

Federal Register

Friday
March 23, 1984

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Administrative Practice and Procedures

Administrative Conference of United States
Social Security Administration

Air Pollution Control

Environmental Protection Agency

Aviation Safety

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Fisheries

National Oceanic and Atmospheric Administration

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Polychlorinated Biphenyls

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Reporting and Recordkeeping Requirements

Securities and Exchange Commission

Surface Mining

Surface Mining Reclamation and Enforcement Office

Veterans

Veterans Administration



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

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Title 3—

Proclamation 5166 of March 21, 1984

The President

National Single Parent Day, 1984

By the President of the United States of America

A Proclamation

Before they are eighteen, about half of our Nation's children will have lived part of their lives with a single parent who strives to fill the role of both mother and father.

Many single parents in America are making valiant efforts on behalf of their children under trying circumstances. Whether it is a deserted spouse forced to work and care for children simultaneously, or a spouse who is not receiving child support that has been awarded by a court, or an unwed mother who has bravely foregone the all-too-available option of abortion, or a widow or widower, single parents deserve our recognition and appreciation for their demonstrated dedication to their young.

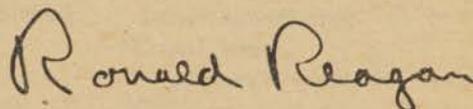
At the same time, we should also recognize the vital and ongoing role a large percentage of non-custodial parents play in the nurturing process of their offspring. Their sacrifices, devotion, and concern reflect the bonds of caring for those they have brought into this world.

Single parents can and do provide children with the financial, physical, emotional, and social support they need to take their places as productive and mature citizens. With the active interest and support of friends, relatives, and local communities, they can do even more to raise their children in the best possible environment.

The Congress, by H.J. Res. 200, has designated March 21, 1984, as "National Single Parent Day" and has requested the President to issue as proclamation in observance of that day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim March 21, 1984, as National Single Parent Day. I call on the people of the United States to recognize the contributions single parents are making, sometimes under great hardships, to the lives of their children, and I ask that they volunteer their help, privately or through community organizations, to single parents who seek it to meet their aspirations for their children.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.



1963

John F. Kennedy

Executive Order

Section 1

Whereas the President is authorized by the Constitution to see that the laws are faithfully executed and that all offices are properly filled...

Now, therefore, I, John F. Kennedy, President of the United States, do hereby order that the following provisions shall apply to the Department of State...

Section 2. The Secretary of State is authorized to appoint, remove, and commission such persons as may be necessary to carry out the provisions of this order...

Section 3. This order shall be effective on the date of its issuance, and shall apply to all persons serving in the Department of State at that time...

Section 4. The Secretary of State is authorized to issue such orders and regulations as may be necessary to carry out the provisions of this order...

Section 5. This order shall be published in the Federal Register and shall be effective on the date of its publication...

Section 6. The Secretary of State is authorized to make such changes in the order as may be necessary to carry out the provisions of this order...

John F. Kennedy

Rules and Regulations

Federal Register

Vol. 49, No. 58

Friday, March 23, 1984

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regs. 456; 455, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 275,000 cartons during the period March 25-31, 1984, and increases the quantity of lemons that may be shipped to 295,000 cartons during the period March 18-24, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective March 25, 1984, and the amendment is effective for the period March 18-24, 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 the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on March 20, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.756 is added as follows:

§ 910.756 Lemon Regulation 456.

The quantity of lemons grown in California and Arizona which may be handled during the period March 25,

1984, through March 31, 1984, is established at 275,000 cartons.

2. Section 910.755 Lemon Regulation 455 (49 FR 9859) is revised to read as follows:

§ 910.755 Lemon Regulation 455.

The quantity of lemons grown in California and Arizona which may be handled during the period March 18, 1984, through March 24, 1984 is established at 295,000 cartons.

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

Dated: March 21, 1984.

Russell L. Hawes,

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

[FR Doc. 84-8053 Filed 3-22-84; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 73

[Docket No. 84-022]

Scabies in Cattle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule; correction.

SUMMARY: This document corrects an editorial error in an interim rule captioned "Scabies in Cattle" which was published in the *Federal Register* on March 20, 1984 (49 FR 10528). In the fourth paragraph of the Supplementary Information "as provided in the regulations." is added immediately after the word "except."

FOR FURTHER INFORMATION CONTACT: Dr. Glen O. Schubert, Assistant Senior Staff Veterinarian, Special Diseases Staff, VS, APHIS, USDA, Room 824, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8438.

Dated: March 20, 1984.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-7891 Filed 3-22-84; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions and Related Conforming Amendments

Correction

In FR Doc. 84-6324, beginning on page 9352, in the issue of Monday, March 12, 1984, make the following corrections:

1. On page 9388, in the third column, in § 51.51, paragraph (b) consists of Table S-3 only; therefore the three asterisks should be removed since there was no introductory text omitted.

2. On page 9390, in the second column, in § 51.52, paragraph (c) consists of Table S-4 only; therefore the three asterisks should be removed since there was no introductory text omitted.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-ASW-55; Amendment 39-4828]

Airworthiness Directives; Boeing Vertol Model 234 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the *Federal Register* and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Boeing Vertol Model 234 series helicopters by individual telegrams. The AD establishes a 1,600-hour retirement time for main rotor head horizontal hinge pins. The AD is prompted by a report of a cracked horizontal hinge pin. Failure of a main rotor head horizontal hinge pin could lead to separation of a main rotor blade and subsequent loss of the helicopter.

EFFECTIVE DATE: Effective March 23, 1984, to all persons except those to whom it was made immediately effective by telegraphic AD T83-25-51 issued December 9, 1983, which contained this amendment.

Compliance required as prescribed in the body of AD after the effective date of this AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from

Boeing Vertol Company, Boeing Center, P.O. Box 1858, Philadelphia, Pennsylvania 19142. These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT:

Joseph E. Chrastil, ANE-172, New York Aircraft Certification Office, Federal Aviation Administration, 181 South Franklin Avenue, Valley Stream, New York 11581, telephone number (516) 791-6221.

SUPPLEMENTARY INFORMATION: On December 9, 1983, telegraphic AD T83-25-51 was issued and made effective immediately to all known U.S. owners and operators of Boeing Vertol Model 234 series helicopters. The AD established a 1,600-hour retirement time for main rotor head horizontal hinge pins. The AD was prompted by a report of a cracked main rotor head horizontal hinge pin which was detected during a sampling inspection program conducted by a Model 234 operator.

Ten aircraft will be affected by the AD, of which two are U.S. registered, for an estimated annual cost of \$30,000. None of these aircraft are owned by a small entity.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD revision effective immediately by individual telegrams issued December 9, 1983, to all known U.S. owners and operators of Boeing Vertol Model 234 helicopters. These conditions still exist and the AD revision is hereby published in the *Federal Register* as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

BOEING VERTOL COMPANY: Applies to Boeing Vertol Model 234 series helicopters certified in all categories. Compliance is required as indicated. To prevent possible hazards in flight associated with cracking of the main rotor

head horizontal hinge pins, accomplish the following:

(a) Within the next 25 hours' time in service from the effective date of this AD or before the accumulation of 1,600 hours' time in service, whichever comes later, retire main rotor head horizontal hinge pins P/N's 114R2196-2 and 114R2197-5 and replace with serviceable parts.

(b) An equivalent method of compliance with this AD may be used when approved by the Manager, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York 11581.

(c) In accordance with FAR 21.197 flight is permitted to a base where the requirements of this AD may be accomplished.

This amendment becomes effective March 23, 1984, as to all persons except those persons to whom it was made immediately effective by telegraphic AD No. T83-25-51 issued December 9, 1983, which contained the amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) [Revised, Pub. L. 97-449, January 12, 1983]; 14 CFR 11.89)

Note: The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas on March 6, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-7801 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 84-ASW-8; Amdt. 39-4829]

Airworthiness Directives; Sikorsky Model S-76A Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires initial and repetitive inspections, and adds a retaining pad

between the inboard tail rotor spar and the tail rotor gearbox output shaft on Sikorsky Model S-76A series helicopters. The AD is needed to prevent the tail rotor spar elliptical plug from migrating inboard as a result of a bond failure between the elliptical plug and the spar which could result in possible loss of the tail rotor control.

DATES: Effective: March 30, 1984.

Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: The applicable Alert Service Bulletin SB76-65-35 and Amendment No. 1 may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, North Main Street, Stratford, Connecticut 06602.

Copies of the applicable Sikorsky Aircraft Alert Service Bulletin 76-65-35 and Amendment No. 1 (CBT-TP-84-011) are contained in the Rules Docket at the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Donald F. Thompson, Airframe Section, ANE-152, Boston Aircraft Certification Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone number (617) 273-7336.

SUPPLEMENTARY INFORMATION: There have been three reports of the tail rotor elliptical plug disbonding from the tail rotor spar. One incident reported severe vibrations in flight causing the pilot to make an unscheduled landing. A postinspection revealed the disbonding and lateral migration of the elliptical tail rotor plug from the spar and displacement of the tail rotor blade in a radial direction. All three reported failures have occurred from 399 hours' to 1,199 hours' total time in service.

Since this condition is likely to exist or develop on other helicopters of the same type design, an AD is being issued which requires a one-time initial inspection and repetitive 500-hour inspections of the tail rotor spar for disbonding of the elliptical tail rotor plug. The AD also requires the installation of a retaining pad to prevent the tail rotor elliptical plug from migrating in the event of a bond failure.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Sikorsky Aircraft: Applies to S-76A series helicopters certificated in all categories.

Compliance is required as indicated (unless already accomplished).

To prevent operation with a disbonded tail rotor spar elliptical plug, accomplish the following: Applies to tail rotor blade P/Ns 76101-05001 and 76101-05101 series with more than 130 hours' time in service. Compliance is required within the next 25 hours' time in service after the effective date of this AD.

(a) Remove the tail rotor blades in accordance with Maintenance Manual SA 4047-76-2, section 65-21-00, Revision 16, or later approved revision, or FAA approved equivalent, and inspect the center plug for disbonding of the polyurethane filler which fills space between the aluminum shaped plug and the graphite spar as per Sikorsky's Alert Service Bulletin 76-65-35 or FAA approved equivalent.

(1) If the inspection of the elliptical tail rotor plug shows no evidence of disbonding greater than one-half inch in length, proceed to paragraph (b).

(2) For disbonds greater than one-half inch but less than 2 inches in length repair per Sikorsky's Alert Service Bulletin 76-65-35 paragraph 2.B.(2) or FAA approved equivalent.

(3) For disbonds greater than 2 inches in length but not completely disbonded, or disbonded plugs with the polyurethane filler excessively cracked or deteriorated to the extent of breaking away from plug, remove the blade from service and replace with an airworthy component of the same or FAA approved equivalent part number.

(4) For completely disbonded spar plugs in which the polyurethane filler remains fully bonded to the aluminum plug, repair the plug to the graphite spar per Alert Service Bulletin 76-65-35 paragraph 2.B.(3) or FAA approved equivalent.

(5) For blades found with a completely disbonded aluminum elliptical plug, where the polyurethane filler is intact and remains bonded to the spar, repair as per paragraph 2.B.(4) of Amendment No. 1 to Alert Service Bulletin 76-65-35 or FAA approved equivalent.

(b) Install retaining pad P/N 76102-05004-111 on the pitch change shaft between the output tail gearbox flange and the inboard tail rotor blade spar assembly.

(c) Reinstall tail rotor blade per Maintenance Manual SA4047-76-2, section 65-21-00, Rev. 16, or later approved revision, or FAA approved equivalent.

(d) At the next 500 hours' time in service and every 500 hours' time in service

thereafter, remove tail rotor blades and inspect the elliptical plug for disbond per paragraph (a) of this AD.

(e) Helicopters with serial numbers 760264 and subsequent, and those that have retaining pad P/N 76102-05004-111 installed, are not required to comply with the initial 25-hour inspection in this AD.

(f) Alternate inspections, repairs, modifications, or other means of compliance which provide an equivalent level of safety must be approved by the Manager, Boston Aircraft Certification Branch, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective March 30, 1984.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.89.)

Note: The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that the action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas on March 7, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-7802 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 84-ASO-10]

Alteration of Transition Area; Leesburg, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Leesburg, Florida, transition area by realigning the arrival extension. The instrument approach procedure serving Leesburg Municipal Airport is predicated upon the Leesburg radio beacon (RBN). The airport authority has relocated the RBN from the west side to

the east side of the airport. This relocation requires a change in the instrument approach procedure final approach course, which results in a realignment of the transition area arrival extension. No significant change in airspace is intended by this action.

DATES: Effective 0901 GMT, May 10, 1984.

Comments must be received on or before April 20, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, ATTN: Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves realignment of the transition area arrival extension, and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Leesburg, Florida, transition area by realigning the arrival extension with the instrument approach procedure final approach course. The airport authority has relocated the Leesburg RBN which resulted in a change to the instrument approach procedure. The change to the instrument approach procedure requires realignment of the

transition area arrival extension so that it will overlie the final approach course. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to alter the transition area so that it is properly aligned to accommodate the instrument approach procedure. The change is so minor and nonsubstantive I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Leesburg, Florida, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 GMT, May 10, 1984, as follows:

Leesburg, FL—[Revised]

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Leesburg Municipal Airport (Lat. 28°49'20" N., Long. 81°48'35" W.), within 3 miles each side of the 140° bearing from the Leesburg RBN (Lat. 28°49'33" N., Long. 81°48'28" W.), extending from the 6-mile radius area to 8.5 miles southeast of the RBN.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on March 15, 1984.

Seymour Oberlander,
Acting Director, Southern Region.

[FR Doc. 84-7800 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-AAL-8]

Alteration of Compulsory Reporting Points, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment establishes a compulsory reporting point in Additional Control Areas 1234 and 1235 to aid the Oakland and Anchorage Air Route Traffic Control Centers (ARTCC) determine when a transfer of air traffic control responsibility occurs. It also establishes Cairn Mountain NDB, AK, as a compulsory reporting point on Colored Federal Airway G-6 to enhance the application of air traffic control (ATC) separation procedures by Anchorage ARTCC. The compulsory reporting point currently named Sparrevohn NDB, AK, is corrected to Sparrevohn, AK, to correctly reflect the navigation aid at that location.

DATE: Effective date—July 5, 1984.

Comments must be received on or before May 7, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Alaskan Region, Attention: Manager, Air Traffic Division, Docket No. 83-AAL-8, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours, at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: William C. Davis, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: [202] 426-8733.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves amendments to §§ 71.211 and 71.213 to establish three compulsory reporting points and correct the name of another and, thus, was not preceded by notice and public procedure, comments are invited on the

rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.211 and § 71.213 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to enhance the application of ATC separation procedures by Anchorage ARTCC, and the Oakland and Anchorage ARTCC's controllers to determine when the transfer of the ATC responsibility occurs and accurately reflect the type of navigation aid associated with the Sparrevohn, AK, compulsory reporting point. SAVRY and NESSY Intersections, respectively, are established in Additional Control Areas 1234 and 1235 at the newly established Oakland/Anchorage Control Area (CTA) boundary. Cairn Mountain NDB, AK, is established as a compulsory reporting point on Colored Federal Airway G-6. The name of compulsory reporting point Sparrevohn NDB, AK, is changed to Sparrevohn, AK. Section 91.125 requires pilots operating in nonradar ATC environment to report to ATC the time passing all compulsory reporting points. The safety and effectiveness of traffic control depends, to a large extent, on accurate position reporting. In order to provide the proper separation and expedite aircraft movement, ATC must be able to make accurate estimates of the progress of every aircraft operating on an IFR flight plan. Sections 71.211 and 71.213 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

The FAA concludes that there is an immediate need for a regulation to correct the name of Sparrevohn NDB, AK, compulsory reporting point to Sparrevohn, AK, and to establish three other compulsory reporting points to enhance the application of ATC control separation procedures. Therefore, I find that notice or public procedure under 5

U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective on the next charting date.

List of Subjects in 14 CFR Part 71

Compulsory reporting points, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.211 and § 71.213 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 GMT, July 5, 1984, as follows:

§ 71.211 [Amended]

By deleting the words "Sparrevohn NDB, AK" and substituting the words "Sparrevohn, AK"

By adding the words "Cairn Mountain NDB, AK"

By adding the words "NESSY: lat. 55°53'53" N., long. 153°19'45" W. (Kodiak 174° radial 117.5 DME)."

By adding the words "SAVRY: lat. 51°09'04" N., long. 170°00'00" W. (INT long. 170°00'00" W. and the boundary of Control 1234)."

§ 71.213 [Amended]

By adding the words "Sparrevohn, AK"

By adding the words "NESSY: lat. 55°53'53" N., long. 153°19'45" W. (Kodiak 174° radial 117.5 DME)."

By adding the words "SAVRY: lat. 51°09'04" N., long. 170°00'00" N. (INT long. 170°00'00" W. and the boundary of Control 1234)."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and (14 CFR 11.69.)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 15, 1984.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 84-7790 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASW-50]

Alteration of Control Zone; Alexandria-England Air Force Base (AFB), LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the control zone at Alexandria-England AFB, LA. The intended effect of the amendment is to provide controlled airspace for aircraft executing standard instrument approach procedures (SIAPs) to England AFB. This amendment is necessary since the Alexandria VORTAC will be decommissioned, thereby requiring a realignment of controlled airspace, predicated on this facility.

EFFECTIVE DATE: May 10, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On December 9, 1983, a notice of proposed rulemaking was published in the *Federal Register* (48 FR 55137) stating that the Federal Aviation Administration proposed to alter the Alexandria-England AFB, LA, control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator,

Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, is amended, effective 0901 GMT, May 10, 1984, as follows:

Alexandria-England AFB, LA Revised

Within a 5-mile radius of England AFB (latitude 31°19'38" N., longitude 92°32'53" W.), within 2 miles each side of the northwest localizer course extending from the 5-mile radius area to 7 miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on March 15, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-7798 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 84-AWA-8]

Alteration of Restricted Area R-5203, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to Restricted Area R-5203, located in the State of New York changes the name of the using agency from 21st Air Division, Hancock Field, Syracuse, NY, to 24th Air Division/DOTS, Griffiss AFB, NY. This change is necessary due to the redesignation of the 24th Air Division. **EFFECTIVE DATE:** May 10, 1984.

FOR FURTHER INFORMATION CONTACT: Brent A. Fernald, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 73.52 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to change the name of the using agency of R-5203 from 21st Air Division, Hancock Field, Syracuse, NY, to 24th Air Division/DOTS, Griffiss AFB, NY. This amendment is editorial in nature and a minor matter in which the public would have no particular desire to comment; therefore, notice and public procedure thereon are unnecessary. Section 73.52 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

List of Subjects in 14 CFR Part 73

Restricted Areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.52 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, effective 0901 GMT, May 10, 1984, as follows:

R-5203 [Amended]

By deleting the words "21st Air Division, Hancock Field, Syracuse, NY." and substituting the words "24th Air Division/DOTS, Griffiss AFB, NY."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69.)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 16, 1984.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 84-7797 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6517; 34-20763; 35-23252; 39-893; IC-13829; IA-902]

Approved Information Collections; Current OMB Expiration Dates

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Subpart N of Part 200 relating to collection requirements under the Paperwork Reduction Act to reflect current OMB expiration dates for approved information collections.

EFFECTIVE DATE: March 23, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Fogash, Deputy Executive Director, SEC, 450 Fifth Street, NW., Washington, D.C. 20549 (202) 272-2142.

SUPPLEMENTARY INFORMATION: The Commission will amend Subpart N periodically to reflect current information.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of Information, Privacy, Securities.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart N—Commission Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Nos. and Expiration Dates

Part 200 of 17 CFR Chapter II is amended by revising the OMB control number and expiration date for Rule 13e-1, Rule 17a-2, Rule 19h-1(a), (c)-(e), (g), Rule 206(3)-2 and Rule 23C-1; by revising the OMB control number for Rule 203.2 and Form ADV-W; by adding Form N-1A; by deleting Rule 15b8-1, Rule 15b9-1 (a) and (b), Rule 15b9-1(c), Rule 15b9-2, Rule 15b10-6, Rule 15b10-8, Rule 15b10-9, Rule 15b10-11, Form U-4, Form SECO-2F, Form SECO-4, Form SECO-5, Rule 23C-2, Form N-27D-1, Form N-27D-2, Form N-27E-1, and Form N-27F-1; and revising certain expiration dates in paragraph (b) of § 200.800 as follows:

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

* * * * *

(b) Display.

Information collection requirement	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Revise:			
Regulation S-X	Part 210	3235-0009	June 30, 1984
Regulation S-K	Part 229	3235-0071	Feb. 28, 1986
Rule 236	§ 230.236	3235-0085	Mar. 31, 1984
Regulation A	§§ 230.251 through 230.264	3235-0286	Feb. 28, 1986
Regulation B	§§ 230.300 through 230.346	3235-0093	Mar. 31, 1984
Form S-6	§ 239.16	3235-0184	May 31, 1985
Form S-18	§ 239.28	3235-0098	Nov. 30, 1986
Form 1-A	§ 239.90	3235-0286	Feb. 28, 1986
Form 2-A	§ 239.91	3235-0286	Feb. 28, 1986
Form 3-A	§ 239.92	3235-0286	Feb. 28, 1986
Form 4-A	§ 239.93	3235-0286	Feb. 28, 1986
Form 5-A	§ 239.94	3235-0286	Feb. 28, 1986
Form 6-A	§ 239.95	3235-0286	Feb. 28, 1986
Form 7-A	§ 239.96	3235-0286	Feb. 28, 1986
Schedules A, B, C, D	§ 239.101	3235-0093	Jan. 31, 1984
Form 1-G	§ 239.101	3235-0093	Jan. 31, 1984
Form 3-G	§ 239.101	3235-0093	Jan. 31, 1984
Form 144	§ 239.144	3235-0101	Feb. 28, 1987
Form D	§ 239.500	3235-0076	Dec. 31, 1984
Rule 6a-1	§ 240.6a-1	3235-0017	Sept. 30, 1985
Rule 6a-3	§ 240.6a-3	3235-0021	Jan. 31, 1987
Rule 10b-7	§ 240.10b-7	3235-0201	Dec. 31, 1986
Rule 12f-2	§ 240.12f-2	3235-0248	Dec. 31, 1984
Rule 13e-1	§ 240.13e-1	3235-0305	Feb. 28, 1986
Rule 13e-3	§ 240.13e-3	3235-0007	June 30, 1986
Rule 13e-4	§ 240.13e-4	3235-0203	Feb. 28, 1986
Schedule 13E-4	§ 240.13e-101	3235-0203	Feb. 28, 1986
Regulation 14A	§§ 240.14a-1 through 240.14a-12	3235-0059	Nov. 30, 1986
Schedule 14A	§ 240.14a-101	3235-0059	Nov. 30, 1986
Schedule 14B	§ 240.14a-102	3235-0059	Nov. 30, 1986
Regulation 14D	§§ 240.14d-1 through 240.14d-9	3235-0102	Jan. 31, 1987
Schedule 14D-1	§ 240.14d-100	3235-0102	Jan. 31, 1987
Schedule 14D-9	§ 240.14d-101	3235-0102	Jan. 31, 1987
Regulation 14E	§§ 240.14e-1 through 240.14e-2	3235-0102	Jan. 31, 1987
Rule 15a-4(a)	§ 240.15a-4(a)	3235-0010	Aug. 31, 1986
Rule 15b1-1	§ 240.15b1-1	3235-0012	Aug. 31, 1986
Rule 15b1-2	§ 240.15b1-2	3235-0020	Aug. 31, 1986
Rule 15b1-3	§ 240.15b1-3	3235-0011	Aug. 31, 1984
Rule 15b1-4	§ 240.15b1-4	3235-0016	Aug. 31, 1986
Rule 15b2-1	§ 240.15b2-1	3235-0014	Aug. 31, 1984
Rule 15b3-1	§ 240.15b3-1	3235-0013	Aug. 31, 1984
Rule 15b6-1(a)	§ 240.15b6-1(a)	3235-0018	Aug. 31, 1986
Rule 15c2-1	§ 240.15c2-11	3235-0202	June 30, 1986
Rule 15c3-3	§ 240.15c3-3	3235-0078	Sept. 30, 1986
Rule 17a-1	§ 240.17a-1	3235-0208	Oct. 31, 1986
Rule 17a-2	§ 240.17a-2	3235-0201	Dec. 31, 1986
Rule 17a-3	§ 240.17a-3	3235-0033	Sept. 30, 1986
Rule 17a-4	§ 240.17a-4	3235-0279	Sept. 30, 1986
Rule 17a-5	§ 240.17a-5	3235-0123	Feb. 28, 1986
Rule 17a-8	§ 240.17a-8	3235-0092	Feb. 28, 1986
Rule 17Ad-6	§ 240.17Ad-6	3235-0291	Aug. 31, 1986
Rule 17Ad-7	§ 240.17Ad-7	3235-0136	Sept. 30, 1986
Rule 17Ad-10	§ 240.17Ad(10)	3235-0273	Nov. 30, 1986
Rule 17f-1(b)	§ 240.17f-1(b)	3235-0032	Feb. 28, 1986
Rule 17f-1(g)	§ 240.17f-1(g)	3235-0290	Feb. 28, 1986
Rule 19d-1(b)-(i)	§ 240.19d-1(b)-(i)	3235-0206	Sept. 30, 1986
Rule 19h-1(a), (c)-(e), (g)	§ 240.19h-1(a), (c)-(e), (g)	3235-0259	Oct. 31, 1986
Form 27	§ 249.27	3235-0248	Dec. 31, 1984
Form 4	§ 249.104	3235-0287	Feb. 28, 1986

Information collection requirement	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Form 20-F	§ 249.220f	3235-0288	May 31, 1984.
Form 10-Q	§ 249.308a	3235-0070	Sept. 30, 1985.
Form 10-K	§ 249.310	3235-0063	Feb. 28, 1986.
Form 11-K	§ 249.311	3235-0082	April 30, 1984.
Form 12g-4/15d-6	§ 249.323	3235-0167	Nov. 30, 1986.
Form 13F	§ 249.325	3235-0006	Dec. 31, 1986.
Form 8	§ 249.460	3235-0141	Mar. 31, 1984.
Form BD	§ 249.501	3235-0012	Aug. 31, 1986.
Form BDW	§ 249.501a	3235-0018	Aug. 31, 1986.
Form X-17A-5	§ 249.617	3235-0123	Feb. 28, 1986.
Form X-17A-12(1)	§ 249.619	3235-0192	Dec. 31, 1984.
Form X-17A-1	§ 249.717	3235-0208	Oct. 31, 1986.
Rule 1(c)	§ 250.1(c)	3235-0164	Nov. 30, 1986.
Rule 4B(b)	§ 250.4B(b)	3235-0156	Dec. 31, 1984.
	Part 257	3235-0306	Nov. 30, 1986.
Form U5S	§ 259.5s	3235-0164	Nov. 30, 1986.
Rule 2A-7	§ 270.2a-7	3235-0266	July 31, 1984.
Rule 6c-6	§ 270.6c-6	3235-0245	Nov. 30, 1986.
Rule 7d	§ 270.7d-(b)(9)(i), (iii) and (viii)	3235-0168	June 30, 1983.
Rule 10f-3	§ 270.10f-3	3235-0226	Nov. 30, 1986.
Rule 12b-1	§ 270.12b-1	3235-0212	Nov. 30, 1986.
Rule 17e-1	§ 270.17e-1	3235-0217	June 30, 1984.
Rule 17f-4	§ 270.17f-4	3235-0225	Oct. 31, 1984.
Rule 17j-1	§ 270.17j-1	3235-0224	Nov. 30, 1986.
Rule 23c-1	§ 270.23c-1	3235-0298	Feb. 28, 1986.
Rule 24f-2	§ 270.24f-2	3235-0159	June 30, 1986.
Rule 31a-1	§ 270.31a-1	3235-0178	
Form N-5	§ 274.5	3235-0169	Feb. 28, 1986.
Form N-1	§ 274.11	3235-0027	Feb. 28, 1986.
Form N-8B-2	§ 274.12	3235-0186	Feb. 28, 1986.
Rule 203.1	§ 275.203.1	3235-0049	Sept. 30, 1984.
Rule 203.2	§ 275.203-2	3235-0313	Sept. 30, 1984.
Rule 204.2	§ 275.204.2	3235-0278	Nov. 30, 1986.
Rule 206(3)-2	§ 275.206(3)-2	3235-0243	June 30, 1986.
Rule 206(4)-2	§ 275.206(4)-2	3235-0241	Feb. 28, 1986.
Rule 206(4)-3	§ 275.206(4)-3	3235-0242	Feb. 28, 1986.
Form ADV	§ 279.1	3235-0049	Sept. 30, 1984.
Form ADV-W	§ 279.2	3235-0313	Sept. 30, 1984.
Form ADV-S	§ 279.3	3235-0046	July 31, 1984.
Add:			
Form N-1A	§ 274.11A	3235-0307	Nov. 30, 1986.
Delete:			
Form F-6	§ 239.16	3235-0292	Jan. 31, 1986.
Form 237	§ 239.145	3235-0263	Jan. 31, 1984.
Rule 15b8-1	§ 240.15b8-1	3235-0135	Nov. 30, 1984.
Rule 15b9-1(a) and (b)	§ 240.15b9-1(a) and (b)	3235-0129	Nov. 30, 1984.
Rule 15b9-1(c)	§ 240.15b9-1(c)	3235-0130	Nov. 30, 1984.
Rule 15b9-2	§ 240.15b9-2	3235-0146	Nov. 30, 1984.
Rule 15b10-6	§ 240.15b10-6	3235-0297	Sept. 30, 1983.
Rule 15b10-8	§ 240.15b10-8	3235-0189	Dec. 31, 1984.
Rule 15b10-9	§ 240.15b10-9	3235-0091	Oct. 31, 1984.

Information collection requirement	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Rule 15b10-11	§ 240.15b10-11	3235-0190	Dec. 31, 1984.
Form 19	§ 249.219	3235-0115	Nov. 30, 1984.
Form 19-K	§ 249.319	3235-0118	Nov. 30, 1984.
Form U-4	§ 249.502	3235-0019	Aug. 31, 1983.
Form SECO-2F	§ 249.502a	3235-0139	Nov. 30, 1984.
Form SECO-4	§ 249.504a	3235-0146	Nov. 30, 1984.
Form SECO-5	§ 249.505	3235-0129	Nov. 30, 1984.
Rule 23c-2	§ 270.23c-2	3235-0282	Feb. 29, 1986.
Form N-27D-1	§ 274.127d-1	3235-0254	Dec. 31, 1984.
Form N-27D-2	§ 274.127d-2	3235-0251	Dec. 31, 1984.
Form N-27E-1	§ 274.127e-1	3235-0255	Sept. 30, 1985.
Form N-27F-1	§ 274.127f-1	3235-0253	Sept. 30, 1985.

The Commission finds that this amendment, concerning the display of the control numbers and expiration dates assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act, pertains only to procedural matters; it is therefore not subject to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 et seq., requiring advance notice and opportunity for comment. Accordingly, it is effective upon publication in the *Federal Register*.

Statutory Authority: 44 U.S.C. 3507(f).

Dated: March 19, 1984.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7944 Filed 3-22-84; 8:45 am]

BILLING CODE 8010-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-61

[ADM 7900.2]

Public Use of Records, Donated Historical Materials and Facilities in the National Archives and Records Service; Fees

AGENCY: National Archives and Records Service, GSA.

ACTION: Technical correction notice.

SUMMARY: This document corrects the effective date of a final rule published in the *Federal Register* on March 15, 1984 (48 FR 9725) which revises fees charged by the National Archives and Records Service for reproduction of archival records, donated historical materials, and records filed with the Office of the Federal Register.

EFFECTIVE DATE: April 1, 1984.

FOR FURTHER INFORMATION CONTACT:
Adrienne Thomas (202) 523-3214.

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Section 106-61.5208 is corrected to read as follows:

§ 105-61.5208 Effective date.

The fees in § 105-61.5206 are effective on April 1, 1984.

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

Dated: March 19, 1984.

Robert M. Warner,

Archivist of United States

[FR Doc. 84-8002 Filed 3-22-84; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR PART 3100

Oil and Gas Leasing; Rescission of Interpretative Rule

AGENCY: Bureau of Land Management, Interior.

ACTION: Rescission of interpretative rule relating to approval of assignments on producing leases.

SUMMARY: This notice announces the termination of the process, which was the subject of an interpretative rule published in the *Federal Register* on January 24, 1984 (49 FR 2896), designed to clarify for the public the Bureau of Land Management's regulations at 43 CFR 3106.7-3 which require that no assignment shall be approved unless the lease account is in good standing.

EFFECTIVE DATE: March 23, 1984.

SUPPLEMENTARY INFORMATION: Although the Bureau of Land Management had identified as a priority the elimination of oil and gas assignment backlogs, its efforts were frustrated when the Minerals Management Service advised that it would no longer review lease accounts to determine the financial liability of the

assignor prior to approval of assignments for producing leases. In order to provide the public with an expedited assignment procedure, an interpretative rule was published which provided a means of establishing good standing consistent with existing regulations, thus making approval of producing lease assignments possible without reliance on a Service review of lease accounts.

On January 9, 1984, the Bureau of Land Management and the Minerals Management entered into a Memorandum of Understanding in which the Service agreed to furnish to the Bureau, on a monthly basis, a delinquent payment listing. If the lease does not appear on the delinquent payment list, the lease account shall be considered in "good standing" and may continue to be processed expeditiously.

The process for handling assignments on producing leases set forth in the interpretative rule published on January 24, 1984, is terminated as of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT:
Lois Mason, Division of Fluid Mineral Leasing, Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. (202) 653-2190.

Dated: March 20, 1984.

Robert F. Burford,

Director.

[FR Doc. 84-7870 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6524

[Nev-047410, Nev-047411, Nev-047419;
Nev-047423 and Nev-047436]

**Revocation of Stock Driveway
Withdrawals****Correction**

In FR Doc. 84-5660 beginning on page 7807 in the issue of Friday, March 2, 1984, make the following correction:

On page 7808, column three, line eight from the bottom, "Lots 1 thru 9" should read "Lots 5 thru 9", and in line seven from the bottom, the comma that appears between "N½" and "N½" should be removed.

BILLING CODE 1505-01-M

**FEDERAL COMMUNICATIONS
COMMISSION****47 CFR Part 74**

[BC Docket No. 82-20; RM-2500]

**Operation of Microwave Boosters;
Correction**

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors in the amendatory instructions to the FCC rule providing for the use of microwave booster stations in the aural broadcast STL and intercity relay radio services and in the TV auxiliary radio services, FR Doc. 84-4994, 49 FR 7127, February 27, 1984. The corrections are necessary to prevent unintended deletion of those portions of the existing rules that were to be retained. If not corrected users would be unable to correctly understand the rule information.

FOR FURTHER INFORMATION CONTACT: John Reiser, Mass Media Bureau, (202) 632-9660.

Erratum

In the matter of amendment of subparts E and F of Part 74 to provide for the operation of microwave boosters (BC Docket No. 82-20 RM-2500).

Released: March 15, 1984.

The *Report and Order* in the above entitled matter, adopted on February 3, 1984, and released February 17, 1984, 49 FR 7127, published February 27, 1984, contained several inadvertent errors in the editing instructions and note omissions. The following corrections are necessary:

The amendment instructions for § 74.532 given in paragraph 4, page 7129 of the Appendix should read:

4. Section 74.532 is amended by revising paragraphs (c) and (d), redesignating existing paragraph (e) as paragraph (f) and adding new paragraph (e) to read as follows:

The following note should be added following the revised paragraph (d) of § 74.532 as shown in Appendix paragraph 4, page 7129.

Note.—Applications for aural broadcast microwave booster stations will not be accepted for filing prior to January 1, 1985.

The amendment instructions for § 74.632 given in paragraph 13 page 7130, of the Appendix should read:

13. Section 74.632 is amended by redesignating existing paragraph (f) as paragraph (g) and adding new paragraph (f) as follows:

The following note should be added following the revised paragraph (f) of § 74.632 as shown in Appendix paragraph 13.

Note.—Applications for TV microwave booster stations will not be accepted for filing prior to January 1, 1985.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-7841 Filed 3-22-84; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT****48 CFR Ch. 24**

[Docket No. R-84-1145; FR-1860]

Acquisition Regulations; Corrections

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule; corrections.

SUMMARY: This document corrects several errors in the Department's Acquisition Regulations published in the *Federal Register* on March 1, 1984 (49 FR 7696, corrected March 6, 1984, 49 FR 8258).

FOR FURTHER INFORMATION CONTACT: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Office of Procurement and Contracts, Room 5262, Department of Housing and Urban Development, 451 Seventh St., SW., Washington, D.C. 20410, telephone (202) 755-5294. (This is not a toll-free number.) Accordingly, the Department makes the following corrections to FR Doc. 84-5503 appearing on page 7696 and following in the issue of March 1, 1984:

1. On page 7697, column two, in the table of contents, add the following, after "2437 Service contracting":

**SUBCHAPTER G—CONTRACT
MANAGEMENT**

2. On page 7699, at the top of column one, in 2401.601-2(c), "Divisions" is corrected to read "Division".

3. On page 7699, beginning three lines from the top of column two, in 2401.603-2(a), the second sentence is corrected to read:

Alternatively, where appointment of a Contracting Officer involves a specialized procurement field, experience in that field may be considered as a criterion for the appointment.

4. On page 7699, in the first full paragraph of column two, in 2401.603-2(b), correct the phrase "nongovernment procurement office" to read "nongovernment contracting office."

5. On page 7700, halfway down column 3, in 2404.805-1(a), correct the phrases "procuring activity" to read "contracting activity" and "procurement office" to read "contracting office."

6. On page 7701, column three, in the contract language following 2409.504(b), paragraph (1)(iii) is corrected to read:

(iii) The contractor has disclosed all relevant information and requested the Contracting Officer to make a determination with respect to this contract.

7. On page 7703, halfway down column two, in 2414.407-8(b)(3)(i), the phrase "procuring activity" is corrected to read "contracting activity."

8. On page 7705, column one, in 2415.670(c) the phrase "procurement file" is corrected to read "contract file".

9. On page 7706, column two, under DISTRIBUTION OF AWARD FEE, "A" is corrected to read as follows:

A. The total amount of award fee available under this contract is assigned to the following evaluation periods in the following amounts:

Evaluation Period: _____.

Available Award Fee: _____.

10. On page 7707, column one, in 2419.503(a), "\$500,000." is corrected to read "\$1,000,000."

11. On page 7707, column two and column three, "Subpart 2421.2" is corrected to read "Subpart 2421.70" and "2421.201 Policy" is corrected to read "2421.701 Policy".

12. On page 7708, column two, immediately before the part heading to Part 2436, add the following:

**SUBCHAPTER F—SPECIAL CATEGORIES
OF CONTRACTING**

13. On page 7708, column three, in 2436.602-5, "used" is corrected to read "use".

Authority: Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 19, 1984.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 84-7790 Filed 3-22-84; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 40228-20]

Groundfish of the Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule; correction.

SUMMARY: This document corrects coordinates given for trawling in the Western and Central Regulatory Areas, corrects the date of expiration of the rule, and provides an effective date for a definition, in an emergency interim rule for the Groundfish of the Gulf of Alaska that was published on March 8, 1984, 49 FR 8616.

FOR FURTHER INFORMATION CONTACT:

Ronald J. Berg, (907) 586-7230.

In FR Doc. 84-8268, page 8617, first column, the coordinates given in lines 11 and 12 are corrected and the complete sentence should read "Foreign fishermen are restricted to the use of off-bottom gear when trawling in the Western (159° W. to 170° W. longitude) and Central (147° W. to 159° W. longitude) Regulatory Areas from December 1 through May 31, a period when juvenile Pacific halibut are in shallow water and are more subject to capture in trawls." Additionally, the "DATES" section is corrected by adding after the first sentence the following: "The definition of a bottom trawl added to § 672.2 is effective March 8, 1984." Also in the "DATES" section and in the rule § 672.20 the date of expiration of June 6, 1984, is corrected to read May 31, 1984.

Dated: March 20, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-7932 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 672

[Docket No. 40316-29]

Groundfish of the Gulf of Alaska

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

ACTION: Emergency interim rule and request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has determined that an emergency exists in the pollock fishery in the Western and Central Regulatory Areas of the Gulf of Alaska because the current optimum yields (OY) for these areas are significantly underspecified given current resource availability, resulting in undue restriction and economic hardship to the developing U.S. fishery. Because pollock in the Western and Central Regulatory Areas are believed to comprise a single stock, the Council is combining these two regulatory areas for pollock management and is increasing the pollock OY in the combined area from 200,000 mt to 400,000 mt. Therefore, the Secretary of Commerce issues this emergency interim rule reflecting the Council's determinations and requests comment from the public. This action avoids undue economic hardship to the fishery by allowing both the timely optimum harvest of the pollock resource and the distribution of fishing effort according to pollock availability.

DATE: This rule is effective from 12:00 noon, Alaska Standard Time, March 20, 1984, until 12:00 noon, Alaska Daylight Time, June 21, 1984. Comments must be received on or before April 19, 1984.

ADDRESS: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. Copies of the environmental assessment/final regulatory flexibility analysis prepared for this rule are available from Mr. McVey.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

Amendment 11 of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) (48 FR 43044, September 21, 1983) increased the OY for pollock in the Central Regulatory Area from 95,200 mt to 143,000 mt. Based on later indications of abundance (year class analysis and acoustic surveys), the

OY was again increased through an emergency interim rule (48 FR 55470, December 13, 1983) to 183,000 mt.

In response to the apparent inadequacy of the current specifications for pollock under the FMP, the Council developed an amendment (Amendment 13) to the FMP that would revise the management of the pollock resource in the Western and Central Areas and approved the amendment at its December 1983 meeting. While this amendment could be implemented by mid-1984, it will not be effective soon enough to prevent the current OY (143,000 mt in the Central Area) from restricting the U.S. joint-venture pollock fishery in the Shelikof Strait region near Kodiak Island. This fishery has harvested increasing amounts of pollock in Shelikof Strait since 1980, and the 1984 fishery that started at the end of January may harvest up to 210,300 mt before the end of April. Therefore, the Council has unanimously requested the Secretary to issue this emergency rule to increase the pollock OY for the combined Western and Central Areas to 400,000 mt and apportion the OY such that DAP=9,000 mt, JVP=210,300 mt, reserves=80,000 mt and TALFF=100,700 mt during the period that the amendment is being prepared and reviewed for implementation. These apportionment figures are based on a NMFS survey of the anticipated needs of the U.S. industry during 1984.

Rationale for Combining the OY for Western and Central Areas

Under the current FMP, separate OYs are assigned to the Western, Central, and Eastern Regulatory Areas, essentially treating pollock from each area as a separate stock. The pollock OY for the Western and Central Areas is divided such that 37 percent of the exploitable biomass is distributed to the Western Area and 63 percent to the Central Area. This apportionment of OY was based on resource distribution as indicated by summer-fall trawl surveys conducted during 1973-1975.

Recent information, however, indicates that Western and Central Area pollock are likely from one stock. Resource assessments of pollock in the Gulf of Alaska have found a major spawning concentration of pollock in the Shelikof Strait region during winter and spring months. An extensive acoustic survey of the Western and Central Areas during 1983 indicated that during the late January-April spawning period, significant amounts of pollock were found only in the Shelikof Strait region, suggesting that major concentrations of pollock normally found elsewhere in the

Western and Central Areas at other times of the year moved into and concentrated in the Shelikof Strait region during the spawning period. This observation, together with other biological information indicating that pollock from the Western and Central Areas share similar growth and year class strength patterns, has led NMFS scientists to believe that (1) most of the pollock in the Western and Central Areas are all of one stock; and (2) the current OY distribution between areas based only on the summer-fall pollock distribution results in management of the pollock resource in the Gulf of Alaska as separate stock units in each of the regulatory areas and is, therefore, inadequate to manage the resource. This inadequacy becomes even more apparent in view of the two separate fisheries for pollock in the Western and Central Areas.

The fishery is the winter-spring U.S. joint-venture operation in Shelikof Strait of the Central Area that occurs when most of the pollock from the Western and Central Areas are concentrated there usually from the end of January until the spawning concentrations disperse in March or April. This fishery is rapidly expanding and currently accounts for the largest pollock harvest in the Gulf of Alaska. Joint venture harvests have been as follows:

Year	Pollock catch (mt)
1980.....	1,136
1981.....	16,856
1982.....	73,917
1983.....	133,592

The second fishery is the foreign trawl fishery for pollock in the Western and Central Areas that normally begins after June 1 when the pollock have dispersed to their summer-fall distributions in these areas. The timing of foreign operations is due primarily to foreign fishing restrictions that prohibit all foreign bottom trawling in the Western and Central Areas from December 1 through May 31 and prohibit *all* trawling between 147° W. and 157° W. longitude in the Central Area from February 16 through May 31.

Under the current distribution of pollock OY in the Western and Central Areas and because of the large pollock harvest by the U.S. joint-venture fishery early in the year, little of the Central Area pollock OY may remain for the summer-fall fisheries after pollock disperse to the outer continental shelf.

However, because only a small portion of the joint-venture harvest in Shelikof Strait consists of Central Area pollock, these fish may be underharvested. The opposite situation may result for Western Area pollock because these fish are subject both to the U.S. joint-venture fishery in Shelikof Strait during the spawning season and to the summer-fall foreign target fishery operating in the Western Area and therefore may be subject to relatively greater harvests.

In view of these concerns, the Council opted to combine the pollock OY for the Western and Central Areas to reflect the single stock status of pollock in these areas and to allow the fishery to distribute itself according to pollock availability rather than according to distribution percentages derived from trawl surveys done in the early 1970's. The catch of other nontarget groundfish species in the pollock fishery will continue to be regulated by the specific OYs assigned for these species in the Western and Central Areas.

Rationale for Increasing the Current OY Level for Pollock

In view of the present abundance of pollock, maintenance of the current 200,000 mt OY level for the Western and Central Areas is inappropriate and would unduly restrict the developing U.S. joint-venture fishery. The best scientific information available (summarized below) indicates that the resource in the Western and Central Areas can support an OY level of up to 500,000 mt in 1984. An increase in the OY is highly desirable because, based on an industry survey by NMFS, the U.S. fishery is anticipated to take 219,300 mt from these areas in 1984.

Results of resource assessment surveys since 1975 and recent scientific analyses of other data indicate that the pollock resource in the Western and Central Areas has increased in terms of total exploitable biomass and in exploitable annual surplus production (ASP), or the amount of pollock available for harvest. The increasing trend in biomass is principally a consequence of increased recruitment of the strong 1975-79 year classes into the 1978-82 fisheries. Actual estimates of pollock biomass in the Western and Central Regulatory Areas have been derived from acoustic surveys conducted during April 1980 and March and April of 1981 and 1983 in the Shelikof Strait region (Table 1).

TABLE 1.—POLLOCK BIOMASS (MT) IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA AS DERIVED FROM ACOUSTIC SURVEYS CONDUCTED IN 1980, 1981, AND 1983

Year	Date	Biomass estimates
1980.....	April.....	709,000
1981.....	March ¹	3,764,000
	April.....	3,050,000
1983.....	March ²	2,454,000
	April.....	813,000

¹Average of two March 1981 surveys of 4,380,000 mt and 3,147,000 mt.

²Average of two March 1983 surveys of 2,548,000 mt and 2,360,000 mt.

The lower biomass figures estimated for April 1980 and 1983 are believed to be a result of the dispersion of stocks following their spawning, which commences in late January and mostly concludes by late March. The relatively large estimate for April 1981 probably resulted from a delay in the dispersion of the spawning stock.

The estimates obtained from the acoustic surveys conducted in March of each year are considered to represent the pollock biomass most accurately and are therefore used as the best available information. The estimates apply to the combined area of the Western and Central Areas, because only negligible quantities of pollock were found outside of Shelikof Strait during the spawning period. The March 1983 figure is smaller than the March 1981 figure by 1,310,000 mt; however, this difference between the 1981 and 1983 mean biomass estimates is not statistically significant because the variances of the acoustic survey estimates are large and overlap.

The stock abundance in 1984 is uncertain, because it is largely dependent on the magnitude of the 1980 year class for which data concerning its abundance are conflicting. Fish from the 1980 year class are now four years old. Four-year-old fish have been important contributors to the fishery since 1979. At age three, however, the 1980 year class contributed only 3%-4% of the catch in the 1983 Shelikof Strait fishery. A similar percentage was found for the 1983 research survey in Shelikof Strait. In contrast, the preliminary age data from the 1983 foreign fishery showed the 1980 year class to make up 15.3% of the catch by numbers. This value is similar to the value observed for the 1977-1979 classes that are known to be relatively strong.

Due to the uncertainty of the strength of the 1980 year class, NMFS scientists

developed an age structure model to forecast future levels of exploitable biomass given various levels of OY and future recruitment patterns. The forecasting model was run to simulate the pollock population for four years (1983-1986) with four different recruitment scenarios (ranging from high to low recruitment levels) and five OY options ranging from 300,000 mt to 500,000 mt.

The results of the recruitment forecasts suggested that a decline in the pollock exploitable biomass can be expected unless recruitment continues at high levels (three billion fish annually) and that projected levels of biomass are more dependent on the recruitment levels than the projected catches. Based on the projections derived from the forecast model, NMFS scientists concluded that the ASP of pollock for 1984 is at least 400,000 mt and could be as high as 500,000 mt, although an 80% probability exists that the true value of average ASP is less than 500,000 mt. This latter figure, therefore, would not likely be sustainable over a number of years.

Given the uncertainty of the recruitment level of four-year-old pollock into the 1984 fishery and after considering various options for OY, the Council has opted for a fairly conservative OY of 400,000 mt. This OY level will provide a sufficient amount of pollock for the U.S. pollock fishery and still allow for a pollock harvest in the foreign target fishery comparable to that taken in 1983.

The Secretary agrees with the Council's determination that the current needs of the U.S. pollock joint-venture fishery and the abundance of the resource warrant implementation of the increased OY in the combined Western and Central Regulatory Areas under § 305(e) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). He has taken this action to avoid severe economic disruption to the domestic fishery that would occur if this opportunity to harvest the available pollock resource were not made available. This emergency rule will be effective for 90 days after its publication in the *Federal Register* and may be repromulgated for a subsequent 90 days if the need remains.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law. This action will avoid the disruption that would otherwise occur in the developing domestic pollock fishery.

The Assistant Administrator also finds that, because achieving the existing pollock OY is imminent in the Central Area, the reasons justifying promulgation of this rule on an emergency basis make it impracticable and contrary to the public interest to provide notice and a prior opportunity for public comment or to delay for 30 days the effective date of the rule under the provisions of 5 U.S.C. 553 (b) and (d). However, comments are invited for a period of 30 days following the effective date of this rule. Comments should be sent to the Director, Alaska Region (Regional Director) at the above address.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the Alaska Coastal Management Program. This determination has been submitted for review by the responsible State agency.

