Cumberland and Atlantic meet) and Ocean (Remainder of County) Counties
Zone 3: Burlington (southern portion of County up to but not including Lumberton and Chatsworth Townships), Camden, Cumberland (Remainder of County), Gloucester and Salem Counties
Zone 4: Burlington (Remainder of County) and Mercer Counties

MARBLE FINISHERS:
Zone 1: Camden, Gloucester, and Salem Counties

PAINTERS:
Zone 1: Monmouth and Ocean (except Townships of Ocean, Union, Stafford, Eaglewood and Little Egg Harbor) Counties
Zone 2: Mercer County
Zone 3: Burlington, Camden, Gloucester and Salem (the portion of County north of Salem Bridges) Counties
Zone 4: Atlantic, Cape May and Ocean (Remainder of County) Counties
Zone 5: Cumberland and Salem (Remainder of County) Counties

PLUMBERS and PIPEFITTERS:
Zone 1: Atlantic, Burlington (that portion of the County including Atsion, Bass River Township, Batsto, Chatsworth, Green Bank, Herman, Jenkins, New Gretna, Quaker Bridge, Wading River, Washington and Woodland Township), Cape May, Cumberland, Gloucester, Ocean (southern half of the County to and including Whiting, Bamber, Waretown and Barnegat Light) and Salem (that portion of the County including Aldine, Alliance, Alloway, Brotmanville, Canton, Centerton, Friesburg, Hancock's Bridge, Lower Alloways Creek Townships, Moore's Corner, Norman, Oakwood Beach, Olivet, Pen (Beach), Pittsgrove Township, Quinton and Shirley), Burlington (that portion of the County starting on the west by the Delaware River, on the north by a line following the center of High Street to the Pennsylvania Railroad running from Camden to Mount Holly, Birmingham, Seaside Park and Shore Points on the Jersey Coast and along afore-said Railroad to the Town of Whitings; thence diagonally across Burlington County to the junction of Burlington, Camden and Atlantic Counties), Samedn, and Salem Counties
Zone 2: Burlington (Remainder of County), Mercer (Excluding Hopewell and Hopewell Township), Monmouth, and Ocean (Remainder of County) Cos.

GROUP and ZONE DESCRIPTIONS (Cont'd)

ROOFERS:
Zone 1: Atlantic, Cape May, Cumberland, Burlington, Camden, Gloucester, Salem, Mercer, Monmouth (Remainder of County) and Ocean (Remainder of County) Counties
Zone 2: Monmouth (the entire County except the southwest corner which includes Perrineville and the towns west thereof) and Ocean (from the County Line southward to Cassville, Lakehurst, Whitings, Wheatland and Cedar Bridge inclusive) Counties

SHEET METAL WORKERS:
Zone 1: Atlantic, Cape May and Cumberland Counties
Zone 2: Monmouth and Ocean Counties
Zone 3: Burlington and Mercer Counties
Zone 4: Camden, Gloucester and Salem Counties

SOFT FLOOR LAYERS:
Zone 1: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties
Zone 2: Burlington, Mercer, Monmouth and Ocean Counties

SPRINKLER FITTERS:
Zone 1: Camden, Gloucester, Mercer (Town of Trenton) and Salem (Penns Grove excluding Penns Grove Airport) Counties
Zone 2: Atlantic, Burlington, Cape May, Cumberland, Mercer (Remainder of County), Monmouth, Ocean and Salem (Remainder of County) Counties

TERRAZZO FINISHERS:
Zone 1: Camden, Gloucester, and Salem Counties

TILE SETTERS FINISHERS:
Zone 1: Atlantic and Monmouth Counties
Zone 2: Camden, Gloucester, and Salem Counties

ZONE and GROUP DESCRIPTIONS (Cont'd)

LABORERS
BUILDING CONSTRUCTION

Zone 1: Atlantic, Burlington (Townships of Washington and Bass River), Cape May, Cumberland (Townships of Fairfield, Millville, Maurice River, Lawrence, Dawne and Commercial) and Ocean (that portion of the County up to and including Lacy Township) Counties:

Group 1: Laborers, Mason' and Plasterers' Tenders, and Concrete Workers
Group 2: Tool Operators (except small hand tools) including operation of motorized buggies
Group 3:Gunnite Men and Gun Nozzle Operators for Gunnite and Asbestos Sandblasting

Zone 2: Burlington (Townships of Edgewater Park, Delance, Willingsboro, West Hampton, East Hampton, Pemberton, Delran, Cinnaminson, Morrestown, Mt. Laurel, Hainesport, Lumberton, South Hampton, Evesham, Medford, Shamong, Tabernacle and Woodland), Camden, Gloucester and Salem and Cumberland (Remainder of County) Counties:

Group 1: Construction Laborers, Plasterers and Lathers Tenders Brick Tenders, Mortar Tenders, Scaffold Builders (brick), Hod Carriers (brick)
Group 2: Power Tool Operators
Group 3: Motorized Buggy Operators, Burners, Nozzlemen (Gunnite Work)
Group 4: Jackhammer Operators, Barko Tamper Operators and Concrete Vibrator Operators (over 27 lbs.)