The Assistant Administrator prepared an environmental assessment/final regulatory flexibility analysis (EA/FRFA) of this action and concluded that no significant impact on the human environment will result. A copy of the EA/FRFA is available also from the Regional Director.

The Administrator of NOAA determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. He made his decision on the basis of the cost/benefit analysis contained in the EA/FRFA. This emergency rule is exempt from the normal review procedures of E.O. 12291 as provided in Section 8(a)(1) of that order. This rule will have a significant beneficial economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612. This determination is also based on the

analysis contained in the EA/FRFA.

In summary, the cost/benefit analysis shows that increasing the combined pollock OY for the Western and Central Areas from 200,000 mt to 400,000 mt will provide harvest opportunity consistent with the known current abundance of the stock. A certain number of Pacific halibut, king crab, Tanner crab, and salmon are likely to be caught incidentally with an increased pollock harvest in both the foreign directed fishery and the U.S. pollock joint-venture fishery. These species are of major commercial importance to U.S. fishermen who target on them.

Assuming no change in the size of the U.S. fleets that targeted on each of these species during 1982-1983 in the Western and Central Areas (halibut=2,295 vessels, crab=360 vessels, and salmon=600 vessels), and provided that all of the incidentally-caught halibut, crab, and salmon would have been caught in the domestic target fisheries, the per-boat-present-value loss due to the increase in pollock OY under this rule would be as follows: Pacific halibut—\$508, king crab—\$20, Tanner crab—\$17, chinook salmon—\$281, and chum salmon—\$9. These estimates assume a 10 percent discount rate and were based on the 1983 incidental catch rates of prohibited species in both the foreign and domestic pollock fisheries. The short-term benefit to the 40 U.S. vessels that are anticipated to participate in the 1984 joint-venture pollock fishery, however, is \$183,778 per vessel. In addition, the 50,630-mt increase in TALFF associated with the final rule would generate an additional \$1,417,640 in foreign fees paid to the U.S. Government.

This rule does not contain a collection of information requirement and therefore is not subject to the provisions of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 672

Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: March 20, 1984.

Carmen Blondin,

Deputy Assistant Administrator for Fisheries Resources, Department of Commerce.

For the reason set out in the preamble, 50 CFR Part 672 is amended as follows:

PART 672—GROUND FISH OF THE GULF OF ALASKA

1. The authority citation for Part 672 reads as follows:

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

2. In § 672.20, Table 1, the entries for

pollock in the Western and Central Regulatory Areas are removed and a new single entry combining the Western and Central Regulatory Areas is added to read as follows:

§ 672.20 Optimum Yield.

* * * * *

TABLE 1.—Initial (as of January 1, each year) Optimum Yield (OY), Domestic Annual Harvest (DAH), Domestic Annual Processing (DAP), Joint-Venture Processing (JVP), Reserve, and Total Allowable Level of Foreign Fishing (TALFF) (metric tons).

Species	Species code	Areas	OY	DAH	DAP	JVP	Reserve	TALFF
Pollock	701	Western/Central	400,000	219,300	9,000	210,300	80,000	100,700

[FR Doc. 84-7856 Filed 3-20-84; 4:59 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 49, No. 58

Friday, March 23, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Ch. III

Siting Procedures

AGENCY: Administrative Conference of the United States; Committee on Regulation.

ACTION: Request for comments.

SUMMARY: The Administrative Conference Committee on Regulation is considering a tentative recommendation on the subject of "public regulation of siting of industrial development projects". This topic includes federal and state agency procedures involved in the processes used to regulate the selection and preparation of sites chosen for large-scale industrial projects where significant environmental effects are likely. Views and supporting factual material are requested to be submitted to aid the Committee on its consideration.

DATES: *Comment Deadline:* April 19, 1984. One copy is sufficient. Comments received after the deadline will be considered to the extent feasible.

ADDRESSES: *Send comments to:* William C. Bush, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037; telephone: (202) 254-7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference Committee on Regulation is working toward development of a recommendation concerning federal and state agency procedures in the regulation of siting of industrial development projects. The Committee is particularly interested in finding ways to improve cooperation among the many agencies that may be involved in a siting process, with a view to reducing delay and eliminating

duplicative regulatory procedures. The Committee's tentative recommendation, reproduced below, is based largely on a report by our consultant Professor Gregory L. Ogden of Pepperdine University School of Law. Copies of Professor Ogden's report, *Second Draft Report on Public Regulation of Siting of Industrial Development Projects* (September 1983), are available on request.

Proposal on Which Comments Are Requested

Tentative Recommendation

Public Regulation of Siting of Industrial Development Projects
March 20, 1984.

Major industrial development projects often create significant environmental effects and require permit approvals and preparation of environmental impact statements by agencies enforcing legislation such as the National Environmental Policy Act (NEPA) and the Clean Air Act. When many agencies at different levels of government must approve a project proposal, the complexity and uncertainty of the process can be reduced through an appropriate degree of interagency coordination and the use of adequate procedures.¹

Interagency Coordination

Many federal, state, and local agencies must review environmentally sensitive industrial projects. Project developers need assistance in determining which agencies must be consulted for project approval, what

¹ Congress requested that the Administrative Conference (ACUS) work cooperatively with the Advisory Committee on Intergovernmental Relations (ACIR) toward resolving regulatory conflicts and overlap among federal, state, and local agencies. ACUS and ACIR were specifically asked to address the issue of streamlining the permit process based on approaches that lead to improved intergovernmental cooperation. Congress was concerned with the complexity and costs associated with the permit process in the review of energy and port development projects. Congress expects ACIR and ACUS to work together to assess alternative ways to resolve intergovernmental problems and conflicts in permitting. In conducting this joint effort, the agencies have sought and will continue to seek the input of business, government, and environmental experts. House Committee on Appropriations, Report on Treasury, Postal Service, and General Government Appropriation Bill, 1983, H.R. Doc. No. 854, 97th Cong., 2nd Sess. 39 (1982). ACIR has cooperated in the development of this recommendation, but has not formally adopted the recommendation at this time.

permits are required, what applications must be completed, and what information is needed for each application. Developers' informational needs could be met by a clearinghouse established at the level of government closest to project review.

When relatively few agencies must consider a project application, agreements can be worked out among the agencies to coordinate agency review or to resolve jurisdictional or interpretation conflicts. These agreements can facilitate more timely project review, reduce overlapping review, decrease uncertainty, and provide for joint state-federal agency review of a project.

When many agencies with different responsibilities must approve a project proposal there is a greater need for coordination because of a variety of perspectives due to distinct agency missions and different governing statutes. Selection of a coordinating agency early in the application process is desirable to facilitate the permitting process. The coordinating agency can facilitate the exchange of information, can encourage more efficient review, and can reduce mistrust by scheduling regular face-to-face meetings between the project developer, governmental agencies, and residents of the community in which a project is to be located. The coordinating agency often will have permitting duties but may be a non-permitting body such as the Colorado Joint Review Project.² To be effective a non-permitting body must be supported by key governmental leaders in the jurisdiction. The coordinating agency may be a body different from the

² The Colorado Joint Review Project (JRP) is an innovative new approach to coordinating governmental review of energy projects. Originally part of the Colorado Department of Natural Resources, it is now a wholly separate body, fully supported by the Governor and other key state officials. The JRP has no permitting responsibilities but performs a coordinating role and operates on a voluntary basis. A developer must choose to have its project application accepted into the JRP process. The JRP works with the developer, the public, and all levels of government to identify affected agencies and permit processes, to determine what environmental and other issues must be addressed, to clarify what information is necessary, and to establish a decision schedule for all governmental review processes that must be completed for that project. The JRP sponsors periodic meetings with all affected actors and otherwise seeks to ensure a smoother and more organized review.

clearinghouse agency or the lead agency for EIS preparation.

Public Participation

Citizens of the community in which a project is to be sited have a strong interest in the project and will seek information about the project particularly when it has major environmental effects. Environmental groups and other members of the public also have similar interests. Severely limiting legitimate public participation can unnecessarily increase opposition to a project and can lead to lawsuits to stop a project. Facilitating public participation can reduce fears and concerns, can mitigate the not-in-my-backyard attitude of a community, and can lessen public mistrust of the developer and government. The public can also contribute useful information to a project. Developers can allay concerns by sharing information about their project with the public and can work more effectively by cooperating with the community in which a project is to be sited. Public participation at an early stage of agency review ensures that changes can be made before substantial developer funds are committed to a specific project design. Public participation is enhanced when hearings are held in the project community and when the agency designates a public advisor to help citizens understand the process.

Environmental Review

Under the provisions of NEPA and similar state legislation, environmental impact statements often must be prepared by agencies prior to approving a project application. When both federal and state EIS statutes apply to a project application, preparing a joint statement can reduce duplication and overlap. The approach taken in the regulations of the Council on Environmental Quality—in which a "lead agency" is designated to coordinate EIS preparation—provides an excellent mode adaptable even when there is no major federal interest in a project. Early identification of environmental impacts through the "scoping of issues" process facilitates NEPA compliance and allows project changes by a developer when it is least expensive. Identifying commenting agencies early in the process ensures that the concerns of every agency are addressed in the EIS. Face-to-face meetings of all participants in the EIS process are useful for identifying impacts, exchanging information, and getting to know the other participants in the process and their concerns. Negotiating a decision schedule with the project proponent and other agencies in

which a completion date for each step of the process is agreed upon can ensure a more timely EIS process. The lead agency can play a major coordinating role by identifying other agencies, setting up meetings, organizing the stages of EIS preparation, and negotiating decision schedules for each stage.

Permit Approvals

Developers must file applications in which they provide information about their project. Developers and agencies may disagree as to what information is required and how much information is adequate for a complete application. There may also be uncertainty over procedural and substantive requirements that must be met. Agencies can assist developers by specifying in advance the information needed for an application to be complete and the standards that must be met for a permit to be approved. The agency can clarify what is required by holding pre-application meetings with developers. The agency can resolve informational, procedural, and substantive problems by holding post-application meetings with the developer. Agencies need adequate information and full cooperation from developers to make permitting or compliance decisions. Duplication, overlap, and paperwork can be reduced if agencies with joint permit responsibilities for a project adopt common application requirements, standardized information requirements, and common procedures such as joint hearings. Sharing of staff and budgetary resources can make these approaches easier to implement.

Time Limits for Decisionmaking

Legitimate concerns are expressed by developers and others that too much time is required by agencies to review and permit major industrial projects. Legislatures have reacted by passing time limit statutes that mandate an agency's preparation of an EIS or approval of a permit application within a set period of time. Agencies often have the most knowledge about how long a particular decision can take and thus can specify and appropriate time limit. The legislature must be sensitive to the agency's needs by allowing sufficient time in the statute to complete the decision, by giving the agency adequate resources, and by allowing flexibility to extend the deadline when the agency has good cause. Agency compliance with time limit statutes can be monitored if the legislature requires agencies periodically to report their performance under the statute and to

identify any problems encountered in meeting the time limits.

An alternative to mandated statutory time limits is a requirement that agencies establish decision schedules which set deadlines for the completion of specific actions (e.g., comment periods, drafting of required agency reports) within each phase of project review. A decision schedule is desirable because it is individualized for each project and because it requires the developer and all responsible agencies to make commitments to meet the agreed schedule. Commitment by the developer is crucial since developers can speed up or slow down development of a project depending upon internal or external economic considerations. Also some agencies have no commitment to timeliness; if agencies are required to agree to a schedule, they are more likely to make that commitment.

Recommendation

These recommendations are directed primarily to federal and state agencies that have permitting and environmental review responsibilities. In addition, many of the time limit recommendations are directed to Congress and state legislatures. To the extent statutory changes are necessary to implement the other recommendations, they are also directed to the appropriate legislative bodies.³

A. Interagency Coordination

1. Clearinghouses should be established at the level of government closest to review of a particular project to provide information to project developers about applications, agencies to be consulted, and permitting requirements.
2. Agencies should make agreements to coordinate review of a particular project, or to resolve jurisdictional or interpretation conflicts.
3. A coordinating agency should be selected to coordinate governmental review of projects when many agencies are involved.
4. The coordinating agency should schedule regular face-to-face meetings between developers, agencies, and the public.
5. The Colorado Joint Review Project approach (note 2, *supra*) in which a nonpermitting agency coordinates project review by all agencies should be considered.

³ See statement regarding joint ACUS-ACIR effort in note 1.

B. Public Participations⁴

1. Agencies with permitting and environmental review responsibilities should take into account in their decisionmaking the views of public participants, including citizens of the community in which a project is to be sited.

2. To make public participation more meaningful, agencies should develop procedures such as holding local hearings and appointing public advisors.

3. Agencies should encourage developers to provide information to the community about a project application and to be responsive to legitimate community concerns.

4. Agencies should ensure that public participation occurs at an early stage of project review and developer planning so that changes in project design can be made before substantial funds are committed to a specific project design.

C. Environmental Review

1. The Council on Environmental Quality Regulations approach in which a lead agency is designated to coordinate EIS preparation is recommended even when there is no significant federal involvement in a project.⁵

2. When appropriate, agencies should agree to prepare joint state-federal EIS statements.

3. The lead agency should identify commenting agencies and should schedule face-to-face meetings of all participants in the EIS process.

4. The lead agency should utilize the scoping of issues process to identify environmental impacts early in the process before a draft statement is prepared.

5. The lead agency should negotiate decision schedules with the developers and all affected agencies, setting deadlines for completion of scoping, draft statement preparation and comments, final statement preparation and comments, and issuance of a statement.

D. Permit Approvals

1. Whenever feasible permitting agencies should specify in advance what informational, procedural, and substantive requirements will apply to a particular permit application.

2. Agencies should be available for pre-application meetings with the project developer to clarify

informational, procedural, and substantive requirements.

3. Agencies should hold post-application meetings with developers to discuss procedural, informational, and substantive deficiencies in an application, and should promptly advise developers of any deficiencies throughout the pendency of the permit process.

4. Agencies should make clear to developers that the developers must supply necessary information in an application and must cooperate in the permitting process.

5. Whenever feasible, agencies with joint permit responsibility for a project should be encouraged to reduce duplication and paperwork by accepting common applications, by standardizing informational requirements, and by adopting common procedures such as joint hearings.

E. Time Limits for Decisionmaking⁶

1. Agencies should negotiate a decision schedule with the project developer and all affected agencies within existing statutory deadlines. The schedule should set a deadline for the completion of specific stages of project review. The schedule should be contained in an agreement in which the developer and the agencies make a commitment to meet the deadlines.

2. If a legislature⁷ adopts a time limit statute, it is preferable that the time limit be established by the agency itself, rather than by statute.

3. A legislatively mandated time limit should allow an appropriate amount of time for the type of decision involved, and the agency should have the option of extending the time limit for good cause explicitly stated.

4. Legislatures should provide adequate resources for agencies to meet time limit requirements and should periodically review agency compliance with time limits.

List of Subjects in 1 CFR Ch. III

Administrative practice and procedure. Siting.

Dated: March 20, 1984.

Richard K. Berg,

General Counsel.

[FR Doc. 84-7912 Filed 3-22-84; 8:45 am]

BILLING CODE 6110-01-M

⁴ See generally, Recommendation 78-3: Time Limits on Agency Action (1 CFR 305.78-3), which is consistent with this part.

⁵ As used here, "legislature" includes Congress, as well as state, regional, and local legislative bodies.

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 83-AWP-9]

Proposed Designation of Transition Area; Show Low Arizona

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate 700 and 1200 foot transition areas at Show Low, Arizona, to provide protection for aircraft executing a new instrument approach procedure (NDB-A) to the Show Low Municipal Airport and establish transition routes between the Nondirectional Radio Beacon (NDB) and adjacent VOR airways.

DATES: Comments must be received on or before May 9, 1984.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, AWP-530, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

The official docket may be examined in the Office of Western-Pacific Regional Counsel, Room 6W14 at 15000 Aviation Boulevard, Hawthorne, California.

An informal docket may also be examined during normal business hours at the Airspace and Procedures Branch, Room 6E4, at the above address.

FOR FURTHER INFORMATION CONTACT: Tom Huntington, Airspace and Procedures Branch, 15000 Aviation Boulevard, Lawndale, California 90261, (213) 536-6182.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those

⁴ This part does not overrule or supersede Recommendation 71-6: Public Participation in Administrative Proceedings (1. CFR 305.71-6).

⁵ The Conference is not suggesting that an EIS be prepared when none is required by law, but only that, if environmental review is to involve several agencies, a lead agency be selected.

comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AWP-9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace and Procedures Branch, 15000 Aviation Boulevard, Lawndale, California 90261. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Show Low, Arizona, 700 foot and 1200 foot transition areas. This action will provide additional controlled airspace to accommodate aircraft executing the NDB-A approach procedure to the Show Low Municipal Airport and for controlled airspace between adjacent VOR Airway 190 and the Show Low NDB.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Show Low, Arizona (New)

That airspace extending upward from 700 feet above the surface within a 6.5-mile

radius of Show Low Municipal Airport (latitude 34°15'55" N., longitude 109°59'55" W.) and within 3.5 miles each side of the Show Low NDB (latitude 34°16'04.5" N., longitude 110°00'24.0" W.) 038T/025M bearing, extending from the 6.5-mile radius area to 10 miles northeast of the NDB; that airspace extending upward from 1200 feet above the surface within 9.5 miles northwest and 5 miles southeast of the Show Low NDB 038T/025M bearing extending from the NDB 18.5 miles northeast and within 5 miles each side of the Show Low NDB 337T/324M bearing extending from the NDB to the north edge of V190.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on March 16, 1984.

Richard L. Devereaux,

Acting Director, Western-Pacific Region.

[FR Doc. 84-7793 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 84-AGL-2]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a new controlled airspace area near New Lexington, Ohio, to accommodate a new VOR/DME Runway 26 instrument approach procedure into Perry County Airport. This designation is based on a request from the Perry County Airport officials to provide that facility with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using

approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before May 11, 1984.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 84-AGL-2, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above.

Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-AGL-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a new 700-foot controlled airspace transition area near New Lexington, Ohio.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me; the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

New Lexington, OH

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Perry County Airport (lat. 39°41'29" N., long. 82°11'52" W.).

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on March 14, 1984.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 84-7799 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

[Regs. Nos. 4 and 16]

Federal Old-Age, Survivors and Disability Insurance, Supplemental Security Income for the Aged, Blind, and Disabled; Changes of Time or Place of Hearings Before Administrative Law Judges, Notice of Hearing, and Dismissal of Requests for Hearing When Claimants Fail To Appear

AGENCY: Social Security Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Social Security Administration (SSA) proposes to amend its regulations governing hearings before administrative law judges (ALJs) which are requested by claimants under titles II and XVI of the Social Security Act. These changes will promote greater efficiency in the administration of the ALJ hearing process, and will also provide clearer guidance, and in some respects greater

latitude, to claimants and their representatives with regard to several important aspects of that process.

Specifically, the proposed regulations comply with the recent order of the U.S. District Court for the District of Colorado in the case of *Pulido v. Heckler*, which requires the Secretary to establish regulatory standards for determining whether there is good cause for changing the time or place of an ALJ hearing at a claimant's request. The proposed regulations also extend from 10 days to 20 days the minimum time period for notifying the claimant and his or her representative of the time and place of the hearing. Finally, the proposed regulations clarify that an ALJ may dismiss a request for hearing without further contact with the claimant or his or her representative when the claimant and the representative fail to appear at a scheduled hearing and the ALJ has not found good cause for changing the time and place of the hearing.

We emphasize that the proposed changes pertain only to claimant hearings before ALJs under titles II and XVI, and will not affect any other proceedings conducted by SSA.

DATE: Your comments will be considered if we receive them no later than May 22, 1984.

ADDRESSES: Comments should be submitted in writing to the Acting Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203. They may also be delivered to the Office of Regulations, Social Security Administration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Eugene Larkin, Division of Hearing Procedures, Office of Policy and Procedures—Office of Hearings and Appeals, Room 101, Webb Building, P.O. Box 3200, Arlington, Virginia 22203, telephone (703) 235-8545.

SUPPLEMENTARY INFORMATION:

Background

The ALJ has the authority under existing regulations to set the time and place for the hearing and send the notice of hearing (20 CFR 404.936 and 416.1436). (Under our operating procedures, the place of hearing will be one of the hearing sites established for use by the hearing offices unless the claimant is

confined to his or her residence or an institution. In these instances, consideration is given to holding the hearing at the claimant's residence or in the institution.) The regulations at §§ 404.936 and 416.1436 require the ALJ to send a written notice of the time and place of the hearing to the claimant at least 10 days before the scheduled hearing.

If the claimant or representative objects to the time or place of the scheduled hearing, he or she must notify the ALJ at the earliest opportunity. The ALJ may then change the time or place for the hearing if good cause is shown. Under the regulations at §§ 404.957 and 416.1457, the ALJ may dismiss a request for hearing if neither the claimant nor his or her representative appears at the scheduled hearing and: (1) before the time set for the hearing, the claimant does not give the ALJ a good reason for changing the time or place of the scheduled hearing; or (2) within 10 days after the ALJ sends a notice requesting that a reason for not appearing be provided, the claimant fails to provide a good reason.

The plaintiffs and the District Court in *Pulido* expressed concern that our existing regulations do not set forth standards to be applied or factors to be considered by our ALJs in determining whether there is good cause for changing the time or place of hearings. As noted in the Summary above, the Court in that case has specifically ordered that we amend our regulations to provide such standards.

A second, related criticism of our existing regulations voiced by claimants and their representatives is that the requirement that the ALJ notify the claimant at least 10 days in advance of the time and place of the hearing in many situations does not permit the claimant and his or her representative enough time to make necessary arrangements and fully prepare for the ALJ hearing. These individuals have urged that this requirement be changed to provide a longer period of notice before the date of the hearing.

Finally, we are proposing a clarification in the regulations governing dismissal of ALJ hearing requests, to more explicitly state that an ALJ may dismiss the hearing request without further contact with the claimant when: (1) The claimant fails to appear at the hearing, (2) the claimant has been notified in advance of the hearing that failure to appear without good cause can result in immediate dismissal of the hearing request, and (3) the ALJ has not found good cause for a change in the time or place of the hearing.

Proposed changes

In order to enable the ALJs to schedule hearings as efficiently as possible and to provide better service to the public as a whole, and in part to respond to the *Pulido* court, we propose to amend our regulations: (1) To require that the notice of hearing must be sent to the claimant at least 20 days prior to the date of the hearing, rather than 10 days as provided in existing regulations; (2) to revise the notice of hearing so that it provides more information to claimants, particularly with regard to changes in time and place of hearings and dismissal of hearing requests for failure to appear; (3) to establish standards to be applied and factors to be considered in determining whether there is good cause for granting a request to change the time or place of an ALJ hearing, and to provide examples of situations which constitute good cause for such changes; and (4) to provide explicitly that the ALJs may dismiss requests for hearing without further contact with the claimant or his or her representative when the claimant and the representative fail to appear at the scheduled hearing and the ALJ has not found good cause for a change in the time or place of the hearing.

A. Proposed Changes Regarding Hearing Notices

In order to better ensure that claimants are given sufficient advance notice of the ALJ hearing so that they can decide about obtaining representation and make necessary plans to attend the hearing, we propose to revise the regulations at §§ 404.938 and 416.1438, Notice of a hearing before an administrative law judge, to provide that the notice of hearing will be provided to the claimant at least 20 days prior to the date of the hearing. (Under existing regulations, a notice setting the time and place of the hearing and a statement of the issues must be provided to the claimant at least 10 days before the hearing.)

We also propose to add to §§ 404.938 and 416.1438 a sentence explaining that the notice of hearing will contain information about requesting changes in time and place of scheduled hearings, and about the procedure for dismissal of a request for hearing when the claimant and his or her representative fail to appear at his or her scheduled hearing without good cause. (The proposed changes in those provisions are discussed below.) The notice of hearing, of course, could also include other information not specifically mentioned in §§ 404.938 and 416.1438, as appropriate. For example, we intend to

add to our hearing notices a reminder that, in accordance with existing regulations at 20 CFR §§ 404.935 and 416.1435, the claimant should, if possible, submit any additional evidence that he or she wishes to have considered by the ALJ before the date of the hearing, to facilitate the ALJ's consideration of his or her case.

B. Standards for Determining Good Cause for Changing the Time or Place of an ALJ Hearing

We propose to amend the regulations at §§ 404.936 and 416.1436, Time and place for a hearing before an administrative law judge, to set forth the standards to be applied and the factors to be considered by an ALJ in determining whether there is good cause for changing the time or place of a hearing at a claimant's request.

The proposed regulations provide situations in which good cause will be found when the reason given by the claimant or representative is supported by the facts. The proposed regulations also provide examples of when good cause may be found where the reason given by the claimant or representative is supported by the facts and granting the request would not adversely impact on the orderly administration of the hearing process. Examples of reasons the claimant might provide include illness or other emergency involving the claimant or representative, hospitalization, situations involving the unavailability of a representative or transportation, or the inability of a witness to attend the scheduled hearing. Factors which could affect the orderly administration of the hearing process include the impact of the change on the processing of other scheduled hearings, delay which might occur in rescheduling the claimant's hearing if the request is granted (for example, when the claimant's hearing must be held at a remote hearing site which the ALJ visits only infrequently), and whether any prior changes were granted to the claimant.

C. Dismissals of ALJ Hearing Requests When the Claimant Fails to Appear

The large growth in the number of ALJ hearing requests in recent years has been accompanied in many ALJ hearing offices by a corresponding increase in the number of cases in which claimants, without good cause, fail to appear at their scheduled hearings. When a claimant, without good cause, fails to appear at a scheduled hearing, the time and effort of the ALJ and hearing office support staff in preparing for the hearing have essentially been wasted.

Meanwhile, in almost any ALJ hearing office, a large number of hearing requests are pending and could have been given some attention in the time needlessly used to prepare for the "no-show" case. We are concerned, therefore, that the failure of some claimants, without good cause, to attend their scheduled hearings adversely affects the overall timeliness of our service to the public.

Our existing regulations governing dismissal of hearing requests authorize the ALJ to send a separate notice to the claimant when he or she fails to appear at the hearing, asking the claimant to provide a good reason for his or her failure to appear. Alternatively, we believe that the existing regulations also permit the ALJ to notify the claimant before the hearing that failure to appear without good cause can result in an immediate dismissal, so that a separate notice need not be sent after the claimant does not appear. The latter procedure allows the ALJ to clear the case from his or her docket more readily and thus facilitates the processing of other pending hearing requests. For this reason, we believe it is in many instances the better procedure, assuming that the claimant has a fair opportunity to request that any dismissal be vacated upon a showing of good cause, which is assured in all dismissal cases by existing regulations at 20 CFR 404.960 and 416.1460. Vacating a dismissal of a hearing request.

Accordingly, we are proposing to clarify paragraph (b) of §§ 404.957 and 416.1457 so that the two alternative procedures permitted by existing regulations are more explicitly set out in the regulations. We do not believe that the proposed clarification represents a substantive departure from the existing regulations governing dismissals of hearing requests, and emphasize that the ALJs will continue to have the discretion to use either of the alternative procedures to assure that the claimant is clearly notified about the possible consequences of failure to appear at his or her scheduled hearing. Our dismissal notices will also continue to advise the claimant, as they currently do, that he or she may, within 60 days after the date the dismissal notice is received, request that the dismissal be vacated for good cause.

Regulatory Procedures

Executive Order 12291

The proposed regulations have been reviewed under E.O. 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

The proposed regulations impose no new reporting/recordkeeping requirements. Paragraph (b) of §§ 404.936 and 416.1436 contains existing requirements which have been approved by OMB. The optional form which can be used for this information collection requirement is the "Appearance at Hearing" form (OMB No. 0960-0280).

Regulatory Flexibility Act

We certify in accordance with the Regulatory Flexibility Act that the proposed regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

Authority

The proposed regulations are issued under the authority contained in Sections 205, 1102, and 1631 of the Social Security Act, as amended; 49 Stat. 647, 86 Stat. 1475 as amended; 42 U.S.C. 405, 1302, and 1383.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, Social Security Disability Insurance; 13.803, Social Security Retirement Insurance; 13.805, Social Security Survivors' Insurance, and 13.807, Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, death benefits, Disability benefits, Old-Age Survivors and Disability Insurance.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental security income (SSI).

Dated: January 26, 1984.

Martha A. McSteen

Acting Commissioner of Social Security.

Approved: February 25, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

For the reasons set forth above, Part 404 and Part 416 of Chapter 3 of Title 20 of the Code of Federal Regulations are amended as follows:

PART 404—[AMENDED]

1. The authority citation for Part 404, Subpart J is revised to read as follows:

Authority: Sec. 205, and 1102 of the Social Security Act, sec. 5 of Reorganization Plan No. 1 of 1953, 53 Stat. 1368, 49 Stat. 647 (42 U.S.C. 405 and 1302, unless otherwise noted).

2. In § 404.936, paragraph (b) is revised, and new paragraphs (c) and (d) are added, to read as follows:

§ 404.936 Time and place for a hearing before an administrative law judge.

(b) If you object to the time or place of the hearing, you must notify the administrative law judge in writing at the earliest possible opportunity before the time set for the hearing. You must state the reason for your objection and state the time and place you want the hearing to be held (OMB approval No. 0960-0280). The administrative law judge will change the time or place of the hearing if you have good cause, as determined under paragraphs (c) and (d) of this section.

(c) The administrative law judge will find good cause for changing the time or place of your scheduled hearing if your reason is one of the following circumstances which is supported by the facts:

(1) You or your representative are unable to attend or to travel to the scheduled hearing because of a serious medical condition, incapacitating injury, or death in the family; or

(2) Severe weather conditions make it impossible to travel to the hearing.

(d) In determining whether good cause exists in circumstances other than those set out in paragraph (c) of this section, the administrative law judge will consider your reason for requesting the change, the facts supporting it, and the impact of the proposed change on the efficient administration of the hearing process. Factors affecting the impact of the change include, but are not limited to, the effect on the processing of other scheduled hearings, delays which might occur in rescheduling your hearing, and whether any prior changes were granted to you. Examples of such other circumstances, which you might give for requesting a change in the time or place of the hearing, include, but are not limited to, the following:

(1) You have attempted to obtain a representative but need additional time;

(2) Your recently appointed representative needs additional time to prepare for the hearing;

(3) Your representative has a prior commitment to be in court or at another administrative hearing on the date scheduled for the hearing;

(4) A witness would be unavailable to attend the scheduled hearing;

(5) The unavailability of transportation prevents you from travelling to the scheduled hearing; or

(6) You live closer to another hearing site.

3. Section 404.938 is revised to read as follows:

§ 404.938 Notice of a hearing before an administrative law judge.

After the administrative law judge sets the time and place of the hearing, notice of the hearing will be mailed to the parties at their last known address, or given by personal service, unless you have indicated in writing that you do not wish to receive this notice. The notice will be mailed or served at least 20 days before the hearing. The notice of hearing will contain a statement of the specific issues to be decided and tell you that you may designate a person to represent you during the proceedings. The notice will also contain an explanation of the procedures for requesting a change in the time or place of your hearing, a reminder that if you fail to appear at your scheduled hearing without good cause the ALJ may dismiss your hearing request, and other information about the scheduling and conduct of your hearing.

4. In § 404.957, the introductory text of the section is set out for the convenience of the reader and paragraph (b) is revised to read as follows:

§ 404.957 Dismissal of a request for a hearing before an administrative law judge.

An administrative law judge may dismiss a request for hearing under any of the following conditions:

(b) Neither you nor the person you designate to act as your representative appears at the time and place set for the hearing and—

(1) Before the time set for the hearing you did not give the administrative law judge a good reason why you or your representative could not appear;

(2) You have been notified before the time set for the hearing that if you fail to appear and good cause has not been found by the administrative law judge for a change in the time or place of the hearing, your hearing request may be dismissed without further contact with you; or

(3) Within 10 days after the administrative law judge mails you a notice asking why you did not appear, you do not give a good reason for the failure to appear.

PART 416—[AMENDED]

5. The authority citation for Part 416, Subpart N is revised to read as follows:

Authority: Sec 1102, 1631, and 1633 of the Social Security Act, 49 Stat. 647, 86 Stat. 1475 and 1478, (42 U.S.C. 1302, 1383, and 1383b).

6. In § 416.1436, paragraph (b) is revised, and new paragraphs (c) and (d) are added, to read as follows:

§ 416.1436 Time and place for a hearing before an administrative law judge.

(b) If you object to the time or place of the hearing, you must notify the administrative law judge in writing at the earliest possible opportunity before the time set for the hearing. You must state the reason for your objection and state the time and place you want the hearing to be held (OMB approval No. 0960-0280). The administrative law judge will change the time or place of the hearing if you have good cause, as determined under paragraphs (c) and (d) of this section.

(c) The administrative law judge will find good cause for changing the time or place of your scheduled hearing if your reason is one of the following circumstances which is supported by the facts:

(1) You or your representative are unable to attend or to travel to the scheduled hearing because of a serious medical condition, incapacitating injury, or death in the family; or

(2) Severe weather conditions make it impossible to travel to the hearing.

(d) In determining whether good cause exists in circumstances other than those set out in paragraph (c) of this section, the administrative law judge will consider your reason for requesting the change, the facts supporting it, and the impact of the proposed change on the efficient administration of the hearing process. Factors affecting the impact of the change include, but are not limited to, the effect on the processing of other scheduled hearings, delays which might occur in rescheduling your hearing, and whether any prior changes were granted to you. Examples of such other circumstances, which you might give for requesting a change in the time or place of the hearing, include, but are not limited to, the following:

(1) You have attempted to obtain a representative but need additional time;

(2) Your recently appointed representative needs additional time to prepare for the hearing;

(3) Your representative has a prior commitment to be in court or at another administrative hearing on the date scheduled for the hearing;

(4) A witness would be unavailable to attend the scheduled hearing;

(5) The unavailability of transportation prevents you from travelling to the scheduled hearing; or

(6) You live closer to another hearing site.

7. Section 416.1438 is revised to read as follows:

§ 416.1438 Notice of a hearing before an administrative law judge.

After the administrative law judge sets the time and place of the hearing, notice of the hearing will be mailed to the parties at their last known address, or given by personal service, unless you have indicated in writing that you do not wish to receive this notice. The notice will be mailed or served at least 20 days before the hearing. The notice of hearing will contain a statement of the specific issues to be decided and tell you that you may designate a person to represent you during the proceedings. The notice will also contain an explanation of the procedures for requesting a change in the time or place of your hearing, a reminder that if you fail to appear at your scheduled hearing without good cause the ALJ may dismiss your hearing request, and other information about the scheduling and conduct of your hearing.

8. In § 416.1457, the introductory text of the section is set out for the convenience of the reader and paragraph (b) is revised to read as follows:

§ 416.1457 Dismissal of a request for a hearing before an administrative law judge.

An administrative law judge may dismiss a request for hearing under any of the following conditions:

(b) Neither you nor the person you designate to act as your representative appears at the time and place set for the hearing and—

(1) Before the time set for the hearing you did not give the administrative law judge a good reason why you or your representative could not appear;

(2) You have been notified before the time set for the hearing that if you fail to appear and good cause has not been found by the administrative law judge for a change in the time or place of the hearing, your hearing request may be dismissed without further contact with you; or

(3) Within 10 days after the administrative law judge mails you a notice asking why you did not appear, you do not give a good reason for the failure to appear.

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Part 943****Public Comment Period and Opportunity for Public Hearing on an Amendment to the Texas Permanent Regulatory Program**

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for a public hearing on an amendment submitted by the State of Texas to amend its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed program amendment consists of proposed provisions to implement a blaster training, examination and certification program as required by the Federal regulations at 30 CFR Part 850.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment and information pertinent to the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. April 23, 1984, to be considered.

If requested, a public hearing on the proposed modifications will be held on April 16, 1984, beginning at 10:00 a.m. at the location shown below under "ADDRESSES."

ADDRESSES: Written comments should be mailed or hand delivered to Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, Room 3432, 333 West 4th Street, Tulsa, Oklahoma 74103.

If a public hearing is held its location will be at: The Austin Marriott Hotel, 6121 I-35 North at U.S. 290, Austin, Texas 78752.

See "SUPPLEMENTARY INFORMATION" for addresses where copies of the Texas program amendment and administrative record on the Texas program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Tulsa Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Markey, Director, Tulsa

Field Office, Office of Surface Mining, Room 3432, 333 West 4th Street, Tulsa, Oklahoma 74103, Telephone: (918) 581-7927.

SUPPLEMENTARY INFORMATION:**Availability of Copies**

Copies of the Texas program amendment, the Texas program and the administrative record on the Texas program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining, Tulsa Field Office, Office of Surface Mining, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103, Telephone (918) 581-7927

Office of Surface Mining, 1100 "L" Street, N.W., Room 5315, Washington, D.C. 20240, Telephone: (202) 343-7896
Surface Mining Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Texas 78711, Telephone: (512) 475-8715

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in the support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than Tulsa, Oklahoma, will not necessarily be considered and included in the Administrative Record for this final rulemaking.

Public Hearing

Persons wishing to comment at a public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by the close of business April 5, 1984. If no one requests to comment at a public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those

scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the OSM office listed in "ADDRESSES" by contacting the person listed under "FOR FURTHER INFORMATION CONTACT."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

Background

On July 20, 1979, the Secretary of the Interior received a proposed regulatory program from the State of Texas. On February 16, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary conditionally approved the Texas program (45 FR 12998, February 27, 1980).

Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the condition of approval of the Texas program, can be found in the February 27, 1980 Federal Register.

Proposed Amendment

On March 1, 1984, the State of Texas submitted to OSM an amendment to its approved permanent regulatory program. The proposed amendment is intended to implement the provisions of 30 CFR Part 850 relating to blaster training, examination and certification. The proposed amendment consists of proposed regulations: providing general requirements for use of explosives; providing authority for a blaster certification and training program; governing the standards for certification of blasters; providing authority and procedures for suspension and revocation of certification; providing administrative procedures relating to appeals; defining certain terms used throughout the proposed blaster program; specifying training requirements for blasters; and training outline for blaster certification. The Texas regulation cites are Sections 051.07.04.357 and 051.07.04.526 (use of explosives: general requirements) and Subchapter M, Part 850 (training, examination, and certification of blasters).

At the time of the Secretary's approval of the Texas program, OSM had not yet promulgated Federal rules governing the training and certification of blasters. Therefore, the State was not required to include such requirements in its program. However, in the February 27, 1980 Federal Register notice announcing conditional approval of the Texas program, the Secretary specified that Texas would be required to adopt such provisions following promulgation of the Federal standards.

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). OSM is seeking comment on whether the Texas proposed modifications are no less effective than the requirements of the revised Federal standards and satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

The full text of the program modification submitted by Texas for OSM's consideration is available for public review at the addresses listed under "ADDRESSES."

Additional Determinations

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

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

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

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

List of Subjects in 30 CFR Part 943

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

Authority: 30 U.S.C. 1253.

Dated: March 13, 1984.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 84-7776 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-05-M

National Park Service

36 CFR Part 78

Waiver of Federal Agency Responsibilities Under the National Historic Preservation Act

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: These proposed rules establish procedures under which the requirements of Section 110 of the National Historic Preservation Act of 1966, as amended ("Act"), concerning Federal agency historic preservation responsibilities may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the National security. Subsection 110(j) of the Act authorizes the Secretary of the Interior to promulgate regulations implementing waiver procedures. The intended effect of this action is to provide for a process whereby the historic preservation responsibilities of Federal agencies can be modified during an emergency.

DATES: Comments must be received on or before May 22, 1984.

ADDRESS: Send comments to: Associate Director, Cultural Resources, National Park Service, United States Department of the Interior, Washington, D.C. 20240, (202-343-7625).

FOR FURTHER INFORMATION CONTACT: Lawrence E. Aten, Chief, Interagency Resources Division, National Park Service, United States Department of the Interior, Washington, D.C. 20240, (202-343-9500).

SUPPLEMENTARY INFORMATION: Section 110 of the Act codifies the responsibilities of Federal agencies in carrying out the purposes of the National Historic Preservation Act of 1966 in accordance with the guidelines to be established by the Secretary of the Interior in consultation with the Advisory Council on Historic Preservation.

Section 110(j) requires the Secretary to promulgate regulations under which the requirements of Section 110 may be waived, either in whole or in part, in the

event of a major natural disaster or imminent threat to national security.

Federal agency responsibilities covered by the waiver include:

Preserving and using properties owned or controlled by the Federal agency;

Locating, inventorying, and nominating for inclusion on the National Register of Historic Places properties under agency ownership or control, and ensuring that such properties are not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly;

Recording properties to be altered or demolished;

Consideration of National Historic Landmarks.

Classification: In accordance with Executive Order 12291 we have determined that this rule is not "major". In accordance with the Regulatory Flexibility Act, we have determined that this rule will not have a significant economic effect on a substantial number of small entities. These rules do not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Regulatory Analysis: Not required for this rulemaking.

Environmental Impact Statement: This regulation does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

List of Subjects in 36 CFR Part 78

Historic preservation.

The originator of these procedures is Steve Sheffield, Interagency Resources Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, (202-343-9500).

Dated: December 22, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Part 78 is added to 36 CFR to read as follows:

PART 78—WAIVER OF FEDERAL AGENCY RESPONSIBILITIES UNDER THE NATIONAL HISTORIC PRESERVATION ACT

Sec.

78.1 Authorization.

78.2 Federal agency decision to waive responsibilities.

78.3 Notice of the Secretary of the Interior.

78.4 Secretary of the Interior responsibility.

Authority: National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.*

§ 78.1 Authorization.

Section 110 of the National Historic Preservation Act of 1966, as amended ("Act"), sets forth certain responsibilities of Federal agencies in carrying out the purposes of the National Historic Preservation Act of 1966. Subsection 110(j) authorizes the Secretary of the Interior to promulgate regulations under which these requirements may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security.

§ 78.2 Federal agency decision to waive responsibilities.

When a Federal agency head determines that a major natural disaster or imminent threat to national security exists that prevents the agency from carrying out all or part of its responsibilities under Section 110 of the Act, that agency head may waive those responsibilities, subject to the procedures set forth herein and provided that the agency head implements such mitigation measures or procedures as are possible in the circumstances to avoid or ameliorate harm to historic properties.

§ 78.3 Notice of the Secretary of the Interior.

(a) Federal agency heads making use of the waiver authority shall immediately notify the Secretary of the Interior, in writing identifying:

- (1) The disaster or national security threat necessitating the waiver;
- (2) The period during which the waiver is to be in effect;
- (3) Which provisions of Section 110 are being waived;
- (4) The geographic area to which the waiver applies; and
- (5) The mitigation measures and procedures to be utilized to avoid or ameliorate harm to historic properties.

(b) Federal agency heads may begin to exercise the waiver immediately from the time the Secretary of the Interior has been notified, subject to other applicable legal requirements.

(c) Federal agency heads shall consider the recommendations of the Secretary of the Interior pursuant to § 78.4.

§ 78.4 Secretary of the Interior responsibility.

If, after consultation with appropriate agency officials, the Secretary considers that all or part of the agency's decision as outlined § 78.3(a) is inconsistent with the intent of the Act or these regulations, the Secretary shall notify the agency head and recommend such

modifications to the waiver as the Secretary considers appropriate.

[FR Doc. 84-7851 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-70-M

VETERANS ADMINISTRATION**38 CFR Part 3****Eligibility for Annual Clothing Allowance**

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendment.

SUMMARY: The Veterans Administration (VA) is proposing to amend its adjudication regulations concerning basic eligibility for the annual clothing allowance available to certain disabled veterans. This action is required because the VA General Counsel has determined that certain disabilities which are not related to military service may also establish eligibility for this benefit. The intended effect of this regulatory amendment is to expand the class of veterans eligible for the annual clothing allowance in accordance with that determination.

DATES: Comments must be received on or before April 23, 1984. These changes are proposed to be effective May 12, 1983, the date of the General Counsel's determination.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these changes to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 7, 1984.

Any person visiting Central Office for the purpose of inspecting comments will be received by the Central Office Veterans Assistance Unit in Room 132. Visitors to a VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: Robert M. White 202-389-3005.

SUPPLEMENTARY INFORMATION: The current language of 38 CFR 3.810 authorizes payment of the clothing allowance under specified conditions if the qualifying disability is service-connected. However, 38 U.S.C. 362 authorizes payment of the clothing

allowance where the qualifying disability "is compensable under the provisions of this chapter" (11).

Chapter 11 of title 38, United States Code, provides compensation for service-connected disabilities, but it also provides compensation, under section 351 of that chapter, for additional disabilities incurred or aggravated during VA hospitalization, medical or surgical treatment, examination or in pursuit of a course of vocational rehabilitation through the VA, as long as the additional disability was not the result of the veteran's own willful misconduct. These additional disabilities, while not service-connected, are compensable in the same manner as if they were service-connected.

Because the VA General Counsel has determined that disabilities compensable under 38 U.S.C. 351 may be the basis of eligibility for the annual clothing allowance, we propose to amend 38 CFR 3.810 to incorporate that decision. The effective date of the amendment will be May 12, 1983, the date of the decision, so that veterans who are in the class affected by the decision and who became entitled on or after that date, but prior to August 1, 1983, may apply for the August 1, 1983, clothing allowance.

The Administrator hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Exec. Order 12291, Federal Regulation, we have determined that this regulatory amendment is non-major for the following reasons:

- (1) It will not have an effect on the economy of \$100 million or more.
- (2) It will not cause a major increase in costs or prices.
- (3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance program number is 64.109)

Approved: March 5, 1984

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—[AMENDED]

38 CFR Part 3, ADJUDICATION, is amended by revising § 3.810(a) to read as follows:

§ 3.810 Clothing allowance.

(a) A veteran whose disability is compensable under chapter 11 of title 38, United States Code is entitled, upon application therefor, to an annual clothing allowance as specified in 38 U.S.C. 362. The annual clothing allowance is payable in a lump sum, and the compensable disability must be either service-connected or compensable under 38 U.S.C. 351 as if it were service-connected. The following eligibility criteria must also be satisfied:

(1) A VA examination or hospital or examination report from a facility specified in § 3.326(c) discloses that the veteran wears or uses certain prosthetic or orthopedic appliances which tend to wear or tear clothing (including a wheelchair) because of such disability and such disability is the loss or loss of use of a hand or foot compensable at a rate specified in § 3.350 (a), (b), (c), (d), or (f); or

(2) The Chief Medical Director or designee certifies that because of such disability a prosthetic or orthopedic appliance is worn or used which tends to wear or tear the veteran's clothing. For the purposes of this paragraph "appliance" includes a wheelchair.

(38 U.S.C. 210(c))

[FR Doc. 84-7866 Filed 3-22-84; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. 1

[SWH-FRL 2484-1]

Hazardous Waste Management System

Correction

In FR Doc. 84-4034 beginning on page 5854 in the issue of Wednesday, February 15, 1984, make the following corrections:

1. On page 5854, column two, line six, "Regualtions" should read "Regulations".

2. On page 5855, column two, line twenty-three, "no" should appear between "be" and "migration".

3. On the same page, column three, first complete paragraph, line six, "areas" should read "area".

4. On page 5856, column two, "a. Physical measurements", line ten "($<$ cps.)" should read "($<$ 100 cps)".

5. On page 5857, column two, first complete paragraph, line twelve, "date" should read "data".

6. On the same page, column two, line eleven from the bottom, "presents" should read "present".

7. On the same page, column two, line six from the bottom, "wasts" should read "wastes".

8. On the same page, column three, first complete paragraph, line four, "not" should read "no", and in line eight "disopsal" should read "disposal".

9. On the same page, column three, paragraph two, line two, "or" should appear between "one" and "more", and in line twenty-one "alternatives" should read "alternative".

10. On page 5858, column one, line fourteen, "must" should read "may".

11. On page 5859, column one, paragraph five, line seven, "stong" should read "strong".

BILLING CODE 1505-01-M

40 CFR Parts 52 and 81

[A-10-FRL 2551-6]

Approval and Promulgation of State Implementation Plans Designation of Areas for Air Quality Planning Purposes; Utah Sulfur Dioxide Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This action proposes to approve a revision to the State Implementation Plan (SIP) for attainment of the national standards for sulfur dioxide (SO₂) in the Salt Lake County and Tooele County nonattainment area conditioned upon the satisfactory resolution of issues discussed in this proposal. The revision contains emission limitations for several sources at the Kennecott Minerals Company smelter in Magna, Utah, including a new multipoint roll back (MPR) limit for the main stack. In approving this revision, EPA also proposes to remove federally promulgated limits contained in 40 CFR 52.2325 applicable to that facility. This action also proposes not to redesignate portions of Salt Lake and Tooele Counties as requested by the State. The effect of this approval would be to remove the Section 110(a)(2)(i) construction ban in effect near the Kennecott smelter.

DATES: Comments due May 22, 1984.

ADDRESSES: Written comments should

be addressed to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following office: Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3471.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8964), September 11, 1978 (43 FR 40434), and March 12, 1981 (46 FR 16258) EPA established Salt Lake County and portions of Tooele County above 5600 feet as nonattainment under Section 107 of the Clean Air Act. This designation was based upon measured and predicted violations of the national ambient air quality standards in the vicinity of the Kennecott Minerals Company copper smelter near Magna, Utah.

On August 18, 1981, following proper notice and public hearing, the Governor of Utah submitted a revision to the Utah State Implementation Plan (SIP) which addressed attainment of the national standards for sulfur dioxide in portions of the nonattainment area. The submittal included a map redefining the boundaries of the nonattainment area. On December 1, 1981 and January 25, 1983, the State submitted additional material intended to demonstrate that the plan meets the requirements of Section 110 and Part D of the Clean Air Act. On February 28, 1983, the Governor of Utah submitted a request to redesignate all of Salt Lake and Tooele Counties as attainment. The basis for this recommendation is the fact that no violations of the national standards have been recorded at the monitors in the lower elevations in the vicinity of the smelter since 1981.

State Control Strategy

The plan includes control requirements for the low level sources as well as a multipoint limit for the main stack. The emission points controlled by the plan are: power plant boilers, molybdenite heat treaters, refinery, fugitive emissions, and the main stack.

The power plant boilers, heat treaters and refinery are required to meet constant emission limitations. The fugitive emissions are controlled by application of "best engineering techniques". The main stack, which accounts for 88 per cent of the total emissions, is controlled by a variable emission limitation. The main stack limits contain the following key

elements: (1) annual average emission limit of 18,200 pounds per hour; (2) cumulative occurrence limits at specified frequencies and 3-hour running average emission rates; and (3) maximum 3-hour emission limit of 98,400 pounds per hour, never to be exceeded. These limitations were developed using the multipoint rollback (MPR) approach and represents a 10 percent decrease in allowable emissions from the previous State regulation.¹

State Attainment Demonstration

The Clean Air Act requires that any SIP control strategy provide for attainment of the national ambient air quality standards. Title 40 CFR Part 50 requires that the NAAQS apply in all areas to which the public has access [i.e. ambient air as defined in 40 CFR 50.1(e)]. The State of Utah's plan included demonstrations that the limitations in the plan will provide for attainment of the standards in the lower elevations. The plan does not address attainment of the national standards in the elevated terrain. Instead, the state has taken the position that the public does not have access to the elevated terrain, and therefore, it is not "ambient air."