Zone 3: Mercer (Townships of Princetown, Lawrence, West Windsor, and Borough of Princeton) County:

Group 1: Laborers
Group 2: Hod Carriers, Mason Tenders, Operators of Jackhammers, Tampers and Electric Hammers

Zone 4: Monmouth (Townships of Matawan, Union Beach, Raritan, Keansburg, Highlands, Holmdel, Middletown, Fair Haven, Red Bank, Mattawa Borough and Marlboro) Counties
Zone 5: Mercer (Townships of Washington, Highstown and East Windsor), Monmouth (Remainder of County), and Ocean (Remainder of County) Cos.
Zone 6: Burlington (Remainder of County) and Mercer (Remainder of County) Counties

ZONE and GROUP DESCRIPTIONS (Cont'd)

LABORERS (Cont'd)
HEAVY and HIGHWAY CONSTRUCTION

Zone 1: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean and Salem Counties:
Zone 2: Monmouth County:

Group 1: Common Laborers, Landscape Laborers, Railroad Track Laborers, Traffic Directors, Salamander Tenders, Pitman, Dumpman, Waterproofing Laborers, Rakers and Tampers on Cold Patch Work, and Wrapping and Coating of all Pipes
Group 2: Powder Carrier, Magazine Tender, Wagon Drill Operator Helpers, Drill Master Helper, and Signalman
Group 3: Sewer Pipe, Laser Men, Conduit and Duct Line Layer, Power Tool Operator, Jack Hammer, Chipping Hammer, Pavement Breaker, Power Buggy, Cutter, Concrete Cutter, Asphalt Cutter, Sheet Hammer and Tree Cutter Operators, Sandblasting Cutting, Burning and such other power tools used to perform work usually done manually by Laborers
Group 4: Wagon Drill Operator, Timberman and Drill Master
Group 5: Finisher, Form Setter, Rammer, Paver, Gunite Nozzleman and Stonecutter
Group 6: Blaster

FREE AIR TUNNEL JOBS

Group 1: Blasterers

Group 2: Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rod Men, Caulkers, Powder Carriers, All other Skilled Men)

Group 3: Semi-skilled Men (including Miner's Helpers, Chuck Tenders, Track Men, Nippers, Brakemen, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, all other Semi-skilled)

Group 4: All others (including Powder Watchmen, Change House Attendants, Top Laborers)

ZONE DESCRIPTIONS (Cont'd)

LINE CONSTRUCTION:
Zone 1: Monmouth and Ocean Counties
Zone 2: Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, southsoutheast along this road to and including the Town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon and continuing along the Pennsylvania Railroad to the Ocean County Line) and Mercer Counties
Zone 3: Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingsboro, Hainesport, Lumberton, Medford, Evesham Townships in the County and that portion of Shamong, Tabernacle, Woodland Townships north of the Central Railroad of New Jersey Line and that portion of Burlington, Westhampton, Easthampton, South Hampton and Pemberton Townships in the County south of a line starting at the Delaware River and following the southern boundary of Burlington Borough to the Burlington - Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Manuta, Harrison, South Harrison, Woolwich and Logan Townships and Pitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Townships and that portion of Mannington and Pilesgrove Townships north of a line following State Highway #45 northeast from Fenswick Creek to the Borough of Woodstown, around and including Woodstown to U. S. Highway #40 and east on #40 to Upper Pittsgrove Townships Line) Counties
Zone 4: Atlantic (that portion south and west of a line following the White Horse Pike (U. S. Highway #30) in a southeasterly direction from Camden County to the Mays Landing-DaCosta Road, continuing south along that road to the Great Egg Harbour River near Weymouth along that river to the Harding Highway to the Mays Landing - Tuckahoe Road, south on that road to the north limits of Corbin City to the Tuckahoe River), Cumberland, Gloucester (Remainder of County) and Salem (Remainder of County) Counties
Zone 5: Atlantic (Remainder of County), Burlington (Remainder of County) and Cape May Counties

LINE CONSTRUCTION - Railroad ONLY:
Zone 1: Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean and Salem Counties

DECISION NO. NJ84-3020 POWER EQUIPMENT OPERATORS

Class 1: Autograde - Combination Subgrader; Base Metal Spreader and 7 Base Trimmer (CMI and similar types); Autograde Placer, Trimmer, Spreader Combination (CMI and similar types); Autograde Slipform Paver (CMI and similar types); Backhoe; Central Power Plants (all types); Concrete Paving Machines; Cranes (all types, including Overhead and Straddle Travelling type); Cranes; Gantry; Derricks (Land or Floating); Drillmaster, Quarrymaster (down the Hole Drill) Rotary Drill; Self Propelled Hydraulic Drill; Self-powered Drill; Dragline; Elevator Graders; Front End Loaders (5 yds. and over); Gradalls; Grader; Raygo; Locomotive (large); Mucking Machines; Pavement and Concrete Breaker, i.e.; Superhammer and Hoe Ram; Pile Driver; Length of Boom including Length of Leads, shall determine premium rate applicable; Roadway Surface Grinder; Scooper (Loader and Shovel); Shovels; Tree Chopper with Boom; Trench Machines

Class B: "A" Frame; Backhoe (combination); Boom Attachment on Loaders (rate based on size of Bucket) not applicable to Pipehook, Boring and Drilling Machines; Brush Chopper; Shredder and Tree Shredder; Tree shearer; Cableways; Carryalls; Concrete Pump; Concrete Pumping System; Pumpcrete and similar types; Conveyors, 125 ft. and over; Drill Doctor including Dust Collector, Maintenance); Front End Loaders (2 yds. but less than 5 yds.); Graders (Finisher); Groove Cutting Machine (ride on type); Header Planer; Hoists: (all types hoists, shall also include Steam, Gas, Diesel, Electric, Air Hydraulic, Single and Double Drum, Concrete Brick Shaft Caisson, Snorkel Roof, and/or any other similar type Hoisting Machines, portable or stationary, except Chicago Boom type); Hoists (Chicago Boom type); Hydraulic Cranes, 10 tons and under; Hydro-axle; Jacks Screw Air Hydraulic power operated unit or Console type (not Hand Jack or Pile Load Test type); Log Skidder; Pans; Pavers (all Concrete; Pumpcrete Machines; Squeezecrete and Concrete Pumping (regardless of size); Scrapers; Side Booms; Straddle Carrier; Ross and similar types; Winch Truck (hoisting)

Class C: Asphalt Curbing Machine; Asphalt Plant Engineer; Asphalt Spreader; Autograde Tube Finisher and Texturing Machine (CMI and similar types); Autograde Curercrete Machine (CMI and similar types); Autograde Curb Trimmer and Sidewalk; Shoulder; Slipform (CMI and similar types); Bar Bending Machines (power); Batchers; Batching Plant and Crusher on Site; Belt Conveyor Systems; Boom type Skimmer Machines, Bridge Deck Finisher; Bulldozers (all); Car Dumpers (railroad); Compressor and Blower type units (used independently or mounted on Dual Purposes Trucks, on job site or in conjuction with job site, in loading and unloading of Concrete, Cement, Fly Ash, Instancrete, or similar type materials); Compressor (2 or 3)(Battery); Concrete Finishing Machines; Concrete Saws and Cutters (ride on type); Concrete Spreaders; Hetzel; Rexomatic and similar types; Concrete Vibrators; Conveyors; under 125 ft.; Crushing Machines; Ditching Machine; Small (Ditchwitch or similar type); Dope Pots (Mechanical with or without Pump); Dumpsters; Elevator; Fireman; Fork Lifts (Economobile; Lull and similar types of

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equipment); Front End Loaders (1 yd. and over but less than 2 yds.); Generators (2 or 3) in Battery; Giraffe Grinders; Graders and Motor Patrols; Gunnite Machines (excluding Nozzle); Hammer Vibratory (in conjunction with Generator); Hoist (Roof, Tugger, Aerial Platform Hoist and House Cars); Hoppers; Hopper Doors (power operated); Ladders (motorized); Laddervator; Locomotive; Dinky type; Maintenance; Utility Man; Mechanics; Mixers (except Paving Mixers); Motor Patrols and Graders; Pavement Breakers, small; Self-propelled Ride on type (also maintaining Compressor or Hydraulic unit); Pavement Breaker; Truck mounted; Pipe Bending Machine (power); Pitch Pump; Plaster Pump (regardless of size); Post Hole Digger (Post Pounder and Auger); Rod Bending Machines (power); Roller; Black Top; Scales; Power; Seaman Pulverizing Mixer; Shoulder Widener; Silos; Skimmer Machines (boom type); Steel Cutting Machine; Services and Maintaning; Tractors; Tug Captain; Vibrating Plants (used in conjunction with unloading); Welder and Repair Mechanics

Class D: Brooms and Sweepers, Chippers, Compressor (single), Concrete Spreaders (small type), Conveyor Loaders (not including Elevator Graders), Engines, Large Diesel (1620 H.P.) and Staging Pump, Farm Tractors; Fertilizing Equipment (operation and maintenance) Fine Grade Machine (small type); Form Line Graders (small type); Front Loader (under 1 yd.); Generator (single); Grease, Gas, Fuel and Oil Supply Trucks; Heaters (Nelson or other type including Propane, Natural Gas or Flow-type units); Lights; Portable Generating Light Plants; Mixers; Concrete small; Mulching Equipment (operation and maintenance) Pumps (4 inch suction and over including Sumbersible Pumps); Pumps (2 or less than 4" suction and over including submersible pumps); Pumps (Diesel engine and Hydraulic) immaterial of power Road Finishing Machines (small type); Rollers; Grade; Fill or Stone Base; Seeding Equipment (operation and maintenance of); Sprinkler and Water Pump Trucks Steam Jennies and Boilers, Stone Spreader; Tamping Machines Vibrating Ride-on; Temporary Heating Plant (Nelson or other type, including Propane, Natrual Gas or Flow type units); Water and Sprinkler Trucks; Welding Machines (gas, diesel, and/or electric Converters of any type, single; two or three in a Battery); Welding System, Multiple (Rectifier Transformer type); Wellpoint Systems.

Class E: Oiler

Class F: Helicopter Pilot

Oilostatic Mainlines and Transportation Pipe Lines

Class A: Backhoe; Cranes (all types); Draglines; Front-end Loaders (5 yds. and over); Gradalls; Scooper (Loader and Shovel); Koehring and Trench Machines

Class B: "A" Frame; Backhoe (combination Hoe Loader); Boring and Drilling Machines; Ditching Machine, small; Ditchwitch or similar type; Fork Lifts; Front End Loaders (2 yds. and over but less than 5 yds.); Graders, finish (fine); Hydraulic Cranes, 10 tons and under (over 10 tons - Crane rate applies); Side Booms; and Winch Trucks (hoisting)

Class C: Backfiller; Brooms and Sweepers; Bulldozers; Compressors (2 or 3 in battery); Front-end Loaders (under 2 yds.); Generators; Giraffe Grinders; Graders and Motor Patrols; Mechanic; Pipe Bending Machine (power); Tractors; Water and Sprinkler Trucks, Welder and Repair Mechanic;

Class D: Compressor (single); Dope Pots (Mechanical with or without pump); Dust Collectors; Farm Tractors; Pumps (4 in. suction and over); Pumps (2 or less than 4 in. suction); Pumps; Diesel Engine and Hydraulic (Immaterial or power); Welding Machines; Gas or Electric Converters of any type, single; Welding Machines, gas or electric converters of any type, 2 or 3 in Battery multiple Welders; Wellpoint Systems (including installation and maintenance)

Class E: Oiler, Grease, gas, fuel and Supply Trucks and Tire Repair and Maintenance

Class F: Helicopter- Pilot

TANK ERECTION

Class A: Operating engineers--on all Cranes, Derricks, etc. with Vooms including Jib 140 ft. or more above the ground.