The State employed several methods in developing the emission limitations and demonstrating that the SIP would provide a reasonable probability of attaining the national standards in the lower elevations. They included:

(1) Analysis of measured violations in Magna, Utah and at the Great Salt Lake Beach and the cause of those violations.

(2) Calibrated dispersion modeling estimates to predict sulfur dioxide concentrations in the lower elevations before and after implementation of the SIP. This modeling was also used by the State to revise the nonattainment area boundaries.

(3) Qualitative analysis of the impacts of fugitive emissions at the Great Salt Lake Beach and the improvements expected as a result of the SIP.

(4) Multipoint Rollback (MPR) for the development of the variable emission limitations at the main stack.

In its review of the Utah SIP, EPA found several issues which merit additional discussion here. These are:

(1) The State did not address that portion of the nonattainment area in the elevated terrain. Instead the State proposed to remove that area from the designated nonattainment area. If

company-owned property in the elevated terrain had been used as the basis for the control strategy, more restrictive emission limits might have been necessary.

(2) Additional modeling results for the lower elevations by EPA indicated that there is some potential for violations caused by fugitive emissions which needed additional analysis.

(3) The multipoint rollback performed by the State does not completely conform to the recommended technical criteria developed by EPA for that procedure.

(4) The "GEP" stack height demonstration performed by Kennecott does not fully comply with EPA's 1982 "stack height" regulations. In addition, the United States Court of Appeals for the D.C. Circuit recently reversed in part and remanded in part these 1982 regulations, leaving EPA without firm standards by which to evaluate Kennecott's stack height demonstration.

These issues are discussed below.

Elevated Terrain

As mentioned above, the State of Utah designed its control strategy to attain the national standards at the lower elevations around the facility. No mention was made of the elevated terrain south and east of the smelter. The elevated terrain consists of the Oquirrh Mountain Range and is a combination of public land, Kennecott property and other private land. Past EPA promulgations have all been based upon measured and predicted concentrations at Lake Point which was considered to be representative of the elevated terrain near the smelter and where severe violations of the national standards have occurred. The question of whether the main stack emission limits should be set at a level needed to protect air quality in the elevated terrain near the smelter has been a subject of much discussion and debate between EPA, the State, and the Kennecott Minerals Company in recent years. In those discussions, the State and Company have contended that, since the properties in question were either on Company property or surrounded by Company property thereby precluding legal access by the public, the national standards need not be attained on such properties. On November 8, 1982, and January 25, 1983, Kennecott and the State submitted materials documenting that the company owns or controls a substantial amount of the area.

In the August 1981 submittal, the State included a map redefining the SO₂ nonattainment area boundaries based upon monitoring and modeling performed for the SIP revision. The only area identified as nonattainment are in lower elevations, thereby reaffirming the

State's position that the elevated terrain in Tooele and Salt Lake Counties is not "ambient air" and is not subject to the national ambient air quality standards.

In view of the position taken by the State, EPA must determine where the ambient standards apply in the elevated terrain and whether the SIP provides for attainment of the ambient standards in the portions of the elevated terrain where the ambient standards apply.

Central to these questions is the definition of "ambient air." EPA regulations define "ambient air" as "that portion of the atmosphere external to buildings to which the general public has access" 40 CFR 50.1(e). EPA has applied this regulatory definition in such a way that if public access were precluded such as by a fence or other physical barrier, then air over property owned or controlled by a source would not be considered "ambient air" and therefore not subject to the ambient standards. This policy is reflected in past EPA rulemaking actions affecting the Kennecott stack SO₂ emission limitation. In a November 26, 1975 final rule, EPA promulgated a stack emission limitation based on the level of control needed to "achieve the national standards for SO₂ off Company property" 40 FR 54788. The reason for excluding a source's property from application of the ambient standards when public access is precluded is that the goal of the Clean Air Act is to protect public health and welfare.

The issue then is whether the general public has access to Company property. First, it must be recognized that the elevated terrain in question can best be characterized as somewhat rugged mountainous land having all the inherent physical barriers associated with mountain terrain. Second, and most significant, in response to prior EPA rulemaking actions related to the smelter, Kennecott has also emphatically maintained that general public access to Company property is precluded by fences and that "No Trespassing" signs are clearly posted along the perimeter. A November 8, 1982, document received from Kennecott reaffirmed the Company's position on this matter. The submission states; "Access to Kennecott's lands is controlled by locked gates and fences placed across roads and trails leading on to Company property and by the posting of "no trespassing" signs along the property lines. Routine patrols are made by Company security forces with diligent efforts to evict any trespassers found on Kennecott property. There is no legal or inadvertent access to these lands." Further, recent measures taken by the Company with respect to precluding even limited elk hunting on its lands attest to the Company's

¹ There is also a federally-promulgated regulation for Kennecott which establishes a 6030 lbs/hr emission limit for the main stack and requires RACT for fugitive emissions. See 40 CFR 2325. However, in response to petitions for reconsideration and litigation filed challenging that regulation, EPA stipulated not to enforce these limits in 1977.

continuing intention to deny even potential access by easement.

EPA's proposed action on the State SO₂ regulation is based on the Agency's preliminary finding that documentation and representations made by Kennecott adequately demonstrate that the Company has taken reasonable and effective precautions to preclude general public access to Company property, and that Company property in the elevated terrain is not "ambient air". However, EPA specifically solicits public comment on this determination.

Having preliminarily determined that company property in the elevated terrain is not subject to the national standards, it must be determined whether the SIP provides for attainment of the ambient standards in those portions of the elevated terrain off-company property. Since the Company has recently acquired the Lake Point property, and that property is not representative of any non-Company property in the elevated terrain, an independent analysis of the impact of the smelter in the elevated terrain is necessary. The November 8, 1982 information from Kennecott and the January 25, 1983, submission from the State contained documentation regarding the boundaries of Kennecott's property in the elevated terrain. Dispersion modeling estimates made by EPA and described in the technical support document reveal that violations of the ambient standards are expected to occur over company property, but not to occur off company property. As noted in that document, there is much uncertainty in modeling predictions for this particular application. It is EPA's judgment that this uncertainty is not grounds for finding the SIP to be inadequate for attainment of the standards in the areas in question.

SO₂ Control Strategy for Main Stack

The strategy developed by the State of Utah for the main stack was derived from a general approach known as multipoint rollback (MPR). The MPR approach is designed to accommodate the highly variable sulfur dioxide emissions produced by smelters and produces a cumulative frequency distribution of allowed emission rates. Under MPR, cumulative distributions of observed emission rates and air quality measurements over an extended period of time (usually a year or more) are used to develop emission limits adequate for attainment and maintenance of the national standards. The principle behind MPR is that a reduction factor is calculated based upon the ratio of observed air quality and the national standard for sulfur dioxide, and the distribution curve for emissions is changed proportionally by the reduction factor to produce an allowable

distribution of emission rates.

In the Utah application, the design value for the MPR was a predicted 3-hour concentration of 0.46 ppm in lower elevations as compared to the national standard of 0.50 ppm. Because the design value is less than the standards, this would allow an 8.7 percent increase in allowable emissions from the base period. The result is an allowable annual average stack emission rate of 18,200 pounds per hour.

In order to review and evaluate the MPR control strategy technique, EPA has developed eight general technical review criteria. These criteria are:

1. Ambient air quality monitoring data and emission data must meet acceptable quality assurance criteria. Data records must be of sufficient length to reasonably describe atmospheric dispersion conditions and their frequencies. To the extent possible, ambient data must also reflect locations of maximum expected air quality impact.

2. Neither ambient data nor emission data can be influenced by dispersion techniques, i.e., supplemental control systems or stack heights greater than good engineering practice (GEP).

3. Ambient data concentration distributions shall be developed for all possible discrete averaging periods (e.g., for 3-hour at 12 a.m., 3 a.m., 6 a.m.; 1 a.m., 4 a.m., 7 a.m.; 2 a.m., 5 a.m., 8 a.m.). The rollback shall be based upon the highest once-per-year maximum concentration provided by these distributions.

4. Baseline emission profiles should be based upon continuous emission measurement (CEM) data. Where it is not initially possible to do so, then profiles must be based upon conservative assumptions. Allowable emission profiles must ultimately be verified by CEM data.

5. To represent a fully acceptable demonstration of attainment, measures adequate to ensure that fugitive emissions will not violate the national standards must be incorporated directly into the control strategy.

6. Regulations should require that continuous emission monitors (CEM) measure at least 95% of the hours in which emissions occur. CEM downtime should be minimized by providing an incentive to sources to strive for 100 percent data capture. This may be accomplished by reducing the cumulative occurrence limits by the percent missing data or other comparable approaches.

7. Regulations shall not exempt malfunctions from either the emission profile determination or the ultimate emission limitations.

8. If the data base permits that the control strategy be developed in a probabilistic manner, then the control

strategy must consider the probability that the source causes a violation anywhere rather than simply at the worst site. Concurrently, the probability for a violation of the NAAQS must be shown to be consistent with Agency policy in effect at that time.

A discussion of how the plan adheres to each of the recommended criteria is contained in the EPA evaluation report. Two major technical concerns were identified. The first involves the use of production curtailments (supplemental control systems or SCS) during the period of record. The second pertains to the selection of the design value and site used in the attainment demonstration. In addition, two enforcement issues dealing with continuous emission monitoring and quality assurance (QA) are noted below.

With regard to the first point, the use of SCS during the period of record violates a basic principle inherent in the derivation of the MPR equation, i.e., that emissions and dispersion are independent. However, no acceptable alternate data are available for development of emission limits for the Kennecott smelter. Accordingly, the State of Utah analyzed the data base and the Company's record of curtailments to evaluate the effects of SCS. They concluded that the use of SCS did not influence the design value.

The second technical concern involves the selection of the design value. The State of Utah used the second highest of the discrete 3-hour averages instead of the highest once-per-year maximum concentration.

In light of these deviations from EPA's recommended criteria and other concerns with the attainment demonstration EPA and its consultants analyzed the data base and performed independent diffusion modeling and data analysis to determine whether these deviations from the recommended criteria would invalidate the attainment demonstration. The results of these analyses (included in the record) lead EPA to conclude that the State strategy for the Kennecott main stack should not jeopardize attainment and maintenance of the national standards in the lower elevations. EPA solicits comments on this finding.

The first enforcement issue concerns the reliability of continuous emission monitors (CEM). In order to avoid enforcement problems and smelter operations in excess of the allowed emissions profile, the regulations must require a high degree of monitor up-time. Although complete data recovery would be desirable, EPA recognizes that this may not be possible. The proposed regulation requires monitors to operate at least 95% of the time in each one month period. However, it does not limit

the duration of a single breakdown. EPA believes the regulations should contain provisions both limiting individual monitor downtime periods and providing incentives to strive for 100% continuous emissions monitoring data recovery. EPA proposes to approve the SIP provided that this concern is addressed prior to final rulemaking.

The second enforcement issue concerns the QA procedures used in collecting CEM data. The proposed regulations do not state the procedure to be followed when determining which CEM data is 20% or more in error. They also give the smelter the option of deleting or retaining such data. These provisions not only inadequately define a QA standard but allow the smelter excessive latitude in choosing the emissions it can delete or retain. EPA believes that the QA requirements found in 40 CFR Part 60, Appendix B-2 or the equivalent should be made a part of this proposed regulation in order to define acceptable CEM data. EPA proposes to approve the SIP provided that this concern is addressed to final rulemaking.

Low Level Source Issues

During the winter of 1979-80, there were five measured violations of the 24-hour national standard of 0.14 ppm in Magna. In addition, during the winter of 1981 there were two measured violations of the same standard at the Beach monitor located very close to the smelter. The highest concentration at that site was 0.19 ppm. As a result of these observed violations, the State focused its control strategy on attaining the standards at those receptors.

Since 1980, several site studies have been performed to determine the cause of the Magna and Beach violations. These studies have concluded that the main cause of all of the violations is the low-level fixed stack sources and the fugitive emissions.

Consistent with that conclusion, the SIP contained a strategy which would reduce emissions from the smelter's low level sources up to 70% and would require improved fugitive emission capture practices at the smelter.

The SIP included State modeling estimates predicting violations of the national standards at the Beach and at Magna in 1979 and attainment of the national standards by December 1982. While the model used by the State can provide a good indication of where high concentrations could be expected to occur, it is not considered to be the appropriate model for predicting the effects of a single source strategy on attainment of the 24-hour and 3-hour concentrations. Therefore, EPA attempted to model the effectiveness of the strategy using more acceptable models. The results agreed with the

State's result at Magna, but showed that the predicted concentration at the Beach receptor is extremely sensitive to the estimated fugitive emission rate and that if reductions in fugitive emissions are not realized from the 1981 levels, violations could occur. Since the fugitive emissions cannot be reliably quantified and the reduction expected by December 1982 cannot be reliably quantified, the State submitted information on January 25, 1983, which describes the control practices on fugitive emissions implemented at the smelter since the 1981 violations and includes a qualitative analysis of the expected effects of those practices. The State's conclusions regarding attainment of the standards in the vicinity have been substantiated by measured data since 1981.

Based upon this information it is EPA's judgment that the State's strategy for the low-level sources should result in attainment of the standards in lower elevations.

Stack Height Credit

The emission limit contained in this SIP revision is dependent on the source's receiving full emissions credit for its existing stack. Such credit must be evaluated under section 123 of the Clean Air Act, which provides in part that:

The degree of emission limitation required for control of any air pollutant . . . shall not be affected in any manner by . . . so much of the stack height of any source as exceeds good engineering practice (as determined under regulations promulgated by the Administrator).

The Administrator promulgated such "stack height" regulations at 47 FR 5864 (February 8, 1982). Under these 1982 regulations, stack height credit for a source is to be calculated according to one of the following three methods: *de minimis* height (stack less than 65 meters), mathematical formulas, or physical demonstrations. 47 FR 5865. A physical demonstration consists of either a fluid modeling study or a field study. In either case, the source had to demonstrate that downwash caused at least a 40% increase in concentrations of air pollutants in the immediate vicinity of the source.

In October 1983, a panel of the United States Court of Appeals for the D.C. Circuit overturned significant portions of the regulations in *Sierra Club v. E.P.A.*, 719 F.2d 436. In *Sierra Club*, the Court reversed two provisions of the 1982 stack height regulations as being beyond the Agency's authority and remanded other provisions for reconsideration by the Agency. Among the remanded provisions were the definitions of two statutory terms—"nearby" and "excessive concentrations"—which form the core of the 1982 requirements

for fluid modeling demonstrations.

The *Sierra Club* decision has been appealed by a group of utilities to the U.S. Supreme Court. As a result, issuance of a mandate by the D.C. Circuit putting into effect the *Sierra Club* decision has been stayed. This stay will continue during the pendency of the appeal. Therefore, the 1982 stack height regulations remain on the books, although their continuing validity remains uncertain.

In the interest of avoiding further delay, EPA has evaluated the adequacy of the SIP under the 1982 stack height regulations and is proposing to take interim action on the basis of the substantive requirements of those regulations. In this SIP revision, the source calculated its GEP stack height according to a fluid modeling demonstration. The demonstration does not fully comply with EPA's 1982 regulations in that no specific percentage of increased concentrations was measured. However, based on the best engineering judgment of EPA technical staff, the source apparently could demonstrate at least a 40% increase in concentrations under the approach in 1982 regulations. Because of the uncertain status of the 1982 regulations, EPA is not presently able to give unqualified approval to any stack height credit based on a fluid model demonstration. Therefore, EPA concludes that it would be pointless at this time to require the source to perform an additional fluid modeling demonstration based on the 1982 regulations. Accordingly, EPA is proposing interim approval of this SIP on the condition that the State of Utah agree to satisfy all procedural and substantive requirements of the stack height regulations once any further regulations are promulgated, or the existing regulations are upheld on appeal.

EPA will not finally approve this SIP revision until the State promulgates an additional SIP provision whereby it commits to take the following action:

(1) In the event EPA promulgates new regulations with requirements different from those in the 1982 regulations, the State of Utah will, within nine months of such promulgation, submit a demonstration of the GEP stack height under the new regulations and, based on that demonstration, submit either (a) a demonstration that the SIP adequately assures attainment when that height is taken into account, or (b) a SIP revision demonstrating attainment:

(2) In the event the 1982 regulations are upheld on appeal, the State will submit a new fluid modeling study meeting the requirements of those regulations within nine months of the decision.

Under this proposal, EPA's approval of the control strategy in this SIP revision would terminate automatically if the State does not fulfill its commitment within the nine month period specified. In addition, if the State does submit the required demonstration or SIP revision on time, EPA's approval of the control strategy in the current SIP would terminate upon EPA's determination that the demonstration or SIP revision submitted does not satisfy the requirements of the Clean Air Act or EPA's regulations.

Proposed Action on Sulfur Dioxide Strategy

Based upon the information currently available to EPA discussed above, the control strategy and emission limitations for the Kennecott smelter appear reasonably likely to attain and maintain the national standards for SO₂ in the nonattainment area. Therefore, EPA proposes to approve the revised plan conditioned upon satisfaction of the additional requirements discussed above. In addition, EPA is proposing to remove federally promulgated limits, for the Kennecott facility contained in 40 CFR 52.2325.

The requirements of Part D of the Clean Air Act will be satisfied for the Salt Lake County and Tooele County nonattainment area once SO₂ emission limits for the Kennecott smelter are finally approved. Therefore, final approval of this SIP revision would result in satisfaction of the requirements of Part D and would remove the Section 110(a)(2)(I) construction ban from the Salt Lake County and Tooele County nonattainment area.

Proposed Redesignations

The following facts are relevant to the appropriate Section 107 status:

- (1) Measured data at the Magna and Beach monitoring sites in the lower elevation have not shown violations since 1981.
- (2) There has been no definitive showing that all the off-company property in the elevated terrain has in fact reached attainment.
- (3) It is EPA policy that nonattainment boundaries coincide with logical political boundaries whenever possible.
- (4) The plan relies upon the 1200 foot stack which cannot now be given unqualified approval by EPA because of the uncertain status of the stack height regulations.

Until the issues listed above are resolved, EPA proposes to retain the nonattainment designation as it exists.

Interested persons are invited to comment on the revisions to the Utah SIP and EPA's proposed actions.

Comments should be submitted to the address listed in the front of this notice.

Under Executive Order 12291, today's action is not "major". It has been submitted to the Office of Management and Budget for review.

Under 5 U.S.C. 605b, the Administrator has certified that SIP approvals/redesignations do not have a significant economic impact on a substantial number of small entities.

This notice of proposed rulemaking is issued under the authority of Sections 107 and 110 of the Clean Air Act (42 U.S.C. 7407 and 7410).

List of Subjects 40 CFR Part 52

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

Air pollution control, National Parks, Wilderness areas.

Dated: March 12, 1984.

John G. Welles,
Regional Administrator.

[FR Doc. 84-7875 Filed 3-22-84; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 60

[AH-FRL 2551-1]

Standards of Performance for New Stationary Sources; Fossil-Fuel-Fired Steam Generators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of Public Comment Period.

SUMMARY: On October 21, 1983, revisions to the existing new source performance standards for large fossil-fuel-fired steam generating units constructed after August 17, 1971, (40 CFR Part 60, Subpart D) were proposed (48 FR 48960). These revisions would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

In response to several requests, additional materials were added to the docket for the proposed revisions. As a result, on January 17, 1984, the public comment period was reopened for 60 days (40 FR 1997).

Additionally, on March 6, 1984, the Natural Resources Defense Council requested that the public comment period be extended. As a result, the period for receiving written comments on the proposed revisions is being reopened for 30 days.

DATES: Comments on the proposed revisions are requested by (30 days from

the date of today's notice.)

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Central Docket Section (LE-131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460. Attention: Docket No. A-81-15.

Docket. Docket No. A-81-15 containing supporting information used in developing the proposed revisions is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C., 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter or Mr. Walter Stevenson, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C., 27711. Telephone: (919) 541-5624.

Dated: March 16, 1984.

Joseph A. Garman,
Assistant Administrator for Air and Radiation.

[FR Doc. 84-7877 Filed 3-22-84; 8:45 am]
BILLING CODE 6560-50-M

LEGAL SERVICES CORPORATION

45 CFR Part 1614

Private Attorney Involvement

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule adopts as a Corporation regulation Instruction 83-6: Attorney Involvement by Recipients of Funding, published in the *Federal Register* on November 29, 1983. This instruction provides direction to recipients of Legal Services Corporation funding on allocating amounts of the recipient's financial support from the Corporation to provide the opportunity for involvement of private attorneys in the delivery of legal assistance to eligible clients. The proposed rule formalizes the structures and procedures of the continued Corporation interest in private attorney involvement.

DATE: Comments must be received on or before April 23, 1984.

ADDRESS: Comments may be submitted to the Office of the General Counsel, Legal Services Corporation, 733 Fifteenth Street, NW, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Richard N. Bagenstos, Assistant General Counsel, Office of the General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: The proposed regulation sets forth the policy adopted by the Board of Directors on October 2, 1981, which requires that a substantial amount of recipient funds be made available to provide opportunities for involvement of private attorneys to deliver legal assistance to eligible clients. Implementation through both *pro bono* and compensated mechanisms is encouraged by the Corporation.

"Substantial amount" is defined as at least twelve and one-half percent of the recipient's Legal Services Corporation annualized basic field award. This is an increase from the ten percent previously required by the Corporation. One-time special grants from the Corporation are not to be considered in determining the private attorney involvement requirement. Recipients of migrant or Native American funding are to use their best efforts to meet the requirements or the Corporation must be satisfied that private legal involvement is not feasible.

The Corporation's private attorney involvement requirement is based on both local program experience and on the Corporation's own formal research and experimentation. This research demonstrates that there are several effective and economical ways in which to involve private attorneys, on either a voluntary or a partially-compensated basis, in the delivery of legal services to eligible clients. Over the years, it has become clear that mixed delivery systems provide for effective and economical delivery service.

The proposed regulation defines a wide range of activities permitted in involving private attorneys in the delivery of legal assistance to eligible clients. The primary consideration is, of course, that the highest quality of civil legal services be provided to the clients in an effective and economical manner. The proposed regulation outlines specific methods to be undertaken by recipients to involve private attorneys in providing such legal assistance and states the components various systems should include.

There are specific financial considerations and procedures which the recipient must utilize to account for costs allowable for private attorney involvement. These are set out in detail in the proposed regulation.

Section 1614.3(d)(9) provides that grants for private attorney involvement shall be accounted for on a cost-reimbursable basis. This means that, at

the end of a grant period, funds transferred for private attorney involvement activities to a sub-grantee must be returned to the recipient if not actually expended for private attorney involvement activities. It does not mean that costs must first be incurred by a sub-grantee and reimbursement sought from the recipient.

In § 1614.3(d)(10), the requirement in the Instruction for interim billing has been removed from the Proposed Rule. While the Corporation believes such a practice would maximize efficient management and promote cash flow controls, it is responding to numerous comments in removing that requirement.

The proposed regulation also maintains the procedural measures implemented in Instruction 83-6 and 1984 Grant Applications, to be utilized by the recipient. The recipient must develop a specific plan and a budget to meet the requirements of the regulation. This plan and budget shall be a part of the recipient's refunding application or initial grant application. However, in response to comments on the Instruction, the annual requirement that each program certify that it is spending the sums necessary to comply with this Part has been removed.

The proposed regulation concludes with a statement with regard to revolving litigation fund systems. The Office of Field Services will not endorse or approve such mechanisms.

The purpose of the "revolving litigation fund prohibition" is to prevent the creation of systems or projects which encourage the acceptance of fee-generating cases. The Act and 45 CFR 1609 expressly discourage the acceptance of fee-generating cases except under certain circumstances. This prohibition does not, however, prevent payment of costs or reimbursement of expenses incurred by private attorneys in normal situations where litigation might result in attorney fees. Examples of such situations would be case assignments through a *judicare* or *pro bono* panel.

List of Subjects in 45 CFR Part 1614

Legal services, Private attorneys.
For the reasons set out above, a new 45 CFR Part 1614 is proposed to be added as follows:

PART 1614—PRIVATE ATTORNEY INVOLVEMENT

Sec.	
1614.1	Purpose.
1614.2	General policy.
1614.3	Range of activities.
1614.4	Procedure.
1614.5	Prohibition of revolving litigation funds.

Authority: Sec. 1007(a)(2)(C) and sec. 1007(a)(3); 42 U.S.C. 2996f(a)(2)(C) and 42 U.S.C. 2996f(a)(3).

§ 1614.1 Purpose.

(a) This part is designed to provide direction to recipients of Legal Services Corporation funding on allocating a substantial amount of the recipient's financial support from the Legal Services Corporation to encourage the involvement of private attorneys in the delivery of legal assistance to eligible clients. The term "substantial amount" is defined as at least twelve and one-half percent (12½%) of the recipient's LSC annualized basic field award. Funds received from the Corporation as one-time special grants shall not be considered in determining the private bar involvement requirement.

(b) Recipients of Native American or migrant funding shall provide the opportunity for involvement in the delivery of services by the private bar in a manner which is generally open to broad participation in those activities undertaken with those funds, or shall demonstrate to the satisfaction of the Corporation that such involvement is not feasible.

§ 1614.2 General policy

(a) This part implements the policy adopted by the Board of Directors of the Corporation on October 2, 1981, and ratified and modified by the Board on November 21, 1983, requiring that a substantial amount of funds be made available to encourage the involvement of private attorneys in the delivery of legal assistance to eligible clients through both *pro bono* and compensated mechanisms, and that such funds be expended in an economical and efficient manner.

(b) Recipients of national and state support grant awards shall apply the percentage requirement to that portion of their programs related to any direct advocacy activities on behalf of eligible clients.

(c) Private attorney involvement (PAI) shall be an integral part of a total local program undertaken within the established priorities of that program in a manner that furthers the statutory requirement of high quality, economical and effective client-centered legal assistance to eligible clients. Decisions concerning implementation of the substantial involvement requirement rest with the recipient through its governing body, subject to review and evaluation by the Corporation.

§ 1614.3 Range of activities.

(a) Activities undertaken by the recipient to meet the requirements of

this Part might include, but are not limited to:

(1) Direct delivery of legal assistance to eligible clients through organized *pro bono*, reduced fee plans, *judicare* panels, private attorney contracts, and/or organized referral systems; except that "revolving litigation fund" systems, as described in Section 1614.5 of this Part, shall neither be used nor funded under this Part nor funded with any LSC support;

(2) Support provided by private attorneys to the recipient in its delivery of legal assistance to eligible clients on either a reduced fee or *pro bono* basis through the provision of community legal education, training, technical assistance, research, advice and counsel; co-counseling arrangements; or the use of private law firm facilities, libraries, computer-assisted legal research systems or other resources; and,

(3) Support provided by the recipient in furtherance of activities undertaken pursuant to this Section including the provision of training, technical assistance, research, advice and counsel; or the use of recipient facilities, libraries, computer-assisted legal research systems or other resources.

(b) The specific methods to be undertaken by a recipient to involve private attorneys in the provision of legal assistance to eligible clients will be determined by the recipient taking into account the following factors:

(1) The priorities established pursuant to Part 1620 of these regulations;

(2) The effective and economical delivery of legal assistance to eligible clients;

(3) The linguistic and cultural barriers to effective advocacy;

(4) The actual or potential conflicts of interest between specific participating attorneys and individual eligible clients; and,

(5) The substantive and practical expertise, skills, and willingness to undertake new or unique areas of the law of participating attorneys.

(c) Systems designed to provide direct services to eligible clients by private attorneys on either *pro bono* or reduced fee basis, shall include at a minimum, the following components:

(1) Intake and case acceptance procedures consistent with the recipient's established priorities in meeting the legal needs of eligible clients;

(2) Case assignments which ensure the referral of cases according to the nature of the legal problems involved and the skills, expertise, and substantive experience of the participating attorney;

(3) Case oversight and follow-up procedures to ensure the timely disposition of cases to achieve, if possible, the result desired by the client and the efficient and economical utilization of recipient resources; and,

(4) Support and technical assistance procedures which are appropriate and, to the extent feasible, provide access for participating attorneys to materials, training opportunities, and back-up on substantive law and practice considerations.

(d) The recipient shall utilize financial systems and procedures to account for costs allowable in meeting this Part. Such systems shall have the following characteristics:

(1) They shall meet the requirements of the Corporation's *Audit and Accounting Guide for Recipients and Auditors*;

(2) They shall accurately identify and account for:

(i) The recipient's administrative, overhead, staff, and support costs related to private attorney involvement activities;

(ii) Payments to private attorneys for support or direct client services rendered;

(iii) Contractual payments to individuals or organizations which will undertake administrative, support, and/or direct services to eligible clients on behalf of the recipient consistent with the provisions of this Part; and,

(iv) Other such actual costs as may be incurred by the recipient in this regard.

(3) Income and expenses relating to the PAI effort must be reported separately in the year-end audit. This may be done by establishing a separate fund or by providing a separate supplemental schedule of income and expenses related to the PAI effort as part of the audit.

(4) Auditors will be required to perform sufficient audit tests to enable them to render an opinion on the recipient's compliance with the requirements of this Part.

(5) Programs must maintain the internal records necessary to demonstrate that funds have been utilized for private attorney involvement consistent with this Part. Internal records should include:

(i) Contracts on file which set forth payment systems, hourly rates, maximum allowable fees, etc.;

(ii) Bills/invoices which are submitted before payments are made;

(iii) Job descriptions that reflect the assignment of specific responsibilities for PAI activities to specific program staff; and

(iv) Staff time records.

(6) If any direct or indirect staff time is to be allocated as a cost to private attorney involvement, such costs must be documented by detailed timesheets accounting for all of that employees' time, not just the time spent on private attorney involvement activities.

(7) Direct payments to private attorneys shall be supported by invoices and internal procedures performed by the program to ensure that the services billed have actually been delivered.

(8) Non-personnel costs shall be allocated on the basis of reasonable operating data. All methods of allocating funds shall be clearly documented.

(9) Contracts concerning transfer of LSC funds for PAI activities shall indicate that such funds will be accounted for in accordance with LSC guidelines. The organization receiving funds will be considered a sub-recipient or sub-grantee and will be bound by all accounting and audit requirements of the *Audit Guide* and 45 CFR Part 1627. These grants shall be accounted for on a cost-reimbursable basis so that the primary recipient will be responsible for unspent funds. This part does not pertain to contracts with individual lawyers or law firms who only provide legal services directly to eligible clients.

(10) Each recipient which utilizes a compensated private bar mechanism, whether *judicare*, contract, or some other form, must develop a system which includes a schedule for uniform assignment of encumbrances to similar types of cases, a procedure to determine net encumbrances, and a mechanism to relate specific encumbrances to specific cases and to determine statistically the appropriateness of the encumbrance system.

(11) Net encumbrances shall not be included in the calculation of whether a program has met the requirements of this Part, nor should they be recorded as an expense for audit purposes. Only actual expenditures or those amounts shown as accounts payable or accrued liabilities according to GAAP at the end of the fiscal period may be utilized to determine whether or not the program has met the requirements of this part.

(12) In private attorney models, attorneys may be reimbursed for actual costs and expenses, but attorney fees may not be paid at a rate which exceeds 50 percent of the local prevailing market rate for that type of service.

§ 1614.4 Procedure.

(a) The recipient shall maintain the plan and budget required by Instruction 83-6 to meet the requirements of this Part which shall be a part of the

refunding application or initial grant application. The budget shall be modified as necessary to fulfill this Part. That plan shall take into consideration:

(1) The legal needs of eligible clients in the geographical area served by the recipient and the relative importance of those needs consistent with the priorities established pursuant to Section 1007(a)(2)(C) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)) and Part 1620 of the Regulations (45 CFR Part 1620) adopted pursuant thereto;

(2) The delivery mechanisms potentially available to provide the opportunity for private attorneys to meet the established priority legal needs of eligible clients in an economical and effective manner; and

(3) The results of the consultation as required below.

(b) The recipient shall consult with significant segments of the client community, private attorneys, and bar associations, including minority and women's bar associations, in the recipient's service area in the development of its annual plan to provide for the involvement of private attorneys in the provision of legal assistance to eligible clients.

(c) Recipients must assure that the market value of PAI activities substantially exceeds the direct and indirect costs being allocated to meet the requirements of this Part.

§ 1614.5 Prohibition of revolving litigation funds.

(a) The Office of Field Services shall not endorse or approve revolving litigation fund systems which systematically encourage the acceptance of fee-generating cases by advancing funds to private attorneys for costs, expenses and/or attorney fees.

(b) This prohibition does not prevent reimbursement or payment of costs and expenses incurred by private attorneys in normal situations in which litigation may result in attorney fees, such as case assignments through a *judicare* or *pro bono* panel.

Dated: March 20, 1984.

Donald P. Bogard,
President, Legal Services Corporation.

[FR Doc. 84-7986 Filed 3-22-84; 8:45 am]

BILLING CODE 6820-35-M

45 CFR Part 1628

Procedures Governing Recipient Fund Balances

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule adopts as a Corporation regulation Instruction 83-4: Recipient Fund Balances, published in the *Federal Register* on October 27, 1983, which requires Corporation approval of the disposition of any recipient fund balances that exceed specified limits. Certain technical amendments have been incorporated into this proposed regulation to address more fully this issue. This proposed rule also requires the prior written approval of the Corporation where a recipient seeks to use current year grant funds to liquidate operating deficits from a preceding period(s).

DATES: Comments must be received on or before April 23, 1984.

ADDRESS: Comments may be submitted to the Office of the General Counsel, Legal Services Corporation, 733 Fifteenth Street NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Assistant General Counsel, Office of the General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: Over a period of time and for various reasons, some recipients have accumulated significant fund balances. These individual instances have given rise to severe criticism of Corporation management. Specifically, the *Review of Legal Services Corporation's Activities Concerning Program Evaluation and Expansion*, issued by the United States General Accounting Office on August 28, 1980, stated in reference to fund balances: "We recommend that the President of the Legal Services Corporation require regional offices to closely monitor the expenditures of funds by grantees to minimize year end fund carryovers and adjust subsequent year funding of grantees with excess fund balances."

Corporate directives were thereafter issued through internal memoranda, dated December 18, 1980 and reiterated on March 18, 1982. These directives formalized and expanded upon existing policies. At its meeting on October 30, 1982, the Legal Services Corporation Board of Directors instructed staff to take appropriate action consistent with its Resolution On Fund Balance Policy. A grant condition was attached to the 1983 Refunding grants requiring adherence to the Fund Balance Instruction, 83-1, which was published in the *Federal Register* for comment on November 27, 1982 and published as a final Instruction on January 5, 1983.

That Instruction has been determined by a district court to be unenforceable for the recovery of 1982 fund balances because it was published after January

1, 1983, the effective date for 1983 grants. That decision has been appealed by the Corporation. The Corporation redrafted Instruction 83-1 and published it in the October 27, 1983 *Federal Register*, as Instruction 83-4: Recipient Fund Balances, which will be implemented to recover FY1983 fund balances.

Corporation policy regarding fund balances has remained relatively consistent throughout these documents. In the proposed regulation, the Corporation continues to define an excess fund balance to mean a total fund balance amount in excess of 10% of the recipient's annual funding level.

The proposed regulation also includes explicit language with regard to deficit fund balances, a subject not adequately addressed by a previous Corporation policy. Operating deficits are considered to be a more severe violation of the recipient's responsibility to safeguard and manage Corporation funds, often indicative of serious problems which can have a long-lasting impact on program operations.

A recipient is permitted to reduce an operating deficit incurred in one grant period by fund balance amounts qualifying under the regulation for carryover into a subsequent grant period(s), except those amounts which were carried over by the recipient under a specific waiver from the Corporation. A recipient may not, however, unilaterally offset that operating deficit against funds awarded by LSC for a succeeding period. Legal Services Corporation awards grants for a twelve month period. These grants are not intended nor should they be expected to absorb the burden of prior period costs. The Legal Services Corporation will, therefore, require specific prior written approval for the carryover of those costs.

The Corporation is issuing this proposed regulation pursuant to its mandate to ensure the delivery of high quality legal services in an effective and economical manner. Recovered fund balance amounts will be reprogrammed for the direct provision of legal services to eligible clients.

List of Subjects in 45 CFR Part 1628

Legal services, Fund balances.

For the reasons set out above a new 45 CFR Part 1628 is proposed to be added as follows:

PART 1628—RECIPIENT FUND BALANCES

Sec.
1628.1 Purpose.

- Sec.
1628.2 Definitions.
1628.3 Policy.
1628.4 Procedure.
1628.5 Operating deficits.

Authority: Sec. 1006(b)(1)(A), 1007(a)(3); 42 U.S.C. 2996e(b)(1)(A), 42 U.S.C. 2996f(a)(3).

§ 1628.1 Purpose.

(a) This part is designed to ensure the timely allocation of Legal Services Corporation (LSC) funds for the effective and economical provision of high quality legal assistance to eligible clients. To that end, recipients will be permitted to maintain and re-program from year to year fund balances of no more than 10% of their annualized LSC support.

(b) A waiver of this policy up to a maximum of 25% of the recipient's annualized grant amount may be obtained under certain conditions as described in § 1628.3(d). Funds carried over in excess of 10% or above the level permitted by a specific waiver will be recovered as set forth in § 1628.3(a).

§ 1628.2 Definitions.

(a) LSC "support" for the reporting period shall be defined as the sum of: (1) The annualized LSC grant award(s); (2) any additional income derived from an LSC grant (interest, rents, etc.); and, (3) reimbursements or recoveries of attorney fees, proceeds from the sale of assets, or other compensation or income related to any LSC grant.

(b) The LSC "fund balance amount" shall be determined solely by reference to the recipient's annual audit. (The fund balance reported in the recipient's annual audit is subject to review and approval by the Corporation's Audit Division. Noncompliance with provisions of the Corporation's *Audit and Accounting Guide for Recipients and Auditors* may result in an increase or decrease in the fund balance as reported in the audit.)

(c) The "fund balance percentage" shall be determined by expressing the fund balance amount as a percentage of the recipient's LSC support for the reporting period.

(d) "Recipient" as used in this Part, means any recipients as defined in Section 1002(6) of the LSC Act and any grantee or contractor receiving funds from the Corporation under Section 1006(a)(1) or 1006(a)(3) of the Act.

§ 1628.3 Policy.

(a) In the absence of a waiver from the Corporation, any fund balance amount in excess of 10% of LSC support shall be repaid to the Corporation in a lump sum or by pro rata deductions from the recipient's grant checks for a specific number of months. The Corporation shall determine which of the specified methods of repayment is reasonable and

appropriate in each case after consultation with the recipient.

(b) After the Corporation's receipt and review of the recipient's annual audit, the Corporation shall provide written notice to the recipient of the fund balance amount due and payable to the Corporation as well as the method for repayment 30 days prior to the effective date for repayment either to occur or to commence in accordance with § 1628.3(a).

(c) In no way shall any such reduction and/or deduction in LSC support be construed to affect permanently the annualized funding level of the recipient, nor shall any such reduction and/or deduction in LSC support be considered to be a termination or denial of refunding under 45 CFR Parts 1606 and 1625 respectively.

(d) A waiver of the 10% ceiling may be granted at the discretion of the Corporation in extraordinary circumstances; such a waiver may be granted by the Corporation to extend the ceiling for fund balance amounts established under this regulation to a maximum of 25% of LSC support. Further, in addition to the established 10% ceiling, recipients who operate compensated private bar programs or components shall be granted a waiver to allow them to maintain carryover funds not to exceed 25% of the expense for attorney fees as reported in the latest audit, provided that such additional carryover is utilized exclusively to fund a cash reserve or encumbrance system for payment of attorney fees. (Note: The applicable recipients must submit a timely written request to obtain this waiver.) However, under no circumstance will a recipient be allowed to retain a fund balance in excess of 25% of support.

(e) All one-time or special purpose grants awarded by the Corporation shall have an effective date and termination date. Such grants are not subject to this fund balance policy. Revenue and expenses relating to such grants must be reflected separately in the audit report submitted to the Corporation. This may be done by establishing a separate fund or by providing a separate supplemental schedule of revenue and expenses related to such grants as a part of the audit report. No funds provided under a one-time or special purpose grant may be expended subsequent to the termination date of the grant without the prior written approval of the Corporation. All unexpended funds under such grants shall be returned to the Corporation.

§ 1628.4 Procedure.

(a) Any recipient whose audited fund balance exceeds the ceiling set forth in § 1628.1 shall submit to the Corporation, within 120 days after the close of the recipient's fiscal year, a statement of the fund balance which occurred according to the annual audit required by Section 1009(c)(1) of the Legal Services Corporation Act, as amended. The funds will be recovered as set forth in § 1628.3, unless excluded by a specific waiver.

(b) The recipient may, within 120 days after the close of its fiscal year, apply to the Corporation for a waiver of the 10% ceiling. Such application must specify:

(1) The fund balance amount according to the recipient's annual audit;

(2) The reason such fund balance has been attained;

(3) The recipient's plan for the disposition or reserve of such fund balance amount within the current grant period;

(4) The amount of fund balance projected to be carried forward at the close of the recipient's then current fiscal year; and

(5) The extraordinary circumstances justifying the retention of the fund balance.

(c) Excess fund balance amounts shall not be expended by the recipient prior to approval of the waiver application by the Corporation.

(d) The decision of the Corporation regarding the granting of a waiver shall be guided by the statutory mandate requiring the recipient to provide high quality legal services in an effective and economical manner. The Corporation shall grant a waiver of the 10% ceiling established under this regulation where a recipient who operates a compensated private bar program or component needs to maintain a cash reserve. In addition, the Corporation shall give special consideration to the following factors in reviewing a waiver request submitted pursuant to this regulation:

(1) Emergencies, unusual occurrences, or other extraordinary circumstances giving rise to the existence of a fund balance in excess of 10%, and the special needs of clients.

(2) The need for a recipient which operates a compensated bar program or component to maintain a cash reserve.

(e) Excess fund balance amounts approved for expenditure must be separately reported in the current fiscal year audit. This may be done by establishing a separate fund or by providing a separate supplemental schedule as part of the audit report.

§1628.5 Operating Deficits.

(a) Sound financial management practices such as those established in LSC's "Fundamental Criteria of an Accounting and Financial Reporting System," should preclude deficit spending. Use of current year grant funds to liquidate operating deficits from a preceding period(s) requires the prior written approval of the Corporation.

(b) The recipient may, within 120 days of the close of its fiscal year, apply to the Corporation for approval of the costs associated with the liquidation of the operating deficit.

(c) In the absence of approval by the Corporation, the operating deficit incurred by a recipient during a grant period shall be disallowed under this regulation. However, a recipient may seek to resolve the disposition of such costs in accordance with the requirements established by Instruction 83-8, "Standard Operating Procedure for Questioned Costs," published in the *Federal Register* on November 29, 1983.

(d) The recipient's request must specify the same information relative to the deficit fund balance as that set forth in §1628.4(b) (1), (2), (3), and (4). Additionally, the recipient must develop and submit a plan approved by its Board of Directors describing the measures which will be implemented to prevent a recurrence of an operating deficit. The Corporation reserves the right to require changes in the submitted plan.

(e) The decision of the Corporation regarding acceptance of these deficit-related costs shall be guided by the statutory mandate requiring the recipient to provide high quality legal services performed in an effective and economical manner. Special consideration will be given for emergencies, unusual occurrences, or other extraordinary circumstances giving rise to this situation.

Dated: March 20, 1984.

Donald P. Bogard,
President, Legal Services Corporation.

[FR Doc. 84-7985 Filed 3-22-84; 8:45 am]

BILLING CODE 6820-35-M

**INTERSTATE COMMERCE
COMMISSION**
49 CFR Part 1135

[Ex Parte No. 290; Sub-2]

**Railroad Cost Recovery Procedures;
Decision**

AGENCY: Interstate Commerce
Commission.

ACTION: Determinations on notice of
proposed rulemaking.

SUMMARY: The Commission has voted to change its rules for the computation of the labor portion of the interim mid-quarter index of railroad costs under 49 U.S.C. 10707a(a)(2)(B) (the RCAF) in order to satisfy certain portions of the Northeast Rail Service Act of 1981 (NERSA). That Act requires the Consolidated Rail Corporation (Conrail) to enter into negotiations with its unions to achieve certain wage concessions. NERSA provides that the cost reductions resulting from the provisions of the Act cannot be used to limit the maximum levels of Conrail's rates. In order to satisfy these provisions, the labor portion of the RCAF shall be computed using labor costs for Conrail restated at the national contract levels and actual labor costs for all other railroads included in the index. The remainder of our decision on the methodologies involved in the RCAF, as raised by our notice of proposed rulemaking, will be disposed of in a future decision. The petitions for reconsideration of our decisions of December 19 and 27, 1983, are hereby denied. We will, however, restate the RCAF in light of miscalculations in the December 27 decision.

FOR FURTHER INFORMATION CONTACT:

William T. Bono (202) 275-7354, or
Robert C. Hasek (202) 275-0938

SUPPLEMENTARY INFORMATION:
Background

Section 203 of the Staggers Rail Act of 1980, codified at 49 U.S.C. 10707a, requires the Commission to publish a rail cost adjustment factor (RCAF) on at least a quarterly basis. That section of the Staggers Act requires the numerator of the RCAF to be the latest published index of rail costs, as compiled or verified by the Commission. The current denominator is the index which was controlling (120.9) for the fourth quarter of 1983, rebased to 100.0. That Act also requires the RCAF index to reflect the changing composition of railroad costs, including the quality and mix of materials and labor.

In Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*, 364 I.C.C. 841 (1981), the Commission adopted an interim indexing methodology. In adopting that interim indexing methodology, the Commission stated that "the Producer Price Index (PPI) would be used for measuring the 'all other' category, until AAR's 'all inclusive' index became available."

AAR filed its proposed "all inclusive" index with the Commission on January 29, 1982. That index made several changes in the methods of calculating the indices for wages, fringe benefits,

fuel and the market basket of materials and supplies. It also substituted alternative methodologies for calculating the indices for the "all other" category which was measured by the PPI in the interim methodology.

In a decision served April 27, 1982 (47 FR 18012, April 27, 1982), the Commission reopened Ex Parte No. 290 (Sub-No. 2) for the purpose of soliciting public comments on AAR's proposed "all inclusive" index.

In a Notice of Proposed Rulemaking, served June 20, 1983 (48 FR 29024, June 24, 1983), we proposed the adoption of a modified version of AAR's "all inclusive" index of railroad costs and invited comments on the proposed revised indexing methodology and other matters related to the index.

In that notice, we observed that Section 1159 of the Northeast Rail Service Act of 1981, Pub. L. No. 97-35 (NERSA), provided that certain cost reductions resulting from application of its provisions could not be used to limit the maximum level of Conrail's rates. We proposed a methodology for reconciling NERSA provisions with the requirement in Section 10707a of the Staggers Rail Act requiring an index of railroad costs applicable to all railroads. We proposed the application of "national contract" wage provisions to Conrail's labor expenses to determine Conrail's portion of the wage component of the index. We proposed that Conrail's labor costs be computed as if the "national contract" (and not Conrail's actual wage levels) applied to Conrail's labor. We observed that the use of "national contract" provisions rather than the actual Conrail contract provisions may provide the most practical way to preserve Conrail's benefits mandated by NERSA while also assuring that our single nationwide index reflects, as closely as possible, railway labor costs. Public comments were invited.

In its quarterly index submission filed September 9, 1983, AAR revised the methodology for the computation of the labor portion of the index. This revised computation of the labor component excluded all of Conrail's labor costs. AAR, in submitting this revised labor index, stated that Conrail was excluded because Section 1159 of NERSA provides that cost reductions resulting from its application shall not be used to limit the maximum level of Conrail's rates.

In a decision served September 21, 1983 (48 FR 43413, September 23, 1983), we approved a restated version of the index submitted by AAR, including Conrail's labor costs at actual levels.

We noted that comments in response to our June 20 Notice of Proposed Rulemaking had just been submitted and that we would reach a decision on the effect of Section 1159 of NERSA shortly. We concluded that, until a decision was made, the procedures established in our interim methodology (364 I.C.C. 841) would continue to govern.

On October 7, 1983, AAR filed a petition for reconsideration of our restated railroad cost adjustment factor. AAR argued that the fact that the consideration of the methodology for handling Conrail's labor costs was the subject of another proceeding should not affect the disposition of this matter and that waiting for the conclusion of another proceeding was supported by neither law nor equity. The delay in implementing the provisions of NERSA, AAR contends, would cause the railroads irreparable harm because of lost revenues.

AAR further argued that NERSA was enacted to provide Conrail an opportunity to become profitable through several statutory objectives including that of reduced labor costs. It contends that we have recognized the applicability of NERSA in proposing that "national contract" provisions be applied to Conrail but have failed to follow its provisions. It argued that although we have discretion in the methodology employed to implement the applicable NERSA provisions we cannot ignore those requirements.

Several shipper parties responded to AAR's petition for reconsideration on October 27, 1983. Shipper parties argued that Section 1159 of NERSA applies to Conrail only, and that the inclusion of Conrail's labor costs in the index at higher than actual levels serves to inflate the rate levels of other railroads. They contend that the applicable NERSA provisions were intended to aid Conrail in achieving profitability, and note that Section 1159 concerns only rates charged by Conrail or joint rates of Conrail and other carriers. These parties also observe that the Ex Parte No. 290 (Sub-No. 2) general increase procedures are but one of the several means available to Conrail for rate increases and that the construction of the RCAF index using the actual labor costs of all railroads merely limits one particular method of increasing rates. Shippers also contend that the inclusion of Conrail's labor costs in the RCAF index at other than actual levels directly violates Section 203 of the Staggers Rail Act, 49 U.S.C. 10707a, which requires that the RCAF be based on actual labor costs.

In a short notice served December 19, 1983 [48 FR 56659, December 22, 1983],

we stated that we had changed our rules for the computation of the labor portion of the interim mid-quarter index in order to satisfy the provisions of Section 1159 of NERSA. We stated that the labor portion of the index would be computed, including labor costs for Conrail, restated at "national contract" levels and actual labor costs for all other railroads included in the index. We also said that the labor index figures for the first quarter of 1984 would be restated to include Conrail at "national contract" wage levels and a decision fully explaining our changed rules would be issued shortly.

In a decision served December 27, 1983 [48 FR 57633, December 30, 1984], we approved a restated version of AAR's first quarter 1984 rail cost recovery index. That index was restated to include Conrail's labor costs at "national contract" levels in order to satisfy the provisions of NERSA. The restated index produced a rail cost adjustment factor of 1.053 rather than the 1.046 figure proposed by AAR. Application of the first quarter RCAF provided for a maximum increase of 4.1 percent above the levels authorized in our decision served September 21, 1983. The net effect of the restatement was to authorize maximum increases of 4.1 percent rather than the 3.4 percent proposed by AAR.