Class B: Operating Engineers--on all Equipment, including Cranes Derricks, etc. with Booms including Jib, less than 140 ft. above the ground.

Class C: Helicopters--Pilot.

Class D: Air Compressors, Welding Machines and Generators (Gas, Diesel, or Electrical driven equipment and sources of power from a permanment plant, i.e., Steam, Compressed Air, Hydraulic or other power, for the operating of any machine or automatic tools used in the Erection, Alteration, Repair and dismantling of tanks and any and all "dual purpose" Trucks used on the construction job site.

Class E: Oiler.

STEEL ERECTION

Class A: Cranes - (all Cranes, Land or Floating with Booms including Job 140 Ft. and over, above ground); Derricks-(all Derricks, Land or Floating with Boom including Jib 140 ft. and over, above ground).

Class B: Cranes - (all cranes, Land or Floating with Booms including Jib less than 140 ft. above ground); Derricks (all Derricks, Land or Floating with Booms including Jib, less than 140 ft. above ground)

Class C: "A" Frame; Cherry pickers 10 tons and under; Hoists: all types Hoists shall also includes Steam, Gas, Diesel, Electric, Air Hydraulic, Single and Double Drum, Concrete, Brick Shaft Caisson, or any other similar type Hoisting Machines, Portable or Stationary, except Chicago Boom type; Jacks-Screw Air Hydraulic Power operated unit Console type (not Hand Jack or Pile Load Test type) Side Booms.

Class D: Aerial platform used Hoist; Compressor, 2 or 3 in Battery; Elevators or House Cars; Conveyors and Tugger Hoists; Fireman; Forklift; Generators, 2 or 3 maintenance-utility man; Rod Bending Machine (Power); Welding Machines--(Gas or Electric, 2 or 3 in Battery, including Diesels); Captain Power Boats; Tug Master Power Boats.

Class E: Compressor, single, Welding Machine, Single, Gas, Electric Converters of any type, Diesel; Welding System Multiple (rectifier Transformer type); Generator, Single.

Class F: Straddle Carrier.

Glass G: Helicopter Pilot

TRUCK DRIVERS

Zone 1: Atlantic and Cape May Counties

Group 1: Warehousemen and Helpers

Group 2: Teamsters and Chauffeurs

Group 3: Drivers on Tractors, Trailers, 10 wheel Flats and Dumps

Group 4: Drivers on Euclids, 10 wheel Tractors and Tractor Trailer Trucks, Low Beds and Pole Trailers

Zone 2: Burlington (that portion west of the Jersey Turnpike to the Delaware River), Camden, Cumberland, Gloucester and Salem Counties.:

Group 1: Ten wheel Dump Truck Driver and Trailer Dump Driver off site

Group 2: Straight Truck Driver (helper)

Group 3: Warehousemen, Fork Lift Truck and Parts Men

Group 4: Straight Truck Driver including all "Dual Purpose" Trucks, (straight), Transit Mix Trucks, Fuel Trucks, Seeding Trucks, Fertilizing Trucks, Dumpcrete Trucks, Mulching Trucks, "A" Frame (when transporting material), Water Sprinkler Trucks, Tanks, Straight Trucks with mechanical Tailgates, Asphalt Distributor Trucks, Batch Trucks and similar type of equipment and Mechanics (Helper), Pick-up Trucks (only when transporting material), and Flat Bed Trucks

Group 5: All Truck Towing

Group 6: Winch Straight Tractor and Trailer Truck Driver and Euclid Trailer Dump (not self-loading), Fuel Truck Drivers and Asphalt Oil Distributors on Dumpcrete Trucks, Transit-Mixers, Flat Bed Trucks, Low Bed Trucks, Tanks, Water Tanks, Fuel Tanks, Euclid Water Sprinkler, Asphalt Distributor, Pole Trailer, Winch Trailer, I Beam Trucks, Euclids (all), and type equipment

Group 7: Mechanics

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TRUCK DRIVERS (Cont'd)

Zone 3: Burlington (Remainder of County), Mercer, Monmouth and Ocean Counties:

Group 1: Mechanic Helper

Group 2: Drivers on the following type vehicles: Straight Dumps, Flats, Floats, Pick-ups, Container Haulers, Fuel, Water Sprinkler, road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half Truck, Winch Truck, Side-o-matic, Dynamite, Power, X-ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, all Dual Purpose Trucks, Truck with mechanical tailgate, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (in transit), Parts Chaser, Escort, Scissor, Hi-lift, Telescope, Concrete Breaker, Gin Pole, Stone, Sand, Asphalt Distributor and Spreader, Nipper, Fuel Trucks (Drivers on Fuel Trucks, including handling of unit), Skid Truck (Debris Container - entire unit), Concrete Mobile Trucks (entire unit), Expediter (parts chaser), Beltcrete Trucks, Pumpcrete Trucks, Line Truck, Reel Truck, Wreckers, Utility Trucks, Tank Trucks, Warehousemen, Warehouse Partsmen, Yardmen, Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, Material Checkers, Receivers, Shippers, Binning Men (materials Cardex Man); Helper when required on Broyhill Coal Tar Epoxy Truck and Asphalt and Bituminous Distriburor Truck; Drivers on the following type vehicles: Broyhill Coal Tar Epoxy Trucks, Little-Ford Bituminous Distributor, Slurry Seal Truck or Vehicle, Thiokol Trackmaster Pick-up (Swamp Cat Pickup), Bucket Loader Dump Truck and any Rubber Tired Tractor used in pulling and towing farm wagons and trailers of any description, similar type vehicles; Off-site and On-site Repair Shop, Team Drivers, Vacuum or Vac-all Trucks (entire unit)

Group 3: Drivers on straight 3-axle materials; Truck and Floats

Group 4: Drivers on all Euclid-type Vehicle: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors, and Wagons, Dumptors, Straight, Bottom, Rear and Side Dumps, Carryalls and Scrapers (not self-loading - loading over the top), Water Sprinkler, Trailers, Water Pulls and similar types of Vehicles; Drivers on Tractors and Trailer type Vehicles: Flat, Floats, I-beam, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Fuel Bottom, Dump Hopper, Rear Dump, Office Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole Spread, Bituminous Distributor, Water Pulls (entire unit)(tractor Trailer), Reel Trailer and similar types of vehicles

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

federal register

Friday
July 27, 1984

Part III

Department of Labor

Occupational Safety and Health Administration

Voluntary Training Guidelines; Notice

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. T-100]

Voluntary Training Guidelines

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

ACTION: Issuance of revised training guidelines.

SUMMARY: The Occupational Safety and Health Administration has developed a set of voluntary training guidelines to assist employers in providing the safety and health information and instruction needed for their employees to work at minimal risk to themselves, to fellow employees, and to the public. The guidelines are designed to help employers to: (1) Determine whether a worksite problem can be solved by training; (2) determine what training, if any, is needed; (3) identify goals and objectives for the training; (4) design learning activities; (5) conduct training; (6) determine the effectiveness of the training; and (7) revise the training program based on feedback from employees, supervisors, and others. The development of these guidelines is part of an agency-wide objective to encourage cooperative, voluntary safety and health activities among OSHA, the business community, and workers. These voluntary programs include training and education, consultation, voluntary protection programs, and abatement assistance.

FOR FURTHER INFORMATION CONTACT: Office of Training and Education, Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Planes, Illinois 60018. Phone: (312) 297-4810 (FTS: 353-2500).

I. Background

The proposed training guidelines were published in the **Federal Register** on August 30, 1983, with a request for comments and information. Many of the 49 letters received suggested simplifying the language of the guidelines (recommended by the States of Wyoming and Delaware, the Mississippi Board of Health, and the Synthetic Organic Chemical Manufacturers Association, among others) and making them easier for small employers to use (suggestion of the Michigan and Arkansas onsite consultation programs and the OSHA offices in Regions I, III, and V). OSHA has followed these recommendations, using language that is less technical and also including suggestions which apply to employers with small workforces.

In response to other comments and suggestions, the training guidelines now emphasize the role of training in a total workplace safety and health program, as well as the importance of involving supervisors in both receiving and conducting training (suggested by the National Safety Council and the American Petroleum Institute). References to testing employees for knowledge gained in training were deleted in response to several comments (the National Safety Council and Region V), as was a statement which indicated that training was not effective for addressing deficiencies in task execution (suggested by Air Products and Chemicals, Inc., Region X, and the Michigan onsite safety consultation program). Added to the guidelines are references to other sources of information about training resources (suggested by the Commonwealth of Virginia and the National LP Gas Association).

Two suggestions not incorporated were that OSHA develop models to show how the training guidelines could be used (State of Nevada) and that OSHA recommend that records of training be kept (Celanese, the Chemical Manufacturers Association). In both instances, it was felt that to provide such specific direction would exceed the "suggested" nature of these guidelines and impose a structure which would go beyond the needs of small employers.

It was also suggested (by the Boeing Company, Asarco, Ltd., the American Iron and Steel Institute, Kerr-McGee Corporation, and the Delaware onsite consultation program) that these training guidelines not be reissued in the **Federal Register** due to the impression of rulemaking that this conveys, but rather that the guidelines be published as an OSHA pamphlet. OSHA has decided to do both: to use the **Federal Register** to release the guidelines in final form to those who first saw them here as proposed; and to issue them as an OSHA publication in the near future along with an updated version of the OSHA publication "Training Requirements in OSHA Standards."

The Occupational Safety and Health Act of 1970 does not address specifically the responsibility of employers to provide health and safety information and instruction to employees, although section 5(a)(2) does require that each employer ". . . shall comply with occupational safety and health standards promulgated under this Act." However, more than 100 of the OSH Act's current standards do contain training requirements.

OSHA recognizes that the training needs of one workplace can vary drastically from the needs of another. A large company may have formal orientation and basic, advanced, or refresher training, all conducted by a professional training officer. An employer with very few employees may personally conduct training in an informal manner, but that type of training can be equally effective for that workplace. These guidelines are directed toward employers who want to go beyond an informal approach to training but who may not be aware of issues to consider or developmental procedures to use. The model developed by OSHA leads employers step-by-step through a planning process which can result in well-designed and effective training programs.