Various shipper parties petitioned for reconsideration on January 16, 1984, and January 18, 1984. One party now argues that we violated the Administrative Procedure Act by modifying the interim indexing methodology without providing any notice or opportunity for comment by interested or affected persons. It asserts that we cannot modify or amend a rule or regulation without providing these procedural protections.

Southern Electric also believes that there were computational errors in our restatement of the index and that when these errors are corrected the maximum allowable rate increases under these provisions would be 4.0 percent and not the 4.1 percent increase allowed. It contends that the employee count used for computing railroad retirement taxes did not include Conrail and the ratio used for updating wages to a current period was incorrect because it was computed using an incorrect denominator. It observes that although the RCAF index is computed using wage data for all Class I railroads except the Long Island Rail-Road, the employee count used for computing railroad retirement payments excluded both the Long Island and Conrail. It also argues that the mid-1981 wage figures used as a base period were updated by the National Railway Labor Conference

from 1980 Railroad Retirement Board data using national contract provision. Thus, it argues that the straight time hourly rate for the base period (the denominator used for the calculation of the ratio) should have included Conrail at "national contract" levels rather than at actual levels.

In its response AAR admits that although the number of employees used as a base for the computation of railroad retirement taxes should have included Conrail, the omission of Conrail makes no difference in the end result because employees are distributed among various wage grades using a Railroad Retirement Board sample. AAR also admits that the use of a base number including Conrail at an actual level and a first quarter 1984 figure including Conrail at "national contract" levels is improper and has recalculated the railroad retirement payments using a proper ratio. It further observes that although its calculations do not agree with those submitted by the shipper party, the shipper's end result remains unchanged. In addition, AAR concludes that the overall index should have been 105.2 (rather than the 105.3 which we approved) and concludes that the index computation should be corrected and the index adjusted.

Discussion

The current regulations (49 CFR Part 1135) governing the methodology for calculating the RCAF do not provide for the adjustment or elimination of any railroad's costs. The enactment of NERSA, subsequent to the passage of the Staggers Act, requires that we reconsider the methodology of the RCAF vis-a-vis the labor component of the index. In our notice of proposed rulemaking served June 20, 1983, we raised the question of the proper method for adjusting the index in light of NERSA. As stated in our notice of December 19, 1983, we have determined that the labor portion of the index shall be computed including labor costs for Conrail restated at national contract levels, and actual labor costs for all other railroads. We utilized this approach in our statement of the RCAF for the First Quarter of 1984, as reflected in our decision of December 27, 1983.

By this decision, we (1) reaffirm our determination of December 19, 1983, that the Conrail labor costs, as restated, will be used to compute the RCAF, and (2) deny the petitions for reconsideration filed by various shipper groups of our first quarter 1984 RCAF utilizing the new methodology, but grant the petitions insofar as they point out a

miscalculation in the RCAF in our December 27 decision.

One preliminary issue has been raised in the petitions for reconsideration. Carolina Power & Light Company, Duke Power Company, South Carolina Electric & Gas Company, Virginia Electric and Power Company, and Tampa Electric Company (jointly referred to as the Power Companies) argue that the Commission's decisions of December 19 and 27, 1983, violated the Administrative Procedure Act because "[t]he Commission summarily authorized the railroads to adopt this treatment of Conrail's labor costs when the railroads never even requested such treatment." The Power Companies' argument is without merit. In our notice of proposed rulemaking, served June 20, 1983, we informed the public that we were considering changes to the RCAF methodology, including ways of altering the consideration of the Conrail labor component of the RCAF as mandated by NERSA. Subsequently, after the receipt of comments from the public, including the Power Companies and AAR, we determined that Conrail labor costs must be restated in order to properly reflect NERSA and the Staggers Act. In so doing, we merely determined one issue of the Ex Parte No. 290 (Sub-No. 2) rulemaking in advance of the others. Public comments were received and considered. There was no "summary authorization" of the restatement of the labor costs, and the procedures utilized in reaching this determination were fully in compliance with the procedural protections of the APA.

The Treatment of Conrail's Labor Costs

The provisions of Section 10707a(a)(2)(B) and Section 1159 of NERSA, 45 U.S.C. 1109, must be reconciled in our determination of the proper methodology for calculating the RCAF. Reconciliation is necessary because NERSA's Section 1159 states:

Any cost reductions resulting from the provisions or the amendments made by this subtitle shall not be used to limit the maximum level of any rate charged by Conrail for the provision of rail service, to limit the amount of any increase in any such rate (including rates maintained jointly by Conrail and other rail carriers), or to limit a surcharge or cancellation otherwise lawful under Chapter 107 of title 49, United States Code.

Conrail is entitled to take rate increases under the RCAF provisions of the Staggers Act, and those increases are insulated from regulation. If Conrail's actual labor costs (reflecting concessions) were figured into the RCAF, the RCAF would be lower than it would be absent the Conrail wage

concessions. The result would be that Conrail's increases under the RCAF would be limited by the concessions, and we believe this result violates NERSA's plain terms.

Several alternatives were offered for harmonizing the statutes. After examination of the alternatives, we conclude that the restatement of Conrail labor costs at the national level correctly reflects the intent of Congress in enacting NERSA and the Staggers Act. We therefore will amend our methodology for calculating the RCAF, 49 CFR 1135, to restate the Conrail portion of the labor component of the index to national labor agreement levels.

Under NERSA, Conrail has negotiated wage levels lower than the national agreement level in effect for other railroads. By restating the Conrail labor component we are replicating the condition that would have existed had NERSA not been passed and, as a result, Conrail continued to be a party to the national wage agreement. This recalculated RCAF will apply to Conrail and all other railroads. Conrail will not be penalized (as Congress directed in 45 U.S.C. 1109) due to the lower wage costs it has negotiated pursuant to 45 U.S.C. 1103(4)(A). Clearly, 45 U.S.C. 1109 envisioned that Conrail's maximum rate calculations would be performed as if the wage holddowns of NERSA were not in existence. This is precisely what our action in this proceeding will accomplish, and thus our action is consistent with NERSA.

Nor will the nation's other railroads be penalized by the use of the lower Conrail labor costs in calculating the across-the-board RCAF. If the NERSA mandated lower Conrail labor costs were included in calculating the RCAF, the index would be lower. The nation's other railroads, who pay wages at the national agreement level, and whose labor costs increase with increases in that agreement, would not be able to recover their full actual labor cost increases. This is not what Congress intended when it enacted the RCAF provisions, and there is no indication Congress intended this result when it enacted NERSA. It was clearly the intent of the Staggers Act to enable the railroads to fully recover increased costs. Use in the RCAF of the lower actual Conrail labor costs (reflecting the concessions mandated by NERSA) would have the perverse effect of using a legislated Conrail labor cost holddown to penalize the rest of the rail industry by forcing other railroads to take lower RCAF increases than they would otherwise be entitled to. By our action, the nation's railroads are placed in the

same position as if the wage-holddowns of NERSA were not in effect. We believe this is consistent with Congress' intent in enacting NERSA. We see no evidence that Congress intended either Conrail or the rest of the industry to have their permissible rate limited as result of NERSA.

The legislative history of Section 1159 of NERSA supports this interpretation. The provision has its origins in the House of Representatives legislation. In H.R. Rep. No. 97-153, 97th Cong., 1st Sess. 39-40 (1981), the Committee stated the purpose of Section 614(a), the predecessor of Section 1159:

Subsection (a) provides that any cost reductions resulting from this Act may not be used to limit the amount of any rate, rate increase or surcharge maintained or proposed by Conrail. The Committee expects the Commission to prescribe a simple formula to allow implementation of this section without undue burden on shippers, Conrail, or other railroads. Conrail management would retain discretion to adjust rates downward on the basis of any cost reductions or competitive efficiencies that would be achieved as a result of this Act. [Emphasis supplied].

The House of Representatives version of the section was ultimately adopted by Congress with one minor modification. In the Conference Report on NERSA, printed at 127 Cong. Rec. S9056 (July 31, 1981), the Conference Committee recommended adoption of the House version with one modification.

The Conference substitute adopts the House provisions with a change that limits the House language to labor savings which result from this Act. The Commission may not consider such savings in any rate proceedings.

127 Cong. Rec. S9065. See also 127 Cong. Rec. H5965 (reprinting the Conference Report for the House of Representatives).

None of the other proposals regarding the harmonization of NERSA and the Staggers Act adequately addresses the requirements of the two statutes. One proposal submitted by commenting shippers is to compute the RCAF excluding Conrail's labor costs. This methodology was proposed by AAR for the computation of the Fourth Quarter 1983 Index, and was rejected by us in our September 21, 1983, decision. We continue to believe that this is not a viable approach. Under Section 10707a(a)(2)(B), Congress anticipated the inclusion of all railroads' costs. Conrail's portion of the labor component totals some 14 percent of that facet of the index. To eliminate the Conrail labor component would contravene the congressional mandate to index all railroad costs.

Some shippers have also suggested that Conrail could use an RCAF reflecting its actual labor costs along with other mechanisms, such as Commission restraint in suspension decisions, or use other rate flexibility provisions in the Act, to obtain the additional rate increases that would be necessary to ensure that the NERSA-inspired concessions do not limit Conrail's rates. Aside from the problems inherent in any dual index scheme, these alternatives would deprive Conrail of one of the principal benefits of an RCAF—fast, reliable rate increases virtually free of regulatory oversight and attendant burdens. Conrail would always face the uncertainty and potential limits inherent in any regulated rate increase.

Another possible approach, one proposed by certain shipper parties, is to adopt two separate indices. One index would apply to all railroads except Conrail, and would be calculated based on all railroads' (including Conrail's) actual labor costs. The second index would apply only to Conrail and would be calculated based on all railroad's (except Conrail's) actual labor costs with Conrail's labor cost restated to the national wage agreement level. We do not believe that this approach is appropriate under Section 10707a(a)(2)(B) and NERSA.

First, the result of applying two indices would be a variety of different allowable rate increases, because all Conrail rates would be entitled to greater increases, as would any joint rates in which Conrail participates. The substantial benefits of a single simple index would be lost in the resulting patchwork of allowable increases, and the time lags the index was intended to avoid might well result as the railroads tried to determine which increase to apply to each rate.

Second, and just as important, we believe that Congress enacted NERSA to address Conrail's problems. Because NERSA was intended to benefit Conrail, the effects of NERSA should be confined to Conrail. There is no indication that Congress intended NERSA's effects to extend to the nation's other railroads, and certainly no indication that NERSA was intended to adversely affect those other carriers by denying them full recovery of their labor cost increases. See H.R. Rep. No. 97-153, *supra*, at 39-40. Our approach to the RCAF does confine the effects of NERSA to Conrail. For purpose of calculating the RCAF, the rail industry is treated as if the NERSA does not exist. To adopt the dual indices system proposed by the shippers would give the NERSA benefits to Conrail, but

would impose the burdens of NERSA on the rest of the nation's railroads. Conrail would have lower wages but higher rates reflecting the higher wages in the rest of the industry, whereas the rest of the industry would have higher wages but lower rates reflecting the lower wages paid to Conrail labor.

We agree that if one railroad succeeds in lowering its labor cost, the other railroads would all recover less than their full labor cost under the RCAF mechanism. Some shippers contend that Conrail's labor cost savings should also be treated in this manner. We do not agree with this proposition.

In enacting NERSA, Congress adopted a different approach. Recognizing that the labor cost savings it was mandating were fundamentally different from those voluntarily negotiated between labor and management, it required that the ICC not attempt to pass the savings on to Conrail shippers. Therefore, Congress' intention in NERSA appears to be that the extent to which these labor cost savings result in lower rates should be left to Conrail and determined by normal market forces rather than by regulatory fiat. Presumably, Congress assumed that would be the end of the issue. Indeed, in an unregulated industry, it would be the end of it since downward pressure on other carriers' rates would only be produced by the attempt of the carrier receiving the cost saving to increase market share by lowering rates or increasing service.

Under the dual RCAF approach urged by some shippers, the congressional intentions reflected by NERSA would be ignored insofar as other carriers were concerned. Even though Conrail's RCAF increase would not be limited as a result of NERSA, other carriers' increases would be limited. This strange result would not be consistent with Congress' intention that the sacrifices of Conrail labor accrue to Conrail to the extent that competitive conditions permit. Under the dual RCAF approach, shippers on other railroads would receive major benefits, virtually as large as the benefits received by Conrail, at the expense of the other railroads. We find it implausible that Congress would have intended such a large transfer of funds between non-Conrail shippers and carriers given that neither the transfer nor the parties themselves are mentioned in the legislation, and that the only mention of shippers and other railroads in the legislative history indicates that NERSA was intended to have no effect on those entities. It is doubly implausible that non-Conrail shippers would be the intended beneficiaries of a law that specifically

excludes the possibility of similar benefits for Conrail shippers.

In sum, we believe there should only be a single RCAF for the entire industry and that our approach is the best way to harmonize the two statutes at issue. The nation's railroads other than Conrail will continue to incur the labor cost increases imposed by the national agreement. Our approach does not "inflate" those costs, as certain shippers say, but merely allows those other carriers to recover the costs they indisputably will incur. The only railroad that will recover more than its actual cost increases is Conrail, as envisioned by NERSA. The shippers are essentially arguing that NERSA mandates *reduction* in the cost recovery for the other railroads. But as we have discussed, we see no evidence that Congress intended that result when it enacted NERSA.

Miscalculation of the Index

Southern Electric System argues that there are computational errors in our restatement of the index in our December 27 decision. The AAR agrees that our earlier decision miscalculated the index.

We agree that the ratio used to update mid-year 1981 wage classes to subsequent levels was not developed properly. In this case the wages used as a base period had been in turn updated from 1980 levels using national contract provisions. Since that updating process had the effect of including Conrail at national contract levels rather than at its own reduced wage levels the ratio used to further update these wages must also include Conrail at national contract levels in order to be consistent. The index will be revised from 1.053 to 1.052 in order to eliminate the overstatement.

Entry Level Employee Cost Calculation

A shipper party questions why no downward adjustment had been made to the straight time hourly rate of wages to account for the lower wages paid to entry-level employees. The shipper observes that the labor portion of the index had been previously adjusted for this cost saving. However, as AAR correctly points out in response, the straight time hourly rate had been adjusted for entry-level savings only through the fourth quarter of 1983. This correctly reflects the two-year phase-in of the entry-level personnel. As that period has passed, no further downward adjustment need be made.

Employee Count in the RCAF Calculation

Southern Electric argues that in the calculation of the first quarter 1984 RCAF, the Commission failed to include Conrail employees in the computation of railroad retirement costs. We agree that the Conrail employees should have been included in the count of employees used to compute railroad retirement payments, but this omission was harmless error. The omission of the Conrail employees does not change the railroad retirement payment per straight time hour used in calculating the labor portion of the index. Indeed, our adjustment of the RCAF, as discussed above, corrects any miscalculations consistent with Southern Electric's complaints regarding the December 27, 1983 calculation of the RCAF.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources or have a significant impact on small entities.

Conclusion

The RCAF will include Conrail's labor costs restated to the national contract level. The changes in the rules governing the RCAF to reflect this decision will appear in the final set of rules to be issued in the future decision in Ex Parte No. 290 (Sub-No. 2).

The petitions for reconsideration of our decisions in this proceeding of December 1983 are denied.

Authority: 49 U.S.C. 10321 and 10707a.

Dated: March 16, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Commissioner Gradison did not participate.

James H. Bayne,
Acting Secretary.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for the Owens tui chub (*Gila bicolor snyderi*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes the Owens tui chub to be an endangered species. This action is being taken because the Owens tui chub has

declined in recent years and has been extirpated from many areas where it was formerly common. It inhabited streams, rivers, springs, and irrigation ditches in the Owens Basin of Mono and Inyo Counties, California. The Owens tui chub now occurs in only two habitats, the headwaters of the Hot Creek and in a short segment, approximately 8 miles long, of the Owens River below Long Valley Dam, both in Mono County, California. Critical habitat is included with this proposal. If made final, this proposed rule would protect this subspecies and the critical habitat of its wild populations and provide for the species' recovery. The Service seeks data and comments from all interested parties on this proposal.

DATES: Comments from all interested parties must be received by May 22, 1984. Public hearing requests must be received by May 7, 1984.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE. Multnomah Street, Portland, Oregon 97232. Comments and materials relating to this rule are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur, Endangered Species Coordinator, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE. Multnomah St., Portland, Oregon 97232, (503/231-6131).

SUPPLEMENTARY INFORMATION:

Background

The Owens tui chub (*Gila bicolor snyderi*) was described as a new subspecies in 1973 (Miller, 1973), but has been known to scientists since the late 1800's. Sporadic fish collections made around the turn of the century indicated the presence of chubs in the Owens River (Snyder, 1917) and Owens Lake (Gilbert, 1893). The collections of Carl Hubbs (reported by Miller, 1973), made during the 1930's, provide the first major survey of the Owens Basin aquatic habitats. Owens tui chubs were collected by Hubbs and coworkers in the following areas: irrigation canals south of Bishop, Owens River, headsprings of Fish Slough, drainage ditches south of Big Pine, North Fork of Bishop Creek, Bishop Creek, Hot Creek, headwater springs of Hot Creek, Whiskey Creek, Owens Lake, ponds at Lone Pine, Morton's Slough and various ditches emanating from the Owens River. However, by the time the Owens tui chub, endemic to the Owens Basin of

Inyo and Mono Counties, California, was described as *Gila bicolor snyderi* in 1973, the status of the fish was declining rapidly.

Habitat alteration, predation and competition by exotic fishes, and hybridization with introduced Lahontan tui chubs have eliminated pure Owens tui chubs from all but two localities. Owens tui chubs are now known only from an approximately 8 mile section of the Owens River below Long Valley Dam and from 2 adjacent headwater springs of Hot Creek. The population in the Owens River is greatly reduced in numbers because of predation by brown trout. The population in the headwater springs of Hot Creek is small and is threatened by the presence of exotic fishes. These two springs represent less than 1 percent of the original available habitat. The springs and the adjacent lands are owned by the city of Los Angeles but there are no plans for development in the area. The status of the Owens tui chub, which is the most precarious of any fish in the Death Valley region (Pister, 1980), has resulted in the fish being classified as Endangered by the State of California (CDFG, 1980).

The Owens tui chub was included in the Service's December 30, 1982, Review of Vertebrate Wildlife for Listing as Endangered or Threatened Species (47 FR 58454-60). In this review, the Owens tui chub was listed as a category 1 species indication that the Service currently has substantial information on hand to support a proposed rule to list the species as endangered or threatened. On April 12, 1982, the Service was petitioned by the Desert Fishes Council to list the Owens tui chub. After evaluation of this petition, the Service found that the petitioned action was warranted. A notice of finding for this petition was published in the Federal Register on June 14, 1983 (48 FR 27273-27274).

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 threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the Owens tui chub (*Gila bicolor snyderi*) are as follows.

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Ichthyological surveys conducted during the 1930's and 1940's found Owens tui chubs common in a wide range of aquatic habitats in the Owens Basin. Since that time, many habitats have been modified, streams have been diverted, and rivers have been impounded.

Demand for the water resources of the Owens Basin is high. Water is used for local agricultural and municipal purposes. The largest consumer of Owens Basin water is the city of Los Angeles, which through a system of diversion structures and aqueducts, conducts the water to the Los Angeles Basin. Because of the various demands, most waters have been adversely modified by man. This physical habitat alteration, often accompanied by an increase in exotic fishes, has reduced available habitat for the Owens tui chub.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* There is no evidence to suggest that the Owens tui chub has declined as a result of overutilization.

C. *Disease or predation.* Numerous exotic fishes and other aquatic organisms have been introduced into the Owens Basin. Pister (1981) reports that 18 exotic fishes have been introduced into the Owens River, which historically supported 4 native fishes. Predation by brown trout, *Salmo trutta*, is responsible for the reduced numbers of Owens tui chubs below Long Valley Dam. Exotic fishes are the major threat facing the population of Owens tui chubs in the Owens River system.

D. *The inadequacy of existing regulatory mechanisms.* The State of California has a provision in their endangered species law to protect the Owens tui chub from taking but has no authority to protect its habitat. If listed, the Owens tui chub would be eligible for funding by the State and Federal Government for its conservation and recovery.

E. *Other natural or manmade factors affecting its continued existence.* Lahontan tui chubs have been introduced into many waters of the Owens Basin as bait fish. Subsequently, they have hybridized extensively with the native and closely related Owens tui chub. The hybridization problem was first recognized in 1973 at Crowley Lake where fishermen had apparently illegally introduced the Lahontan tui chub as bait while fishing (Miller, 1983). Since that time, hybridization with Lahontan tui chubs has been shown to be a major problem throughout the range of the Owens tui chub. Pure Owens tui

chubs are now restricted to two known localities.

Critical Habitat

Critical habitat, as defined by Section 3 of the Act and at 50 CFR Part 424, means (i) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management consideration or protection; and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

The Act in Section 4(a)(3) requires that critical habitat be designated to the maximum extent prudent and determinable concurrent with the determination that a species is endangered or threatened. Critical habitat for the Owens tui chub is being proposed in two areas:

1. *California, Mono County.* Owens River and 50 feet on each side of the river from Long Valley Dam downstream for a distance of 8 stream miles.

2. *California, Mono County.* Hot Creek and its headwater springs and their outflow including 50 feet on all sides of the springs and Hot Creek.

The areas proposed as critical habitat for the Owens tui chub satisfy all known criteria for the ecological, behavioral, and physiological requirements of the species. This fish successfully reproduces in the headwater springs of Hot Creek where the population is small, probably several hundred fish, but viable. The population in the Owens River was very successful prior to the introduction of exotic fishes. The Owens River continues to support a small but viable population in the 8 stream miles below the dam. The Owens River below Long Valley Dam would provide excellent habitat for the Owens tui chub if the exotic fishes can be eliminated or their populations reduced. The area of 50 feet adjacent to the streams and springs is included for the protection of the riparian habitat which is important in the maintainance of the aquatic ecosystems.

The areas proposed include the entire habitat of this subspecies. Modifications to the critical habitat descriptions may be proposed in the future.

Section 4(b)(8) requires that for any proposed or final regulation which designates critical habitat, a brief description and evaluation of those activities (public and private) which

may adversely modify such habitat or may be affected by such designation must be provided. Such activities are identified for the habitat of the Owens tui chub as follows:

1. Introduction of aquatic organisms;
2. Activities that decrease available waters or cause a significant change in the physical or chemical properties (e.g., temperature or dissolved gasses) of the water;
3. Removal of natural riparian vegetation, except what might be required to maintain some open water; and
4. Pollution of aquatic habitats or adjacent terrestrial environments.

No presently known activities involving Federal agencies affect the critical habitat of the Owens tui chub, nor is any Federal involvement anticipated in these areas. If the Service becomes aware of any involvement in the future, consultation with the appropriate Federal agency would be initiated to determine the extent of the impact and appropriate alternative measures, if necessary. Any Federal agency which feels its actions might affect the survival or continued existence of the Owens tui chub should enter into consultation with the Service.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service will evaluate the geographic critical habitat designation at the time the final rule is prepared, after considering all additional information obtained.

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 results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required by Federal agencies and taking and harm 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. 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 29989; June 29, 1983). Section 7(a)(4) requires agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If an action "may affect" a listed species, the Federal agency must enter into consultation with the Service. At this time, there are no known Federal activities which will be impacted by this proposal.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. The prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale listed species in interstate or foreign commerce. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been illegally taken. Certain exception would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out the otherwise prohibited activities involving endangered animal species under certain circumstances. Endangered species permits are governed by 50 CFR 17.22 and 17.23 and Section 10(a) of the Act. Such permits are available for scientific purposes or to enhance the propagation or survival of the species, or to take species as an incident to otherwise lawful activities in limited circumstances. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

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 other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the Owens tui chub;
- (2) The location of and the reasons why any habitat of this subspecies should or should not be determined to be critical habitat as provided for by Section 4 of the Act;
- (3) Additional information concerning the range and distribution of this subspecies;
- (4) Current or planned activities in the subject area and their possible impacts on the Owens tui chub; and
- (5) The foreseeable economic and other impacts resulting from the proposed critical habitat designation.

Final promulgation of the regulations on the Owens tui chub will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of 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 must be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by 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

California Department of Fish and Game. 1980. At the crossroads 1980, a report on California's endangered and rare fish and wildlife. 147 pp.

Gilbert, C. H. 1893. Report on the fishes of the Death Valley expedition collected in southern California and Nevada in 1891, with description of new species. No Amer. Fauna, No. 7.

Miller, R. R. 1973. Two new fishes, *Gila bicolor snyderi* and *Catostomus fumeiventris*, from the Owens River Basin, California. Occ. Pap. Mus. Zool. Univ. Michigan 667:1-19.

Pister, E. P. 1980. Death Valley system committee report. Proc. Desert Fishes Council 12:8-13.

Pister, E. P. 1981. The conservation of desert fishes. Pages 411-445 in Fishes in North American deserts. R. J. Naiman and D. L. Soltz (eds.) John Wiley and Sons, New York.

Snyder, J. O. 1917. An account of some fishes from Owens River, California. Proc. U.S. Nat. Mus. 54:201-5.

Author

The primary author of this rule is Dr. Jack E. Williams, U.S. Fish and Wildlife Service, 1230 "N" Street, 14th Floor, Sacramento, California 95814, (916/440-2791 or FTS 448-2791).

List of Subjects in 50 CFR Part 17

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

Proposed Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the United States Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

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 § 17.11(h) by adding the following in alphabetical order, under fishes, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *
(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
Chub, Owens tui	<i>Gila bicolor snyderi</i>	U.S.A. (CA)	Entire	E		17.95(e)	NA

3. It is further proposed to amend § 17.95(e) by adding critical habitat of the Owens tui chub as follows: The position of this and any following Critical Habitat entries under § 17.95(e) will be determined at the time of publication of a final rule.

§ 17.95 Critical habitat-fish and wildlife.

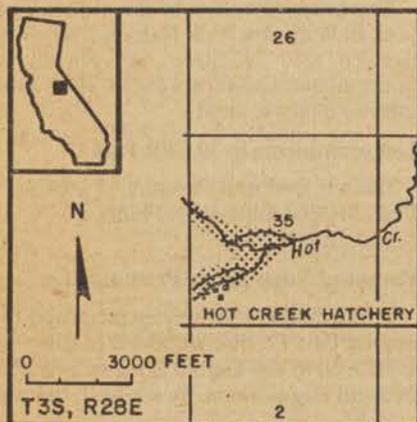
(e)***

Owens tui chub

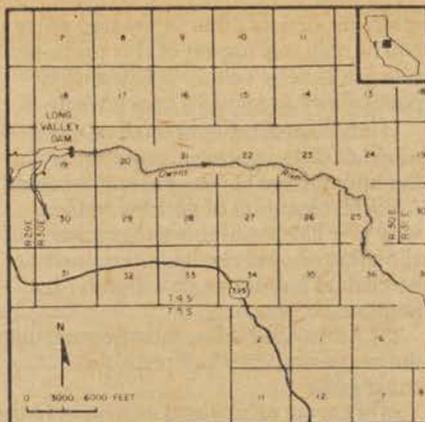
Gila bicolor snyderi

California, Mono County.

1. Hot Creek and adjacent springs near Hot Creek Hatchery including 50 feet on all sides of the creek and springs, in T3S, R28E, SW 1/4 Section 35.



2. Owens River, including 50 feet on both sides of the river, for 8 stream miles below Long Valley Dam in T4S, R30E, Sections 19, 20, 21, 22, 23, 24, 25, and 36.



Known constituent elements include clean permanent flowing streams and or springs with riparian vegetation, deep pools, overhanging banks, aquatic vegetation, and the absence of exotic fishes.

Dated: March 8, 1984.

G. Ray Arnett,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-7825 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-07-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 650

Atlantic Sea Scallop Fisheries

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

ACTION: Notice of public hearing.

SUMMARY: The New England Fishery Management Council will hold a public hearing in conjunction with its regular monthly meeting to allow for input on a proposed amendment to the Sea Scallop Fishery Management Plan.

DATE: The hearing will be held on Tuesday, April 3, 1984, at 1:30 p.m.

ADDRESS: The hearing will take place at the Howard Johnson's Motor Lodge, Interstate Traffic Circle, Portsmouth, NH.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1) Saugus, MA 01906.

SUPPLEMENTARY INFORMATION: On May 15, 1984, the regulated minimum average meat count standard for sea scallops is scheduled to change from 35 meats per pound to 30 meats per pound. The amendment to the sea Scallop Fishery Management Plan proposes to implement a 40 meat count (equivalent) minimum size for sea scallops to replace the 30 meat count average through emergency action by May 15, 1984. The proposed minimum size regulation will delay harvest of scallops until they have reached sexual maturity and stop the present practice of taking small scallops which have not fully matured and had an opportunity to spawn.

Dated: March 20, 1984.

Roland Finch,
Director, Office of Fisheries Management
National Marine Fisheries Service.

[FR Doc. 84-7933 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 49, No. 58

Friday, March 23, 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

Animal and Plant Health Inspection Service

Forest Service

[Docket No. 84-311]

Final Environmental Impact Statement on the Gypsy Moth Suppression and Eradication Projects

AGENCY: Animal and Plant Health Inspection Service and Forest Service, USDA.

ACTION: Notice.

SUMMARY: This document provides information concerning a final environmental impact statement on Gypsy Moth Suppression and Eradication Projects (EIS) (USDA FS-EIS 83-05) that has been prepared and is available for public comment. The EIS was sent to the Environmental Protection Agency (EPA) on March 16, 1984, by the U.S. Department of Agriculture (USDA) pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969.

DATES: Written comments concerning the final EIS risk analysis, using worst case assumptions must be received on or before May 7, 1984.

ADDRESSES: Written comments and/or requests for a copy of the EIS should be addressed to: R. L. Williamson, Director, National Program Planning Staff, Plant Protection and Quarantine, APHIS, USDA, Room 648, Federal Building, Hyattsville, MD 20782 or Thomas N. Schenarts, Area Director, USDA Forest Service, 370 Reed Road, Broomall, Pennsylvania 19008.

Copies are available for public inspection at the following locations:

Plant Protection and Quarantine,
Animal and Plant Health Inspection Service, U.S. Department of

Agriculture, Room 302-E,
Administration Building, 14th and
Independence Avenue, Washington,
DC 20250

Plant Protection and Quarantine,
Animal and Plant Health Inspection
Service, U.S. Department of
Agriculture, Room 663, Federal
Building, 6505 Belcrest Road,
Hyattsville, MD 20782

Northeastern Area, State and Private
Forestry, Forest Service, U.S.
Department of Agriculture, 370 Reed
Road, Broomall, PA 19008

Northeastern Area, State and Private
Forestry, Forest Service, U.S.
Department of Agriculture, 180
Canfield Street, Morgantown, WV
26505

FOR FURTHER INFORMATION CONTACT:

Gary Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, APHIS, USDA, Room 663, Federal Building, Hyattsville, MD 20782, (301) 436-8295; or Thomas N. Schenarts, Area Director, Insect and Disease Management Staff, Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 370 Reed Road, Broomall, PA 19008, (215) 461-3158.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) and the Forest Service of the United States Department of Agriculture published a notice in the *Federal Register* on October 11, 1983 (48 FR 46089) of their intent to prepare a programmatic environmental impact statement on the Gypsy Moth Suppression and Eradication Projects (EIS). The decision to prepare the EIS was made because of the need to revise and update an earlier programmatic Environmental Impact Statement for Gypsy Moth Suppression and Regulatory Program Activities to reflect program and other changes that have occurred since the programmatic EIS was prepared in 1981. The decision by APHIS and the Forest Service to cooperate in the preparation of the EIS was made because it was determined that an indepth and complete study could be done while conserving economic and other resources of both agencies.

On December 28, 1983 the draft EIS was furnished to EPA. Notices were published on January 6, 1984 (49 FR 933)

and on January 17, 1984 (49 FR 2001) announcing the availability and requesting comments on the Draft EIS. Comments were accepted on the Draft EIS through February 25, 1984.

All comments received pursuant to the notice of availability of the Draft EIS were considered in the preparation of this final EIS. Further, on January 26, 1984, the United States District Court for the District of Oregon in *Oregon Environmental Council v. Kunzman et al.* permanently enjoined any programs using the aerial application of carbaryl in populated areas in Oregon. The court directed the defendants to fully consider all health risks of such spraying. In addition, several comments on the draft EIS indicated the need for further consideration of the human health effects associated with the use of chemical insecticides or some type of worst case analysis associated with the proposed use of insecticides in gypsy moth eradication or suppression projects.

In responding to these concerns, APHIS and the Forest Service have prepared a risk analysis, using worst case assumptions, which expands upon the discussion in the draft EIS of the health risks associated with the use of acephate, carbaryl, diflubenzuron, and trichlorfon as used in gypsy moth suppression and eradication projects.

In order to provide further opportunity for input prior to any decision utilizing assumptions and conclusions drawn from the risk analysis, a 45-day public review and comment period is being provided. Comments must be received prior to May 7, 1984.

The final EIS has been transmitted to the Environmental Protection Agency on March 16, 1984.

Done at Washington, D.C. this 20th day of March 1984.

Bert W. Hawkins,

Administrator, Animal and Plant Health Inspection Service.

Done at Washington, D.C. this 20th day of March 1984.

R. Max Peterson,

Chief, Forest Service.

[FR Doc. 84-7911 Filed 3-22-84; 8:45 am]

BILLING CODE 3410-34-M

Commodity Credit Corporation

Proposed Determination Regarding Support Prices for Pulled Wool and Mohair for the 1984 Marketing Year

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: The purpose of this notice is to propose certain determinations concerning the support price for pulled wool and mohair for the 1984 marketing year. These determinations are made in accordance with the provisions of the National Wool Act of 1954, as amended.

EFFECTIVE DATE: Comments must be received on or before April 23, 1984 in order to be assured of consideration.

ADDRESS: Jerry W. Newcomb, Director, Emergency Operations and Livestock Programs Division, USDA, ASCS, Room 4095, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gerald Schiermeyer, Agricultural Program Specialist, EOLP Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447-5171.

The Preliminary Regulatory Impact Analysis describing the options considered in developing this proposed determination and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice of proposed determination has been reviewed and USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major." This notice has been classified as "not major" since it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of proposed determination since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The title and number of the Federal assistance program that this notice of determination applies to are: Title—National Wool Act Payments; Number—10.059 as found in the Catalog of Federal Domestic Assistance Programs.

The National Wool Act of 1954, as amended ("Wool Act"), provides that the Secretary of Agriculture shall support the prices of pulled wool and mohair to producers by means of loans, purchases, payments or other operations.

Section 703(b) of the Wool Act provides that the level of support for shorn wool for each of the marketing years 1982 through 1985 shall be 77.5 percent of an amount which is determined by multiplying 62 cents (the support price in 1965) by the ratio of: (1) The average parity index (the index of prices paid by farmers, including commodities and services, interest, taxes, and farm wage rates) for the three calendar years immediately preceding the year in which such support price is being determined and announced to (2) the average parity index for the three calendar years 1958, 1959, and 1960, and rounding the result to the nearest full cent.

Section 703(c) of the Wool Act also provides that the support prices for pulled wool and for mohair shall be established at such levels, in relationship to the support price for shorn wool, as the Secretary of Agriculture determines will maintain normal marketing practices for pulled wool, and as the Secretary determines is necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. Section 703(c) further provides that the support price for mohair must be within a range of 15 percent above or below the comparable percentage of parity at which shorn wool is supported.

Comments are requested on the method used to calculate the support price for pulled wool, as well as the support price for mohair, for the 1984 marketing year. The comment period has been limited to 30 days in order that producers may have an opportunity to make production plans for the 1984 marketing year.

Notice

Accordingly, the following method for calculating the support price for pulled wool, as well as the following support prices for mohair, for the 1984 marketing year are being proposed:

a. *Support Price-Pulled Wool.* The support price for pulled wool for the 1984 marketing year cannot be determined until the 1984 average market price for shorn wool is

calculated, which should occur by April 1985. Once the average market price for shorn wool is known, it is proposed that the support price for pulled wool be determined, as in prior years, by subtracting the 1984 average market price for shorn wool from the 1984 support price of shorn wool and multiplying that figure by 5 pounds (the amount of wool pulled from the pelt of an average 100-pound unshorn lamb). The result is then multiplied by 80 percent which represents a quality differential which is determined because pulled wool which is derived from unshorn lamb pelts contains a shorter staple and is of a lower quality of wool than wool shorn from other sheep.

b. *Support price—Mohair.* It is proposed that the support price for mohair for the 1984 marketing year shall be determined based on the October 1983 parity prices for mohair and for shorn wool and shall be one of the following three options:

Price Support Level and Mohair Support Price

1. 85% of the percent of parity at which shorn wool is supported—\$4.396 per lb.
2. Equal percent of parity at which shorn wool is supported—\$5.169 per lb.
3. 115% of the percent of parity at which shorn wool is supported—\$5.942 per lb.

Interested persons are encouraged to comment on the proposed levels of price support for mohair and the method of calculation for payments on pulled wool.

Consideration will be given to any data, views and recommendations which are submitted with respect to the proposed levels of price support for pulled wool and mohair.

All comments will be made available for public inspection in Room 4095 of USDA's South Building during business hours (8:15 a.m. to 4:45 p.m.)

Signed at Washington, D.C., on March 16, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-7836 Filed 3-22-84; 8:45 am]

BILLING CODE 3410-05-M

Food Safety and Inspection Service

[Docket No. 84-004N]

Public Meeting; National Academy of Sciences

Dated: March 15, 1984.

The Food and Nutrition Board and the Board on Agriculture of the National Academy of Sciences (NAS) is under contract with the Department to assess the scientific basis of the Department's

meat and poultry inspection procedures. The NAS has formed a committee (the Committee on the Scientific Basis for Meat and Poultry Inspection) to perform this task, and has asked the Department to assist it by publishing notice of public meetings to be held by that committee.

This committee is holding a public meeting April 26, 1984, beginning at 9:30 a.m., at the National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. 20418. The purpose of this meeting is to provide NAS with relevant information and materials. The NAS wishes to obtain scientific data and other information bearing on the adequacy and efficiency, in terms of the public health, of the Food Safety and Inspection Services' current and proposed meat and poultry inspection procedures. The NAS also wishes to obtain information and materials on new and emerging scientific and technological advances which could be relevant to this inquiry.

Persons wishing to attend this meeting are requested to advise the NAS of their intent to attend, and to describe in general terms any information or materials they intend to provide. Please notify Dr. Susan Berkow, National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C., (202) 334-3510, no later than March 30, 1984.

Done at Washington, D.C. on March 16, 1984.

L. L. Gast,

Acting Administrator.

[FR Doc. 84-7910 Filed 3-22-84; 8:45 am]

BILLING CODE 3410-DM-M

Soil Conservation Service

Franklin County Road Critical Area Treatment RC&D Measure, Idaho; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Stanley N. Hobson, State Conservationist, Soil Conservation Service, 304 North 8th Street, Rm. 345, Boise, Idaho 83702, telephone (208) 334-1601.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the

Franklin County Road Critical Area Treatment RC&D Measure, Franklin County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Stanley N. Hobson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Franklin County Road Critical Area Treatment RC&D Measure will control erosion and sediment damage on nine critically eroding sites along county roads. Planned treatments include a diversion above a critically eroding area, a sediment basin, enlarged road culverts, rock gabions, critical area plantings and grading and shaping.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Stanley N. Hobson. The FONSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the address on the first page.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: March 12, 1984.

Stanley N. Hobson,

State Conservationist.

[FR Doc. 84-7864 Filed 3-22-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Domestic Cargo Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Collection of Information under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35).

SUMMARY: The Civil Aeronautics Board is requesting the Office of Management and Budget's approval of the extension of the collection of information in Part 291 of the Board's Economic Regulations for domestic all-cargo air carriers.

DATE: March 19, 1984.

FOR FURTHER INFORMATION CONTACT: Jack Calloway, Data Requirements Section, Information Management

Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-6042.

SUPPLEMENTARY INFORMATION:

Agency Clearance Officer from Whom a Copy of the Collection of Information and Supporting Documents is Available: Robin A. Caldwell (202) 673-5922

How Often the Collection of Information Must Be Filed: On occasion
Who is Asked or Required to Report:

All-cargo carriers
Estimate of Number of Annual Responses: 75

Estimate of Number of Annual Hours Needed to Complete the Collection of Information: 85

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-7781 Filed 3-22-84; 8:45 am]

BILLING CODE 6320-01-M

Exemption for Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Collection of Information under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35).

SUMMARY: The Civil Aeronautics Board is requesting the Office of Management and Budget's approval to extend the collection of air carrier traffic data on CAB Form 298-C "Report of Scheduled Passenger Operations of Commuter Air Carrier." OMB approval is required under the Paperwork Reduction Act of 1980.

DATE: March 19, 1984.

FOR FURTHER INFORMATION CONTACT:

M. Clay Moritz, Jr., Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION:

Agency Clearance Officer from Whom a Copy of the Collection of Information and Supporting Documents is Available: Robin A. Caldwell (202) 673-5922

How Often the Collection of Information Must Be Filed: Quarterly

Who is Asked or Required to Report: Commuter Air Carriers

Estimate of Number of Annual Responses: 968

Estimates of Number of Annual Hours Needed to Complete the Collection of Information: 6,776

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-7782 Filed 3-22-84; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; week ended March 16, 1984.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See, 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
Mar. 14, 1984	42041	Horizon Air Industries, Inc. d/b/a Horizon Air and Horizon Airlines, c/o Stephen A. Alterman, 1050 Seventeenth Street, N.W., Twelfth Floor, Washington, D.C. 20036. Application of Horizon Air Industries, Inc. d/b/a Horizon Air and Horizon Airlines pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural requests a certificate of public convenience and necessity to engage in interstate and overseas transportation of persons, property and mail between and among any points in the United States and/or its territories. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 11, 1984.
Mar. 15, 1984	42042	Universal Airlines, Inc., c/o Harry A. Bowen, Bowen and Atkin, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006. Application of Universal Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in charter interstate and overseas air transportation of persons, property and mail as follows: Between any point in any state of 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 April 12, 1984.
Mar. 15, 1984	42043	Universal Airlines, Inc., c/o Harry A. Bowen, Bowen and Atkin, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006. Applications of Universal Airlines, 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 charter air transportation of persons and property as follows: Between any point in any state of the United States or the District of Columbia, or any United States territory or possession and (a) points in Canada, (b) points in Mexico, (c) 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; (d) points in Central and South America; (e) points in Australasia, Indonesia, and Asia as far west as longitude 70 degrees east via a transpacific routing; and (f) points in Greenland, Iceland, the Azores, Europe, Africa, and Asia as far east as (and including) India. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 12, 1984.
Mar. 16, 1984	42046	British Airways Board and British Airways, PLC, c/o William C. Clarke, Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, New York, New York 10004. Application of British Airways Board and British Airways PLC pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations for amendment of the foreign air carrier permit held by British Airways Board (as to which there is pending before the Board in Docket 41935 an application for transfer to British Airways PLC with effect on April 1, 1984) to add authority for the holder to engage in scheduled foreign air transportation of persons, property and mail limited to air services conducted with combination aircraft, between Bermuda and Baltimore, Maryland. Answers may be filed by April 13, 1984.
Mar. 13, 1984	41990	Conrad Kalitta and Connie Kalitta Services, Inc., c/o Allen W. Markham, 4801 Mass. Ave., NW., Suite 400, Washington, D.C. 20016. Amendment No. 1 to the Application of Conrad Kalitta and Connie Kalitta Services, Inc. for a Section 418 all-cargo service certificate. Additional Information. Answers may be filed by April 10, 1984.
Mar. 14, 1984	41972	40-Mile Air, Ltd., c/o Mr. Charles M. Warbelow, Post Office Box 539, Tok, Alaska 99780. Amended Certificate of Service to the Application of 40-Mile Air, Ltd., for a certificate of public convenience and necessity. Answers may be filed by April 11, 1984.
Mar. 16, 1984	41961	Airwest International, Inc., c/o Michael J. Roberts, Verner, Lipfert, Bernhard and McPherson, Suite 1000, 1660 L Street, N.W., Washington, D.C. 20036 Supplement to the Application of Airwest International, Inc. for a determination of fitness and a certificate of public convenience and necessity. Answers may be filed by April 13, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-7967 Filed 3-22-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41520]

Airspur Helicopter, Inc., Fitness Investigation; Postponement of Reconvened Hearing

Notice is hereby given that the reconvened hearing in the above-entitled matter to be held on March 22, 1984, is postponed until further notice.

Dated at Washington, D.C., March 20, 1984.

John M. Vittone,
Administrative Law Judge.

[FR Doc. 84-7964 Filed 3-22-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-3-75; Docket 41401]

Application for Certificate Authority of Aviation Associates Limited d.b.a. Westflight Aviation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (Order 84-3-75).

SUMMARY: The Board proposes to find Aviation Associates Limited d.b.a. Westflight Aviation fit, willing, and able to provide scheduled interstate and overseas air transportation of persons, property, and mail between all points in the United States, its territories and possessions. The complete text of this order is available, as noted below.

DATES: All interested persons wishing to respond to the Board's issuance of the proposed certificate shall file and serve upon all persons listed below no later than April 10, 1984, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Responses should be filed in Docket 41401 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 and should be served on all persons listed.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-3-75 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-3-75 to that address.

By the Civil Aeronautics Board: March 19, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-7968 Filed 3-22-84; 8:45 am]
BILLING CODE 6320-01-M

[Order 84-3-76; Docket 41681]

Application of Baker Aviation, Inc. for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause order (84-3-76).

SUMMARY: The Board is proposing to find Baker Aviation, Inc., fit, willing, and able and to issue it a certificate under section 401 of the Act authorizing it to provide scheduled interstate and overseas air transportation of persons, property and mail between all points in the United States and its territories and possessions, and scheduled all-cargo authority between Ambler Buckland, Cape Lisburne, Deering, Kiana, Kivaline, Kobuk, Kotzebue, Noatak, Noorvik, Point Hope, Selawik, and Shungnak, Alaska. The complete text of this order is available as noted below.

DATE: All interested persons wishing to respond to the Board's issuance of the proposed certificate shall file, and serve upon all persons listed below no later than April 9, 1984, a statement of objections, together with a summary of testimony, statistical data, and other

material expected to be relied upon to support objections.

ADDRESSES: Responses shall be filed in Docket 41681, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served on all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Phyllis Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-3-76 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-3-76 to that address.

By the Civil Aeronautics Board: March 19, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-7969 Filed 3-22-84; 8:45 am]
BILLING CODE 6320-01-M

Chisum Flying Service of Alaska, Inc., et al.; Commuter Fitness Determination

The Board is proposing to find the following carriers fit, willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
84-3-76.....	Chisum Flying Service of Alaska, Inc.	Apr. 10, 1984.
84-3-72.....	Hobbs-Goldfarb Enterprises, Inc. d.b.a. Nu-West.	Apr. 9, 1984.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data with the Special Authorities Division, Room 915, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

FOR FURTHER INFORMATION CONTACT: John McCamant for Order 84-3-78, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, (202)

673-5348 and Ms. Anne Stockvis for Order 84-3-72, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, (202) 673-5088.

By the Civil Aeronautics Board: March 19, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-7966 Filed 3-22-84; 8:45 am]
BILLING CODE 6320-01-M

[Order 84-3-77; Docket 41990]

Fitness Investigation of Connie Kalitta Services, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause order (84-3-74).

SUMMARY: The Board is proposing to find that Connie Kalitta Services, Inc., meets the fitness standards of section 418 of the Federal Aviation Act to engage in domestic all-cargo air transportation.

DATE: Objections: All interested persons having objections to the Board's tentative fitness determination shall file, and serve upon all persons listed below, no later than April 10, 1984, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support objections.

ADDRESSES: Responses shall be filed in Docket 41990, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served on the persons listed in Attachment B to the order.

FOR FURTHER INFORMATION CONTACT: Paul W. Wallig, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-3-74 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-3-74 to that address.

By the Civil Aeronautics Board: March 19, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-7965 Filed 3-22-84; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Management-Labor Textile Advisory Committee; Open Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held Thursday, April 12, in Room 6802 at 1:00 p.m., Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, D.C. (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials of the effects on import markets of cotton, wool, and man-made fiber textile and apparel agreements.)

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Helen L. LeGrande (202) 377-3737.

Dated: March 20, 1984.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 84-7830 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-DR-M

**President's Export Council;
Subcommittee on Export
Administration; Partially Closed
Meeting**

A meeting of the Subcommittee on Export Administration will be held April 4, 1984, 9:00 a.m.-3:00 p.m., Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979 that deal with United States policies of encouraging trade with all countries with which the United States had diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

General Session: 9:00-11:30.

Discussion on distribution licenses and economic impact.

Executive Session: 1:30-3:00.

Discussion of matters properly classified under Executive Order 12356, dealing with extraterritorially, OEA automation and licensing requirements.

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meetings of the

Subcommittee to the public on the basis of 5 U.S.C. 522(c)(1) was approved on February 2, 1983, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377-4217.

For further information, contact Debbie Kappler, (202) 377-1455.

Dated: March 19, 1984.

William T. Archey,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 84-7828 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-DT-M

[A-583-010]

Final Determination of Sales at Less Than Fair Value: Acrylic Film, Strips and Sheets, at Least 0.030 Inch in Thickness From Taiwan

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final determination.

SUMMARY: We have determined that acrylic film, strips and sheets, at least 0.030 inch in thickness from Taiwan (acrylic sheet), are being sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and the ITC will determine, within 45 days of the publication of this notice, whether these imports are materially injuring, or are threatening to materially injure, a U.S. industry. We have directed the U.S. Customs Service to continue to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after January 11, 1984, and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

We have excluded Jiu Mei Enterprise Co., Ltd. from this final determination.

EFFECTIVE DATE: March 23, 1984.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that acrylic sheet from Taiwan is being sold in the

United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) the Act).

The weighted-average margins on all sales are 6.74, 0.42 and 3.74 percent respectively from Chi Mei, Jiu Mei and Hsin Hwa (the respondents). Since we have found *de minimis* margins for Jiu Mei Enterprise Co., Ltd., we are excluding acrylic sheet manufactured and exported by this company from our final determination.

The overall weighted average-margin on all sales compared is 4.56 percent.

Case History

On July 28, 1983, we received a petition filed by E. I. du Pont de Nemours and Company, Inc. of Wilmington, Delaware. In accordance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petitioners alleged that acrylic sheets imported from Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on August 17, 1983 (48 FR 38860). On September 21, 1983, the ITC found that there is a reasonable indication that imports of acrylic sheet are materially injuring, or are threatening to materially injure, a United States industry.

We presented a questionnaire on September 13, 1983, to the three respondents who actively participated in this investigation: Chi Mei Industrial Company (Chi Mei), Jiu Mei Enterprise Company (Jiu Mei) and Hsin Hwa Chemical Company (Hsin Hwa). These three firms are reported to account for more than 90 percent of the exports of acrylic sheet from Taiwan to the United States during the period of investigation. We later discovered that other acrylic sheet manufacturers, Shen Chuen Enterprise Co. of Kaohsiung and Year Lung Industrial Co. of Tainan, exported acrylic sheet to the United States, but we did not send them questionnaires. After extending the time for response at the request of the respondents, we received the responses on October 31, 1983. Subsequently, we received additional data and explanations in letters directed to portions of the response that were incomplete, inaccurate or unclear. Responses to

some of our inquiries were supplied during or after verification.