These guidelines provide employers with a model for designing, conducting, evaluating, and revising training programs. The training model can be used to develop training programs for a variety of occupational safety and health hazards identified at the workplace. Additionally, it can assist employers in their efforts to meet the training requirements in current or future occupational safety and health standards. A training program designed in accordance with these guidelines can be used to supplement and enhance the employer's other education and training activities. The guidelines afford employers significant flexibility in the selection of content and training program design. OSHA encourages a personalized approach to the informational and instructional programs at individual worksites, thereby enabling employers to provide the training that is most needed and applicable to local working conditions. Assistance with training programs or the identification of resources for training is available through such organizations as OSHA full-service area offices, State agencies which have their own OSHA-approved occupational safety and health programs, OSHA-funded State onsite consultation programs for employers, local safety councils, the OSHA Office of Training and Education, and OSHA-funded New Directions grantees.

It is not OSHA's intention that these guidelines will become mandatory. Thus they should not be considered as a forerunner to further regulation in this area. Nor should they be used by employers as a total or complete guide in training and education matters which can result in enforcement proceedings

before the Occupational Safety and Health Review Commission. Employee training programs are alway an issue in Review Commission cases which involve alleged violations of training requirements contained in OSHA standards. The adequacy of employee training may also become an issue in contested cases where the affirmative defense of unpreventable employee misconduct is raised. Under case law well-established in the Commission and the courts, an employer may successfully defend against an otherwise valid citation by demonstrating that all feasible steps were taken to avoid the occurrence of the hazard, and that actions of the employee involved in the violation were a departure from a uniformly and effectively enforced work rule of which the employer had neither actual nor constructive knowledge. In either type of case the adequacy of the training given to employees in connection with a specific hazard is a factual matter which can be decided only by considering all the facts and circumstances surrounding the alleged violation. The general guidelines in this notice are not intended, and cannot be used, as evidence of the appropriate level of training in litigation involving either the training requirements of OSHA standards or affirmative defenses based upon employer training programs.

II. Training Guidelines

OSHA's training guidelines follow a model that consists of:

A. Determining if Training is Needed
B. Identifying Training Needs
C. Identifying Goals and Objectives
D. Developing Learning Activities
E. Conducting the Training
F. Evaluating Program Effectiveness
G. Improving the Program

The model is designed to be one that even the owner of a business with very few employees can use without having to hire a professional trainer or purchase expensive training materials. Using this model, employers or supervisors can develop and administer safety and health training programs that address problems specific to their own business, fulfill the learning needs of their own employees, and strengthen the overall safety and health program of the workplace.

A. Determining if Training is needed

The first step in the training process is a basic one: to determine whether a problem can be solved by training. Whenever employees are not performing their job properly, it is often assumed that training will bring them up to standard. However, it is possible that other actions (such as hazard abatement or the implementation of engineering controls) would enable employees to perform their jobs properly.

Ideally, safety and health training should be provided before problems or accidents occur. This training would cover both general safety and health rules and work procedures, and would be repeated if an accident or near-miss incident occurred.

Problems that can be addressed effectively by training include those that arise from lack of knowledge of a work process, unfamiliarity with equipment, or incorrect execution of a task. Training is less effective (but still can be used) for problems arising from an employee's lack of motivation or lack of attention to the job. Whatever its purpose, training is most effective when designed in relation to the goals of the employer's total safety and health program.

B. Identifying Training Needs

If the problem is one that can be solved, in whole or in part, by training, then the next step is to determine what training is needed. For this it is necessary to identify *what* the employee is expected to do and in what ways, if any, the employee's performance is deficient. This information can be obtained by conducting a job analysis which pinpoints what an employee needs to know in order to peform a job.

When designing a *new training* program, or preparing to instruct an employee in an unfamiliar procedure or system a job analysis can be developed by examining engineering data on new equipment or the safety data sheets on unfamilar substances. The content of the specific Federal or State OSHA standards applicable to a business can also provide direction in developing training content. Another option is to conduct a Job Safety Analysis. This is a procedure for studying and recording each step of a job, identifying existing or potential hazards, and determining the best way to peform the job in order to reduce or eliminate the risks. Information obtained from a Job Safety Analysis can be used as the content for the training activity.

If an employee's learning needs can be met by revising an *existing training* program rather than developing a new one, or if the employee already has some knowledge of the process or system to be used, appropriate training content can be developed through such means as:

(1) Using company accident and injury records to identify how accidents occur and what can be done to prevent them from recurring.

(2) Requesting employees to provide, in writing and in their own words, descriptions of their jobs. These should include the tasks performed and the tools, materials and equipment used.

(3) Observing employees at the worksite as they perform tasks, asking about the work, and recording their answers.

(4) Examining similar training programs offered by other companies in the same industry, or obtaining suggestions from such organizations as the National Safety Council (which can provide information on Job Safety Analysis), the Bureau of Labor Statistics, OSHA-approved State programs, OSHA full-service Area Offices, OSHA-funded State consultation programs, or the OSHA Office of Training and Education.

The employees themselves can provide valuable information on the training they need. Safety and health hazards can be identified through the employees' responses to such questions as whether anything about their jobs frightens them, if they have had any near-miss incidents, if they feel they are taking risks, or if they believe that their jobs involve hazardous operations or substances.

Once the kind of training that is needed has been determined, it is equally important to determine what kind of training is *not* needed. Employees should be made aware of all the steps involved in a task or procedure, but training should focus on those steps on which improved performance is needed. This avoids unnecessary training and tailors the training to meet the needs of the employees.

C. Identifying Goals and Objectives

Once the employees' training needs have been identified, employers can then prepare objectives for the training. Instructional objectives, if clearly stated, will tell employers what they want their employees to do, to do better, or to stop doing.

Learning objectives do not necessarily have to be written, but in order for the training to be as successful as possible, clear and measurable objectives should be thought-out before the training begins. For an objective to be effective it should identify as precisely as possible what the individual will do to demonstrate that they have learned, or that the objective has been reached. They should also describe the important conditions under which the individual will demonstrate competence and define what constitutes acceptable performance.

Using specific, action-oriented language, the instructional objectives should describe the preferred practice or skill and its observable behavior. For example, rather than using the statement: "The employee will understand how to use a respirator" as an instructional objective, it would be better to say: "The employee will be able to describe how a respirator works and when it should be used." Objectives are most effective when worded in sufficient detail that other qualified persons can recognize when the desired behavior is exhibited.

D. Developing Learning Activities

Once employers have stated precisely what the objectives for the training program are, then learning activities can be identified and described. Learning activities enable employees to demonstrate that they have acquired the desired skills and knowledge. To ensure that employees transfer the skills or knowledge from the learning activity to the job, the learning situation should simulate the actual job as closely as possible. Thus, employers may want to arrange the objectives and activities in a sequence which corresponds to the order in which the tasks are to be performed on the job, if a specific process is to be learned. For instance, if an employee must learn the beginning processes of using a machine, the sequence might be: (1) To check that the power source is connected; (2) to ensure that the safety devices are in place and are operative; (3) to know when and how to throw the Power on switch; and so on.

A few factors will help to determine the type of learning activity to be incorporated into the training. One aspect is the training resources available to the employer. Can a group training program that uses an outside trainer and film be organized, or should the employer personally train the employees on a one-to-one basis? Another factor is the kind of skills or knowledge to be learned. Is the learning oriented toward physical skills (such as the use of special tools) or toward mental processes and attitudes? Such factors will influence the type of learning activity designed by employers. The training activity can be group-oriented, with lectures, role play, and demonstrations; or designed for the individual as with self-paced instruction. The determination of methods and materials for the learning activity can be as varied as the employer's imagination and available resources will allow. The employer may want to use charts, diagrams, manuals, slides, films, viewgraphs (overhead transparencies), videotapes, audiotapes, or simply blackboard and chalk, or any combination of these and other instructional aids. Whatever the method of instruction, the learning activities should be developed in such a way that the employees can clearly demonstrate that they have acquired the desired skills or knowledge.

E. Conducting the Training

With the completion of the steps outlined above, the employer is ready to begin conducting the training. To the extent possible, the training should be presented so that its organization and meaning are clear to the employees. To do so, employers or supervisors should: (1) Provide overviews of the mterial to be learned; (2) relate, wherever possible, the new information or skills to the employees' goals, interests, or experience; and (3) reinforce what the employees learned by summarizing the program's objectives and the key points of information covered. These steps will assist employers in presenting the training in a clear, unambiguous manner.

In addition to organizing the content, employers must also develop the structure and format of the training. The content developed for the program, the nature of the workplace or other training site, and the resources available for training will help employers determine for themselves the frequency of training activities, the length of the sessions, the instructional techniques, and the individual(s) best qualified to present the information.

In order to be motivated to pay attention and learn the material that the employer or supervisor is presenting, employees must be convinced of the importance and relevance of the material. Among the ways of developing motivation are: (1) Explaining the goals and objectives of instruction; (2) relating the training to the interests, skills, and experiences of the employees; (3) outlining the main points to be presented during the training session(s); and (4) pointing out the benefits of training (e.g., the employee will be better informed, more skilled, and thus more valuable both on the job and on the labor market; or the employee will, if he or she applies the skills and knowledge learned, be able to work at reduced risk).

An effective training program allows employees to participate in the training process and to practice their skills or knowledge. This will help to ensure that they are learning the required knowledge or skills and permit correction if necessary. Employees can become involved in the training process by participating in discussions, asking questions, contributing their knowledge and expertise, learning through hands-on experiences, and through role-playing exercises.

F. Evaluating Program Effectiveness

To make sure that the training program is accomplishing its goals, an evaluation of the training can be valuable. Training should have, as one of its critical components, a method of measuring the effectiveness of the training. A plan for evaluating the training session(s), either written or thought-out by the employer, should be developed when the course objectives and content are developed. It should not be delayed until the training has been completed. Evaluation will help employers or supervisors determine the amount of learning achieved and whether an employee's performance has improved on the job. Among the methods of evaluating training are: (1) *Student opinion.* Questionnaires or informal discussions with employees can help employers determine the relevance and appropriateness of the training program; (2) *Supervisors' observations.* Supervisors are in good positions to observe an employee's performance both before and after the training and note improvements or changes; and (3) *Workplace improvements.* The ultimate success of a training program may be changes throughout the workplace that result in reduced injury or accident rates.

However it is conducted, an evaluation of training can give employers the information necessary to decide whether or not the employees achieved the desired results, and whether the training session should be offered again at some future date.