We published our preliminary determination, signed January 4, 1984, that acrylic film, strips and sheets from Taiwan were being sold, or were likely to be sold, at less than fair value. (49 FR 1410, January 11, 1984). This notice stated that if the investigation proceeded normally, we would make our final determination by March 19, 1984.

We conducted a verification in Taiwan between January 23 and January 31, 1984. We held a hearing on February 2, to allow the parties to address the issues orally. We received post-hearing briefs from all parties on or before February 17th.

Scope of Investigation

The merchandise covered by this investigation is acrylic film, strips and sheets, at least 0.030 inch thick. It consists of polymerized methyl-methacrylate monomer which is formed into film, strips or sheets by cell casting, continuous casting or extrusion. Acrylic sheet may have a flat or patterned surface and may be transparent, translucent or opaque; and may be clear, white, black or colored. It is generally used as a glazing material and in lighting fixtures, laminated structures, signs, displays, chair mats and other fabricated items. It is currently classified under item numbers 771.4100 and 771.4500 of the *Tariff Schedules of the United States Annotated* (1983) (TSUSA). Chair mats may be cut to shape from rectangular acrylic sheets and, if cut to shape, should be classified under item number 774.55 or the TSUSA. Such chair mats and other manufactured items are not within the scope of this investigation, even if made from acrylic sheet.

We investigated sales of acrylic sheet from Taiwan during the period from February 1 to July 31, 1983.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the acrylic sheet to represent the United States price for the sales by each respondent because the merchandise was sold to unrelated purchasers in the United States. We calculated the purchase price for each manufacturer based on the c.i.f. or c. & f. (U.S. port) packed price. For all firms we increased

quantities sold to account for actual amounts verified to have been sold.

In accordance with section 772(d)(1)(B) of the Act, we added amounts for duty drawback. For Chi Mei, we made deductions for inland freight in Taiwan, ocean freight, marine insurance where appropriate, export stamp tax, masking, export promotion fees and export brokerage.

For Jih Mei we added duty drawback. We made deductions for inland freight in Taiwan, ocean freight, marine insurance where appropriate, export stamp taxes, rebates, export promotion fees and export brokerage.

For Hsin Hwa, which is located in a foreign trade zone, the duty drawback is inapplicable. We made deductions for inland freight in Taiwan, ocean freight, marine insurance where appropriate, export stamp taxes, export promotion fees and export brokerage.

We preliminarily determined duty drawback claimed by each respondent by a formula mandated by the government of Taiwan. Part of the formula makes allowance for material lost as scrap. The scrap allowance, however, appeared to be excessive when compared to the actual scrap experience of one of the firms, as reported during our verification. Therefore, we have adjusted the claimed drawback amounts of each firm downward to reflect an appropriate amendment of scrap allowance in the formula.

Foreign Market Value

In accordance with § 353.3 of our regulations (19 CFR 353.3), we used sales in the home market to determine foreign market value for Chi Mei. Because the respondents Jih Mei and Hsin Hwa reported no sales of acrylic sheet in the home market, we determined foreign market value based on sales in the third country in which they had the largest volume of sales of acrylic sheet, in accordance with § 353.5(c)(2) of our regulations (19 CFR 353.5(c)(2)). The appropriate third country markets were Australia for Jih Mei and Hong Kong for Hsin Hwa. For these two firms we calculated foreign market value based on c.i.f. or c. & f. (third country port) prices to unrelated purchasers.

For Chi Mei we deducted inland freight in Taiwan. We adjusted reported quantities downward to conform to verified data. We made circumstance of sale adjustments for differences between home market and U.S. credit expense, masking, advertising, and warranty expense, and after-sales warehousing, where appropriate. We made adjustments for packing

differences between the U.S. and home market. We also made an adjustment for differences between commissions on sales to the United States and home market indirect selling expenses allowed as an offset to U.S. commissions in accordance with § 353.15(c) of our regulations.

For Jih Mei sales to Australia, we added duty drawback to make an adjustment comparable to the one we made under U.S. price in accordance with section 772(d)(1)(B) of the Act. We adjusted reported quantities upward to conform to verified data. We made deductions for inland freight in Taiwan, ocean freight, marine insurance, export stamp taxes, export promotion fees, and export brokerage. Packing was reported to be identical in both markets and therefore required no adjustment. For Hsin Hwa sales to Hong Kong, the sale calculations were made with the exception of duty drawback, which is not applicable because the company is located in a foreign trade zone, and adjustments for differences in warranty expense and credit expenses between the U.S. and third country markets.

For all manufacturers, we compared identical merchandise in the two markets, where possible. Where identical merchandise was not sold in both markets, we compared merchandise of identical grade, class and thickness, and similar in size. Where merchandise of identical thickness was not sold in both markets, we compared items of most similar thickness and made adjustment for differences in cost, based on differences in thickness in accordance with § 353.16 of our regulations.

We have disallowed an adjustment to price claimed by all three manufacturers for cost differences in producing different quantities of merchandise. The data submitted and the manufacturers' statements at verification indicate that quantity discounts do not exist. Furthermore, the data do not contain evidence of differences in price associated with differences in quantity as required by § 353.14 of our regulations.

We disallowed Chi Mei's claim for an adjustment for bad debt, which we had allowed in the preliminary determination. As we explained in the final antidumping determination of *Color Television Receivers from Taiwan* (49 FR 7628, 7633 March 1, 1984), " * * * Bad debt, by its very nature, is an indirect selling expense. Treasury, as early as 1972, rejected bad debt as a circumstance of sale adjustment." Chi Mei also claimed circumstance of sale adjustments for salesmen's travel and

entertainment expenses. We did not allow these adjustments in this final determination, because they are not directly related to the specific sales of the merchandise under investigation, as required by § 353.15 of our regulations. However, we did include these expenses in the indirect selling expenses, used as an offset to U.S. commissions. Chi Mei also claimed a circumstance of sale adjustment for advertising assumed on behalf of its customers. We did allow this adjustment, but only a prorated amount of that advertising expense verified as promoting acrylic sheet.

Chi Mei claimed a level of trade adjustment on the grounds that it acts as a distributor in the home market, while it sells to distributors in the U.S. We disallowed the claimed level of trade adjustment, because Chi Mei was unable to provide evidence that differences in price were due to differences in the level of trade.

Verification

In accordance with section 776(a) of the Act, we verified the information used in making this determination by using standard verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and selected documents containing relevant information.

Respondent Hsin Hwa Comments

Comment 1: A number of margins calculated by the Department of Commerce (DOC) resulted from errors in data manipulation.

DOC Position: Both Hsin Hwa and we made errors in transcribing data used in our preliminary determination. We have made the appropriate corrections.

Comment 2: In the preliminary determination, DOC calculated ocean freight on gross weight, including packing. To determine ocean freight based on the net weight of the merchandise, it should be increased by 4.3 percent.

DOC Position: Hsin Hwa did not claim that the weight figures it provided in its questionnaire response reflected gross weight until after the verification. Since we did not verify that Hsin Hwa used gross weight for calculating ocean freight, we could not give consideration to the requested adjustment.

Comment 3: Marine insurance expense should be increased by 20 percent because Hsin Hwa cargo is insured at 120 percent of the CIF price.

DOC Position: we agree. We verified actual insurance practice to be as claimed by Hsin Hwa. Therefore, we have made the adjustment.

Comment 4: Sales to the United States are generally made in larger quantities than those used in the third country (Hong Kong) used to determine foreign market value. Average production runs are longer, due to larger quantities sold on average in the U.S. Merchandise is produced on a per order basis for all markets. Thus, foreign market value should be reduced by a factor reflecting the differences in costs associated with producing the different quantities.

DOC Position: All three respondents have claimed allowances based on differences in quantities produced for the home (or third country) market compared to the U.S. market. Such adjustments are typically made for quantity discounts, but the production cost differential must be reflected in lower prices for larger quantities. See 19 CFR 353.14(b).

The data for all three respondents establish that prices do not vary depending on quantities sold in either the U.S. or the market used to determine foreign market value. Unless the data satisfy this threshold requirement of our regulations, we cannot allow an adjustment for differences in the cost of production for different quantities.

Respondent Jiu Mei Comments

Comment 1: Ocean freight claimed and allowed in the preliminary determination should be increased by 4.3 percent in both markets because Jiu Mei had incorrectly reported gross weight rather than net weight figures. Ocean freight per sheet should be calculated on a net weight basis.

DOC Position: We verified Jiu Mei's information and have made the suggested change.

Comment 2: In its questionnaire response, Jiu Mei indicated that marine insurance should be computed on the gross price. In order to correct the error, marine insurance should be increased in the Australian market by 20 percent and in the U.S. market by 10 percent to reflect the fact that the insured values were greater than the gross price in each market.

DOC Position: We agree. This information was first received and supported at verification. We have incorporated the change.

Comment 3: A "commission" of 3 percent is given to the purchaser in all Australian sales of acrylic sheet by Jiu Mei. Since a purchaser who takes title to the merchandise cannot receive a commission for its own purchases, the "commission" is, in effect, a rebate. Many U.S. transactions were also characterized by similar rebates. True commissions were paid on many other U.S. sales where the importer did not

purchase for its own account. Both Australian and U.S. rebates should be treated as a reduction to sales price. Commissions on U.S. sales should not be deducted from sales price since, pursuant to 19 CFR 353.15(c), commissions are used as an offset to indirect selling expenses claimed as an adjustment to foreign market value. No indirect selling expenses were claimed.

DOC Position: Australian "commissions" were reported in Jiu Mei's questionnaire response and were subsequently verified as rebates. U.S. rebates and commissions were not reported, but were found by the verifying officer on examining Jiu Mei's records. An actual listing of claimed U.S. rebates and true commissions was not submitted by Jiu Mei until after verification. Inasmuch as this information has not been verified, we must resort to use of the best information available. Therefore, we conclude that the reported rebates could be applicable in all U.S. sales and have adjusted U.S. price accordingly.

Comment 4: An adjustment should be allowed for the lower average cost for producing greater quantities for sales to the U.S. market than for sales to Australia.

DOC Position: See Hsin Hwa comment 4.

Respondent Chi Mei Comments

Comment 1: DOC erred in calculating U.S. price for merchandise ordered in the investigation period, but not shipped prior to completion of the questionnaire response. Expenses or additions related to foreign brokerage, foreign inland freight, ocean freight, duty drawback, etc. were listed as zero in Chi Mei's response. DOC's use of such sales without appropriate adjustments is contrary to the Act.

DOC Position: We agree. We have made the appropriate adjustments to these sales in making our final calculation.

Comment 2: DOC erred in its preliminary determination by selecting similar merchandise for comparison by varying thickness, while maintaining constant size. Section 771(16) of the Act requires that preference be given to merchandise that is approximately equal in commercial value for comparison. In this case a preference for use of constant thickness is required.

DOC Position: All three respondents claimed an adjustment for differences in thickness. In its response and subsequently, Chi Mei alone of the three respondents claimed benefit for an adjustment for differences in size. All three use the same process to manufacture acrylic sheet. Chi Mei's

claimed adjustments for size were small in comparison to those for thickness. Comparisons on the basis of identical thickness would clearly have been preferable to those on the basis of identical size considering statutory requirements. However, Chi Mei's size adjustment data were incomplete and unusable for adjustment in many of the comparisons of similar merchandise. Consequently, for the preliminary determination, we decided to compare sales where we did not have identical merchandise, on the basis of identical size and most similar thickness. This provided consistency in our comparisons since Chi Mei had provided cost adjustment information for almost all differences in thickness, but not for many differences in size. Subsequently, we reviewed Chi Mei's size adjustment methodology at verification by inspecting the manufacturing process and reviewing applicable accounting procedures. Furthermore, we discovered at verification that the size data used in calculating Chi Mei's adjustment factors are unreliable. In our opinion, the claimed adjustments were not supported by the actual process. It appears that, costs per square foot are the same for each thickness, so there is no need to adjust for size. For the preceding reasons, we have decided not to allow any claimed adjustment for differences in size in comparisons of similar merchandise. Since size differential costs are unsubstantiated, hence irrelevant in our comparisons, we have compared merchandise of identical thickness and similar size where identical merchandise is not available. Where no identical thickness was available for comparison, we have compared the most similar thicknesses and sizes, with appropriate adjustments for the cost of differences in thickness.

Comment 3: DOC used a factor in its preliminary determination computation that arbitrarily and capriciously reduced U.S. unit prices by 0.2 percent.

DOC Position: During our review we discovered three accidental errors in the program used in the preliminary determination. One operated in respondents' favor, and two did not. We have corrected all such errors for the final determination.

Comment 4: with the exception of inland freight, DOC verified the accuracy of all expenses and adjustments claimed.

DOC Position: We conducted a verification of Chi Mei's response and determined that much of the data was accurately reported. However, we also found that there were some inaccuracies in the data and that some claimed adjustments were unsupported.

Comment 5: DOC should correct its calculations by adjusting for the increased freight to northern Taiwan found at verification.

DOC Position: We have verified actual freight costs and have made an appropriate correction.

Comment 6: DOC must adjust home market prices to reflect differences in the cost of producing smaller quantities associated with home market sales as compared with the larger quantities sold in the U.S.

DOC Position: Chi Mei's claimed adjustment has been denied. We have addressed this issue in response to Hsin Hwa comment 4.

Comment 7: DOC should not use a sale of a single sheet in Taiwan to compare with sales of hundreds of sheets in the U.S.

DOC Position: Although we agree that such a comparison is not desirable, as the Act directs us to compare identical merchandise in preference to similar merchandise regardless of quantity, there may be occasions when this is necessary. In this case, however, we are not aware of any instances in which we have made comparisons of this type.

Comment 8: Chi Mei should be allowed interest expense claimed for the average 105 days for which it deferred collection of funds in the home market.

DOC Position: We agree. An adjustment for differences in credit expenses, an expense directly related to particular sales, should reflect the actual differences in the extension of credit by a firm no matter how the seller chooses to finance those extensions. Our calculation of the credit costs incurred by the firm for sales in the home and U.S. markets is based upon actual data from the firm (e.g. the appropriate accounts receivable, sales accounts, borrowing records of the firm, etc.). For the purposes of this investigation, we have used the short-term borrowing rate to calculate actual credit costs.

If a firm could satisfactorily demonstrate and quantify actual costs directly attributable to extensions of credit on particular transactions, we would use the actual expense incurred to calculate the credit expense on those sales. However, in this investigation Chi Mei could not adequately demonstrate and quantify all costs incurred for extensions of credit on particular transactions. Therefore, for Chi Mei, we have computed home market interest expense by multiplying the short-term interest rate by the full transaction price, and have applied it to the average period between shipment and payment, which in this case is 105 days.

Comment 9: DOC should allow increased warranty expense found in

the home market, and the after-sale warehousing expenses in northern Taiwan, bad debt, and salesmen's travel and entertainment expenses as claimed.

DOC Position: Increased warranty expenses and after-sale warehousing expenses were verified. Therefore, we have allowed warranty and after-sale warehousing expenses as circumstances of sale adjustments to foreign market value, in accordance with § 353.15 of our regulations. We determined bad debt to be unallowable as discussed in the Foreign Market Value section of this notice. Salesman's travel and entertainment expenses were not allowed as circumstance of sale adjustments because Chi Mei could not demonstrate that these expenses were directly related to specific sales under consideration, as required by § 353.15 of our regulations. We have, however, considered these as indirect selling expenses for use as an offset to commissions paid on U.S. sales, where appropriate.

Comment 10: Chi Mei is entitled to adjustments claimed for both differences in cost of production for similar merchandise in terms of size and for adjustments based on claimed differences in production quantities. There is no double counting.

DOC Position: Chi Mei is not entitled to either adjustment for reasons which we explained in responding to Hsin Hwa comment 4 and Chi Mei comments 2 and 6.

Comment 11: In the verification report, DOC cited discrepancies between the nominal sizes that Chi Mei reported for U.S. sales in our questionnaire response and actual sizes. These discrepancies systematically understated actual quantities of acrylic sheet sold by Chi Mei to the U.S. market. The "discrepancy" between sales quantity reported by Chi Mei and sales quantity calculated according to actual acrylic sheet dimensions was not a discrepancy nor a mistake. The quantity information provided corresponded exactly with the company's business records. Because of the large number of different sizes and thicknesses that Chi Mei sells to the United States, it is impractical to sell on the basis of actual size. Instead Chi Mei sells to the U.S. on the basis of nominal square feet for each size. There should be no adjustment to Chi Mei's quantities because that would distort actual transaction prices.

DOC Position: During verification we sampled invoices from three U.S. sales. In each instance, we discovered that reported nominal sizes understated the actual square footage of the sheets sold. Additionally, we sampled documents

from home market sales and found that, to a lesser degree, they tended to overstate quantities reported. Although we requested actual dimensions of all sizes as early as November, a complete and usable conversion table for U.S. sales was not supplied until after the Chi Mei verification. It was received too late for verification and application to our final determination. In addition, Chi Mei has yet to furnish a table for conversion of reported home market quantities to actual quantities delivered. Such a table was reported by Chi Mei to exist in a letter to DOC dated March 1, 1984, but it was not furnished.

Consequently, we have scaled all reported quantities sold by Chi Mei in the U.S. upwards by a factor which represents the best information available. This factor is the relative difference between "nominal" size and actual size in the most disadvantageous instance examined in the U.S. data. Similarly, we have scaled all reported quantities sold by Chi Mei in the home market downward by a factor developed from the relative difference between reported size and actual size in the most disadvantageous case reviewed in the home market data.

Rohm and Haas Comments

Comment 1: The DOC should recompute quantities sold by Chi Mei and by Hsin Hwa to the United States. Oversized sheets sold in the U.S. market, if accurately accounted for, would depress unit prices. Antidumping duties are imposed on the basis of differences in value, not differences in cost.

DOC Position: We have adjusted U.S. quantities upward for Hsin Hwa and Chi Mei. For Hsin Hwa we were able to make this adjustment in accordance with verified data submitted. For treatment of Chi Mei, see our response to Chi Mei's Comment 11.

Comment 2: The DOC should have verified that the government of Taiwan has a policy of insuring a direct link between duty drawback for exported acrylic sheet and import duties imposed on monomer, a major ingredient of acrylic sheet. Thus, no duty drawback adjustment to United States price may be allowed for Chi Mei and Jih Mei, in accordance with our precedent set in an antidumping investigation involving sorbitol from France (47 FR 6459). The case handler stated that he only verified that Chi Mei's drawback for export of acrylic sheet to the U.S. in the six-month investigation period did not exceed duties paid for monomer in the same period. In the case of Jih Mei, relevant records had been destroyed by fire.

DOC Position: Contrary to Rohm and Haas's characterization of the linkage issue, DOC need not trace an input from import through export in order to allow drawback on import duties paid. This would be an unrealizable task. The linkage concept requires that there must be a reasonable link established between duties imposed and rebated. (*Bicycles from Taiwan: Final Determination of Sales at Less Than Fair Value*) (49 FR 31668, July 11, 1983). In the Sorbitol case, we disallowed the claimed rebate because it would have been granted by the EEC whether or not the raw material had been imported. In contrast, at verification in this investigation, we received copies of pertinent documents from Chi Mei, relating each application for duty drawback to import duties that the company had actually paid.

Our method of determining if there were adequate import duties paid to cover drawback on exports is governed by our test pursuant to the principle of substitutability, which is discussed in our response to comment 3, below.

As stated in the verification report, Jih Mei had a fire which closed its production facilities for months. We are not aware that records were destroyed. For Jih Mei, however, we are using sales of identical or substantially identical merchandise to its largest third country customer (Australia) for comparison to U.S. sales. Duty drawback enters the comparison uniformly on both sides of the equation, so that the issue of excessive drawback becomes moot as to Jih Mei. For Chi Mei, computations of dumping margins involving duty drawback result in increased U.S. prices, but do not affect home market prices.

Comment 3: Duty drawback should only be allowed to the extent that duty is levied against domestic sales. Since duPont has developed data that demonstrate that it is unlikely that domestically sold acrylic sheet was manufactured with imported monomer, domestic sales (like export sales) are not burdened by the cost of import duties. The purposes of the price adjustment in section 772(d)(1)(B) of the Act is to insure that the rebate of import duties does not create the false appearance of dumping margins that, in fact, do not exist. No duty drawback adjustment is necessary to allow a fair price comparison. In fact, the duty drawback adjustment distorts the price comparison.

DOC Position: We reported during our oral disclosure of verification that the domestic supplier of monomer offers it to acrylic sheet manufacturers at two

prices. The higher price is for monomer used for domestically marketed acrylic products. The reason explained for the higher price is that constituents of monomer were imported and the supplier can sell monomer at a lower price for export use since the supplier receives duty drawback. The premise that acrylic sheet made with domestically produced monomer is not burdened by import duties is incorrect. Acrylic sheet, manufactured for the domestic market, is made with monomer that has been subject to duties whether purchased from local or foreign sources and these duties are not subject to drawback.

Monomer is a fungible commodity. We cannot identify whether the starting material in a finished sheet was domestic or imported. It is not necessary to challenge or agree with duPont's deduction that domestic sheet was made with domestically purchased monomer. We regard drawback claims to be reflective of duties paid on the imported raw material if there is evidence of sufficient imports of that raw material to account for exports of the manufactured product. Under this principle of "drawback substitution", we have found sufficient imports of monomer into Taiwan during the period of investigation to warrant adjustment for drawback of duties on exports of acrylic sheet from Taiwan. See *Steel Wire Rope from the Republic of Korea—Final Determination of Sales at Not Less than Fair Value* (48 FR 41616, September 16, 1983).

Petitioner duPont Comments

Comment 1: Since no duties are paid on monomer made by the local supplier of monomer, no duty drawback should be allowed for any monomer from that source.

DOC Position: DuPont's concern relates to the drawback substitution principle which is addressed in our response to Rohm and Haas's comment 3.

Comment 2: There should be no adjustment for differences in quantity. The cells have to be set up for each change regardless of whether the thickness changes. Cell building and color mixing are off-line operations.

DOC Position: We agree that there should be no adjustment for differences in quantity, although cell building and color mixing are on-line operations in Taiwan. See our response to Hsin Hwa comment 4 and Chi Mei comment 6.

Comment 3: Based on documents supplied in exhibits attached duPont's post-hearing brief, DOC should reexamine Chi Mei's response. Chi Mei

was quoting higher prices from a price list in the home market in the investigation period than it reported to DOC for the investigation period. Jih Mei appears to have higher selling prices in Australia than was reported. In Hong Kong, DOC has the burden of proving that Tai Shun Plastic and Electrical Enterprise Co. (Tai Shun), the leading distributor of acrylic sheet in Hong Kong, is not related to Hsin Hwa. Petitioner has given DOC documentation proving that Tai Shun is 20 percent Taiwanese owned.

DOC Position: If duPont wanted to draw our attention to inconsistencies between prices listed in the Chi Mei response, which duPont received in November 1983, and information contained in a telex to duPont dated March, 1983 (from a source unknown to us), it should have done so before we verified Chi Mei's response in mid-January 1984. On page 2 of Chi Mei's response, it says that although it has had a price list, actual sales prices depend on quantity, level of trade and other market factors. We verified that prices were established on a sale by sale basis, independent of the quantity or level of trade. Price lists from Chi Mei are not the basis of sale. Petitioner's other documents concerning Chi Mei, submitted with the post hearing brief, relate to indirect transactions in January 1984, which is outside the period of investigation. Furthermore, the information addressed in these exhibits concerns data provided in Chi Mei's response that has been verified to be correct through examination of that firm's accounts and records. If duPont wanted to direct our attention to Jih Mei's prices, it should have supplied information pertaining to Jih Mei on a timely basis. As to the alleged relationship between Tai Shun and Hsin Hwa, duPont has not provided evidence of such relationship. We do not bear the burden of disproving petitioner's unsupported belief that there is a relationship between Hsin Hwa and the Hong Kong distributor.

Comment 4: The verification procedure should be repeated because of failure to verify the correlation between duty collected and duty drawback.

DOC Position: See our response to Rohm and Haas comment 2.

Comment 5: Petitioner notes that Chi Mei understated quantities exported to the United States and overstated quantities sold in the home market. Petitioner objects to the fact that, at verification, DOC examined only six transactions where such discrepancies may appear.

DOC Position: With respect to understated quantities, see our response to Chi Mei's comment 11. We agree that we may have been able to determine more refined indicia to correct the Chi Mei errors found had we examined more transactions. However, we budgeted available time to do that which seemed most efficient in terms of verifying the great quantity of information contained in respondent's submissions. When we found non-uniform differences between reported and actual quantities affecting most or all the sales, there was no purpose in looking further because we could not verify all such differences in the time allotted.

Comment 6: Petitioner objects to DOC's refusal to pursue a cost of production investigation, which it requested 70 days prior to the date of final determination.

DOC Position: The petitioner has produced insufficient evidence to justify a cost of production investigation. DuPont's allegation was based on non-confidential information. At the time we received the allegation, we applied duPont's methodology to the confidential data contained in the questionnaire response. We determined that sales below cost were remotely possible for Chi Mei on a very few sales. We had no adequate information addressed to below cost sales of the other two respondents in Hong Kong and Australia. However, we applied Chi Mei's costs, developed from duPont's methodology, to Hsin Hwa and Jih Mei data without affirmative results.

DuPont's allegation was submitted only 70 days prior to the final determination. It required us to request additional information because we deemed the allegation to be weakly supported at that time. The additional data obtained several days later did not give us reasonable grounds to believe or suspect sales below cost in the home market and we also deemed the submission to be untimely.

Suspension of Liquidation

In accordance with section 733(d) of the Act, as of January 11, 1984, we instructed the United States Customs Service to suspend liquidation of entries of acrylic film, strips and sheets, at least 0.030 inch (0.76 mm.) thick from Taiwan that are entered, or withdrawn from warehouse, for consumption.

As of the date of publication of this notice in the **Federal Register**, the Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States

price except for Jih Mei Enterprise Co. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturer	Weighted-average margin percentage
Jih Mei Enterprise Company	0.42
Hsin Hwa Chemical Company	3.74
Chi Mei Industrial Company	6.74
All Other Manufacturers/Producers/Exporters	4.56

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will make its determination whether these imports are materially injuring, or threatening to materially injure, a U.S. industry within 45 days of the publication of this notice.

If the ITC determines that material injury or threat of material injury does not exist, these proceedings will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, we will issue an antidumping order, directing Customs officers to assess an antidumping duty on acrylic film, strips and sheets more than 0.030 inch thick from Taiwan entered, or withdrawn, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

William T. Archey,

Acting Assistant Secretary for Trade Administration.

March 19, 1984.

[FR Doc. 84-7935 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-D5-M

Telecommunications Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held April 17, 1984, at 10:00 a.m., Herbert C. Hoover Building, Room 1851, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to telecommunications equipment or technology.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo 202-377-2583.

Dated: March 20, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-7936 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-DT-M

held from 7 till 10 p.m. in the Goether Room on April 25, 1984 at the California Academy of Sciences in San Francisco, California. All interested persons are invited to attend.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster, (202) 634-4236.

ADDRESS: Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven St., NW., Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act of 1972 authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological, or esthetic values. The Secretary of Commerce has delegated the responsibility for reviewing and evaluating national marine sanctuaries to the Sanctuary Programs Division within NOAA.

Cordell Bank is located 20 miles due west of the Point Reyes peninsula, and approximately 50 miles west-northwest of San Francisco, California. The site is outside state waters and is completely underwater. The area under consideration is 22 square nautical miles in size.

Cordell Bank is characterized by a combination of oceanic conditions and undersea topography that provides for a highly productive environment in a discrete, well-defined area. The Bank consists of a complete series of steep-sided ridges and narrow pinnacles on the edge of the continental shelf. It lies on a seafloor plateau 300-400 feet deep and rises to within about 115 feet of the surface. The prevailing California Current flows southward along the coast and is deflected by the Bank, causing the upwelling of nutrient-rich waters. This upwelling stimulates the growth of planktonic organisms and results in an exceptionally vigorous biological community. These characteristics support the entire food chain up to the larger species such as the seabirds, fish and marine mammals that are attracted to this locally productive environment.

Cordell Bank was nominated for sanctuary status in July 1981. On June 30, 1983, NOAA declared the site an active candidate for further consideration as a national marine sanctuary. NOAA will hold a public meeting to gather information to determine the range and significance of issues related to sanctuary designation and management. This meeting will be held from 7 till 10 p.m. in the Goether Room on April 25, 1984 at the California

Academy of Sciences in San Francisco, California. All interested persons are invited to attend.

The steps in the designation process, including the scoping meeting, are preparation of a management and environmental impact statement; public hearings in the San Francisco Bay Area; and consultations with governmental agencies and other interested parties. These steps are required before the site can be forwarded for Presidential approval. The initiation of this process does not commit NOAA to the final designation of Cordell Bank as a national marine sanctuary.

The management plan specifies goals and objectives and describe programs for resource protection, research, and resource interpretation in the proposed sanctuary. Implementation of the management plan is analyzed in the environmental impact statement.

The upcoming April meeting represents the beginning of an open process for public participation in NOAA's development of a management plan and environmental impact statement. Opportunities to participate in developing the management plan will be provided through the public meeting, written comments on the draft environmental impact statement, and formal public hearings.

(Federal Domestic Assistance Catalog Number 11.419 Coastal Zone Management Program Administration)

Dated: March 19, 1984.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84-7810 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-08-M

National Oceanic and Atmospheric Administration

Scoping Meeting on the Proposed Cordell Bank National Marine Sanctuary

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is examining Cordell Bank, located off the coast of northern California, for designation as a national marine sanctuary. NOAA will hold a public meeting to gather information to determine the range and significance of issues related to sanctuary designation and management. This meeting will be

Marine Mammals; Receipt of Application for Permit; Dr. Louis Herman

Notice is hereby 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).

1. Applicant: Dr. Louis Herman (P166B), University of Hawaii at Manoa, Kewalo Basin Marine Mammal Laboratory, 1129 Ala Moana Blvd., Honolulu, Hawaii 96814.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*)—4.

4. Type of Take: Captive maintenance for communication studies.

5. Location of Activity: Capture in Mississippi Sound, Gulf of Mexico.

6. Period of Activity: 3 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

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.;
Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 16, 1984.

Richard B. Roe,
Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-7861 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; Brighton Aquarium and Dolphinarium

On February 7, 1984, Notice was published in the *Federal Register* (49 FR 4541), that an application had been filed with the National Marine Fisheries Service by the Brighton Aquarium and

Dolphinarium, Marine Parade and Madeira Drive, Brighton BN2 ITE Sussex, United Kingdom, for a permit to take two (2) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on March 16, 1984, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above taking to the Brighton Aquarium and Dolphinarium, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: March 16, 1984.

Richard B. Roe,
Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-7858 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; Gulf World, Inc.

On January 25, 1984, Notice was published in the *Federal Register* (49 FR 3108) that an application had been filed with the National Marine Fisheries Service by Gulf World, Inc., 15412 West Alt. Highway 98, Panama City Beach, Florida 32407, for a permit to take one (1) Atlantic bottlenose dolphin (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on March 16, 1984, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit to the Gulf World, Inc., subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida.

Dated: March 16, 1984.

Richard B. Roe,
Director, Office of Protected Species and Habitat Conservation National Marine Fisheries Service.

[FR Doc. 84-7859 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; New York Aquarium

On January 20, 1984, Notice was published in the *Federal Register* (49 FR 2500) that an application had been filed with the National Marine Fisheries Service by the New York Aquarium, Boardwalk & West 8th Street, Brooklyn, New York 11224, for a permit to import three (3) beluga whales (*Delphinapterus leucas*) for public display.

Notice is hereby given that on March 16, 1984, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the import of three beluga whales to the New York Aquarium, subject to certain conditions set forth therein.

The permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and
Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts.

Dated: March 16, 1984.

Richard B. Roe,
Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-7860 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-22-M

Issuance of General Permit; Scan Ocean, Inc.

On March 16, 1984, a general permit to incidentally take marine mammals during commercial fishing operations in 1984 was issued to: Scan Ocean, Inc., 42 Rogers Street, Gloucester, Mass. 01930, in Category 1: Towed or Draggled Gear, to take 5 harbor seals (*Phoca vitulina*) and 10 cetaceans.

All takings are incidental to commercial fishing operations within the U.S. Fishery Conservation Zone, pursuant to 50 CFR 216.24.

This general permit is available for public review in the Office of the Assistant Administrator for Fisheries,

3300 Whitehaven Street NW.,
Washington, D.C.

Dated: March 16, 1984.

Richard B. Roe,

Director, Office of Protected Species and
Habitat Conservation, National Marine
Fisheries Service.

[FR Doc. 84-7857 Filed 3-22-84; 8:45 am]

BILLING CODE 3510-22-M

**Fishery Conservation and
Management; Receipt of Foreign
Fishing Permit Applications**

This document publishes for public
review a summary of applications
received by the Secretary of State
requesting permits for foreign vessels to
fish in the fishery conservation zone
under the Magnuson Fishery
Conservation and Management Act
(Magnuson Act, 16 U.S.C. 1801 et seq.).

Send comments on applications to:

Fees, Permits, and Regulations Division
(F/M12), National Marine Fisheries
Service, Department of Commerce,
Washington, D.C. 20235

or, send comments to the Fishery
Management Council(s) which review
the application(s), as specified below:

Douglas G. Marshall, Executive Director,
New England Fishery Management
Council, Suntaug Office Park, 5
Broadway (Route 1), Saugus, MA
01906, 617-231-0422

John C. Bryson, Executive Director, Mid-
Atlantic Fishery Management Council,
Federal Building, Room 2115, 300
South New Street, Dover, DE 19901,
302-674-2331

David H. G. Gould, Executive Director,
South Atlantic Fishery Management
Council, Southpark Building, Suite 306,
1 South Park Circle, Charleston, SC
29407, 803-571-4366

Omar Munoz-Roure, Executive Director,
Caribbean Fishery Management
Council, Banco De Ponce Building,
Suite 1108, Hato Rey, PR 00918, 809-
753-6910

Wayne E. Swingle, Executive Director,
Gulf of Mexico Fishery Management
Council, Lincoln Center, Suite 881,
5401 West Kennedy Blvd., Tampa, FL
33609, 813-228-2815

Joseph C. Greenly, Executive Director,
Pacific Fishery Management Council,
526 S.W. Mill Stret, Portland, OR
97201, 503-221-6352

Jim H. Branson, Executive Director,
North Pacific Fishery Management
Council, 605 W. Fourth Avenue, 907-
271-4064

Kitty M. Simonds, Executive Director,
Western Pacific Fishery Management
Council, 1164 Bishop Street, Room
1608, Honolulu, Hawaii 98613, 808-
523-1368

FOR FURTHER INFORMATION CONTACT:
Shirley Whitted or John D. Kelly (Fees,
Permits, and Regulations Division), 202-
634-7432.

The Magnuson Act also requires the
Secretary of State to publish a notice of
receipt of all applications for such
permits summarizing the contents of the
applications in the **Federal Register**. The
National Marine Fisheries Service,
under the authority granted in a
memorandum of understanding with the
Department of State effective November

29, 1983, issues the notice on behalf of
the Secretary of State.

Individual vessel applications for
fishing in 1984 have been received
between February 10, 1984, and March
20, 1984, from the Government(s), shown
below.

Dated: March 21, 1984.

Carmen J. Blondin,

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

Fishery codes and designation of
regional councils which review
applications for individual fisheries are
as follows:

Code and fishery	Regional council
ABS Atlantic billfishes and sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA Bering Sea and Aleutian Islands groundfish.	North Pacific.
GOA Gulf of Alaska	Do.
NWA Northwest Atlantic Ocean.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
SMT Seamount groundfish (Pacific Ocean).	Western Pacific.
SNA Snails (Bering Sea)	North Pacific.
WOC Pacific Groundfish (Washington, Oregon, and California).	Pacific.
PBS Pacific billfishes and sharks.	Western Pacific.

Activity codes which specify
categories of fishing operations applied
for are as follows:

Fishing operations	Activity code
Catching, processing, and other support	1
Processing and other support, only	2
Other support only	3
"Joint Venture" in support of U.S. vessels	4

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Government of Japan:			
Biyo Maru, cargo/transport vessel	JA-84-0598	BSA, GOA, NWA, SMT, SNA	3
Chosei Maru No. 78, pot fishing vessel	JA-84-0838	SNA	1
Eastern Reefer, cargo/transport vessel	JA-84-0600	BSA, GOA, NWA, SMT	3
Eiwa Maru No. 28, pot fishing vessel	JA-84-0820	SNA	1
Hoyo Maru No. 63, pot fishing vessel	JA-84-0862	SNA	1
Kaiyo Maru No. 8, pot fishing vessel	JA-84-1137	SNA	1
Katabami Maru, tanker fuel/water	JA-84-0597	BSA, GOA	3
Kohoku Maru No. 18, pot fishing vessel	JA-84-0839	SNA	1
Kyoshin Maru, cargo/transport vessel	JA-84-0629	BSA, GOA	3
Mabah, cargo/transport vessel	JA-84-0108	BSA, GOA	3
Naniwa Maru No. 36, tanker fuel/water	JA-84-0596	BSA, GOA	3
Sankichi Maru No. 23, pot fishing vessel	JA-84-0848	SNA	1
Takashiro Maru No. 31, pot fishing vessel	JA-84-0856	SNA	1
Western Reefer, cargo/transport vessel	JA-84-0599	BSA, GOA, NWA, SMT	3
Government of the Netherlands:			
Emmely, cargo/transport vessel	NL-84-0017	NWA	3
M/V Arctic, cargo/transport vessel	NL-84-0019	NWA	3
Marleen, cargo/transport vessel	NL-84-0018	NWA	3
Government of Portugal:			
Joao Alvares Fagundes, large stern trawler	PO-84-0004	NWA	2,4
Luis Ferreira de Carvalho, large stern trawler	PO-84-0005	NWA	2,4
Government of Spain: Mar de Labrador, medium stern trawler			
	SP-84-0176	BSA	2,4
Government of the U.S.S.R.:			
Armeniya, large stern trawler	UR-84-0016	WOC	2,4
Mys Orekhova, large stern trawler	UR-84-0017	WOC	2,4
Karagach, large stern trawler	UR-84-0028	WOC	2,4
Skalistsy, large stern trawler	UR-84-0052	WOC	2,4
Pasionariya, large stern trawler	UR-84-0060	BSA, GOA	2,4
Nadezhda, large stern trawler	UR-84-0061	WOC	2,4
Mys Ratmanova, large stern trawler	UR-84-0078	WOC	2,4
Kargat, large stern trawler	UR-84-0198	BSA, GOA	2,4

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Argonit, large stern trawler	UR-84-0224	WOC	2, 4
Marshal Rokossovsky, cargo/transport vessel	UR-84-0274	BSA, GOA, WOC	3
Khudozhnik Dayneka, cargo/transport vessel	UR-84-0278	BSA, GOA, WOC	3
Pistafel, large stern trawler	UR-84-0561	WOC	2, 4
Mys Osipova, large stern trawler	UR-84-0585	BSA, GOA, WOC	2, 4
Khustainyi, large stern trawler	UR-84-0710	WOC	2, 4
Rubinovi, large stern trawler	UR-84-0716	WOC	2, 4
UST-Kut, tanker fuel/water	UR-84-0727	BSA, GOA, WOC	3
UST-Karsk, tanker fuel/water	UR-84-0728	BSA, GOA, WOC	3
Okhaneft, tanker fuel/water	UR-84-0730	BSA, GOA, WOC	3
Mys Kronotskiy, large stern trawler	UR-84-0738	WOC	2, 4
Vostochniy Bereg, cargo/transport	UR-84-0761	BSA, GOA, WOC	3
Lukomor'ye, tanker fuel/water	UR-84-0763	BSA, GOA, WOC	3
Spravedlivyi, repair ship	UR-84-0764	BSA, GOA, WOC	3
Babykino, large stern trawler	UR-84-0765	WOC	2, 4
Kapitan Redkokasha, large stern trawler	UR-84-0766	WOC	2, 4
Slavianski, large stern trawler	UR-84-0767	WOC	2, 4
Nikolaevskiy Karabel, large stern trawler		BSA, GOA, WOC	2, 4
Delegat	UR-84-0762	BSA, GOA, WOC	3

Portugal

Joint Venture—The government of Portugal has applied for fishing vessel permits to engage in joint venture activities with an American partner, Joint Trawlers (North America) Ltd., 63 Main Street, Gloucester, MA 01930. The application request that Portuguese vessels receive transshipment in the FCZ of U.S. harvested fish in the amount of 4,000 mt of *Illex* squid from domestic vessels. The joint venture is to take place June–October, 1984 in the Northwest Atlantic Ocean fishery.

Spain

Joint Venture (modification)—the applications published in the *Federal Register* December 2, 1983, at 48 FR 54410 between the government of Spain and the American partner, Alaska Salt Fish Corporation, Anchorage, Alaska, was modified to include an additional vessel, the *Mar de Labrador*.

United Soviet Socialist Republics

The USSR has applied for fishing vessel permits to engage in joint venture activities with the American partner, Marine Resources Company, 192 Nickerson #307, Seattle, WA 98109, Tele: 206/285-6424. The application requests that USSR vessels receive transshipments in the FCZ of U.S. harvested Pacific Whiting in the amount of 80,000 mt from domestic vessels. The joint venture is to take place April 15–October 15, 1984, in the Washington, Oregon, and California trawl fishery.

Joint Venture (modification)—The joint venture applications published in the *Federal Register* December 2, 1983, at 48 FR 54410 for the USSR and the Marine Resources Company, Seattle, WA was modified to include four additional vessels: the *Mys Osipova*,

Pasionariya, Kargat and Nikolaevskiy Karabel.

[FR Doc. 84-2060 Filed 3-22-84; 9:43 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Import Control Level for Certain Man-Made Fiber Textile Products From the Republic of Korea

March 20, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on March 26, 1984. For further information contact Ross Arnold, International Trade Specialist (202) 377-4212.

Background

On January 13, 1984 a notice was published in the *Federal Register* (49 FR 1786) announcing that, on January 9, 1984 the United States Government had requested the Government of the Republic of Korea to enter into consultations concerning exports to the United States of man-made fiber luggage in Category 670 (only T.S.U.S.A. Nos. 706.4144 and 706.4152). During consultations held in February 1984 no agreement was reached on a mutually satisfactory level for Category 670 pt. The United States has decided, therefore, to control imports in this category at the level of 18,435,270 pounds for these products exported during the twelve-month period beginning on January 9, 1984 and extending through January 8, 1985. Should a different solution be reached in consultations with the Government of the Republic of Korea, further notice will be published in the *Federal Register*.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

SUPPLEMENTARY INFORMATION: On December 16, 1983 a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the *Federal Register* (48 FR 55894) which established levels of restraint for certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1984. In the letter which follows this notice an additional level is being established for man-made fiber luggage in Category 670 pt. (only TSUSA Nos. 706.4144 and 706.4152), during the twelve-month period which began on January 9, 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

March 20, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 13, 1983 concerning cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported during 1984.

Effective on March 26, 1984, paragraph 1 of the directive of December 13, 1983 is hereby further amended to include a level of 18,435,270 pounds¹ for man-made fiber

¹ The level of restraint has not been adjusted to reflect any imports exported after January 8, 1984.

textile products in Category 670 pt.² exported during the twelve-month period which began on January 9, 1984 and extends through January 8, 1985.

Textile products in Category 670 pt.² which have been exported to the United States prior to January 9, 1984 shall not be subject to this directive.

Textile products in Category 670² which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive. These products will also be exempt from the visa requirements until further notice.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-7829 Filed 3-22-84; am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group will meet at Hanscom Air Force Base, Massachusetts on May 1-2, 1984.

The purpose of the meeting will be to review on-going projects in the field of Anti-Jam and Survivable communications. The meeting will convene at 8:00 a.m. to 5:00 p.m. each day.

The meeting concerns matters listed in Section 552(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-7824 Filed 3-22-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Chief of Naval Operations; Executive Panel Advisory Committee Strategic Planning Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given

² In Category 670, only TSUSA Nos. 706.4144 and 706.4152.

that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Strategic Planning Task Force will meet on April 9-10, 1984, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of the meeting is to evaluate alternative strategic planning methods for developing future naval warfare capabilities. The entire agenda for the meeting will consist of discussions of key issues related to the rapid development and fielding of cost-effective, integrated warfighting capabilities. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Thomas E. Arnold, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Alexandria, Virginia 22311. Telephone: (703) 756-1205.

Dated: March 19, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-7819 Filed 3-22-84; 8:45 am]

BILLING CODE 3810-AE-M

Chief of Naval Operations; Executive Panel Advisory Committee Terrorism Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Terrorism Task Force will meet on April 16, 1984, from 9 a.m. to 5 p.m., at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of the meeting is to evaluate alternative U.S. strategies to combat state supported terrorism. The entire agenda for the meeting will consist of discussions of key issues related to terrorism and the formulation of an updated Navy Policy on Terrorism and Counter/Anti-Terrorism. The matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in

fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Thomas E. Arnold, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Alexandria, Virginia 22311. Telephone (703) 756-1205.

Dated: March 19, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-7822 Filed 3-22-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on Man-in-the-Loop Targeting will meet on April 12, 1984, at the Applied Physics Laboratory, Johns Hopkins University, Laurel, Maryland. Sessions of the meeting will commence at 9:00 a.m. and terminate at 4:00 p.m. on April 12, 1984. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to review material and presentations previously received by the Panel and to conduct a working session to draft the final report. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number: (202) 696-4870.

Dated: March 18, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve,
Federal Register Liaison Officer.

[FR Doc. 84-7821 Filed 3-22-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Working Group on Amphibious Operations will meet on April 10 and 11, 1984, at the Office of Naval Research, Arlington, Virginia. The first session of the meeting will commence at 9:30 a.m. and terminate at 11:30 a.m. on April 10, 1984. The second session will commence at 11:30 a.m. and terminate at 4:30 p.m. on April 10, 1984. The third session will commence at 8:30 a.m. and terminate at 11:30 a.m. on April 11, 1984. All sessions of the meeting will be held in room 915, Office of Naval Research. The first session from 9:30 a.m. to 11:30 a.m. on April 10, 1984 will be open to the public. The remaining two sessions will be closed to the public.

The purpose of the meeting is to discuss amphibious doctrine and cover and deception. The open session will generally cover a presentation on amphibious doctrine. The remaining sessions of the meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The Secretary of the Navy has therefore determined in writing that the public interest requires that the second and third sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number: (202) 696-4870.

Dated: March 19, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve,
Federal Register Liaison Officer.

[FR Doc. 84-7820 Filed 3-22-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Working Group on Navy-Supported University Laboratories will meet on April 24, 1984, at the Naval Sea Systems Command, National Center Building #3, Arlington, Virginia. Sessions of the meeting will commence at 8:20 a.m. and terminate at 4:30 p.m. on April 24, 1984. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to review the Navy's use of university laboratories in undersea warfare. All sessions of the meeting will involve presentations, related questions and discussion of classified undersea warfare information. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The Secretary of the Navy has therefore determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number: (202) 696-4870.

Dated: March 19, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve Federal
Register Liaison Officer.

[FR Doc. 84-7823 Filed 3-22-84; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Desegregation of Public Education Program; Applications for New Projects

AGENCY: Department of Education.

ACTION: Extension of Closing Date for Transmittal of Applications for New Projects for Fiscal Year 1984—State Educational Agencies, National Origin Desegregation Assistance Projects.

SUMMARY: The February 21, 1984 closing date for transmittal of application from State educational agencies (SEAs) to provide national origin desegregation assistance is extended. The *New closing date is April 23, 1984.*

Authority for this program is contained in Title IV of the Civil Rights Act of 1964. (42 U.S.C. 2000c-2000c-5).

The program issues award to SEAs. The purpose of the awards is to provide technical assistance, training, and advisory services to school districts in coping with the special educational problems caused by the desegregation of their schools based on national origin.

Closing Date For Transmittal Of Applications: Applications for new awards must be mailed or hand delivered by April 23, 1984.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.004C, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated Shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The regulations provide specific criteria for awards in 34 CFR 270.19 (formerly 45 CFR 180.19). Applications will be evaluated under these criteria. The Secretary approves only those applications that received a

score of at least 60 points on the criteria. The applicant should also refer to 34 CFR 270.11, 270.12, and 270.15 (formerly 45 CFR 180.11, 180.12, and 180.15) in the development of the grant application.

SEAs that presently have national origin desegregation assistance awards are reminded that they must submit new applications for Fiscal Year 1984.

Intergovernmental Review

On June 24, 1983, the Secretary published in the *Federal Register* final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why not; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects which do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States which have established a process, designated a single point of contact, and have selected this program for review:

State	
Arkansas	Montana
California	Nebraska
Connecticut	Nevada
Delaware	New Hampshire
District of Columbia	New Jersey
Florida	New Mexico
Indiana	Oklahoma
Kentucky	Oregon
Louisiana	South Carolina
Michigan	South Dakota
Missouri	Tennessee

Trust Territory	Washington
Utah	Wisconsin
Vermont	Wyoming
Virginia	

Immediately upon receipt of this notice, applicants which are governmental entities must contact the appropriate State single point of contact to find out about and to comply with the States's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

Because this is an extension of a previously established closing date, the Secretary has determined that 30 days is sufficient time for comment. Therefore, all comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by April 23, 1984 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (84.004), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone Number (202) 245-7913. (Proof of mailing will be determined on the same basis as applications.)

Please Note That the Above Address Is Not the Same Address as the one to Which the Applicant Submits its Completed Application. *Do Not Send Applications to the Above Address.*

Available Funds: Approximately \$14,000,000 will be made available for approximately 110 SEA grants for race, sex, and national origin desegregation assistance. The average SEA award is projected to be \$127,000. It is estimated that approximately 34 awards will be made for national origin desegregation assistance.

These estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant. Applicants should be aware that the availability of funds for this competition is being contested in litigation in the United States District Court for the Northern District of Illinois, Eastern Division (*United States v. Board of Education of the City of Chicago*, Docket No. 80C 5124). Any obligation of these funds currently is enjoined by the court.

Application Forms: Application forms and program information packages are

ready for mailing. They may be obtained by writing to the Equity Training and Technical Assistance Program Staff, U.S. Department of Education, 400 Maryland Avenue SW., Room 2011, FOB #6, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements, beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that applicants not submit information that is not requested.

(The application is approved under OMB Number 1810-0030, expiration date December 1984.)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Desegregation of Public Education Program, 34 CFR Part 270 (formerly 45 CFR Part 180), and

(b) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

For Further Information: For further information contact Curtis F. Coates, Section Chief, Equity Training and Technical Assistance Program Staff, U.S. Department of Education, 400 Maryland Avenue SW., Room 2011, FOB #6, Washington, D.C. 20202, Telephone: (202) 245-7965.