G. Improving the Program

If, after evaluation, it is clear that the training did not give the employees the level of knowledge and skill that was expected, then it may be necessary to revise the training program or provide periodic retraining. At this point, asking questions of employees and of those who conducted the training may be of some help. Among the questions that could be asked are: (1) Were parts of the content already known and, therefore, unnecessary? (2) What material was confusing or distracting? (3) Was anything missing from the program? (4) What did the employees learn, and what did they fail to learn?

It may be necessary to repeat steps in the training process; that is, to return to the first steps and retrace one's way through the training process. As the

program is evaluated, the employer should ask: (1) If a job analysis was conducted, was it accurate? (2) Was any critical feature of the job overlooked? (3) Were the important gaps in knowledge and skill included? (4) Was material already known by the employees intentionally omitted? (5) Were the instructional objectives presented clearly and concretely? (6) Did the objectives state the level of acceptable performance that was expected of employees? (7) Did the learning activity simulate the actual job? (8) Was the learning activity appropriate for the kinds of knowledge and skills required on the job? (9) When the training was presented, was the organization of the material and its meaning made clear? (10) Were the employees motivated to learn? (11) Were the employees allowed to participate actively in the training process? (12) Was the employer's evaluation of the program thorough?

A critical examination of the steps in the training process will help employers to determine where course revision is necessary.

III. Matching Training to Employees

While all employees are entitled to know as much as possible about the safety and health hazards to which they are exposed, and employers should attempt to provide all relevant information and instruction to all employees, the resources for such an effort frequently are not, or are not believed to be, available. Thus, employers are often faced with the problem of deciding who is in the greatest need of information and instruction.

One way to differentiate between employees who have priority needs for training and those who do not is to identify employee populations which are at higher levels of risk. The nature of the work will provide an indication that such groups should receive priority for information on occupational safety and health risks.

A. Identifying Employees at Risk

One method of identifying employee populations at high levels of occupational risk (and thus in greater need of safety and health training) is to pinpoint hazardous occupations. Even within industries which are hazardous in general, there are some employees who operate at greater risk than others. In other cases the hazardousness of an occupation is influenced by the conditions under which it is performed, such as noise, heat or cold, or safety or health hazards in the surrounding area. In these situations, employees should be trained not only on how to perform their job safely but also on how to operate within a hazardous environment.

A second method of identifying employee populations at high levels of risk is to examine the incidence of accidents and injuries, but within the company and within the industry. If employees in certain occupational categories are experiencing higher accident and injury rates than other employees, training may be one way to reduce that rate. In addition, thorough accident investigation can identify not only specific employees who could benefit from training but also identify company-wide training needs.

Research has identified the following variables as being related to a disproportionate share of injuries and illnesses at the worksite on the part of employees:

1. The age of the employee (younger employees have higher incidence rates).
2. The length of time on the job (new employees have higher incidence rates).
3. The size of the firm (in general terms, medium-size firms have higher incidence rates than smaller or larger firms).
4. The type of work performed (incidence and severity rates vary significantly by SIC Code).
5. The use of hazardous substances (by SIC Code).

These variables should be considered when identifying employee groups for training in occupational safety and health.

In summary, information is readily available to help employers identify which employees should receive safety and health information, education and training, and who should receive it before others. Employers can request assistance in obtaining information by contacting such organizations as OSHA area offices, the Bureau of Labor Statistics, OSHA-approved State programs, State onsite consultation programs, the OSHA Office of Training and Education, or local safety councils.

B. Training Employees at Risk

Determining the content of training for employee populations at higher levels of risk is similar to determining what any employee needs to know, but more emphasis is placed on the requirements of the job and the possibility of injury. One useful tool for determining training content from job requirements is the Job Safety analysis described earlier. This procedure examines each step of a job, identifies existing or potential hazards, and determine the best way to perform the job in order to reduce or eliminate the hazards. Its key elements are: (1) Job description (2) job location; (3) key steps (preferably in the order in which they are performed); (4) tools, machines and materials used; (5) actual and potential safety and health hazards associated with these key job steps; and (6) safe and healthful practices, apparel, and equipment required for each job step.

Material Safety Data Sheets can also provide information for training employees in the safe use of materials. These data sheets, developed by chemical manufacturers and importers, are supplied with manufacturing or contruction materials and describe the ingredients of a product, its hazards, protective equipment to be used, safe handling procedures, and emergency first-aid responses. The information contained in these sheets can assist employers to identify employees in need of training (i.e., workers handling substances described in the sheets) and to train employees in safe use of the substances. Material Safety Data Sheets are generally available from supplers, manufacturers of the substance, large employers who use the substance on a regular basis, or can be developed by employers or trade associations. They are particularly useful for those employers who are developing training in chemical use as required by OSHA's Hazard Communication Standard.

IV. Conclusion

In an attempt to assist employers with their occupational health and safety training activities, OSHA has developed a set of training guidelines in the form of a model. This model is designed to help employers develop instructional programs as part of their total education and training effort. The model addresses the questions of who should be trained, on what topics, and for what purposes. It also helps employers determine how effective the program has been and enables them to identify employees who are in greatest need of education and training. The model is general enough to be used in any area of occupational safety and health training, and allows employers to determine for themselves the content and format of training. Use of this model in training activities is just

one of many ways that employers can comply with the OSHA standards that relate to training and enhance the safety and health of their employees.

Authority

This document was prepared under the direction of Patrick R. Tyson, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of July 1984.

Patrick Tyson,

Deputy Assistant Secretary of Labor.

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