(42 U.S.C. 2000c-2000c-5)
(Catalog of Federal Domestic Assistance Number 84.004, Civil Rights Technical Assistance Programs)

Dated: March 20, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84-7874 Filed 3-22-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Interim Amendment of Procedures Governing Bonneville Power Administration Rate Adjustments

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice; Request for Comments. *BPA File No. EXP-84.*

SUMMARY: On February 9, 1984, the United States Court of Appeals for the Ninth Circuit upheld, in their entirety, BPA's 1981 wholesale power and transmission rates. *Central Lincoln Peoples' Utility District v. Johnson*, Nos. 81-7622, *et al.* The court further held that BPA ratemaking proceedings are subject to the *ex parte* communication restrictions found in section 557(d) of the Administrative Procedure Act, 5 U.S.C. 557(d). BPA is seeking rehearing of the latter holding, because section 557 is inapplicable to BPA rate proceedings. Pending a change in the Court's decision, BPA must adopt new procedures so that BPA employees may meet with customers and others and otherwise conduct the agency's business during the time in which BPA's 1985 rate proposal is being developed.

Therefore, BPA is amending, on an interim basis, its Procedures Governing Bonneville Power Administration Rate Adjustments, 47 FR 6240 (February 10, 1982) to include procedures regarding *ex parte* communications. These procedures are effective immediately on publication, because the opportunity for prior written comment would be impracticable. However, comments will be received until April 30, 1984.

Responsible Official: John A. Cameron, Jr., Assistant General Counsel, is the official responsible for this revision of procedures.

DATES: The procedures are effective on publication. Comments will be received through April 30, 1984.

ADDRESSES: Written comments should be submitted to the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen S. Johnson, Public Involvement Office, at the address listed above, 503-230-3478. Oregon callers callers outside Portland may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048. Information may also be obtained from:

- Mr. George E. Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE Irving Street, Portland, Oregon 97208, 503-230-4551.
- Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503-687-6952.
- Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860.

Mr. Richard D. Casad, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagehoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main St., Boise, Idaho 83707, 208-334-9138.

SUPPLEMENTARY INFORMATION: As a result of the Court's ruling in *Central Lincoln II*, BPA has cancelled or postponed numerous meetings with customers and individuals when the topic of such meetings may relate to present or future BPA rate proceedings. Under section 4(g)(1) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), however, the Administrator is directed explicitly to consult with BPA customers and other interested parties. This section provides:

To insure widespread public involvement in the formulation of regional power policies, the * * * Administrator shall maintain comprehensive programs to—(A) inform the Pacific Northwest public of major power issues, (B) obtain public views concerning major regional power issues, and (C) secure advice and consultation from the Administrator's customers and others.

BPA may not overlook this responsibility to its customers and the public. Therefore, BPA is adopting this amendment to procedures for rate adjustments in order to provide guidance concerning *ex parte* restrictions. BPA must continue to meet individually with customers, customer groups, and others in order to secure the "advice and consultation" contemplated in the Northwest Power Act and in order to fulfill BPA's utility functions. Moreover, BPA encourages the written views of all individuals wishing to express themselves regarding BPA actions or proposals, including rates. As a matter of course, however, BPA will place any submitted written document into the appropriate record should the document concern rate issues.

The amendment does not apply *ex parte* restrictions to issues which are of independent significance outside of the

rate case. BPA has a responsibility to alert the public as to important issues which face BPA outside of the rates arena, although these issues may become matters of discussion during subsequent section 7(i) proceedings. For example, BPA has recently provided the public an opportunity to comment on BPA's proposed budget and program levels. See 49 FR 5999, February 16, 1984. Although these program levels will eventually be reflected in the revenue requirement study in BPA's rates process, the preparation of BPA's budget is not an event which occurs under section 7 of the Northwest Power Act. Similarly, BPA has other activities which may be reflected in rates but are not directly rate-related, including but not limited to areas concerning load forecast; intertie access policy; nonfirm energy sales; conservation savings; average system cost methodology; customer service policy; fish and wildlife protection, mitigation and enhancement; billing credits; repayment study; transmission policy; transmission planning; capital investments; and hydroregulation studies. It is clear that BPA cannot cease vital communication in all areas simply because decisions may eventually be reflected in rates. Essentially all BPA decisions involve matters which may affect ratepayers. It is equally clear that BPA need not conduct a 7(i) proceeding on each and every decision which may eventually touch rates.

Moreover, BPA has a responsibility to alert its customers and the public as to specific rate issues which face BPA so that meaningful public participation may begin early. If the 7(i) process is to function intelligently and with wide public participation, the Public must be allowed the opportunity for early communication, for full education on the issues, and for development of issue resolution on the basis of regional consensus. To further these interests, BPA must and should act as a catalyst for the exchange of information and germination of ideas. To that end, the amendment makes clear that BPA will hold meetings with its customer groups and members of the public to discuss rate issues. BPA has clarified, however, that it will provide notice of those meetings and subsequently prepare a summary of the substantive points discussed at any such meeting where BPA must meet individually with customers, customer groups, and others in order to secure advice and consultation. These summaries will be placed in appropriate official files for public review.

BPA's Amendment to its rate procedures follows:

Interim Amendment of Procedures Governing Rate Adjustments

(Sec. 7(i) of Pub. L. 96-501; 5 U.S.C. 553; and 5 U.S.C. 557)

Sec. 1010.5 Ex Parte Communications

In order to avoid all possibilities of prejudice, real or apparent, to the public interest and persons involved in Sec. 7(i) proceedings pending before BPA:

(a) Except as permitted in paragraph (b) of this section, no party or participant in any section 7(i) proceeding shall submit ex parte communications to the Administrator or any BPA employee regarding any matter pending before BPA in a section 7(i) proceeding. Neither shall the Administrator nor any BPA employee request or entertain such ex parte communications.

(b) For the purposes of this section, the term "ex parte communication" means an oral or written communication relative to the merits of a section 7(i) proceeding pending before BPA which is not on the public record and with respect to which reasonable prior notice to the parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this section. For purposes of this section, the terms "party" and "participant" also include counsel, agents, consultants, witnesses, employees and other representatives of such party or participant.

(c) The prohibitions contained in paragraph (a) of this section do not apply to a communication:

(1) Relating to matters of procedure only;

(2) From any person when otherwise authorized by law or other portions of these procedures;

(3) From or to the Federal Energy Regulatory Commission after coordination with BPA counsel;

(4) Which the parties agree may be made on an ex parte basis;

(5) Relating to exchanges of data in the ordinary course of business, data required to be exchanged pursuant to contracts, or data which would be available pursuant to Freedom of Information Act requests;

(6) Which relates solely to a request for supplemental information or data necessary for an understanding of factual materials contained in documents filed with BPA in a section 7(i) proceeding and which is made in the presence of or after coordination with BPA counsel; or

(7) Which is only secondarily the object of a section 7(i) proceeding; for

which BPA is statutorily responsible under provisions other than section 7 of the Regional Act; or which is eventually decided other than through a section 7(i) proceeding.

(d) The prohibitions contained in this section shall apply from the time at which BPA publishes a notice of intent to hold section 7(i) proceedings or publishes an initial proposal, whichever is earlier, or the person responsible for such communication has knowledge that one of these notices will be published.

(e) Any written material received by BPA which would otherwise be subject to the prohibition of paragraph (a) of this section automatically will be placed in the official record of the appropriate section 7(i) hearing.

(f) BPA will give reasonable public notice of any consultation sessions which BPA intends to hold with any customer group or member of the public when it reasonably appears that matters of substance relative to the merits of a section 7(i) proceeding will be discussed. For any such meeting held individually with customers, customer groups, and others, BPA will prepare a memorandum reciting the date of the meeting, persons in attendance, and a summary of issues discussed and positions taken. This memorandum will be placed in a public file separate from the material upon which the Administrator can rely in reaching a decision. This file will be available for review by any person through BPA's Public Involvement office.

(g) The Administrator or any BPA employee who receives an oral offer of any communication prohibited by paragraph (a) of this section shall decline to listen to such communication and shall explain that the matter is pending for determination. If unsuccessful in preventing such communication, the recipient thereof shall advise the communicator that he or she will not consider the communication. The recipient shall prepare a statement setting forth the substance of the communication and the circumstances thereof within 48 hours and deliver the statement to BPA's Office of General Counsel for compliance with the procedures established in paragraph (h) of this section.

(h) All statements reciting the substance of oral communications prohibited by paragraph (a) of this section must be delivered to the Hearing Officer for the appropriate section 7(i) proceeding who will place the statements in public files associated with the hearing, but separate from the material upon which the Administrator can rely in reaching a decision. The

Hearing Officer will serve copies of these statements upon parties to the proceedings. The Hearing Officer will also serve a copy of the statements to the communicator and allow him or her a reasonable opportunity to file a response.

(i) Requests for an opportunity to rebut, on the record, any facts or contentions contained in an ex parte communication which are relevant to a particular section 7(i) proceeding should be filed with the Hearing Officer. The Hearing Officer will grant such requests only where the dictates of fairness so require. Likewise, requests for an opportunity to rebut, on the record, any facts or contentions contained in memorandum prepared pursuant to paragraph (f) of this section which are relevant to a particular section 7(i) proceeding also should be filed with the Hearing Officer. The Hearing Officer will grant such requests only upon a showing of good cause that the dictates of fairness so require.

Issued in Portland, Oregon, March 19, 1984.

Peter T. Johnson,
Administrator.

[FR Doc. 84-9082 Filed 3-22-84; 9:22 am]
BILLING CODE 6450-01-M

[Docket No. ER84-314-000]

Central Louisiana Electric Co.; Filing

March 20, 1984.

The filing Company submits the following:

Take notice that on March 9, 1984, Central Louisiana Electric Company (CLECO) tendered for filing an executed letter agreement that would extend the existing interconnection agreement between CLECO and the City of Morgan City, Louisiana until June 30, 1984. CLECO states that the filing will permit parties to negotiate a new interconnection agreement.

CLECO requests an effective date of July 1, 1983, and therefore requests waiver of the Commission's notice of requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 4, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 84-7894 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission

[Docket No. CP84-270-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

March 19, 1984.

Take notice that on March 1, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84-270-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of ITT Grinnell Corporation, (Grinnell) under authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 1 billion Btu of natural gas per day for Grinnell for a term of one year. Columbia states that the gas to be transported would be purchased from Trans-Continental Energy Corp. by Grinnell and that Grinnell would use those volumes as process gas in its Columbia, Pennsylvania, plant. Columbia states that it would receive the gas at existing delivery points on its system in Ohio and redeliver such gas to UGI Corporation, Inc., the distribution company serving Grinnell. Columbia states that the gas to be purchased by Grinnell involves gas supplies released by Columbia and that such supplies are subject to the ceiling price provisions of section 103 of the Natural Gas Policy Act of 1978.

Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and

unaccounted-for gas. Columbia also states that it is charging the Gas Research Institute Funding Unit.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7917 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-285-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

March 19, 1984.

Take notice that on March 6, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, filed in Docket No. CP84-285-000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Dana Corporation-Spicer Transmission Division (Dana Corp.) under the authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 2 billion Btu of natural gas per day, less retainage, for Dana Corp. for a term of one year effective the date deliveries of gas commence hereunder. Columbia states that the gas to be transported hereunder would be purchased from John C. Mason by Dana Corp. and would be used as process gas and boiler fuel in Dana Corp.'s Ohio plant. Columbia indicates that the gas to be purchased by Dana Corp. involves gas supplies released by Columbia and that such supplies are subject to the ceiling price provisions of sections 103, 107 and 108 of the Natural Gas Policy

Act of 1978. It is further stated that Columbia would receive the gas at existing delivery points in various counties in Ohio and redeliver such gas to Columbia Gas of Ohio, Inc., the distribution company serving Dana Corp.

Columbia states that it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission, and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, depending on whether Columbia's gathering facilities are involved. It is further stated that Columbia would retain for company-use and unaccounted-for gas a percentage of the gas delivered hereunder as reflected in Columbia's rate filings; this percentage is currently 2.85 percent.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7918 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-315-000]

Commonwealth Edison Co.; Filing

March 20, 1984.

The filing Company submits the following:

Take notice that on March 9, 1984, Commonwealth Edison Company (Commonwealth) tendered for filing proposed changes in its FERC Electric Tariff. The proposed changes revise the Electric Service Contract between Commonwealth and the City of St. Charles, Illinois, to provide for a new point of electric supply to the City by the

Company, and to provide for an increase in contract demand.

Commonwealth states that the date of energization is not firmly established at this time, the tariff sheets show a tentative effective date of April 14, 1984. Commonwealth therefore requests waiver of the Commission's notice requirements.

A copy of the filing has been served upon the City of St. Charles, Illinois.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 4, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-7895 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-274-000]

Consolidated Gas Supply Corp.; Application

March 19, 1984.

Take notice that on March 1, 1984, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP84-274-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a limited-term sale of gas for resale to Eastern Shore Natural Gas Company (Eastern Shore), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for resale up to 27,397 dt equivalent of natural gas per day, on an interruptible basis, to Eastern Shore for a period ending September 30, 1986. Applicant proposes to deliver the gas for the account of Eastern Shore to Transcontinental Gas Pipe Line Corporation (Transco) at Leidy Storage Pool, an existing point of interconnection between the facilities of Applicant and Transco. No new facilities would be needed. Further transportation and delivery

arrangements would be the responsibility of Eastern Shore, it is stated. The source of the gas would be Applicant's general system supply, it is indicated. Applicant proposes to sell the gas to Eastern Shore at a rate equivalent to the calculated 100-percent load factor rate for Applicant's Rate Schedule RQ of its FERC Gas Tariff.

Applicant maintains that it has sufficient surplus gas supply and that the proposed sale would assist Applicant in maintaining a higher level of purchases from its pipeline suppliers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-7919 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-280-000]

Consolidated Gas Supply Corp.; Application

March 19, 1984.

Take notice that on March 2, 1984, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP84-280-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of up to 360,000 dt equivalent of natural gas per year to Columbia Gas of Pennsylvania, Inc. (Columbia of Pennsylvania), and the construction and operation of the facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to sell the gas to Columbia of Pennsylvania on a yearly basis, terminating on December 31, 1993, subject to the terms of a limited-term contract with a proposed maximum delivery of 3,200 dt on a peak day and 988 dt on an average day. Applicant further states that the proposed sale would be on a firm basis at the rate specified in Applicant's Rate Schedule E of its FERC Gas Tariff, Third Revised Volume No. 1.

Applicant states that the gas would be made available to Columbia of Pennsylvania at a proposed new delivery point located at Cranberry Township, Butler County, Pennsylvania, where Applicant's existing Line No. 25 crosses an existing pipeline owned and operated by Columbia of Pennsylvania.

Applicant states that the proposed new delivery point would be known as the Warrendale Interconnection. Applicant will construct and operate the transfer facilities with the costs of construction being reimbursed by Columbia of Pennsylvania. Applicant estimates the costs of construction to be \$166,300.00 with the construction possibly being done on a competitive basis by private contractors.

Applicant alleges that the proposed sale would supplement Columbia of Pennsylvania's supply in southwestern Pennsylvania, in order to meet the demands of its existing markets in the stated area over the given contract period. Also, Applicant states that it has surplus gas supply in excess of the quantities proposed to be sold. Applicant states that this sale would give it needed market flexibility, help it to maintain a higher level of purchases from its suppliers, and maintain a level of short-term demand enabling it to

promote natural gas exploration and development activities necessary for development of adequate long-term supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-7920 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-56-000]

Consumers Power Co. v. Trunkline Gas Co.; Complaint

March 20, 1984.

Take notice that on March 9, 1984, Consumers Power Company (Consumers) tendered for filing a Complaint against Trunkline Gas Company (Trunkline) seeking an extension of the interim minimum bill provided by a Settlement adopted by the

Commission order dated July 8, 1983, in Docket Nos. RP81-103 and RP82-130.

The interim minimum bill adopted by the Commission excludes payment for variable costs not actually incurred by Trunkline. This Settlement resulted from Consumers' experience with high take-or-pay obligations and by its own terms will terminate on December 31, 1984.

Consumers asserts that the minimum bill provisions in Trunkline's FERC Gas Tariff, Original Volume No. 1, Rate Schedule P-2, require Consumers to take or pay 75% of the maximum daily contract quantity on an annual basis. If the interim minimum bill now currently in effect is not extended, the 75% take-or-pay obligation would be reinstated, and would cause great expense to Consumers. Consumers states that the expenditures involved would be of such a magnitude as to make compliance therewith commercially impracticable, and would substantially frustrate its purpose in entering into its contract with Trunkline, and would undermine its ability to serve its customers.

Consumers requests relief in the form of a ruling that the 75% take-or-pay provision in Trunkline's Rate Schedule P-2 is unjust, unreasonable, unduly discriminatory, contrary to the public interest, and contrary to national policy and law favoring conservation. It further requests an order granting a continuance of the interim bill provision currently in effect until such time as Trunkline makes a showing that some other minimum bill provision is required by the public interest, and finally, it requests such other and further relief as is just and reasonable.

With its Complaint, Consumers filed a Motion For Summary Disposition and a Request For Stipulation. Its Motion For Summary Disposition asserts that the 75% take-or-pay provision in Trunkline's Rate Schedule P-2 is *per se* unreasonable and that, as a matter of law, the extension of the interim bill should be granted.

The request for Stipulation filed with their Complaint requests that Trunkline stipulate as to the truth of certain matters of fact regarding the effect of the interim minimum bill provision on Trunkline's recovery of variable cost.

Consumers certifies that copies of its Complaint, Motion For Summary Disposition and Request For Stipulation have been served upon Trunkline.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such petitions or protests should be filed on or before April 19, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-7906 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-44-001]

Florida Gas Transmission Co.; Tariff Filing

March 20, 1984.

Public notice is hereby given that on March 12, 1984, Florida Gas Transmission Company (FGT) tendered for filing in the above-referenced docket First Revised Sheet Nos. 584 and 585.

On January 25, 1984, Florida Gas Transmission Company (FGT) filed in the above-referenced docket a transportation agreement dated February 10, 1981 between FGT and Southern Natural Gas Company relating to the transportation of natural gas from the Flomaton Field Area, Escambia County, Alabama to Washington Parish, Louisiana. Said filing consisted of Fourth Revised Sheet No. 1-D and Original Sheet Nos. 573 through 605 to its FERC Gas Tariff, Original Volume No. 3.

FGT files herein First Revised Sheet Nos. 584 and 585, which contain the rates reflected in the settlement rates approved by the Commission February 9, 1984 in Docket No. RP83-104-000. FGT requests that the Commission allow said tariff sheets to become effective on September 22, 1981, the same effective date as the January 25, 1984 filing.

Copies of the filing were served upon FGT's jurisdictional customers and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 29, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 84-7888 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-673-007]

Kentucky Utilities Co.; Compliance Filing

March 19, 1984.

Take notice that on March 1, 1984, Kentucky Utilities Company (the Company) submitted for filing its Compliance Report pursuant to the Commission's Letter Order of January 16, 1984.

The Company's report shows the monthly billing determinants and revenues under prior and proposed rates; the monthly revenue refund; and a summary of such information for the total period. Interest was calculated at the applicable prime rate for each calendar quarter as published in the Federal Revenue Bulletins from the date the Company received the customer's payment through February 28, 1984—the date the refunds were made.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 28, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7921 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-14-003]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

March 20, 1984.

Take notice that on March 9, 1984, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two substitute gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, both of which are dated as issued on March 2, 1984 proposed to

become effective February 1, 1984, and identified as follows:

Substitute Thirty-second Revised Sheet No. 4
Substitute Twenty-ninth Revised Sheet No. 18

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment (PGA) Provision and in substitution for those previously approved by Commission Order issued February 9, 1984.

Lawrenceburg states that its revision was required because of a change in the rates being tracked of Lawrenceburg's supplier, Texas Gas Transmission Corporation.

Copies of this filing were received upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before March 29, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 84-7900 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-25-001]

Mountain Fuel Supply Co.; Change in FERC Tariff

March 19, 1984.

Take notice that on March 8, 1984, Mountain Fuel Supply Company (Mountain Fuel) tendered for filing a renewed request to have its Original Sheet No. 2-B, which involves an added incentive charge, to be accepted without the inclusion of a Gas Research Institute Charge (GRI).

Mountain Fuel states that Original Sheet No. 2-B was initially filed on November 22, 1983 in Docket No. RP84-25-000, and was accepted by a letter order dated December 20, 1983, subject to the inclusion of the GRI charge.

Mountain Fuel now requests that Original Sheet No. 2-B be accepted without the inclusion of the GRI charge.

Copies of its request have been served on interested pipeline companies and public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 28, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7922 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-16-002]

National Fuel Gas Supply Corp.; Compliance Filing

March 19, 1984.

Take notice that on March 9, 1984, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Forty-Fifth Revised Sheet No. 4, proposed to be effective February 1, 1984.

National states that the purpose of this revised tariff sheet is to comply with Commission order dated January 31, 1984, requiring National to reflect, *inter alia*, any downward modifications due to its pipeline suppliers' rates, the implementation of Order Nos. 93 and 93-A, and its company-owned production. National further states that Substitute Forty-Fifth Revised Sheet No. 4 reflects a decrease in National's rate of 39.16¢ per Mcf.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7923 Filed 3-22-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-505-003]

**Natural Gas Pipeline Co. of America;
Petition To Amend**

March 19, 1984.

Take notice that on February 28, 1984, Natural Gas Pipeline Company of America (Petitioner), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP82-505-003 a petition to amend the order issued April 11, 1983, in Docket No. CP82-505-000 pursuant to section 7(c) of the Natural Gas Act so as to conform the authorization granted by such order to actual construction, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner indicated in its application in Docket No. CP82-505-000 that certain measuring facilities would be constructed at Pecan Lake in Cameron Parish, Louisiana, to effect the redelivery of gas to be transported for Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company (collectively, Columbia). Petitioner asserts, however, that in order to implement the transportation for Columbia prior to long-term authorization in this docket, Petitioner entered into a best-efforts arrangement pursuant to provisions of Part 284 of the Commission's Regulations. It is stated that the Pecan Lake measuring facilities were constructed under Petitioner's blanket authorization in Docket No. CP82-402-000 and would be reported as required thereunder. Petitioner thus requests that the order herein be amended to delete the authorization to construct such facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural

Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7924 Filed 3-22-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RE 84-2-000]

**Nevada Power Co.; Application for
Exemption**

March 20, 1984.

Take notice that Nevada Power Company (NPC) filed an application on February 13, 1984 for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1984, information on the costs of providing electric service as specified in Subparts, B, C, D, and E of Part 290.

In its application for exemption NPC states, in part, that it should not be required to file the specified data for the following reasons:

The filing requirements of Section 133 of PURPA and the Public Service Commission of Nevada (PSCN) are comparable in many respects but useful only in the format required by PSCN for general rate case purposes.

Intervenors in recent NPC general rate cases adjudicated by PSCN have not requested the information contained in NPC's November 1, 1980 and June 30, 1982 PURPA filings.

PSCN is developing regulations to implement laws enacted by the State of Nevada requiring biennial data reporting addressing subjects such as load forecast, twenty year generation resources forecast, existing generation plant, and ten year historical load data.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed,

and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45 day period, such person must also serve a copy of such comments on: Mr. Charles A. Lenzie, President, Nevada Power Company, 6226 West Sahara Avenue, P.O. Box 230, Las Vegas, Nevada 89151.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 84-7901 Filed 3-22-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-267-000]

**Northern Natural Gas Co., Division of
InterNorth, Inc.; Request Under
Blanket Authorization**

March 19, 1984.

Take notice that on February 29, 1984, Northern Natural Gas Company, Division of InterNorth, Inc., (Northern) 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-367-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Northern proposes to abandon and remove 20 small volume measuring stations in the states of Minnesota, Kansas, and Texas, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern has been advised by Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples) that 20 small volume measuring station customers no longer desire natural gas service and wish to have their meters removed.

Consequently, Northern is requesting permission and approval to abandon 20 small volume measuring stations as set forth in the appendix hereto. There would be no termination of service as a result of the abandonments, it is asserted. The estimated cost of removing such facilities is \$9,791.00.

Any person or the Commission's staff may, with 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural

Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

1. Getty Oil-Geimeinhart Tank Battery.
2. Robert Alexander.
3. Mike Krueger.
4. Max Engler.
5. Loren F. Stauff.
6. E. Grunwald.
7. John Boyd.
8. Alice Packer.
9. George Jackson.
10. Dennis Anderson.
11. Enno Schmidt.
12. Stan Fansher.
13. Steven Svendsen.
14. George Jackson.
15. Lydia Johnson.
16. Twin City Freight.
17. Joe Dan Bryan.
18. Harold Stibal.
19. Eddie Haynes (West Texas Gas).
20. Chevron Pipeline Company (West Texas Gas).

[FR Doc. 84-7925 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-274-000]

Northern States Power Co.; Revised Notice of Filing

March 20, 1984.

The filing Company submits the following:

Take notice that on February 13, 1984 and updated on March 8, 1984, Northern States Power Company (NSP) tendered for filing a supplement to certain NSP interconnection and interchange, partial requirements, and transmission service agreements.

NSP states that significant provisions of the supplement included reducing the amount of power and energy that certain customers must furnish NSP to compensate it for transformer and transformation losses. The supplement provides that NSP shall only be furnished one percent power and energy for each point of delivery instead of two percent, as provided for in previous agreements. Another provision of the supplement serves to modify the power factor provision of the existing agreements to conform it with that used for firm power requirements customers. Notice of the February 13, 1984 filing, was published in the *Federal Register* on February 21, 1984.

In addition, for eight of the contracts identified in the filing, the supplement increases the rate charged for Transmission Service. While provision of providing Transmission Service is included in these contracts, the provision is not operable. The service schedule included with the supplement for the eight contracts is identical to the service schedule on file with the Commission for other Transmission Service customers of NSP and as accepted for filing Docket No. ER83-90-000.

NSP requests an effective date of March 20, 1984.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 29, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7902 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-56-014]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

March 20, 1984.

Take notice that on March 13, 1984 Northwest Pipeline Corporation (Northwest) tendered for filing and acceptance as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

Amended Substitute Seventh Revised Sheet No. 10-A

First Revised Sheet No. 71

First Revised Sheet No. 73

First Revised Sheet No. 74

The above referenced tariff sheets are revised to incorporate the terms of the Supplemental Stipulation and Agreement in Partial Settlement of Rate Proceeding (Agreement) as approved by Commission Order dated January 19, 1984 at Docket No. RP82-56-000. The Agreement provides for a change in: (1) the depreciable life of the facilities, (2) the related depreciation rate, and (3) revises the facility charge under Rate Schedule T-1 for the period October 1, 1983 through January 31, 1984.

An effective date of October 1, 1983 is requested for Amended Substitute Seventh Revised Sheet No. 10-A and First Revised Sheet Nos. 71, 73, and 74.

A copy of this filing has been mailed to Pacific Interstate Transmission Company and otherwise on all jurisdictional customers and affected state agencies.

Any persons desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before March 29, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-7903 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-213-004 and CP83-214-001]

Northwest Pipeline Corp.; Petition To Amend

March 19, 1984.

Take notice that on February 27, 1984, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110-1526, filed in Docket Nos. CP83-213-004 and CP83-214-001 a petition to amend the Commission's order issued June 3, 1983, in Docket No. CP83-213-000, *et al.*, pursuant to section 7 of the Natural Gas Act so as to authorize a deferred exchange and a transportation of natural gas and granting permission and approval to abandon the sale and delivery of storage gas, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Northwest requests that the June 3, 1983, order be amended so as to grant permission and approval for Northwest to abandon the sale and delivery to The Washington Water Power Company (Water Power) under Rate Schedule SGS-1 of additional storage gas volumes in the amount of 100,000 therms daily and 3,805,000 therms seasonally. Northwest also requests authorization to exchange on a deferred basis such additional storage gas volumes with Westcoast Transmission Company Limited (Westcoast) at Sumas, Washington and to transport such exchanged gas to and from the Jackson Prairie Storage Project (Jackson Prairie) for Water Power.

Northwest explains that the requested authorization is necessary to enable Water Power to release to British Columbia Hydro and Power Authority (B. C. Hydro) additional Jackson Prairie storage capacity as provided under Phase I of the amended Storage Release agreement between Water Power and B. C. Hydro. Northwest states that the amendment to the deferred exchange agreement between Northwest and Westcoast and the transportation agreement between Northwest and Water Power extend the primary term of each agreement for an additional year through April 30, 1989, and link the daily and seasonal volumes to the daily and seasonal volumes made available to B. C. Hydro under the amended Storage Release.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance

with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-7926 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER78-490-000, ER78-490-002, ER80-673-000, ER80-673-001]

Ohio Power Co.; Compliance Filing

March 19, 1984.

Take notice that on March 9, 1984, American Electric Power (AEP) submitted for filing on behalf of Ohio Power Company (OPCO) its Compliance Report pursuant to the Commission's Opinion 170, issued June 3, 1983.

This compliance filing is to notify the Commission that there have been no transactions between Ohio Edison and OPCO that would impose any refund obligation on the part of Ohio Power Company under the above order.

AEP states that a copy of this filing has been sent to the Public Utilities Commission of Ohio and Ohio Edison Company.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, on or before March 23, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-7927 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP79-80-027, *et al.*]

Overthrust Pipe Line et al.; Filing of Pipeline Refund Reports and Refund Plans

March 19, 1984.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed

refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 29, 1984. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary

Appendix

Filing date	Company	Docket No.	Type filing
4/6/83	Overthrust Pipe Line Co.	CP79-80-027.....	Report.
2/13/84	Algonquin Gas Transmission Co.	RP72-110-035.....	Do.
2/17/84	Southern Natural Gas Co.	RP82-116-010.....	Do.
2/21/84	National Fuel Gas Supply Corp.	P80-135-038.....	Do.
2/29/84	Lawrenceburg Gas Transmission Co.	RP78-37-011.....	Do.

[FR Doc. 84-7928 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-313-000]

Pacific Power & Light Co.; Cancellation

March 20, 1984.

Take notice that on March 9, 1984, Pacific Power & Light Company (PP&L) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 235, effective November 17, 1983 and filed with the Federal Energy Regulatory Commission on January 20, 1984.

PP&L requests an effective date of January 25, 1984.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 84-7904 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01

[Docket No. CP84-258-000]

**Panhandle Eastern Pipe Line Co.,
Application**

March 19, 1984.

Take notice that on February 27, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-258-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of the Citizens Gas and Coke Utility (Citizens), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle requests Commission authorization under section 7(c) of the Natural Gas Act to implement a certain transportation agreement between Panhandle and Citizens dated August 25, 1983, as amended January 26, 1984. Pursuant to this agreement, Panhandle proposes to transport on behalf of Citizens a daily volume of natural gas not to exceed 9,500 Mcf on an interruptible basis from existing points of receipt in Alfalfa and Garfield Counties, Oklahoma, and Defiance County, Ohio, to an existing interconnection of the facilities of Citizens and Panhandle in Marion County, Indiana.

The receipt points and the related maximum volumes are set forth as follows:

- (a) 4,000 Mcf of gas per day from the Aminoil receipt point (Oklahoma),
- (b) 3,500 Mcf of gas per day from the Transok receipt point (Oklahoma), and
- (c) 1,500 Mcf of gas per day from the Defiance receipt point (Ohio).

The initial rates proposed to be charged for gas transported from (a) Oklahoma

is 32.08 cents per Mcf and (b) Ohio is 4.01 cents per Mcf.

It is stated that transportation service commenced under the terms of the basic contract pursuant to the self implementing provisions of Part 284 of the Commission's Regulations (18 CFR 284.102) and was reported in Docket No. ST83-713. It is also stated that the subject gas is being produced by Citizens Resource Development Corporation, a wholly-owned subsidiary of Citizens.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1984 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Panhandle to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7929 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-2621-000, et al.]

**Phillips Petroleum Co., et al.;
Applications for Certificates,
Abandonments of Service and
Petitions to Amend Certificates¹**

March 20, 1984.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 4, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per manufacturer	Pressure base
G-2621-000, Mar. 5, 1984.....	Phillips Petroleum Co., 336 HS&L Building, Bartlesville, Okla. 74004.	Northern Natural Gas Co., Puckett-Devonian Field, Peace County, Tex.	(1).....	
G-17447-000, CI67-1645-000, E, Feb. 29, 1984.	Phillips Oil Co. (successor in interest to Phillips Petroleum Co.), 336 HS&L Building, Bartlesville, Okla. 74004.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 32, Offshore Terrebonne, La.	(2).....	15.025

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per manufacturer	Pressure base
CI66-53-001, D, Mar. 7, 1984	Mobil Oil Corp., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northern Natural Gas Co., East Clark Area, Harper County, Okla.	(*)	
CI68-816-002, Mar. 2, 1984	Phillips Petroleum Co., 336 HS&L Building, Bartlesville, Oklahoma 74004.	Northern Natural Gas Co., Panhandle Area, Gray County, Tex.	(*)	
CI83-149-001, C, Mar. 5, 1984	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Natural Gas Pipeline Company of America, South Marsh Island, Block 236 Field, (OCS-G-4437) & Certain Portions of OCS-0310, Offshore La.	(*)	15.025
CI84-230-000 (G-15046), B, Feb. 27, 1984	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77253.	El Paso Natural Gas Co., San Andres Devonian Field, Andrews County, Tex.	(*)	
CI84-235-000, A, Mar. 1, 1984	Tenneco Oil Co., Houston Oil & Minerals Corp., TINCO, Ltd., Tenneco Exploration, Ltd., and Tenneco Exploration III, Ltd., P.O. Box 2511, Houston, Tex. 77001.	South Jersey Gas Co., Eugene Island 215 D, Offshore Louisiana, South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana, High Island A-270-B, Offshore Texas, West Cameron 638 B, Offshore La.	(*)	14.73
CI84-236-000, A, Mar. 1, 1984	do	Citizens' Energy Corp., Eugene Island 215 D, Offshore Louisiana, South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana, High Island A-270-B, Offshore Texas, West Cameron 638 B, Offshore La.	(*)	14.73
CI84-237-000, (CI73-119), B, Mar. 2, 1984	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., Brazos Block A-1; Offshore Texas.	(*)	
CI84-238-000 (G-7078), B, Feb. 27, 1984	Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Columbia Gas Transmission Corp., Chapmanville Field, Logan County, W. Va.	(*)	
CI84-239-000 (CI80-125), B, Mar. 5, 1984	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700 Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., Brazos Block A-1; Offshore, Texas.	(*)	
CI84-240-000, B, Mar. 5, 1984	Cordillera Corp., 2334 East Third Avenue, Denver, Colo. 80206.	Western Transmission Corp., Sugar Creek #1, Section 26, Township 19N, Range 90W, Carbon County, Wyo.	(*)	
CI84-241-000, B, Mar. 5, 1984	ARCO Oil and Gas Co., Division of Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	The Nueces Co., Mabel J. Bailey, N/2 Sec. 44, Blk. 1, W&WN Survey, Loving County, Tex.	(*)	
G-7160-001, D, Mar. 8, 1984	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77252	Northern Natural Gas Co., a Division of InterNorth, Inc., Jalmat and Tubb Gas Pools, Lea County, N. Mex.	(*)	
G-10127-000, D, Mar. 8, 1984	do	Florida Gas Transmission Co., East Mustang Island Field, Offshore Nueces County, Tex.	(*)	
G-11229-001, D, Mar. 5, 1984	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Southern Natural Gas Co., W. Williams #1 Well, Section 29, Township 12 North, Range 15 West, Desoto Parish, La.	(*)	
CI66-1083-001, D, Mar. 8, 1984	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77252	Texas Gas Transmission Corp., West Lisbon Field, Claiborne Parish, La.	(*)	
CI84-242-000, A, Mar. 8, 1984	Pennzoil Producing Co., P.O. Box 2967, Houston, Tex. 77001.	Texas Eastern Transmission Corp., West Cameron Area, Blocks 252 and 253, Offshore Louisiana.	(*)	15.025
CI84-243-000, A, Mar. 8, 1984	Pennzoil Oil & Gas, Inc., P.O. Box 2967, Houston, Tex. 77001.	Texas Eastern Transmission Corp., West Cameron Area, Blocks 252 and 253, Offshore La.	(*)	15.025

¹ Applicant is filing under Gas Purchase Agreement dated February 8, 1952, amended by Supplemental Agreement dated January 23, 1953.

² Effective November 1, 1983, Phillips Petroleum Company assigned to Phillips Oil Company its interest in the Ship Shoal Block 32 Field Area, Offshore Terrebonne Parish, Louisiana.

³ Last wells on the leases have been plugged and abandoned and the leases have expired.

⁴ Applicant is filing to add additional delivery points.

⁵ Applicant is filing under Gas Purchase Contract dated November 3, 1982 to add additional acreage.

⁶ The University "DA" Lease was dedicated to the subject contract. There has been no production since April 30, 1981. The well was plugged and abandoned on October 19, 1981 and Amoco filed the Release of Oil and Gas Lease on February 22, 1982.

⁷ Applicant is filing under Gas Purchase and Sales Agreement dated January 31, 1984.

⁸ Last well on lease was plugged and abandoned on August 1, 1983 and the lease expired on October 31, 1983 for lack of production.

⁹ Delivery of gas under the subject contract has become uneconomical due to the cost of replacing several miles of delivery line and maintaining compression necessary to deliver the gas into Buyer's high pressure line. The purchaser has agreed to release the gas from this contract and Columbia Gas of West Virginia, an interstate purchaser with a low pressure line in the vicinity, has agreed to purchase such gas.

¹⁰ Last well plugged and abandoned August 1, 1983 and the lease expired October 31, 1983 for lack of production.

¹¹ The operation of the well is no longer economic in as much as the BLM has required the transmission line be buried at a cost in excess of \$250,000.

¹² Primary term of contract expired January 1, 1980. There has been no production from the acreage under contract since 1971 and there are no plans for future production.

¹³ Wells are not capable of producing natural gas at pressure sufficient to be delivered into Northern's pipeline after repeated swabbing and are fluid logged to the extent that deliveries can only be made to a low-pressure system as low marginal production.

¹⁴ Gulf's records indicate that it never held a lease on any acreage in Tract Number 774 and that Tract Number 898 was never productive and the lease expired by its own term on July 2, 1977.

¹⁵ Southern Natural Gas Company advises it is uneconomical to connect the W. Williams #1 Well to its system given the limited volume of gas and the cost of constructing the facilities required to take the gas.

¹⁶ The partial expiration of the J.T. Gilbert, et al. lease at the end of the primary term of the lease which contained a Pugh clause.

¹⁷ Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 84-7905 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-248-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc. and Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Application

March 19, 1984.

Take notice that on February 21, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, referred as Applicants, filed in Docket No. CP84-248-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation and exchange service between them, all as more fully set forth in the joint application which is on file with the Commission and open to public inspection.

Applicants propose, pursuant to the gas exchange agreement dated April 6, 1982, as amended January 11, 1983, that Tennessee would receive for the account of Arkla certain volumes of natural gas produced in Mississippi Canyon Block 148 (MC 148), offshore Louisiana. Applicants propose that one half of such volumes received by Tennessee would be exchanged with Arkla by delivery of such one half to Arkla's system for Tennessee's account. Applicants propose further that the remaining one half of volumes received by Tennessee would be transported by Tennessee for delivery to Arkla.

Tennessee proposes to receive a volume of gas, not to exceed 28,000 Mcf of natural gas per day, at a point of receipt in MC 148. It is stated that up to one half of such gas would be exchanged with Arkla, provided certain enumerated conditions are satisfied, by Tennessee's delivering volumes to Arkla at the following delivery points: (1) Arkla's 30 AD Line in Grady County, Oklahoma, and at other mutually agreeable points on that portion of Arkla's AD Line in Oklahoma, (2) mutually agreeable point(s) on Arkla's F-185 System in Gregg and Harrison Counties, Texas, (3) mutually agreeable point(s) on Arkla's Line A System in northern Caddo Parish, Louisiana, and southern Miller County, Arkansas, and (4) mutually agreeable point(s) on Arkla's F System and Line FT-3 System in Jackson, Bienville, Lincoln, Union, and Ouachita Parishes, Louisiana.

It is stated that the remaining volumes received by Tennessee at MC 148, and

not exchanged at the locations above, less plant volume reduction, would be transported by Tennessee and delivered to Arkla at the following: (1) A point adjacent to Tennessee's existing pipeline in Ouachita Parish, Louisiana, (2) the outlet of the Champlin gasoline plant in the Carthage Field, Panola County, Texas, and (3) additional points in East Texas or North Louisiana as mutually agreed.

Applicants state that all gas received and delivered under the agreement would be at no charge to either party.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 285.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein just file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7930 Filed 3-22-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP88-146 and RP67-22; Docket No. CI68-621]

Tennessee Gas Pipeline Co. a Division of Tenneco, Inc. and Tenneco Oil Co.; Joint Petition for Relief From Reporting Requirements

March 19, 1984.

Take notice that on October 24, 1983, Tennessee Gas Pipeline Company and Tenneco Oil Company (Petitioners) jointly filed a petition for relief from the annual reporting requirements imposed by the FPC order of July 30, 1962 (43 FPC 292), as amended on May 1, 1970 (43 FPC 681), and on November 26, 1974 (52 FPC 1457).

Petitioners assert that they are required to submit specified annual production cost data that is used to evaluate lease transfers using a cost-of-service methodology. Their basis for relief from these requirements is that the cost-of-service methodology has been replaced by the first sale treatment provided by the Natural Gas Policy Act of 1978 (NGPA).

This first sale treatment, which allows interstate pipelines to receive maximum lawful prices for their own production, replaced the cost-of-service methodology by the Supreme Court's decision in *Public Service Commission v. Mid Louisiana Gas Co.*, — U.S. —, 103 S.Ct. 3024 (1983).

Petitioners assert that valuating the transfers of certain leases no longer necessitates the cost information that the current reporting requirements demand. Instead, the first sale treatment requires that the price for their own production cannot exceed the maximum legal price set under the NGPA.

Petitioners supplemented their October 24, 1983, filing with a letter dated February 23, 1984, stating that the cost of compliance with the reporting requirements is approximately seven thousand dollars (\$7,000.00) per year.

Petitioners further assert that relief from the reporting requirements would not impair the Commission's ability to perform its duties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 28, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-7931 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-277-000]

Trunkline Gas Co.; Application

March 19, 1984.

Take notice that on March 2, 1984, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-277-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas for Panhandle Eastern Pipe Line Company (Panhandle) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to abandon certain transportation arrangements under agreements which were approved by Commission orders dated August 29, 1977, in Docket Nos. CP77-17-000 and CP77-92-000, and dated September 30, 1977, in Docket No. CP77-533. By order issued September 23, 1983, in Docket Nos. CP77-017-012, *et al.*, the Commission disallowed Panhandle's right to purchase gas from Northern Natural Gas Company, a division of InterNorth, Inc. (Northern), under the transportation and sales agreements among Panhandle, Trunkline and Northern which were authorized in Docket Nos. CP77-17-000, CP77-92-000 and CP77-533-000, it is explained. Accordingly, Applicant states that Panhandle no longer requires this transportation service. Applicant requests a retroactive effective date for the abandonment of September 10, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a

party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-7915 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-214-000¹]

United Gas Pipe Line Co.; Further Notice of Application

March 19, 1984.

Take notice that on January 27, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-214-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an interruptible sale of natural gas to an existing on-system, direct industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United requests authorization in Docket No. CP84-214-000 to make deliveries for interruptible sales of natural gas to Zapata Haynie Corporation (Zapata), an existing on-system, direct industrial customer located in Dulac and Cameron, Louisiana, and Moss Point, Mississippi. Specifically, United proposes to sell up to 8,920 Mcf of gas per day above the volumes under its existing sales agreement with Zapata. United further

¹ A Notice of Application in this proceeding was erroneously issued on March 6, 1984, in Docket No. CP84-213-000; the correct docket number is CP84-214-000. (49 FR 9258, March 12, 1984)

states that it intends to offer this service to Zapata only on such days as its supplies of natural gas exceed the demands of its customers, for firm service, taking into account storage volumes and the requirements for storage injection. It is indicated that the proposed sale would be made under United's Rate Schedule IRS 82-104, which requires Zapata to pay United the sum of 30 cents per Mcf plus the weighted average cost of gas (WACOG) per Mcf in United's system, as calculated according to the terms and conditions of Schedule S-82 for the period extending from July 1, 1983, until 7:00 a.m. on January 1, 1984. Commencing at 7:00 a.m. on January 1, 1984, and extending through January 1, 1985, the price paid by Zapata would increase to the sum of 50 cents per Mcf plus the WACOG per Mcf in United's system, as calculated above, it is further indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If motions for leave to intervene are timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for United to appear or be represented at the hearings.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7916 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 7742-000, et al.]

Hydroelectric Applications (Long Shoals Hydro, Inc., 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: Exemption (5 MW or Less).

b. Project No.: 7742-000.

c. Date Filed: October 20, 1983.

d. Applicant: Long Shoals Hydro, Inc.

e. Name of Project: Long Shoals.

f. Location: South Fork Catewba River, Lincoln County, North Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Charles Mierek, P.E., Cortland Associates, Inc., 838 Arlington Drive, Tucker, Georgia 30084.

i. Comment Date: May 7, 1984.

j. Description of Project: The Long Shoals project would consist of: (1) An existing rockfill and concrete dam, approximately 300 feet long and 20 feet high; (2) two existing concrete powerhouses, each about 20 by 20 feet in plan dimension, one of which contains an existing 200 kW generating unit, and one powerhouse will contain a proposed 550 kW generating unit, for a total project capacity of 750 kW; (3) two existing tailraces about 200 and 250 feet long, respectively; (4) a transmission line about 100 feet long, to connect with the existing power grid; and (5) appurtenant facilities. The estimated average annual generation for the project is 4,100,000 kWh.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

1. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

2a. Type of Application: Exemption from licensing.

b. Project No.: 814-004.

c. Date Filed: August 1, 1983.

d. Applicant: Utah Power and Light Company.

e. Name of Project: Upper Beaver Project.

f. Location: Within Fishlake National Forest on the Beaver River in Beaver County, Utah.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705, and 2708 as amended).

h. Contact Person: Jody L. Williams, Utah Power and Light Company, P.O. Box 899, Salt Lake City, Utah 84110.

i. Comment Date: May 7, 1984.

j. Description of Project: The Upper Beaver Project is a constructed project operating pursuant to a license for Project No. 814. No change in the present operation is proposed. The project consists of the following existing facilities: (1) The 26.7-foot-long, 3.6-foot-high rockfilled timber crib diversion structure on the East Fork; (2) the 1,147-foot-long East Fork Conduit; (3) two timber headgates, each 4-foot-long by 2.5-foot-wide by 1.3-foot-high on Dry Hollow Creek; (4) the 1,759-foot-long Dry Hollow Conduit; (5) the 656-foot-long Spring Line Conduit; (6) the 39.5-foot-long, 4.2-foot-high rockfilled timber crib diversion structure on the South Fork; (7) the 9,453-foot-long South Fork Conduit; (8) the 160-foot-long, 29-foot-high rockfilled Merchant Valley Dam which is owned by the Applicant; (9) Merchant Valley Reservoir with a surface area of 1.4 acres and a storage capacity of 10 acre-feet; (10) a 15,791-foot-long main conduit; (11) a powerhouse containing 2 turbine/generator units, one of which will be rewound to increase the total installed capacity from 2,400 kW to 2,530 kW; (12) a 50-foot-long tailrace; and (13) appurtenant facilities.

The average annual generation is 9,090 MWh.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take the project.

Project energy is sold to the Applicant's customers.

1. This notice also consists of the following standard paragraphs: A1, B, C, D3a, A9.

3a. Type of Application: Exemption (5MW or Less).

b. Project No.: 7806-000.

c. Date Filed: November 4, 1983.

d. Applicant: Richard and Georgenia Wilkinson.

e. Name of Project: Prospect Creek Hydroelectric Project.

f. Location: On Prospect Creek in Sonders County, Montana.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Richard and Georgenia Wilkinson, P.O. Box 848, Thompson Falls, Montana 59873.

i. Comment Date: May 7, 1984.

j. Description of Project: The proposed project would consist of: (1) A proposed reinforced concrete diversion structure that would be approximately 8 feet high; (2) a proposed penstock that would be approximately 4,000 feet long and 72-inches in diameter; (3) a proposed powerhouse containing 3 generating units rated at 1,850 kW, 775 kW, and 270 kW, respectively; (4) a proposed 2,400-volt transmission line; and (5) appurtenant facilities. The estimated average annual energy output for the project would be 8.5 GWh.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

1. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

4a. Type of Application: Preliminary Permit.

b. Project No.: 7903-000.

c. Date Filed: December 8, 1983.

d. Applicant: Waterfall Electric/Al Peters.

e. Name of Project: Squaw Creek.

f. Location: On Squaw Creek, near Town of Sisters, in Deschutes County, Oregon, and occupying lands within Deschutes National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Al Peters, 3182 S E Timberlake Drive, Hillsboro, Oregon 97123.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (1) A 7-foot-high concrete diversion dam at elevation 4,200 feet; (2) a 14,000-foot-long, 4-foot-diameter penstock; (3) a powerhouse containing one generating unit rated at 3.5 MW; (4) an access road; and (5) a 2-mile-long transmission line. The average annual energy generation is estimated to be 22 million kWh.

A preliminary permit, if issued, does not authorize any construction. Applicant seeks issuance of a preliminary permit for a term of 36 months, during which it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads

will be required to conduct the studies. The cost of the work is \$15,000.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

5a. Type of Application: Preliminary Permit.

b. Project No.: 7846-000.

c. Date Filed: November 14, 1983.

d. Applicant: City of Cascade Locks and Public Utility District No. 1 of Skamania County.

e. Name of Project: Bonneville Lock and Dam Fish Attraction Project.

f. Location: At Bonneville Dam on the Columbia River, near Cascade Locks, in Multnomah County, Oregon, and Skamania County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Kenneth Hobson, City of Cascade Locks, P.O. Box 308, Cascade Locks, Oregon 97014.

i. Comment Date: May 21, 1984.

j. Description of Project: The proposed project would consist of four generating units at four sites at the fish attraction facilities of the U.S. Corps of Engineers' Bonneville Dam. The total installed capacity of the four sites is 11.6 MW and the average annual energy generation is estimated to be 63.4 million kWh.

A preliminary permit, if issued, does not authorize any construction. Applicant seeks issuance of a preliminary permit for 36 months, during which it would conduct economic, engineering, environmental, and feasibility studies, and prepare an FERC license application. The cost of the work is estimated to be \$232,000.

k. Purpose of Project: Power would be sold to the Bonneville Power Administration.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

6a. Type of Application: Transfer of License.

b. Project No.: 2769-004.

c. Date Filed: January 26, 1984.

d. Applicant: Allegheny Electric Cooperative, Inc., and Pennsylvania Power Company.

e. Name of Project: Raystown.

f. Location: Juniata River, Huntingdon County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Anthony C. Adonizio, Allegheny Electric Cooperative, Inc., 212 Locust Street, P.O. Box 1266, Harrisburg, Pennsylvania 17108-1266.

i. Comment Date: April 27, 1984.

j. Description of the Proposed Transfer of License: The Applicants propose to

transfer the license to Allegheny Electric Cooperative, Inc. because Pennsylvania Electric Company has determined that its share of the output of power from the project is not needed. The Raystown Project has not yet been constructed.

Transferee has proposed to construct, operate, and utilize the full output of the project in accordance with the license.

Transferee is an Electric Cooperative Corporation organized under the laws of Pennsylvania.

k. This notice also consists of the following standard paragraphs: B.

l. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "COMMENTS", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of this application. 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, Deputy Director, Project Management, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon the representative of the Applicants specified herein.

7a. Type of Application: Preliminary Permit.

b. Project No: 8068-000.

c. Date Filed: February 8, 1984.

d. Applicant: Breeza Corporation.

e. Name of Project: South Madison.

f. Location: Kennebec River, town of Madison, Somerset County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Zoes Dimos, Breeza Corporation, Route 102, Londonderry, New Hampshire 03053.

i. Comment Date: May 21, 1984.

j. Description of Project: The proposed project would consist of: (1) A new 20-foot-high, 625-foot-long gated concrete spillway dam; (2) a 60-acre reservoir with no usable storage capacity at elevation 178.0 feet U.S.G.S. datum; (3) a new powerhouse located at the north abutment containing turbine-generators with a total rated capacity of 10,000 kW; (4) a transmission line; and (5) appurtenant facilities. The project would generate up to 50,000,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to Central Maine Power Company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit 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 including core sampling in the vicinity of the proposed dam axis, 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 \$100,000. No new roads are required for the core sampling. Any disturbed areas would be restored upon completion of sampling.

8a. Type of Application: Preliminary Permit.

b. Project No: 8067-000.

c. Date Filed: February 8, 1984.

d. Applicant: Breeza Corporation.

e. Name of Project: North Anson.

f. Location: Carrabassett River, town of North Anson, Somerset County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Zoes Dimos, Breeza Corporation, Route 102, Londonderry, New Hampshire 03053.

i. Comment Date: May 21, 1984.

j. Description of Project: The proposed project would consist of: (1) A new 250-foot-long, 33-foot-high concrete gated spillway dam at the site of a breached dam; (2) a 20-acre reservoir with no usable storage capacity at elevation 293.0 feet U.S.G.S. datum; (3) a new powerhouse located at the north abutment containing turbine-generators with a total rated capacity of 2,800 kW; (4) a transmission line; and (5) appurtenant facilities. The project would generate up to 4,000,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to Central Maine Power Company.

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 permit 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 \$100,000.

9a. Type of Application: Preliminary Permit.

b. Project No.: 7763-000.

c. Date Filed: October 25, 1983.

d. Applicant: Rainbow Lake Associates.

e. Name of Project: Joseph K. Robertson Hydropower Project.

f. Location: On North Fork of Cottonwood Creek, near Town of Redding, in Shasta County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. J. Kirk Rector, Senior Vice President, Diversified Products, No. 500 CFS Center, 324 South State Street, Salt Lake City, Utah 84111.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (1) The existing 500-foot-long, 60-foot-high Trisdale Water Company's Musselbeck Dam; (2) a 36-inch-diameter, 3,500-foot-long penstock; (3) the existing 5-foot-wide, 6-foot-high, 7,000-foot-long Hoover Tunnel; (4) a 36-inch-diameter, 18,500-foot-long penstock; (5) a powerhouse with a total installed capacity of 3.5 MW; and (6) a 0.5-mile-long, 12-kV transmission line. The Applicant estimates that the average annual energy generation would be 20.4 GWh and sold to the local utilities.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of \$125,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

10a. Type of Application: Preliminary Permit.

b. Project No.: 7989-000.

c. Date Filed: January 18, 1984.

d. Applicant: CFS Hydroelectric Associates.

e. Name of Project: Faun Childers Hydroelectric.

f. Location: On Boulder Creek in Humboldt County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(5).

h. Contact Person: Mr. Joel Kirk Rector, CFS Hydroelectric Associates, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high, diversion structure at elevation 1,840 feet; (2) a 42-inch-diameter, 10,000-foot-long conduit; (3) a 42-inch-diameter, 7,000-foot-long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 8,200 kW operating under a head of 1,300 feet; and (5) a one-mile-long transmission line connecting the powerhouse with an existing Pacific Gas and Electric Company's (PG&E) 12-kV transmission line, north of the powerhouse.

k. Purpose of Project: The estimated 25.6 million kWh of annual project energy would be sold to PG&E.

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.: 8019-000.

c. Date Filed: February 1, 1984.

d. Applicant: CFS Hydroelectric Associates.

e. Name of Project: The Geraldine G. Lucas Hydroelectric.

f. Location: On Big Creek, within the Sierra National Forest in Fresno County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Joel Kirk Rector, CFS Hydroelectric Associates, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (a) A 5-foot-high, diversion structure at elevation 2,960 feet; (b) a 10,500-foot-long, 24-inch-diameter penstock; (c) a powerhouse containing a single generating unit with a rated capacity of 4,500 kW, operating under a head of 1,270 feet; and (d) a 15-mile-long, 60-kV transmission line connecting the powerhouse with an existing Pacific Gas and Electric Company's substation south of the project.

k. Purpose of Project: The project's estimated 12.6 million kWh of annual project energy would be sold to a local municipal utility.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

12a. Type of Application: Preliminary Permit.

b. Project No.: 7951-000.

c. Date Filed: January 3, 1984.

d. Applicant: Idaho Natural Energy, Inc.

e. Name of Project: South Fork Clearwater River.

f. Location: In the Nez Perce National Forest, on the South Fork Clearwater River, near Golden, in Idaho County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Jeff Burt, Bingham Engineering, 185 Wright Brothers Drive, Salt Lake City, Utah 84116.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (1) A 9-foot-high diversion structure at elevation 3040 feet; (2) a 27,000-foot-long, 6-foot-diameter penstock; (3) powerhouse containing two generators having a combined capacity of 11,000 kW and an annual generation of 47 GWh at elevation 2440 feet; and (4) a 10-mile-long transmission line to an existing line.

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. The estimated cost of permit activities is \$260,000.

k. Purpose of Project: Power may be marketed to the Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

13a. Type of Application: Preliminary Permit.

13b. Project No.: 7875-000.

13c. Date Filed: November 25, 1983.

13d. Applicant: Tuolumne Regional Water District.

13e. Name of Project: Niagara Creek Hydroelectric project.

13f. Location: On Niagara Creek, near Town of Wagner, within Stanislaus National Forest in Tuolumne County, California.

13g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

13h. Contact Person: Mr. Gary N. Egger, General Manager, Tuolumne Regional Water District, P.O. Box 728, Sonoma, California 95370.

13i. Comment Date: May 18, 1984.

13j. Description of Project: The proposed project would consist of: (1) A 6-foot-high, 20-foot-long diversion structure on Niagara Creek at elevation 6020.00 feet; (2) a 2-foot-diameter, 1,800-foot-long pipeline; (3) a 2-foot-diameter,

1,800-foot-long penstock; (3) a powerhouse with a total installed capacity of 2.9 MW; and (4) a 9-mile-long, 12-kV transmission line. The Applicant estimates that the average annual energy generated would be 8.3 million kWh and sold to the local utilities.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental, and economic studies, and also prepare an FERC license application at an estimated cost of \$250,000.

13k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C & D2.

14a. Type of Application: Amendment of License (New Capacity).

14b. Project No.: 2307-001.

14c. Date Filed: January 12, 1984.

14d. Applicant: Alaska Electric Light and Power Co.

14e. Name of Project: Salmon Creek Project.

14f. Location: On Salmon Creek in the City and Borough of Juneau, Alaska.

14g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

14h. Contact Person: Mr. Corry Hildenbrand, Alaska Electric Light and Power Co., N. Franklin Street, Juneau, Alaska 99801.

14i. Comment Date: April 30, 1984.

14j. Description of Project: The proposed amendment would consist of: (1) A new 42-inch-diameter penstock connecting to the existing penstock above Powerhouse No. 2 by a 30-inch WYE Branch and two butterfly valves; (2) a new powerhouse adjacent to the existing Lower Powerhouse (No. 1) containing a single generating unit with a rated capacity of 6,700 kW; and (3) a new tailrace discharging into the existing tailrace. The estimated average annual energy output due to this addition is 31.5 million kWh.

14k. This notice also consists of the following standard paragraphs: B and C.

15a. Type of Application: License (Major).

15b. Project No.: 3257-005.

15c. Date Filed: November 30, 1983.

15d. Applicant: Sunnyside Valley Irrigation District.

15e. Name of Project: Zillah.

15f. Location: Off of the U.S. Bureau of Reclamation's Sunnyside Canal on the Zillah Wasteway, near Zillah, on the Yakima River, in Yakima County, Washington.

15g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

15h. Contact Person: Mr. James W. Trull, Manager, Sunnyside Valley

Irrigation District, P.O. Box 239, Sunnyside, Washington 98944.

15i. Comment Date: May 18, 1984.

15j. Description of Project: The proposed project would consist of: (1) The existing 16.9-mile-long segment of the USBR Sunnyside Canal between the Sunnyside Diversion Dam and the Zillah Wasteway; (2) the modification of the rotating drum screens; (3) the modification of the Zillah Wasteway Intake; (4) a 2,205-foot-long, 10.5-foot-diameter steel penstock; (5) a powerhouse containing one generating unit rated at 12 MW; (6) a tailrace; and (7) a 2.4-mile-long, 115-kV transmission line. The average annual energy generation is estimated to be 29.6 million kWh and the construction cost is estimated to be \$17.5 million.

The application was filed pursuant to a preliminary permit.

15k. Purpose of Project: Power would be sold to Seattle City Light Department.

15l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D2.

16a. Type of Application: Preliminary Permit.

b. Project No.: 7933-000.

c. Date Filed: December 27, 1983.

d. Applicant: Warren Hydro Partners.

e. Name of Project: Caesar Creek Dam.

f. Location: On Caesar Creek in Warren County, Ohio.

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: May 18, 1984.

j. Description of Project: The proposed project would utilize the existing Corps of Engineers' Caesar Creek Dam and would consist of: (1) The existing 156-foot-long conduit, to be used as a power penstock; (2) a proposed powerhouse containing a single generating unit having a rated capacity of 3,000 kW; (3) interconnection with the existing transmission lines owned by the Dayton Power and Light Company; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 12 GWh.

k. Purpose of Project: The energy derived at the proposed project would be sold to an investor-owned or public utility.

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 24 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 \$50,000.

17a. Type of Application: Preliminary Permit.

b. Project No.: 7717-000.

c. Date Filed: October 11, 1983.

d. Applicant: Sanpete Water Conservancy District.

e. Name of Project: Narrows Project.

f. Location: On Gooseberry and Cottonwood Creeks in Sanpete County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. David Peterson, P.O. Box 267, Mt. Pleasant, Utah 84647.

i. Comment Date: April 30, 1984.

j. Competing Application: Project No. 7409-000. Date Filed: June 28, 1983.

k. Description of Project: The proposed project would consist of: (1) The existing 117-foot-high Gooseberry Dam; (2) the existing 1,800-foot-long Narrows Tunnel, which connects Gooseberry and Cottonwood Creeks; (3) a proposed dam to be constructed on Gooseberry Creek which would divert water through the tunnel; (4) the reconstruction of a diversion structure which would divert water from Cottonwood Creek; (5) an elaborate penstock system consisting of four 32-inch-diameter penstocks having lengths of 10,560, 8,942, 9,731, and 13,150 feet; (6) four powerhouses each containing 1 or more generating units and having a total rated capacity of 9.2 MW; (7) 1 mile of new 12.46/72-kV transmission line, 7 miles of existing transmission line which would be upgraded to 46-kV to interconnect with the existing transmission line owned by Utah Power and Light Company; and (8) any appurtenant facilities. The Applicant estimates that the average annual energy output would be 29.5 GWh.

l. Purpose of Project: The most likely market for the energy derived at the proposed project would be the municipal power agencies within the Sanpete Water Conservancy District.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under

the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$35,000.

18a. Type of Application: Preliminary Permit.

b. Project No: 8017-000.

c. Date Filed: January 31, 1984.

d. Applicant: Colusa County, California.

e. Name of Project: East Park Dam Hydroelectric.

f. Location: At the existing Bureau of Reclamation's East Park Dam on Little Stony Creek in Colusa County, California..

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Ferrel H. Ensign, Borcalli, Ensign and Buckley, Consulting Engineers, 3327 Longview Drive, North Highlands, California 95660.

i. Comment Date: April 27, 1984.

j. Competing Application: Project No. 7780-000. Date Filed: October 27, 1983.

k. Description of Project: The proposed project would consist of: (1) A pressurized steel penstock insert within the existing concrete outlet of the East Park Dam, extending 30 feet beyond the existing point of discharge; (2) a powerhouse containing a single generating unit with a rated capacity of 900 kW, operating under a head of 71 feet; and (3) a 2-mile-long, 21-kV transmission line connecting the project with an existing Pacific Gas and Electric Company (PG&E) transmission line west of the project.

l. Purpose of Project: The projects estimated 2.8 million kWh of energy would be sold to PG&E.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

19a. Type of Application: Preliminary Permit.

b. Project No: 7785-000.

c. Date Filed: October 31, 1983.

d. Applicant: Armand J. Brassard and John S. Woodward.

e. Name of Project: Crystal Falls Water Power.

f. Location: On Phillips Brook, in Coos County, Town of Stark (Crystal Village), New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Armand J. Brassard, Paris Road, R.F.D. 2, Box 79, Berlin, New Hampshire 03570.

i. Comment Date: April 27, 1984.

j. Competing Application: Project No. 7328-000; Date Filed: 6-2-83. Project No. 7896-000; Date Filed: 12-2-83.

k. Description of Project: The proposed project would consist of: (1) A new inlet structure; (2) a proposed 24-inch-diameter steel penstock approximately 2,900 feet in length; (3) a proposed powerhouse approximately 10 feet by 16 feet, housing three turbine/generator units with a total installed capacity of 150 kW; (4) a proposed 230-volt transmission line running underground 30 feet to a transformer pad; (5) a proposed 7,200-volt transmission line running underground for 150 feet; and (6) appurtenant facilities. Applicant estimates that the average annual energy generation would be 919,800 kWh.

l. Purpose of Project: Project energy will be sold to Public Service Company of New Hampshire.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would 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 \$2,475.

20a. Type of Application: Preliminary Permit.

b. Project No: 8123-000.

c. Date Filed: February 22, 1984.

d. Applicant: Paris Hydro Associates.

e. Name of Project: Billings.

f. Location: Little Androscoggin River, Town of South Paris, Oxford County, Maine.

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 Avenue, Suite 409, Annapolis, Maryland 21403.

i. Comment Date: May 21, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 150-foot-long, 12-foot-high masonry dam with a concrete cap; (2) an existing 11-acre reservoir with a normal maximum water surface elevation of 343.0 feet M.S.L. with no usable storage capacity; (3) a new powerhouse located at the

east dam abutment containing turbine-generators with a total rated capacity of 170 kW; (4) a 50-foot-long, 12.5-kV transmission line; and (5) appurtenant facilities. The project would generate up to 850,000 kWh annually. The dam is owned by the Town of South Paris, Maine.

k. Purpose of Project: Energy produced at the project would be sold to Central Maine Power Company.

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 permit 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 18 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 \$36,000.

21 a. Type of Application: Preliminary Permit.

b. Project No: 8080-000.

c. Date Filed: February 13, 1984.

d. Applicant: High Rock Hydro Partners.

e. Name of Project: High Rock.

f. Location: On Fish Creek, Last Chance Creek, Discovery Creek and West Branch Feather River near Stirling City, in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. David C. Auslam, Jr., 3327 Longview Drive, Suite 250, North Highlands, California 95660.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 10-foot-high, 40-foot-long diversion structure on the West Branch Feather River; (2) 4 diversion structures, 3 to 5-foot-high, 30-foot-long one each on the west and east branches of Fish Creek, one on Last Chance Creek, and one on Discovery Creek; (3) a 42-inch-diameter, 13,000-foot-long pipeline; (4) a 27-inch-diameter, 9,000-foot-long pipeline; (5) a 30-inch-diameter, 7,000-foot-long pipeline; (6) a 42-inch-diameter, 8,000-foot-long penstock; (7) a powerhouse located on the West Branch Feather

River at elevation 3,440 feet msl with a total installed capacity of 13.0 MW and producing an estimated average annual generation of 60 GWh; and (8) 2.5 miles of transmission line to connect to an existing Pacific Gas and Electric Company (PG&E) 12-kV line. The proposed project would be located on Plumas National Forest and Diamond International Corporation lands. Project power would be sold to PG&E.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies at \$200,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

22a. Type of Application: Preliminary Permit.

b. Project No: 7966-000.

c. Date Filed: January 10, 1984.

d. Applicant: Mr. Maurice L. Albertson.

e. Name of Project: RMHL Hydro.

f. Location: On North St. Vrain Creek in Boulder County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Barbe Chambliss, Environmental Power Systems, Inc., 92 Atlantic Avenue, Aspen, Colorado, or Maurice L. Albertson, 203 Webber Building, Colorado State University, Fort Collins, Colorado 81611.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (1) The construction of a submerged rock-filled diversion structure; (2) a proposed 1,700-foot-long, 30-inch-diameter conduit; (3) a proposed 165-foot-long, 30-inch-diameter penstock; (4) a proposed powerhouse containing two generating units having a total rated capacity of 320 kW; (5) a new transmission line which would interconnect with the nearby 7.5-kV line owned by Estes Park Power and Light; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,125,000 kWh.

k. Purpose of Project: The most likely market for the energy derived at the proposed project would be the Public Service Company of Colorado.

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 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a

study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$70,000.

23a. Type of Application: Preliminary Permit.

b. Project No: 8066-000.

c. Date Filed: February 7, 1984.

d. Applicant: American Hydro Power Company.

e. Name of Project: Warrior Ridge Project.

f. Location: On the Juanita River in Huntingdon County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Peter A. McGrath, American Hydro Power Company, 4026 Chestnut Street, Philadelphia, Pennsylvania 19104.

i. Comment Date:

j. Description of Project: The proposed project would consist of: (1) The existing 27-foot-high, 810-foot-long Warrior Ridge Dam; (2) the existing 60-acre reservoir which impounds 310 acre-feet of gross storage at the spillway elevation of 658 feet m.s.l.; (3) an existing powerhouse to contain an installed generating capacity of 2.5 MW; and (4) appurtenant facilities.

The dam and appurtenant facilities are owned by the Pennsylvania Electric Company. The Applicant estimates the average annual energy production to be 11.4 GWh.

k. Purpose of Project: The Applicant intends to sell the total output generated to General Public Utilities/Penelec.

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 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.

24a. Type of Application: Preliminary Permit.

b. Project No: 7807-000.

c. Date Filed: November 4, 1983.

d. Applicant: Moran Associates.

e. Name of Project: Steven F. Christensen Project.

f. Location: On the Snake River in Teton County, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Joel Kirk Rector, Moran Associates, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: May 18, 1984.

j. Description of Projects: The proposed project would utilize the existing Bureau of Reclamation's Jackson Lake Dam and Reservoir and would consist of: (1) A new penstock utilizing the existing outlet works; (2) a new powerhouse containing turbine-generator units having a total rated capacity of 6,700 kW; (3) a tailrace returning flow to the river immediately downstream of the dam; (4) a new 34.5-kV transmission line, 300 feet long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 20,000,000 kWh. Project energy would be sold to local municipalities.

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 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 \$125,000.

24a. Type of Application: Preliminary Permit.

b. Project No: 8045-000.

c. Date Filed: February 3, 1984.

d. Applicant: James River-Groveton, Incorporated.

e. Name of Project: Brooklyn Project.

f. Location: Upper Ammonoosuc River, town of Groveton, Coos County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Andrew E. Sims, Kleinschmidt and Dutting, P.O. Box 76, Pittsfield, Maine 04967.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would be composed of two developments: (1) The Brooklyn development consisting of: (a) An existing 90-foot-long, 10-foot-high rock filled timber crib dam topped by 3-foot-high flashboards with a 30-foot-long integral gate structure at the east

abutment; (b) an existing 18 acre-reservoir at elevation 880.6 feet U.S.G.S. datum with flashboards and no usable storage; (c) an existing forebay and a powerhouse to be refurbished to contain two turbine-generators with a total rated capacity of 500 kW; (d) a 50-foot-long transmission line; and (e) appurtenant facilities.

(2) The Red Dam development located 1 mile upstream from Brooklyn Development consisting of: (a) An existing 23-foot-high, 200-foot-long rock filled timber crib dam topped by 6-foot-high flashboards and an integral gate structure on the east and west abutments; (b) an existing 60 acre-reservoir at elevation 888.6 feet U.S.G.S. datum with flashboards installed and a usable storage capacity of 180 acre-feet; and (c) appurtenant facilities. The Red Dam Development would provide storage and stream regulation for the Brooklyn development.

The project facilities are owned by the Applicant. The project would generate up to 2,000,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to Public Service Company of New Hampshire.

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 permit 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 financial 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 \$45,000.

26a. Type of Application: Preliminary Permit.

b. Project No.: 7704-000.

c. Date Filed: October 6, 1983.

d. Applicant: Enumclaw/Washington Associates.

e. Name of Project: Enumclaw/Washington Project.

f. Location: At the existing Army Corps of Engineers Mud Mountain Dam, on the White River, near Enumclaw, on the boundary of King and Pierce Counties, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(e).

h. Contact Person: Joel Kirk Rector, Enumclaw/Washington Associates, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (1) A new intake structure, at the 1,015-foot-long Mud Mountain Dam, at elevation 1,200 feet; (2) a 1,450-foot-long, 8.5-foot-diameter penstock; (3) a powerhouse containing two generating units with a combined capacity of 4.8 MW and an annual energy production of 21.5 GWh; (4) a 200-foot-long, 12-foot-wide tailrace; and (5) a 650-foot-long, 12.5-kV transmission line to an existing line.

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. The estimated cost of permit activities is \$125,000.

k. Purpose of Project: Power will be marketed to local municipalities.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

27a. Type of Application: License (Under 5 MW).

b. Project No.: 7444-001.

c. Date Filed: November 1, 1983.

d. Applicant: Willow River Hydro Associates.

e. Name of Project: Willow Falls Water Power Project.

f. Location: Willow River, St. Croix County, Wisconsin.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Philip M. Hoover, Synergics, Inc., 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403.

i. Comment Date: May 21, 1984.

j. Description of Project: The proposed project would be located at the Willow Falls Dam, which is owned by the Department of Natural Resources of the State of Wisconsin, and would consist of: (1) An existing reservoir with a surface area of 99.8 acres and with a storage capacity of 1,295 acre-feet; (2) an existing 160-foot-long and 60-foot-high reinforced concrete dam; (3) an existing 347-foot-long, 15-inch-diameter steel penstock; (4) a proposed powerhouse with the installation of one turbine/generator unit operating at a head of 93 feet for a total installed capacity of 1,200 kW; (5) a proposed 600-foot-long, 12-kV buried transmission line; and (6) appurtenant facilities. The Applicant

estimates the average annual energy production to be 7.2 GWh.

k. Purpose of Project: The Applicant plans to sell the power generated to the Northern States Power Company whose lines run within one mile of the proposed project site.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

28a. Type of Application: Preliminary Permit.

b. Project No.: 7795-000.

c. Date Filed: November 2, 1983.

d. Applicant: Southern California Edison Company.

e. Name of Project: Bear Butte Hydroelectric.

f. Location: On Big Creek in Fresno County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: John R. Burry, Vice President, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (1) A 212-foot-high gravity type dam at elevation 8,132 feet, forming; (2) a reservoir with gross storage capacity of 11,500 acre-feet; (3) a 72-inch-diameter, 12,500-foot-long pipeline; (4) a 48 to 60-inch-diameter, 4,000-foot-long penstock; (5) a powerhouse, to be located on the east shore of Huntington Lake, containing a single generating unit with a rated capacity of 19,650 kW, operating under a head of 1,182 feet; and (6) a 4 1/2-mile-long, 33-kV transmission line connecting the project with the Applicant's existing Siphon Substation, west of the project.

k. Purpose of Project: The estimated 61 million kWh of project energy would be used by the Applicant to serve its customers.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.

29a. Type of Application: Preliminary Permit.

b. Project No: 7882-000.

c. Date Filed: November 28, 1983.

d. Applicant: City of Des Moines, Iowa.

e. Name of Project: Red Rock Water Power Project.

f. Location: On the Des Moines River, in Marion County, Iowa.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Richard Wilkey, City Manager, City Hall, East First & Locust Streets, Des Moines, Iowa 50307.

i. Comment Date: April 27, 1984.

j. Competing Application: Project No. 7706-000 Date Filed: 10-7-83.

k. Description of Project: The Applicant would utilize an existing dam and lands under the jurisdiction of the U.S. Army Corps of Engineers. The proposed project would consist of: (1) A proposed powerhouse containing 3 generating units having a total installed capacity of approximately 22,000-kW; (2) a proposed transmission line; and (3) appurtenant facilities. The estimated average annual energy output for the project would be 88,000,000 kWh.

1. This notice also consists of the following standard paragraphs: A8, 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 36 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 Application would decide whether to proceed with an applicant for FERC license. Applicant estimates that the cost of the studies under permit would be \$30,000.

30a. Type of Application: Preliminary Permit.

b. Project No: 7936-000.

c. Date Filed: December 29, 1983.

d. Applicant: Burke Dam Hydro Associates.

e. Name of Project: Burke Dam.

f. Location: on the James River in Botetourt County, Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Craig M. Lussi, 4105 Aspen Street, Chevy Chase, Maryland 20815.

i. Comment Date: May 21, 1984.

j. Description of Project: The proposed project would consist of: (1) The construction of a single 6-foot-high dam; (2) a proposed reservoir of negligible storage capacity and a surface area of 200 acres; (3) three proposed powerhouses located below the dam, Powerhouse #1 approximately 1500 feet south of the Kanawha Canal System's Marshall Tunnel, Powerhouse #2 will be located approximately 1.2 miles west of the dam, Powerhouse #3 will be located approximately 200 feet below the dam. The total rated capacity of the three powerhouses will be 6500 kW; (4) a proposed 12-foot-wide, 8-foot-deep canal to transport water to the tunnel and down to powerhouse #2; (5) a proposed 2-mile-long transmission line to interconnect with existing transmission lines; and (6) appurtenant

facilities. The Applicant estimates that the average annual energy output would be 28 GWh.

k. Purpose of Project: The most likely market for the energy derived at the proposed project would be VEPCO.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

30m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 24 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 \$27,000.

31a. Type of Application: Preliminary Permit.

b. Project No: 7542-000.

c. Date Filed: August 22, 1983.

d. Applicant: Woodbury Associates.

e. Name of Project: Woodbury Power Project.

f. Location: On the Green River in Butler County, Kentucky.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Joel Kirk Rector, Woodbury Associates, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers Green River Lock and Dam No. 4 and would consist of: (1) Reconstruction of the breached portion of the dam; (2) a new penstock and intake structure; (3) a new powerhouse containing turbine-generator units having a rated capacity of 5,000 kW; (3) a tailrace returning flow to the river a short distance downstream from the dam; (4) a new transmission line, approximately 1,500 feet long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 22,500,000 kWh. Project energy would be sold to local municipalities.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and 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 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 \$125,000.

32a. Type of Application: Preliminary Permit.

b. Project No: 7945-000.

c. Date Filed: January 3, 1984.

d. Applicant: Wyoming Natural Energy, Inc.

e. Name of Project: Sunlight Creek.

f. Location: On Sunlight Creek, near Cody, in Park County, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Jeff Burt, Bingham Engineering, 165 Wright Brothers Drive, Salt Lake City, Utah 84116.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (1) A new diversion structure, 6 feet high and 60 feet wide; (2) a new penstock, 54 inches in diameter and 29,500 feet long; (3) a new reinforced concrete powerhouse measuring 35 by 40 feet; (4) two new turbine/generator units each rated at 6 MW; (5) a new 55-kV transmission line 8 miles long; and (6) appurtenant electrical and mechanical facilities.

The proposed project would occupy approximately 83 acres of the Shoshone National Forest.

The estimated average annual generation of 50 million kWh would probably be sold to Pacific Power and Light Company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and 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 24 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 \$165,000.

33a. Type of Application: Exemption from Licensing (5 MW or Less).

b. Project No: 6938-001.

c. Date Filed: September 15, 1983.

d. Applicant: Thomas W. Weathers, II, Wilson B. Humphries Jr., and Roland M. Webb.

e. Name of Project: Pinecrest Lake.

f. Location: On South Fork Stanislaus River in Tuolumne County, California within the Stanislaus National Forest.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408, 16 U.S.C. 2705 and 2708, *as amended*.

h. Contact Person: Thomas Weathers, II, 31888 Highway 108, P.O. Box 68, Strawberry, California 95375.

i. Comment Date: April 26, 1984.

j. Competing Applications: The proposed project competes with preliminary permit applications for Project No. 6938-000 for which a public notice was issued on March 3, 1983, and expired on May 9, 1983, and Project No. 7347-000 for which a public notice was issued on August 3, 1983, and expired on September 15, 1983.

k. Description of Project: The proposed project would consist of: (1) A 21-inch-diameter, 727-foot-long penstock carrying water released from the existing 135-foot-high Pinecrest Lake Dam (the lake is also known as the Strawberry Reservoir) owned and operated by the Pacific Gas and Electric Company (PG&E) as a flow regulation component of Project No. 2130; (2) a powerhouse containing four generating units each with an installed capacity of 150 kW, operating under a head of 118 feet; (3) an afterbay located adjacent to the powerhouse; and (4) a 1400-foot-long, 17.2-kV transmission line connecting with an existing PG&E transmission line.

l. Purpose of Project: The estimated 3.1 million kWh produced annually by the proposed project would be sold to PG&E.

m. This notice also consists of the following standard paragraphs: A2, A9, B, C and D3a.

34a. Type of Application: Exemption (5 MW or Less).

b. Project No: 7577-000.

c. Date Filed: September 2, 1983.

d. Applicant: Gene M. Peters.

e. Name of Project: Burton Creek.

f. Location: On Burton Creek, near Packwood, in Lewis County, Washington.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: Mr. Calvin Patterson, Consulting Engineer, 2610 Evergreen Pt. Rd., Bellevue, Washington 98004.

i. Comment Date: April 30, 1984.

j. Description of Project: The proposed project would consist of: (1) A wood and concrete intake at elevation 1,640 feet; (2) an 1,830-foot-long, 16-inch-diameter

penstock; (3) a powerhouse containing a single generator with a rated capacity of 800 kW and an annual energy production of 3.5 GWh at elevation 1,000 feet; (4) a 530-foot-long, 30-inch-diameter corrugated metal tailrace; and (5) a 620-foot-long, 13.8-kV transmission line to an existing P.U.D. transmission line.

Purpose of Exemption—An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C, D3A.

35a. Type of Application: Exemption (5MW or Less).

b. Project No: 5545-002.

c. Date Filed: December 23, 1983.

d. Applicant: Stephen J. Gaber.

e. Name of Project: White Salmon Creek.

f. Location: On White Salmon Creek, near Glacier, in Whatcom County, Washington, and occupying U.S. lands in Mt. Baker National Forest.

g. Filed Pursuant to: Section 408, Energy Security Act of 1980, 16 U.S.C. 2705 and 2708.

h. Contact Person: Stephen J. Gaber, 10 Canyon Lake Road, Deming, Washington 98244.

i. Comment Date: April 26, 1984.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high, 35-foot-long diversion structure at elevation 2,880 feet; (2) a 3-foot-diameter, 12,200-foot-long steel penstock; (3) a powerhouse containing one generating unit rated at 1.3 MW; (4) a tailrace; (5) two access roads, one 0.25-mile-long and one 1-mile-long; and (6) a 10-mile-long transmission line. The average annual energy generation is estimated to be 6.7 million kWh.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Power would be sold to Puget Sound Power and Light Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, D3a.

36a. Type of Application: Exemption (5 MW or Less).

b. Project No: 7940-000.

c. Date Filed: December 22, 1983.

d. Applicant: Stephen J. Gaber.

e. Name of Project: Price Creek.

f. Location: On Price Creek, near Glacier, in Whatcom County, Washington, and occupying U.S. lands in Mt. Baker National Forest.

g. Filed Pursuant to: Section 408, Energy Security Act of 1980, 16 U.S.C. 2705 and 2708.

h. Contact Person: Stephen J. Gaber, 10 Canyon Lake Road, Deming, Washington 98244.

i. Comment Date: April 26, 1984.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high, 35-foot-long diversion structure at elevation 3,760 feet; (2) a 36-inch-diameter to 20-inch-diameter, 4,200-foot-long steel penstock; (3) a powerhouse containing one generating unit rated at 1.9 MW; (4) a tailrace; (5) two access roads; and (6) a 12-mile-long transmission line. The average annual energy generation is estimated to be 9.4 million kWh.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license Applicants that would seek to take or develop the project.

k. Purpose of Project: Power would be sold to Puget Sound Power and Light Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, D3a.

37a. Type of Application: Exemption—5 MW or Less.

b. Project No: 7878-000.

c. Date Filed: November 28, 1983.

d. Applicant: William A. Curtis.

e. Name of Project: Hidden Springs.

f. Location: On Hidden Springs, a tributary of Billingsley Creek in Gooding County, Idaho near the Town of Hagerman.

g. Filed Pursuant to: Energy Security Act (16 U.S.C. 2705, 2708 *as amended*).

h. Contact Person: Mr. Vernon F. Ravenscroft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

i. Comment Date: April 30, 1984.

j. Description of Project: The proposed project would consist of: (1) An intake structure at elevation 3,074 feet; (2) an 18-inch-diameter, 288-foot-long buried penstock; and (3) a powerhouse containing a single generating unit with a rated capacity of 73 kW, operating under a head of 60 feet. The project would connect to an existing 34.5-kV transmission line owned by Idaho Power Company.

The estimated average annual energy output would be 307,500 kWh.

Purpose of Exemption—An exemption, if issued, gives an Exemptee

priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Project power will be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, D3a.

38a. Type of Application: 5 MW Exemption.

b. Project No: 8011-000.

c. Date Filed: January 30, 1984.

d. Applicant: Dodge Falls Hydro Corporation.

e. Name of Project: Dodge Falls.

f. Location: On the Connecticut River, in the towns of Ryegate, Caledonia County, Vermont and Bath, Grafton County, New Hampshire.

g. Filed Pursuant to: 16 U.S.C. 2705 and 2708.

h. Contact Person: Howard M. Moffett, Orr and Reno, One Eagle Square, P.O. Box 709, Concord, New Hampshire 03301.

i. Comment Date: April 27, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 485-foot-long, 15.5-foot-high, grouted rock-filled timber crib dam with an integral 375-foot-long spillway topped by two-foot-high flashboards; (2) an existing 4-mile-long, 290-acre reservoir at elevation 423.6 feet M.S.L. and a usable storage capacity of 590 acre-feet with flashboards; (3) an existing powerhouse on the west abutment to be refurbished with 6 new turbine-generators with a total rated capacity of 4,650 kW; (4) a 350-foot-long, 12-kV transmission line; and (5) appurtenant facilities. The project would produce up to 21,000,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to Green Mountain Power Corporation.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license Applicants that would seek to take or develop the project.

39a. Type of Application: 5 MW Exemption.

b. Project No: 7982-000.

c. Date Filed: January 12, 1984.

d. Applicant: Donald A. Smith and Margaret E. Evans.

e. Name of Project: Celley Mill.

f. Location: Eastman Brook, town of Piermont, Grafton County, New Hampshire.

g. Filed Pursuant to: 16 U.S.C. 2705 and 2708.

h. Contact Person: Margaret E. Evans, Eastman Brook Hydro, P.O. Box 13, Piermont, New Hampshire 03779.

i. Comment Date: April 27, 1984.

j. Description of Project: The proposed project would consist of: (1) A new 3-foot-high, 20-foot-long concrete diversion structure; (2) a head pond at streambed elevation of 490 feet M.S.L. and no additional surface area or storage capacity; (3) a new 800-foot-long, 2-foot-diameter penstock; (4) a new powerhouse containing a single 130 kW turbine-generator; (5) a 100-foot-long transmission line; and (6) appurtenant facilities. The project would generate up to 626,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to Connecticut Valley Electric Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

40a. Type of Application: Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity.

b. Project No: 7910-000.

c. Date Filed: December 12, 1983.

d. Applicant: Solar Research Corporation.

e. Name of Project: Milburnie Hydro Project.

f. Location: On the Neuse River in St. Matthews, Wake County, North Carolina.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended*.

h. Contact Person: Thomas C. Hough, Solar Research Corporation, 1700 Walnut Street, Suite 1024, Philadelphia, Pennsylvania 19103.

i. Comment Date: April 25, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 14-foot-high and 625-foot-long concrete dam; (2) a reservoir with an estimated storage area of 500 acre-feet; (3) a new powerhouse with a total installed capacity of 645 kW; (4) transmission lines; and (5) appurtenant facilities. The Applicant estimates the average annual generation to be 2,561 MWh. All power generated would be sold to a local utility.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

l. Proposed Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

41a. Type of Application: Exemption (5 MW or Less).

b. Project No: 6803-000.

c. Date Filed: October 26, 1982.

d. Applicant: Snowbird, Ltd.

e. Name of Project: Little Cottonwood Creek/Coalpit Water Power Project.

f. Location: On the Little Cotton Creek, in Salt Lake County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Gale C. Carson, 594 SE Craven Road, Bend, Oregon 97702.

i. Comment Date: April 25, 1984.

j. Description of Project: The Applicant would utilize lands administered by the U.S. Forest Service. The proposed project would consist of: (1) A proposed 6-foot-high diversion structure; (2) a proposed 36-inch penstock; (3) a proposed powerhouse containing two generating units rated at 610 kW and 3,350 kW, respectively; (4) a proposed 25-kV transmission line; and (5) appurtenant facilities. The estimated average annual energy output for the project would be 11,600,000 kWh.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit license applicants that would seek to take or develop the project.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

42a. Type of Application: 5MW Exemption.

b. Project No: 7959-000.

c. Date Filed: January 5, 1984.

d. Applicant: City of Soda Springs.

e. Name of Project: Soda Creek Hydro Project.

f. Location: On Soda Creek in Caribou County, Idaho.

g. Filed Pursuant to: Section 408 of the Energy Security Act (Act) (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: David H. Clegg, Mayor, City of Soda Springs, 9 West Second South, Soda Springs, Idaho 83276.

i. Comment Date: April 30, 1984.

j. Description of Project: The proposed run-of-river project would consist of: (1) An existing diversion dam at E1. 5841.8 feet m.s.l.; (2) an existing power canal, 3,636 feet long, to be extended approximately 800 feet; (3) a new intake structure and trashrack; (4) a new 42-inch penstock, approximately 400 feet long; (5) a new powerhouse containing a turbine-generator unit rated at 370-kW; (6) a tailrace returning flow to Soda Creek; (7) a new 12.5-kV underground transmission line, approximately 150 feet long, connecting to an existing line; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,900,000 kWh. Project energy would be utilized by the Applicant. Applicant has the real property interests required for the project.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

42a. Type of Application: 5 MW or less Exemption.

b. Project No.: 7864-000.

c. Date Filed: November 21, 1983.

d. Applicant: Mac Hydro-Power Company.

e. Name of Project: Mule Creek Hydroelectric Project.

f. Location: On Mule Creek, near Town of Weaverville, within Shasta-Trinity National Forest, in Trinity County, California.

g. Filed Pursuant to: Section 408 of the Federal Energy Security Act, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. H. L. Pete Childers, President, MacHydro-Power Company, Inc. 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: April 30, 1984.

j. Description of Project: The proposed run-of-river project would consist of: (1) a 4-foot-high, 20-foot-long concrete diversion structure; (2) a 30-inch-diameter, 3,300-foot-long conduit; (3) a 30-inch diameter, 2,200-foot-long penstock; (4) a powerhouse with a total rated capacity of 740 kW; and (5) a 600-foot-long, 12.5-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates that the average annual energy generation would be 1.6 million kWh.

The power generated by the proposed project will be sold to PG&E.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3(a).

44a. Type of Application: Exemption (5 MW or Less).

44b. Project No.: 7979-000.

44c. Date Filed: January 12, 1984.

44d. Applicant: Peter C. Graham.

44e. Name of Project: Foss Mill.

44f. Location: Marsh Stream, Town of Brooks, Waldo County, Maine.

44g. Filed Pursuant to: 16 U.S.C. 2705 and 2708.

44h. Contact Person: Mr. Joseph A. Sawyer, 26 Harden Avenue, Camden, Maine 04843.

44i. Comment Date: April 30, 1984.

44j. Description of Project: The proposed project would consist of: (1) An existing 13-foot-high, 150-foot-long dam consisting of a 50-foot-long horseshoe shaped spillway section topped by 2-foot-high flashboards; (2) a 100-foot-long stop-log section; (3) an existing 20 acre reservoir with no usable storage capacity at elevation 413.0 feet M.S.L. with flashboards installed; (4) a new 16-foot-diameter, 12-foot-long penstock; (5) a new powerhouse located at the east dam abutment containing a single 15 kw turbine-generator; (6) a new 60-foot-long transmission line; and (7) appurtenant facilities. The project is owned by the Applicant. The project would generate up to 55,600 kWh annually.

44k. Purpose of Project: Energy produced at the project would be sold to Central Maine Power Company.

44l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

44m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license Applicants that would seek to take or develop the project.

45a. Type of Application: License for Unconstructed Major Project.

45b. Project No.: 6896-001.

45c. Date Filed: July 12, 1983.

45d. Applicant: Energy Growth Group and Butte Creek Improvement Company.

45e. Name of Project: Butte Water Power Project.

45f. Location: On Butte Creek near the City of Paradise in Butte County, California, within U.S. Bureau of Land Management (BLM) land.

45g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

45h. Contact Person: Keith Dunbar, Big Trees Engineering, 1183 Cedar Street, Suite 1, P.O. Box 1053, Arnold, California 95223.

45i. Comment Date: May 17, 1984.

45j. Competing Application: The proposed project competes with preliminary permit applications for Project No. 6896-000 for which a public notice was issued on January 10, 1983, and expired on March 16, 1983, and Project No. 7146-000 for which a public notice was issued on April 26, 1983, and expired on June 3, 1983.

45k. Description of Project: The proposed project would consist of: (1) A 15-foot-high, 70-foot-long reinforced concrete diversion structure on Butte Creek; (2) an intake structure; (3) a 66-inch-diameter, 17,500-foot-long conduit; (4) a 66-inch-diameter, 1,000-foot-long penstock; (5) a powerhouse containing two impulse-type, turbine generating units, operating under a head of 660 feet, with a total installed capacity of 10,800 kW; (6) a switch-yard; and (7) a 400-foot-long, 60-kV transmission line connecting the switchyard with the existing Pacific Gas and Electric Company's (PG&E) 60-kV transmission line.

45l. Purpose of Project: The estimated 38,300 MWh produced annually by the proposed project would be sold to PG&E.

45m. This notice also consists of the following standard paragraphs: A3, A9, B, C.

46a. Type of Application: Preliminary Permit.

46b. Project No.: 7816-000.

46c. Date Filed: November 7, 1983.

46d. Applicant: Colonial Bay Corporation.

46e. Name of Project: Knightsville Dam.

46f. Location: On the Westfield River, in Hampshire County, near Huntington, Massachusetts.

46g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

46h. Contact Person: Abraham K. Wang, P. E., Colonial Bay Corporation, P.O. Box 62, Newtonville, Massachusetts 02160.

46i. Comment Date: May 17, 1984.

46j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Knightsville Dam and Reservoir and would consist of: (1) Four alternative penstock schemes—Alternative 1, 2, and 4: use of existing 16-foot-diameter, 600 feet long outlet tunnel; Alternative 3—a new 12-foot-diameter and 800-foot-long penstock; (2) a new concrete powerhouse approximately 30 feet by 50 feet, housing two turbine/generator units with total installed capacity of either 3,000 kW (for Alternatives 1, 2, and 3), and 1,500 kW (for Alternative 4); (3) a new tailrace structure approximately 50 feet wide and 40 feet

in length; (4) switchgear and stepup transformer; (5) a proposed 23,000-volt transmission line approximately 900 feet in length; and (6) appurtenant facilities. Applicant estimates that average annual energy generation would be 9,437,000 kWh for Alternatives 1, 2 and 3, and 4,718,000 kWh for Alternative 4.

46k. Purpose of Project: Project energy would be sold to the Western Massachusetts Electric Company.

46l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

46m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would 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 \$30,000.

47a. Type of Application: License for Unconstructed Minor Project.

b. Project No.: 4669-002.

c. Date Filed: June 28, 1983.

d. Applicant: John L. Symons.

e. Name of Project: Rancho Riata.

f. Location: On Bishop Creek near town of Bishop in Inyo County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 719(r)-825(r)

h. Contact Person: John Symons, 2800 Audrey Lane, Bishop, California 93514.

i. Comment Date: May 21, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 4-foot-high regulating dam owned by Bishop Creek Water Company; (2) an intake structure; (3) a 36-inch-diameter, 8,800-foot-long penstock; (4) a powerhouse containing a single generating unit, operating under a head of 190 feet, with a total installed capacity of 400 kW; and (5) a 750-foot-long, 12.5-kV transmission line connecting with an existing 12.5-kV transmission line of Southern California Edison Company (SCE).

k. Purpose of Project: The estimated 2,300 MWh generated annually by the proposed project would be sold to SCE.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

48a. Type of Application: Preliminary Permit.

b. Project No.: 7541-000.

c. Date Filed: August 22, 1983.

d. Applicant: Buckhorn Associates.

e. Name of Project: Buckhorn Power Project.

f. Location: On the Kentucky River in Perry County, Kentucky.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Joel Kirk Rector, Buckhorn Associates, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: May 21, 1984.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers Buckhorn Dam and Reservoir and would consist of: (1) A new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing two turbine-generator units rated at 2,000 kW and 800 kW for a total rated capacity of 2,800 kW; (3) a tailrace returning flow to the existing stilling basin; (4) a new transmission line connecting to Kentucky Power Company lines; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 10,500,000 kWh. Project energy would be sold to the Kentucky Power Company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and 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 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 \$125,000.

49a. Type of Application: Preliminary Permit.

b. Project No.: 7873-000.

c. Date Filed: November 25, 1983.

d. Applicant: Bethel Associates.

e. Name of Project: Crooked Creek Dam.

f. Location: On Crooked Creek, in Armstrong County, in the Town of Bethel, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Joel Kirk Rector, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Crooked Creek Dam and Reservoir and would consist of: (1) A proposed gated

control intake tower; (2) a proposed 10-foot-diameter penstock 1640 feet long; (3) a proposed powerhouse 50-foot square housing one turbine/generator unit with a total installed capacity of 4,000 kW; (4) a proposed tailrace 200 feet long by 12 feet wide; (5) a proposed 69-kV transmission line, approximately one mile long; and (6) appurtenant facilities. Applicant estimates that the average annual energy would be 30,000,000 kWh.

k. Purpose of Project: The proposed market for the generated energy would be the Pennsylvania Electric Company or local municipalities.

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 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, Applicant would prepare an application for an FERC license. Applicant estimates that the cost of the studies under the permit would be \$125,000.

50a. Type of Application: Preliminary Permit.

b. Project No.: 7946-000.

c. Date Filed: January 3, 1984.

d. Applicant: Colorado Natural Energy, Inc.

e. Name of Project: Animas River.

f. Location: On the Animas River, near Durango, in La Plata County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Jeff Burt, Bingham Engineering, 165 Wright Brothers Drive, Salt Lake City, Utah 84116.

i. Comment Date: May 18, 1984.

j. Description of Project: The proposed project would consist of: (1) A new diversion structure, 8 feet high and 125 feet long; (2) a new penstock, 72 inches in diameter and 15,500 feet long; (3) a new reinforced concrete powerhouse measuring 40 by 50 feet; (4) two new turbine/generator units each rated at 5.25 MW; (5) a new 55-kV transmission line 5 miles long; and (6) appurtenant electrical and mechanical facilities.

The proposed project would occupy approximately 42.5 acres of the San Juan National Forest.

The estimated average annual generation of 50 million kWh would be sold to a local electric utility.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and 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 24 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 \$180,000.

51a. Type of Application: Declaration of Intention.

b. Project No.: EL83-33-000.

c. Date Filed: September 28, 1983.

d. Applicant: Diamond D. Ranch Partnership.

e. Name of Project: Diamond D. Ranch.

f. Location: On Loon Creek, in Custer County, Idaho.

g. Filed Pursuant to: Federal Power Act, Section 23(b), 16 U.S.C. 817(b).

h. Contact Person: John Demorest, 2836 North Beachwood Drive, Los Angeles, California 90068.

i. Comment Date: April 30, 1984.

j. Description of Project: The project consists of: (1) A small earth embankment impounding a small pond; (2) a 22-inch-diameter, 900-foot-long pipeline; (3) a powerhouse containing a generating unit rated at 100 kW; and (4) a local distribution grid.

A Declaration of Intention requests that the Commission commence an investigation to determine if it has jurisdiction over the project.

k. Purpose of Project: Power would be used on site.

l. This notice also consists of the following standard paragraphs: B, C, D2.

52a. Type of Application: Exemption Under 5 MW.

b. Project No.: 6154-003.

c. Date Filed: March 19, 1984.

d. Applicant: David G. DeMara.

e. Name of Project: Mill and Sulphur Creeks.

f. Location: On Mill and Sulphur Creeks near Dinsmore, in Humboldt County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. §§ 2705 and 2708 as amended.

h. Contact Person: Mr. David G. DeMara, Star Route 116-A Carlotta, California 95528.

i. Comment Date: April 27, 1984.

j. Description of Project: The proposed run-of-the-river project would consist of:

(1) Two 4-foot-high, 30-foot-long natural rock diversion structures at elevation 3,555 feet MSL, one each on Mill Creek and on Sulphur Creek; (2) a low-pressure pipeline connecting the two diversion structures; (3) a 24-inch-diameter, 9,600-foot-long steel pipeline/penstock; (4) a powerhouse located adjacent to the Van Duzen River at elevation 2,395 feet MSL containing two turbine-generator units with a total installed capacity of 1,470 kW and producing an estimated average annual generation of 2.7 GWh; and (5) 1,100 feet of 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company (PG&E) line. Project power would be sold to PG&E. The proposed project would be located on Six Rivers National Forest lands.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

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, on 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 megawatt 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, 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 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, on 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 a 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 modifications, 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 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 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 conduit 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, .211, .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 Commission'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 application.

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 name 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, N.E., 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 Commission, 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 resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

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: March 20, 1984.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 84-7892 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-194-000]

Small Power Producers; Energy Technology Engineering Center, Rockwell International Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 20, 1984.

On March 2, 1984, Energy Technology Engineering Center (ETEC), Rockwell International Corporation, Box 1449, Canoga Park, California 91304, submitted for filing an application for certification of a facility as a qualifying cogenerator facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The cogeneration facility will be located at the ETEC Test Facilities, Woolsey Canyon Road, Santa Susana, California. Superheated steam, generated in the process of testing prototypes of commercial sodium-heated steam generators, will be utilized in a Rankine bottoming cycle to generate electricity at a maximum capacity of 30 megawatts. Natural gas and oil are the primary energy sources of the facility. To maximize the efficiency of the cogeneration system, a gas/oil-fired superheater will be utilized to increase the steam temperature just prior to entry into the steam turbine.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 84-7897 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-196-000]

Small Power Producers Hydro Corporation of Pennsylvania; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 20, 1984.

On March 5, 1984, Hydro Corporation of Pennsylvania (Applicant), of 77 Franklin Street, Boston, Massachusetts, 02110 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 5 megawatt hydroelectric facility (P. 3307-002) will be located on the Tionesta Creek in Forest County, Pennsylvania.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding

siting, construction, operation, licensing and pollution abatement.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-7899 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-197-000]

Small Power Producers; Wells River Hydro Associates; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 20, 1984.

On March 5, 1984, Wells River Hydro Associates (Applicant), c/o Richard A. Norman, 89 State Street, 14th Floor, Boston, Massachusetts 02109, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The hydroelectric facility (P. 4700) will be located on the Wells River in Newberry, Orange County, Vermont. The electric power production capacity will be approximately 1,400 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding

siting, construction, operation, licensing and pollution abatement.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-7906 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5649-002]

The Bar 717 Ranch, Inc.; Surrender of Exemption From Licensing

March 20, 1984.

Take notice that The Bar 717 Ranch, Inc., Exemptee for the Corral Creek Project No. 5649 has requested that its exemption from licensing be terminated. The exemption from licensing for Project No. 5649 was issued on April 25, 1983. The project would have been located on Corral Creek in Trinity County, California.

The Exemptee filed the request on January 26, 1984, and the surrender of its exemption from licensing for Project No. 5649 is deemed accepted as of January 26, 1984, and effective as of 30 days after the date of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-7893 Filed 3-22-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2550-6]

Availability of Environmental Impact Statements Filed March 12 Through March 16, 1984 Pursuant to 40 CFR 1506.9

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

EIS No. 840107, Final, FHW, VI, St.

Thomas Island Transportation Improvements, Windward Passage Hotel to Raphune Hill, Charlotte Amalie, Due: Apr. 23, 1984.

EIS No. 840108, Final, MMS, AK, 1984

Diapir Field OCS Oil/Gas Sale No. 78, Leasing, Due: Apr. 23, 1984.

EIS No. 840109, Final, FHW, IN,

Raymond Street Improvement, Kentucky Avenue to Shelby Street, Marion County, Due: Apr. 23, 1984.

EIS No. 840110, PSuppl, FHW, PA, I-78/

LR-1045 Construction, HOOSection, Lehigh County, Due: Apr. 23, 1984.

EIS No. 840111, DSuppl, COE, LA, New

Orleans to Venice Hurricane Protection, Plaquemines Parish, Due: May 7, 1984.

EIS No. 840112, Draft, COE, NY, Oneida Creek Watershed Flood Control Plan,

Oneida and Madison Cos., Due: May 11, 1984.

EIS No. 840113, Final, FHW, NM, US 70 Improvements, Ruidoso-Hondo Valley Section, Lincoln County, Due: Apr. 23, 1984.

EIS No. 840114, Final, EPA, NC, Barrier Islands Wastewater Treatment Management, Grant, Dare, Carteret, and Brunswick Cos., Due: Apr. 23, 1984.

EIS No. 840115, Final, NPS, ID WA OR, Snake River, Wild and Senic River Study, Due: Apr. 23, 1984.

EIS No. 840116, Final, SCS, GA, Big Cedar Creek Watershed Flood Control Plan, Polk and Floyd Cos. Due: Apr. 23, 1984.

EIS No. 840117, Draft, COE, IL, Fox River and Tributaries Flood Control, McHenry, Kane, Kendall, and LaSalle Cos., Due: May 7, 1984.

EIS No. 840118, Draft, UMT, WA, Downtown Seattle Transit Project, King County, Due: May 7, 1984.

EIS No. 840119, Draft, BLM, WY, Platte River Resource Area, Resource Management Plan, Natrona, Converse, Goshen, and Platte Cos., Due: June 11, 1984.

EIS No. 840120, Final, AFS, APH, PRO, Gypsy Moth Suppression/Eradication Projects, CT, DE, ME, MD, MA, MI, NH, NJ, NY, PA, RI, VT, VA, WV, CA, IL, IN, MN, NC, SC, OH, OR, TN, WA, WI, Due: May 7, 1984.

Amended Notice:

EIS No. 840001, DSuppl, NRC, PA, Three Mile Island, Nuclear Station, Unit 2, Revised Estimates of Occupational Radiation Doses, Dauphin Co., Due: Apr. 2, 1984. Published FR 1-13-84. Review Extended.

Dated: March 20, 1984.

David Davis,

Action Director, Office of Federal Activities.

[FR Doc. 84-7853 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51511; T3H-FRL 2549-8]

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 twelve PMNs and provides a summary of each.

DATE: Close of Review Period:

PMN 84-483 and 84-484, June 6, 1984.

PMN 84-485, 84-486, 84-487, 84-489, 84-490, 84-491, 84-492, and 84-493, June 10, 1984.

PMN 84-494 and 84-495, June 11, 1984.

Written comments by:

PMN 84-483 and 84-484, May 7, 1984.

PMN 84-485, 84-486, 84-487, 84-489, 84-490, 84-491, 84-492, and 84-493, May 11, 1984.

PMN 84-494 and 84-495, May 12, 1984.

ADDRESS: Written comments, identified by the document control number

"[OPTS-51511]" 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 St., SW., Washington, D.C. 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT:

Margaret Stasikowski, Acting Chief, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following 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 84-483

Manufacturer. Confidential.

Chemical. (G) Modified styrene/acrylic polymer.

Use/Production. (G) Used in preparation of a coating which will be industry applied to non-consumer articles. Prod. range: 15,000-70,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 35 workers, up to 8 hrs/da, up to 23 da/yr.

Environmental Release/Disposal. 10-100 kg/batch released to land. Disposal by incineration and landfill.

PMN 84-484

Manufacturer. The Minnesota Mining and Manufacturing Company.

Chemical. (G) Monoether of polycyclic polyphenol.

Use/Production. (G) Polymer modifier, dispersive use. Prod. range: Confidential.

Toxicity Data. Actual oral: > 5 g/kg; Irritation: Skin—Slight, Eye—Moderate; Ames Test: Negative; LC₅₀ 96 hr (Fathead minnow): 2.6 mg/l; Skin sensitization: Sensitizer.

Exposure. Confidential.

Environmental Release/Disposal. .05 kg/batch released to water. Disposal by incineration and navigable waterway.

PMN 84-485

Manufacturer. Confidential.

Chemical. (G) poly(oxy-1,2-ethanediy)alpha-acyl-w-alkyl.

Use/Production. (S) Industrial textile lubricant component for synthetic fiber manufacturing and processing. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5.0 g/kg; Irritation: Skin—Nonirritant, Eye—Slight to moderate.

Exposure. Manufacture: dermal, a total of 14 workers, up to 8 hrs/da, up to 94 da/yr.

Environmental Release/Disposal. 20-30 kg/batch released to air, 2-48 kg/batch to water with 50 kg/batch to land. Disposal by publicly owned treatment works (POTW) and landfill.

PMN 84-486

Importer. Confidential.

Chemical. (G) Unsaturated oxime.

Use/Import. (G) Highly dispersive use. Import range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 84-487

Manufacturer. Confidential.

Chemical. (G) Polyether ester.

Use/Production. (S) Industrial and commercial plasticizer for polymeric resins for use in articles such as wire/cable coatings, electrical tape, shoe soles, etc. Prod range: Confidential.

Toxicity Data. Acute oral: > 5.0 g/kg; Acute dermal: 2.0 g/kg; Irritation: Skin—No irritation, Eye—Slight; BOD₂₆: 53% ThOD: 13%; LC₅₀ 48 hr (*Daphnia magna*): 15-20 mg/L LC₅₀ 96 hr (*Pimephales promelas*): 5.1 mg/L.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Release to water. Disposal by landfill and navigable waterway after treatment.

PMN 84-489

Manufacturer. Confidential.

Chemical. (G) Modified acrylic polymer.

Use/Production. (G) Oil field chemical. Prod range: Confidential.

Toxicity Data. No data on the PWN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-490

Importer. Confidential.

Chemical. (G) Substituted aminofluorane.

Use/Production. (G) Dye for paper. Prod. range: Confidential.

Toxicity Data. Acute oral: > 7,000 mg/kg; Irritation: Skin—Slight, Eye—Non-irritant; Ames Test: Negative; Clarified sludge: > 300 mg/l; TL₀₁, TL₀₅ and TL₁₀₀ 48 hr (Trout): > 1,000 mg/l.

Exposure. Processing: inhalation, a total of 2 workers, up to 0.5 hr/da, up to 2 da/yr.

Environmental Release/Disposal. 0.5 kg/batch released to water. Disposal by POTW and navigable waterway.

PMN 84-491

Manufacturer. Confidential.

Chemical. (G) Substituted aliphatic acid halide.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-492

Manufacturer. Confidential.

Chemical. (G) Substituted hydroxylamine.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 500 mg/kg; Acute dermal: 200 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: TA 100 and TA 1535: Positive.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-493

Manufacturer. Confidential.

Chemical. (G) Cyclic diheteroatomic carbonyl compound.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute dermal: > 541 mg/kg; Irritation: Skin—Mild, Ames Test: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-494

Manufacturer. Confidential.

Chemical. (G) Isophorone diisocyanate adduct of a polyether diol and a substituted alkanol.

Use/Production. (G) Component of formulations for an open, non-dispersive use. Prod. range: 3,000–6,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 8 workers, up to 8 hrs/da, up to 85 da/yr.

Environmental Release/Disposal. 0.5–2.5 kg/batch released to land. Disposal by incineration and landfill.

PMN 84-495

Manufacturer. Confidential.

Chemical. (G) Vegetable oil, ester with aromatic carboxylic acid.

Use/Production. (G) Open, non-dispersive use or paper coating ingredient. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: derma, a total of 2 workers, up to 2 hrs/da, up to 1 da/yr.

Environmental Release/Disposal. Less than 1 kg/batch released to air. Disposal by POTW.

Dated: March 19, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84-7850 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59151; BH-FRL 2550-1]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: April 9, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-59151]" and the specific TME 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, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW., Washington, D.C. 20460.

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.

TME 84-40

Close of Review Period. April 26, 1984.

Manufacturer. Confidential.

Chemical. (G) Substituted urea.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

TME 84-41

Close of Review Period. April 27, 1984.

Manufacturer. Products Research & Chemical Corporation.

Chemical. (S) Polymer of ethanol, 2,2-thiobis, ethanol, 2 mercapto, oxirane, methyl, and benzene, isocyanato-

Use/Production. (S) Sealing compound. Prod. range: 5,000 lbs/1 year.

Toxicity Data. Acute oral: > 5 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Non-mutagenic.

Exposure. Manufacture and use: dermal, a total of 99 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. No data submitted.

Dated: March 19, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84-7849 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

[FRL-2552-2]

Science Advisory Board (SAB) Executive Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given of a two day meeting of the Executive Committee of the Science

Advisory Board on April 11–12, 1984 in Room 1101 West Tower, EPA Headquarters, 401 M Street, SW, Washington, D.C. The meeting will begin at approximately 9:15 on April 11 and will adjourn at noon of the second day.

The principal purpose of the meeting is to enable the Committee to be briefed on and to discuss the Office of Research and Development's proposed budget for Fiscal Year 1985; to discuss the status of Science Advisory Board review activities that are ongoing with EPA program offices; and to plan future SAB review actions.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Dr. Terry F. Yosie, Director, Science Advisory Board at (202) 382-4126 before close of business April 9.

Dated: March 14, 1984

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 84-7876 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-351]

First Savings Association of Wisconsin, Milwaukee, Wisconsin; Final Action Approval of Post-Approval Amendment to Mutual-to-Stock Conversion Application

Notice is hereby given that on February 14, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to him by the Board, approved, a post-conversion amendment to Section VI.E.1 of the Plan of Conversion of First Savings Association of Wisconsin, Milwaukee, Wisconsin. The application for conversion had been approved by the Board by Resolution No. 81-150, dated March 18, 1981, as amended by Board Resolution No. 81-422, dated July 29, 1981, and by Board Resolution No. 81-471, dated August 19, 1981. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Steet, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601.

Dated: March 19, 1984.

By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary.

[FR Doc. 84-7907 Filed 3-22-84; 8:45 am]
BILLING CODE 6720-01-M

[No. AC-352]

Mesa Federal Savings and Loan Association of Colorado, Grand Junction, Colorado; Final Action Approval of Conversion Application

Notice is hereby given that on February 16, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Mesa Federal Savings and Loan Association of Colorado, Grand Junction, Colorado, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Topeka, P.O. Box 176, Topeka, Kansas 66601.

Dated: March 19, 1984.

By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary

[FR Doc. 84-7908 Filed 3-22-84; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10496]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10496 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Agreement No. 10496, among Companhia de Navegacao Lloyd Brasileiro, Companhia Maritima Nacional and Transportacion Maritima Mexicana, S.A. is a joint service agreement referred to as the Mex-Bras Liner Service. The service recently commenced operations in the trade between East coast ports of Mexico and ports in Brazil within the Porto Alegre/Rio Grande-Forataliza range, and now wishes to provide

common carrier service to and from the port of San Juan, Puerto Rico, and ports in Brazil.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the Federal Register unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI is available from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,
Secretary.

[FR Doc. 84-7909 Filed 3-22-84; 8:45 am]
BILLING CODE 6730-01-M

[Informal Docket Nos. 1404(I), 1405(I), 1409(I)]

Sensomatic Electronics Corp. v. Century Marine, Inc.; Order To Show Cause

By its three complaints filed with the Commission during December 22, 1983 and January 27, 1984, the Sensomatic Electronics Corp. (Sensomatic), of Deerfield Beach, Florida, claims a total of \$9,541 of Century Marine, Inc. (Century), of South Ozone Park, New York, that sum representing various types of alleged freight overcharges arising from a number of shipments of Sensomatic's merchandise that Century took responsibility for transporting from the former's place of business in Deerfield Park to Moca, Puerto Rico, during the period February, 1981 through August, 1982. According to the title page of its tariff, Domestic Offshore Freight Tariff No. 2, FMC-F No. 2 on file with the Commission, Century is a non-vessel operating common carrier by water undertaking to provide transportation services for hire between specified U.S. Atlantic coast ports and Puerto Rico. Sensomatic is a manufacturer and distributor of electronic surveillance equipment. The three complaints were denominated Informal Dockets Nos. 1404(I), 1405(I) and 1409(I) and were referred to the Commission's Informal Dockets Activity for adjudication and decision pursuant to Subpart S—Informal Procedure for Adjudication of Small Claims (46 CFR 502.301 *et seq.*) of the Commission's Rules of Practice and Procedure (Rules or Rule). Should any or all of Sensomatic's allegations be proved correct then Century would stand in violation of Section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844) (the Act), and Sensomatic would be entitled to an appropriate award of reparations plus simple

interest thereon as mandated by the Commission's Rule 253.

In conformity with Rule 304(d), copies of each complaint were dispatched by certified mail to Century at 142-82 Rockaway Boulevard, South Ozone Park, New York 11436, the address appearing upon copies of all Century's bills of lading submitted by Sensomatic in relation to its various claims. According to the postal receipts, several unknown individuals signed for, and ostensibly accepted, service of the complaints at that address. However, by letter dated February 15, 1984, the Settlement Officer to whom these dockets had been assigned was informed by Rush Air Freight, Inc., of New York, that it had received several "letters" addressed to Century but that it was their understanding that "Century * * * ceased operations approximately six months ago in the New York area." The Commission's Bureau of Investigations reports that Century terminated its operations in August, 1983. Whether Century remains a viable corporate entity, and the location of its place of business now, if any, are unknown.

Given the circumstances, the Settlement Officer was compelled to conclude that service of the complaints was not accomplished in the manner required by the Commission's Rule, and that Sensomatic's attempt to have its complaints adjudicated for approximately two-thirds of the total dollar amount claimed was effectively thwarted.

Portions of Sensomatic's claims, however, allege that Century assessed and collected bunker surcharges amounting to \$3,225.67 for which it had no tariff authority to do so. A review of the complaints reveals that Century did not have a tariff on file covering bunker surcharges.

Section 2 of the Act requires common carriers such as Century to file their tariffs of rates and charges with the Commission. Further, all amendments and additions to those tariffs must be filed as well. Lastly, and controlling here, "(N) or shall any common carrier . . . charge or demand or collect or receive a greater or less or different compensation for the transportation of . . . property . . . than the rates, . . . and/or charges which are specified in its [tariffs] filed with the [Commission] . . . and in effect at the time;"

Accordingly, and pursuant to Rule 66, Century is directed to show cause by the close of business, Monday, April 23, 1984, why:

(1) It should not be found to have violated Section 2 of the Act for

assessing Sensomatic bunker surcharges for the period January through May, 1982 without having the tariff authority to do so required by statute; and,

(2) As a consequence of (1), why Sensomatic should not be awarded reparation in the amount of \$3,225.67 plus simple interests.

Reply to this order must be addressed to the Chief, Informal Dockets Activity, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573. In conformity with Rule 143, this Order shall be published in the **Federal Register**. By Order of the Commission.

Donald F. Norris,
Chief, Informal Dockets Activity.

[FR Doc. 84-7867 Filed 3-22-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review by OMB

March 19, 1984.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

OMB Reviewer—Judy McIntosh—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880)

SUPPLEMENTARY INFORMATION:

Request for Revision of Existing Reports

1. Report title: Report of Selected Deposits in Foreign Branches Held by U.S. Addressees.

Agency form number: FR 2050

Frequency: Weekly

Reporters: Foreign branches of U.S. banks and of Edge and Agreement corporations.

SIC Code: 602, 605

Small Businesses are not affected.

General description of report:

Respondent's obligation to reply is voluntary [12 U.S.C. 248(a), 355 and 461]; a pledge of confidentiality is promised [5 U.S.C. 552(b)(4)].

This report collects data from a selection of foreign branches of U.S. banks on overnight Eurodollars held by U.S. nonbank residents. Data are used in the construction of the monetary aggregates and in the analysis of liability management.

2. Report title: Monthly Report of Foreign Branch Assets and Liabilities

Agency form number: FR 2502

Frequency: Monthly

Reporters: Foreign branches of U.S. banks and of Edge and Agreement corporations.

SIC Code: 602, 605

Small businesses are not affected.

General description of report:

Respondent's obligation to reply is mandatory [12 U.S.C. 248(a), 353 et seq., 602, 625 and 3105(b)(2)]; a pledge of confidentiality is promised [5 U.S.C. 552 (b)(4) and (b)(8)].

This report is needed to provide a breakdown of foreign branch assets and liabilities by category of customer and

by currency. Data are used for bank supervision and regulation purposes, and in the construction of the monetary aggregates and appropriate quarterly measures of U.S.—chartered banks' claims on and liabilities to foreign countries.

3. Report title: Quarterly Report of Foreign Branch Assets and Liabilities

Agency form number: FR 2502S

Frequency: Quarterly

Reporters: Foreign branches of U.S.

banks and of Edge and Agreement corporations.

SIC Code: 602, 605

Small Businesses are not affected.

General description of report:

Respondent's obligation to reply is mandatory [12 U.S.C. 248(a), 353 et seq., 602, 625 and 3105(b)(2)]; a pledge of confidentiality is promised [5 U.S.C. 552 (b)(4) and (b)(8)].

This report gives a geographical breakdown of foreign branch assets and liabilities, which is vital to knowing, on an up-to-date basis, the extent to which residents of various countries have borrowed from U.S.—chartered banks or have placed funds with them.

Board of Governors of the Federal Reserve System, March 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-7835 Filed 3-22-84; 8:45 am]

BILLING CODE 6210-01-M

Applications; Bank of Boston Corp.; Correction

This notice corrects a previous **Federal Register** Document (FR Doc. 84-6496) published at page 9270 of the issue for Monday, March 12, 1984. As part of the application by Bank of Boston Corporation, Boston, Massachusetts ("BOBC") to acquire RIHT Financial Corporation, Providence, Rhode Island ("RIHT"), BOBC has also applied to acquire HT Investors, Inc., Providence, Rhode Island ("HTI"), and investment advisory service subsidiary of RIHT's subsidiary bank. RIHT has filed an application under section 4(c)(8) of the Bank Holding Company Act, to acquire HTI from its subsidiary bank, Rhode Island Hospital Trust National Bank, Providence, Rhode Island.

Board of Governors of the Federal Reserve System, March 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-7831 Filed 3-22-84; 8:45 am]

BILLING CODE 6210-01-M

Applications; First Railroad & Banking Company of Georgia; 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. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank or the offices of the Board of Governors not later than April 7, 1984.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Railroad & Banking Company of Georgia*, Augusta, Georgia; has applied through its wholly-owned subsidiary, CMC Group, Inc., Charlotte, North Carolina, to acquire Valley Finance Corporation, Roanoke, Virginia, and thereby engage in consumer finance activities in Roanoke, Virginia.

Board of Governors of the Federal Reserve System, March 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-7832 Filed 3-22-84; 8:45 am]

BILLING CODE 6210-01-M

Applications; Harrison County Bancshares, Inc., et al.; Formations, Acquisitions, 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 April 13, 1984.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Harrison County Bancshares, Inc.*, Bethany, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of National Bancshares, Inc., Bethany, Missouri, and thereby indirectly acquiring the First National Bank of Bethany, Bethany, Missouri.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Security National Bancorp, Inc.*, Shreveport, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Security National Bank of Shreveport, Shreveport, Louisiana.

2. *Texas Bancorp Shares, Inc.*, San Antonio, Texas; to acquire 100 percent

of the voting shares of Texas Bank North, N.A., San Antonio, Texas, a *de novo* bank.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *United Bancorporation Alaska, Inc.*, Anchorage, Alaska; to acquire 99.65 percent of the voting shares of United Bank Alaska Southeastern, Juneau, Alaska (in organization).

Board of Governors of the Federal Reserve System, March 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-7833 Filed 3-22-84; 8:45 am]

BILLING CODE 6210-01-M

Applications; RIHT Financial Corp., et al.; 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 April 12, 1984.

A. Federal Reserve Bank of Boston
(Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *RIHT Financial Corporation*, Providence, Rhode Island; to engage *de novo* through its subsidiary, RIHT Mortgage Corporation, in mortgage banking activities including the origination and sale of residential and commercial mortgages and in the servicing of residential and commercial mortgage loans.

B. Federal Reserve Bank of Richmond
(Lloyd W. Bostian, Jr. Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Bankshares Corp. of S.C.*, Columbia, South Carolina; to engage *de novo* through its subsidiary, August Kohn and Company, Incorporated, in the origination of permanent and construction real estate loans and other extensions of credit such as would be made by a mortgage banking company; acting as agent for sale of insurance directly related to extensions of credit; and performing real estate appraisals. These activities would be performed in Columbia, Charleston, Spartanburg, and Beaufort, South Carolina, and other future locations. Comments on this application must be received not later than April 13, 1984.

Board of Governors of the Federal Reserve System, March 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-7834 Filed 3-22-84; 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 March 16,

Public Health Service

Office of the Assistant Secretary for Health

Subject: Evaluation of National Cause-of-Death Data—Concept Clearance—New

Respondents: State vital registration officials, and certifiers of death certificates

Subject: Evaluation of the National Center for Health Statistics Population-Based Surveys—Reproductive Health Survey—New

Respondents: Women between the ages of 15 and 44

OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Contractors Information Collections—Regional Office Medicaid Quality Control Federal Review (0938-0210)—Revision

Respondents: State Medicaid agencies

Subject: Physicians' Practice Costs and Income Survey (0938-0284)—Revision

Respondents: A sample of practicing physicians nationwide

Subject: Contractors' Information Collections—Requests for accelerated Payment (0938-0269)—Extension/No Change

Respondents: Health care providers participating in Medicare

OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Claims for Payment of Vocational Rehabilitation Services (0960-0310)—Extension/No Change

Respondents: State vocational rehabilitation agencies

Subject: Statement Regarding Marriage (0960-0017)—Revision

Respondents: Individuals

Subject: Application for a Social Security Number Card (Original, Replacement, or Correction) (0960-0066)—Extension/No Change

Respondents: Individuals

Subject: Annual Earnings Operation Direct Mail Followup Program

Notes—New

Respondents: Selective social security beneficiaries

OMB Desk Officer: Milo Sunderhauf

Office of the Secretary

Subject: Health and Human Services Acquisition Regulations (HHSAR)—Part 315—Contracting by Negotiation—New

Respondents: State or local governments, business or other for-profit institutions, not-for-profit institutions

Subject: HHSAR—Part 316—Types of Contracts—New

Respondents: Certain HHS contractors

Subject: HHSAR—Part 323—

Environment, Conservation, and Occupational Safety—New

Respondents: Certain HHS contractors

Subject: HHSAR—Part 324—Protection of Privacy and Freedom of Information—New

Respondents: Certain HHS contractors

Subject: HHSAR—Part 328—Bonds and Insurance—New

Respondents: Certain HHS contractors

Subject: HHSAR—Part 332—Contract Financing—New

Respondents: Certain HHS contractors

Subject: HHSAR—Part 333—Disputes and Appeals—New

Respondents: Certain HHS contractors

Subject: HHSAR—Part 337—Service Contracting—New

Respondents: Certain HHS contractors

Subject: HHSAR—Part 342—Contract Administration—New

Respondents: Certain HHS contractors

Subject: HHSAR—Part 352—Solicitation Provisions and Contract Clauses—New

Respondents: Certain HHS contractors

Subject: HHSAR—Part 370—Special Programs Affecting Acquisitions—New

Respondents: Certain HHS contractors

Subject: Public Health Service Acquisition Regulation (PHSAR) (Interim clearance)—New

Respondents: Certain HHS contractors

OMB Desk Officer: Milo Sunderhauf

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, D.C. 20503—Attn: (name of OMB Desk Officer).

Dated: March 16, 1984.

Robert F. Sermier,
Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-7834 Filed 3-22-84; 8:45 am]

BILLING CODE 4151-04-M

Food and Drug Administration

Radiopharmaceutical Drugs Advisory Committee; Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Radiopharmaceutical Drugs Advisory Committee by the Secretary, Department of Health and Human Services.

DATE: Authority for this committee will expire on February 28, 1986, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: March 19, 1984.

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

[FR Doc. 84-7808 Filed 3-22-84; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service, Health Resources and Services Administration

Health Professions and Nursing Student Loans; "Low Income Levels" for Loan Repayment, Health Careers Opportunity Grants and Nursing Special Project Grants

This Notice updates the income levels that are used to define a "low income family" for purposes of repayment of educational loans and for the support of training for individuals from disadvantaged backgrounds as provided for under section 787, Health Careers Opportunity Grants; and section 820, Nursing Special Project Grants of the Public Health Service Act.

Under sections 741(1) and 836(j) and the applicable program regulations, the Secretary of Health and Human Services may, subject to the availability of funds, repay all or part of an individual's educational loan made after November 17, 1971, to meet the costs of attending a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or nursing if the Secretary determines that the individual meets all of the following:

(1) Failed, after November 17, 1971, to complete the health professions studies leading to the individual's first professional degree or to complete the specified nursing studies for which the loan(s) was made;

(2) Is in exceptionally needy circumstances;

(3) Is from a low income or disadvantaged family; and

(4) Has not resumed or cannot reasonably be expected to resume the course of study within 2 years following the date the individual ended the studies.

Sections 57.214(c) and 57.317(c) of the applicable program regulations (42 CFR Part 57, Subparts C and D) require the Secretary to publish annually in the *Federal Register* the low income levels which will be used in determining an applicant's eligibility for this repayment program. Aside from their use in determining whether an individual comes from a "low income family," these income levels, together with other relevant factors such as value of assets, unusual expenses, income available to the individual, etc., are also considered in determining whether an individual is "in exceptionally needy circumstances" or is from a "disadvantaged family."

The income figures below were taken from low income levels, published by the U.S. Bureau of Census, using an index adopted by a Federal Interagency Committee for use in a variety of Federal Programs, then multiplied by a factor of 1.3 for adaptation to the Health Professions and Nursing Student Loan Programs and other designated grant programs for which training for individuals from disadvantaged backgrounds is supported. The income figures have been updated to reflect increases in the Consumer Price Index through December 31, 1983.

Size of parents' family (includes only dependents listed on Federal income tax forms)	Income Level ¹ (adjusted gross income for calendar year 1983)
1	\$6,700
2	8,700
3	10,300
4	13,200
5	15,600
6 or more	17,500

¹ Rounded to \$100.

Dated: March 16, 1984.

Robert Graham, M.D.,
Administrator.

[FR Doc. 84-7803 Filed 3-22-84; 8:45 am]

BILLING CODE 4160-16-M

Revision of Income Criteria for Eligibility for Uncompensated Services

AGENCY: Health Resources and Services Administration, PHS, HHS.

ACTION: Notice.

SUMMARY: This notice announces the applicability of the recent revision of the Poverty Income Guidelines to uncompensated services programs administered by health care facilities

pursuant to Titles VI and XVI of the Public Health Service Act.

DATE: The revision of the guidelines must be implemented by affected facilities on March 28, 1984.

FOR FURTHER INFORMATION CONTACT: Martin J. Frankel, Director, Division of Facilities Compliance, Office of Health Facilities, Bureau of Health Maintenance Organizations and Resources Development, Health Resources and Services Administration, 5600 Fishers Lane—Room 11-19, Rockville, Maryland 20857, Telephone 301 443-6512.

SUPPLEMENTARY INFORMATION: On February 27, 1984 (49 FR 7151), the annual revision of the Poverty Income Guidelines was issued, effective upon publication in the *Federal Register*. That revision affects, among others, health care facilities that have received construction assistance under Title VI or Title XVI of the Public Health Service Act, 42 U.S.C. 291, *et seq.*, and 42 U.S.C. 300q, *et seq.*, respectively. The regulations applicable to those facilities provide that the eligibility of persons for uncompensated services is to be determined in accordance with the current Poverty Income Guidelines of the Department of Health and Human Services, formerly published by the Community Services Administration (CSA). See 42 CFR 124.506(a). The statute which gave this Department authority to revise the guidelines also provides that any reference in law to the Poverty Income Guidelines constitutes a reference to, in this case, the present revision. Pub. L. 97-35, 683(c)(1). A discussion of the 30-day delay in the effective date can be found in the *Federal Register*, Volume 47, No. 79, page 17489, published on April 23, 1982.

Dated: March 10, 1984.

Robert Graham,
Administrator, Assistant Surgeon General.

[FR Doc. 84-7036 Filed 3-22-84; 8:45 am]

BILLING CODE 4160-16

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-84-1360]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of

Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Public Housing Modernization Needs Study Sampling Form, CIAP Sub-Study, and Lead-Based Paint Sub-Study

Office: Policy Development and Research

Form number: None

Frequency of Submission: On Occasion

Affected Public: State or Local Governments

Estimated Burden Hours: 5,384
Status: New

Contact: Mark Wynn, HUD, (202) 755-6437; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 8, 1984.

Dennis F. Geer,

Acting Director, Office of Information Policies and Systems.

[FR Doc. 84-7789 Filed 3-22-84; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 20007—Arkansas]

Proposed Reinstatement of a Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed reinstatement of a terminated oil and gas lease.

SUMMARY:

1. Federal oil and gas lease ES 20007 terminated automatically by operation of Law on May 1, 1983 (30 U.S.C. 188).

2. A petition for reinstatement of ES 20007 was filed to TXO, Production Corp. (Lessee) under section 31 D of the Mineral Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447).

3. The Lessee has met all the following requirements of reinstatement:

- (a) \$500—Reimbursement of Department Administrative Cost.
- (b) \$230—Bank Rental Payments.
- (c) \$136—Estimated Publication Cost.

4. The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to \$5.00 per acre per year, and royalty increased to 16% percent beginning May 1, 1983.

FOR FURTHER INFORMATION CONTACT:

Ms. Carolyn Scoby, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 235-2851.

Pieter J. VanZanden,

Acting Eastern States Director.

[FR Doc. 7685 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-GJ-M

[ES 18205—Mississippi]

Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed reinstatement of a terminated oil and gas lease.

SUMMARY:

1. Federal oil and gas lease ES 18205 terminated automatically by operation of Law on June 1, 1983 (30 U.S.C. 188).

2. A petition for reinstatement of ES 18205 was filed by Martin, Exploration Company (Lessee) under section 31 D of the Mineral Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447).

3. The Lessee has met all the following requirements of reinstatement:

- (a) \$500—Reimbursement of Department Administration Cost.
- (b) \$108—Back Rental Payments.
- (c) \$136—Estimated Publication Cost.

4. The Lessee has excepted the following amended lease terms to be included as part of the proposed reinstated oil and gas lease ES 18205.

- (a) Rental rate increased to \$5.00 an acre per year, due on the anniversary date beginning June 1, 1983.
- (b) Increase of royalty rate 16% percent.

FOR FURTHER INFORMATION CONTACT:

Ms. Robyn Meyer, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Va. 22304, (703) 235-3630.

Pieter J. VanZanden,

Acting Eastern States Director.

[FR Doc. 84-7686 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-GJ

[OR-19472]

Oregon; Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: By order dated January 3, 1984, the Federal Energy Regulatory Commission vacated Power Project No. 2822, in its entirety, affecting 15,702.05 acres of land. This action will open 3,359.11 acres to such forms of disposition as may by law be made of national forest lands. The balance of 12,342.94 acres remain closed by other withdrawals or have been conveyed out of Federal ownership.

EFFECTIVE DATE: April 30, 1984.

ADDRESS: Inquiries concerning the lands should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

SUPPLEMENTARY INFORMATION:

1. By order dated January 3, 1984, the Federal Energy Regulatory Commission vacated the land withdrawal for Power Project No. 2822, in its entirety. The areas included in the power project aggregate 15,702.05 acres.

2. At 8:30 a.m., on April 30, 1984, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the following described lands will be open to such forms of disposition as may by law be made of national forest lands. The lands have been and remain open to operation of the mining laws, including the mineral leasing laws.

Willamette Meridian

Siskiyou National Forest

- T. 35 S., R. 10 W.,
Sec. 30, Lots 2, 3, and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
- T. 36 S., R. 10 W.,
Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, Lot 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 35 S., R. 10 $\frac{1}{2}$ W.,
Sec. 31, Lots 3 and 4, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 35 S., R. 11 W.,
Sec. 20, Lots 1 and 2, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$;
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 33, Lots 1, 3, and 4;
Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 36, S $\frac{1}{2}$ S $\frac{1}{4}$.
- T. 36 S., R. 11 W.,
Sec. 1, Lot 1;
Sec. 2, Lots 1, 2, 3, and 4, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 3, Lots 1, 2, 3, and 4, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 6, Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 3,359.11 acres in Curry and Josephine Counties, Oregon.

3. The balance of 12,342.94 acres will not be open to such forms of disposition as may by law be made of national forest lands because they are either within other existing withdrawals or have been conveyed out of Federal ownership.

Dated: March 15, 1984.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-7818 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-33-M

[W-84014]

Wyoming; Proposed Conversion of Unpatented Oil Placer Mining Claims (East End Claim Nos. 3 and 4) to Noncompetitive Oil and Gas Lease

March 13, 1984.

Pursuant to section 31 and 17(c) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188) as amended by Title IV of the Federal Oil and Gas Royalty Management Act of 1982 (Pub. L. 987-451), a petition for conversion on Unpatented Oil Placer Mining Claims has been timely filed. The proposed lease has been assigned serial number W-84014. The claims to be converted are the East End No. 3 and East End No. 4 unpatented oil placer mining claims located in Hot Springs County, Wyoming. The description of the lands are as follows: T. 43 N., R. 73 W., 6th Principal Meridian, Wyoming, Section 31: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, containing 303.56 acres m/1.

This notice explains the reasons for the proposed conversion of the mining claims to a noncompetitive oil and gas lease. The two unpatented oil placer mining claims were validly located prior to February 25, 1920, they are currently producing oil, and they were deemed conclusively abandoned for failure to timely file instruments as required by Section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744). The statutory date of abandonment was October 22, 1979. Petro-Lewis Corporation on behalf of Partnership Properties Co. has petitioned for the conversion. When issued, the lease will be in the name of Partnership Properties Co. The date of abandonment of the claim was prior to November 18, 1981; therefore, the proposed lease is conditioned to specifically exclude tar sands. The lessee has agreed to eight special lease terms in addition to the normal lease terms of a noncompetitive oil and gas lease. They include:

1. No occupancy or other surface disturbance will be allowed within 500 feet from live water and/or riparian habitat. This distance may be modified when specifically approved in writing by the District Manager, Bureau of Land Management.

2. No occupancy or other surface disturbance will be allowed on slopes in excess of 25% without written

permission from the District Manager, Bureau of Land Management.

3. In order to minimize watershed damage during muddy and/or wet periods, the District Manager, Bureau of Land Management, may prohibit exploration, drilling or other development. This limitation does not apply to maintenance or operation of producing wells.

4. To maintain esthetic values, all semi-permanent and permanent facilities may require painting or camouflage to blend with the natural surroundings. The paint selection or method of camouflage will be subject to approval by the District Manager, Bureau of Land Management.

5. Payment of royalty shall be not less than 12 $\frac{1}{2}$ % on production removed or sold from the unpatented oil placer mining claim including royalty on production since October 22, 1979.

6. Payment of rental of not less than \$5 per acre or fraction of an acre per year, including back rentals accruing from October 22, 1979. Rental is due annually in addition to royalty.

7. This lease is conditioned to specifically exclude tar sands.

8. This lease is committed to East Warm Springs Unit that was approved November 6, 1975. All information pertaining to unit operations such as production reports, plans of development, plans of operation, etc., will be submitted to the District Manager, Worland, Wyoming, within thirty days after lease issuance. Any future information that is required to be submitted to the State of Wyoming by the authority of the unit agreement will be submitted concurrently to the District Manager, Worland, Wyoming.

The lessee has paid the required \$500.00 administrative fee and will reimburse the Department for the cost of this Federal Register Notice. In addition, all back rental and royalty will be paid from October 22, 1979, current to the date the lease is issued.

Production reports have been submitted for the period from October, 1979-May, 1983. The production during this period totaled 56,754 barrels of oil. Production and sales reports from June, 1983, current to the date the lease is issued still need to be submitted. Once this is done the royalty due the Government at 12.5 percent will be calculated. This will be paid before the lease is issued. Rental is due in addition to royalty at \$5.00 per acre or fraction thereof per year. This will also be calculated and paid before lease issuance. Since the lessee has met all the requirements for conversion of the unpatented oil placer mining claims as

set out in the laws referenced above, the Bureau of Land Management is proposing to issue lease W-84014 effective October 22, 1979.

Lynn Rust,

Acting Chief, Branch of Fluid Minerals.

[FR Doc. 84-7815 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-33-M

Butte District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held Tuesday and Wednesday, April 24 and 25, 1984.

The meeting will begin at 1 p.m., April 24 in the conference room of the Butte District Office at 106 North Parkmont, Butte, Montana. The agenda will include: (1) Garnet RMP update; (2) an update on the Cooperative Management Agreement (CMA) program; (3) current status of the land adjustment program; (4) the BLM grazing fee study and grazing policy; and (5) a report on outfitter and guide policy and regulations.

The meeting is open to the public. Interested persons may make oral statements to the council or file written statements for the council's consideration. Anyone wishing to make an oral statement should make advance arrangements with the District Manager.

Summary minutes of the meeting will be maintained in the district office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: March 19, 1984.

Jack A. McIntosh,

District Manager.

[FR Doc. 84-7814 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-DN-M

Colorado; Filing of Plats of Survey

March 14, 1984.

The plats of survey of the following described lands were officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., March 14, 1984.

The plat representing the dependent resurvey of a portion of the first Guide Meridian West (west boundary) and the metes-and-bounds survey of Private Land claims in T. 39 N., R. 8 W., New Mexico Principal Meridian, Colorado, Group No. 681, was accepted March 7, 1984.

This survey was executed to meet certain administrative needs of the U.S. Forest Service.

This plat representing the dependent resurvey of a portion of the subdivisional lines, in T. 1 S., R. 80 W., Sixth Principal Meridian, Colorado, Group No. 755, was accepted February 27, 1984.

The plat representing the dependent resurvey of a portion of the north boundary and subdivisional lines, T. 2 S., R. 80 W., Sixth Principal Meridian, Colorado, Group No. 755, was accepted February 27, 1984.

The plat representing the dependent resurvey of a portion of the Tenth Guide Meridian West (east boundary), a portion of the north boundary and subdivisional lines, and the survey of the subdivision of sections 1, 2, and 12, T. 2 S., R. 81 W., Sixth Principal Meridian, Colorado, Group No. 755, was accepted February 27, 1984.

These surveys were executed to meet certain administrative needs of this Bureau.

All inquires about these lands should be sent to the Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Timothy A. Kent,

Acting Chief Cadastral Surveyor for Colorado.

[FR Doc. 84-7817 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-84-M

[OR-20243]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Reclamation proposes that the existing land withdrawal made by the Secretarial Order of July 9, 1904, be continued in part for a period of 50 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714.

The land involved is located at the Gerber Reservoir approximately thirty-two miles east of Klamath Falls and contains 80 acres within Section 12, T. 39 S., R. 13 E., Willamette Meridian, Klamath County, Oregon.

The purpose of the withdrawal is to protect the Gerber Dam and the Klamath Reclamation Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in

writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. If the State Director, Bureau of Land Management, determines that a public meeting will be held, the time and place will be announced.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

All communications in connection with the proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 16, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-7812 Filed 3-22-84; 8:45 am]

BILLING CODE 4310-33-M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Bureau of Land Management, Medford District Advisory Council will be held on April 24, 1984.

On April 24 the meeting will begin at 9:00 A.M. in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon. The agenda for the meeting will include:

(1) A discussion of the Final Grazing Environmental Impact Statement and the Environmental Assessment on Areas of Critical Environmental Concern;

(2) An update on timber sale contract relief, current sales, and the Fiscal Year 1985 Timber Sale Plan;

(3) An explanation of the BLM budget process; and

(4) A response to the BLM's mobility-tenure policy.

The meeting of the advisory council is open to the public. Interested persons may make oral statements to the board between 9:30 a.m. and 4:30 p.m., on April 24, 1984, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97504, by April 19, 1984. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the district office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Date Signed: March 13, 1984.

John Dutcher,
Acting District Manager.

[FR Doc. 84-7885 Filed 3-22-84; 8:45 am]
BILLING CODE 4310-33-M

[NM 50991]

New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97-451, Robert E. Rupert, Executor of the Estate of Robert P. Rupert, petitioned for reinstatement of oil and gas lease NM 50991 covering the following described lands located in Sandoval County, New Mexico:

T. 20 N., R. 4 W., NPM,
Sec. 13; W 1/2 NE 1/4;
Sec. 14; NE 1/4, S 1/2 SE 1/4;
Sec. 19; SE 1/4;

Containing 480.00 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of \$500.00 has been paid. Future rentals shall be at the rate of \$5.00 per acre per year and royalties shall be at the rate of 16 2/3 percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, July 1, 1983.

Date: March 12, 1984.

Charles W. Luscher,
State Director.

[FR Doc. 84-7882 Filed 3-22-84; 8:45 am]
BILLING CODE 4310-FB-M

[NM 17253]

New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97-451, Laguna Petroleum Corporation petitioned for reinstatement of oil and gas lease NM 17253 covering the following described lands located in Lea County, New Mexico:

T. 21 S., R. 38 E., NMPM,
Sec. 21, Lots 1, 2, W 1/2 NW 1/4;
Sec. 28, SW 1/4 SW 1/4;
Sec. 30, E 1/2 E 1/2;
Containing 371.04 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of \$500.00 has been paid. Future rentals shall be at the rate of \$5.00 per acre per year and royalties shall be at the rate of 16% percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, January 3, 1983.

Dated: March 12, 1984.

Charles W. Luscher,
State Director.

[FR Doc. 84-7883 Filed 3-22-84; 8:45 am]
BILLING CODE 4310-FB-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the sixty-second meeting of the Board for International Food and Agricultural Development (BIFAD) on April 5, 1984.

The purpose of the meeting is to hear presentations on the Agricultural Research, Education and Extension project in Peru (by J. L. Apple, Jr. North Carolina State University); the international mission of the Cooperation Extension Service of the U.S. Department of Agriculture; and possibly other matters.

The meeting will begin at 9:00 a.m. and adjourn at 12:15 p.m. and will be held in Room 150, National Academy of Sciences Building, 2101 Constitution Avenue, NW., Washington, D.C. Enter building from C Street (between 21st and 22nd Streets, NW.) opposite the State Department Building. The meeting

is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Mr. Leonard Yaeger, Deputy Assistant Administrator for Science and Technology, Agency for International Development, is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, Washington, D.C. 20523, or telephone him at (202) 632-4871.

Dated: March 21, 1984.

Leonard Yaeger,

A.I.D. Advisory Committee Representative,
Board for International Food and Agricultural Development.

[FR Doc. 84-8059 Filed 3-22-84; 8:45 am]
BILLING CODE 6110-01-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Lee Campbell, (202) 275-7238. Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395-7340.

Type of Clearance: Revision
Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Owner-operator Annual Report Form

OMB Form No.: 3120-0061

Agency Form No.: OCCA-143

Frequency: Annually

Respondents: Certain owner-operators transporting food and agricultural supplies

No. of Respondents: 400

Total Burden Hrs.: 20

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Annual Performance Report Form OCP-101
 OMB Form No.: 3120-0006
 Agency Form No.: OCP-101
 Frequency: Annually
 Respondents: Prospective Individual Shippers
 No. of Respondents: 125
 Total Burden Hrs.: 3,125
 Type of Clearance: Reinstatement
 Bureau/Office: Bureau of Accounts
 Title of Form: Records Retention Regulations
 OMB Form No.: 3120-0076
 Agency Form No.: None
 Frequency: No Report Due
 Respondents: Record Keeping Requirement of Large Carriers
 No. of Respondents: 3398 Record Keepers
 Total Burden Hrs.: 33,980

James H. Bayne,
Acting Secretary.

[FR Doc. 84-7839 Filed 3-22-84; 8:45 am]
 BILLING CODE 7035-01-M

[Finance Docket No. 30382]

Rail Carrier; Columbia and Silver Creek Railroad; Notice of Exemption

Columbia and Silver Creek Railroad (CSCR) filed a notice of exemption concerning acquisition of an Illinois Central Gulf Line of Railroad from Soso, Jones County MS (ICG MP 141.8) to Taylorsville, Smith County, MS (ICG MP 131.5) a distance of 10.3 miles. That line had been approved for abandonment by the Commission in Docket No. AB-43 (Sub-No. 99)—*Illinois Central Gulf Railroad Company—Abandonment—in Smith and Jones Counties, MS*, (not printed) served June 27, 1983 and its acquisition by CSCR will not constitute a major market extension.

Accordingly, this transaction comes within that class of transactions specifically exempted from the necessity of prior Commission review and approval under 49 C.F.R. 1180.2(d)(1).

As a condition to use of this exemption, any employee affected by the purchase shall be protected pursuant to *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Decided: March 13, 1984.

By the Commission, Heber P. Hardy,
 Director, Office of Proceedings.

James H. Bayne
Acting Secretary.

[FR Doc. 84-7838 Filed 3-22-84; 8:45 am]
 BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524 (b)(1), that the named corporations intends to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524 (b).

A. J. P. Stevens & Co., Inc.—Parent Corporation, 1185 Avenue of the Americas, New York, New York 10036.

B. Wholly-owned Subsidiaries:

1. Foote & Davies, Inc. (DE), 3101 McCall Drive, Atlanta, GA 30340.
 2. Mid-America Webpress, Inc. (DE), 3700 N.W. 12 Street, Lincoln, NE 68501.
 3. Children's Publishers Corp. (CA), 123 South Hill Street, San Francisco, CA 94005.

4. Foote & Davies Transport Co. (GA), 3101 McCall Drive, Atlanta, GA 30340.
 5. Stevens Color Concepts, Inc. (GA), 560 Amsterdam Avenue, Atlanta, GA 30346.

6. Stevens Aviation, Inc. (DE), Greenville-Spartanburg Jetport, Greer, SC 29651.

7. J. P. Stevens & Co. (Canada), Ltd., 474 Attwell Drive, Rexdale, Ontario M9W 1M4.

8. J. P. Stevens International Sales, Inc. (DE), 1185 Avenue of the Americas, New York, NY 10036.

9. J. P. Stevens (Europe), Inc., 1185 Avenue of the Americas, New York, NY 10036.

10. J. P. Stevens & Co. Limited (Great Britain), 26 Dover Street, London, England W1.

11. Stevens Graphics, Inc. (GA), 713 Glenn St., SW., Atlanta, GA 30310.

12. Automated Graphics Unlimited, Inc. (GA) 880 Great Southwest Pkwy., Atlanta, GA 30336.

13. Books, Inc. (AL), 3625 McChord Street, Montgomery, AL 36109.

14. Carolina Ruralist Press, Inc. (NC), 314 East Eighth Street, Charlotte, NC 28202.

15. Courier Graphics, Inc. (KY), 4325 Old Shepardville Road, Louisville, KY 40218.

16. Florida Printers, Inc. (FL), 5190 S. W. 75th Avenue, Miami, FL 33155.

17. Oxmoor Press, Inc. (AL), 100 W. Oxmoor Road, Birmingham, AL 35201.

18. Ruralist Press, Inc. (GA), 713 Glenn St., SW., Atlanta, GA 30310.

19. Superior Type, Inc. (GA), 109 Alexander, NW., Atlanta, GA 30303.

20. Graphic Data Systems, Inc. (GA), 1819 Peachtree Rd., NE., Atlanta, GA 30309.

21. Computer Business Forms (DE), 2605 Phoenix Drive, Greensboro, NC 27406.

22. StevenStores, Inc. (DE), 2712 Laurens Road; Greenville, SC 29607.

23. Stevocknit, Inc. (DE), 1450 Broadway, New York, NY 10018.

24. Stevcoknit, Fabrics Co., Inc. (NY), 1450 Broadway, New York, NY 10018.

25. Carter Plant (DE), 601 Wilmington Road, Wallace, NC 28466.

26. Fayetteville Plant (NC), 902 Southern Avenue, Fayetteville, NC 28306.

27. Tuexdo Plant (DE), Highway 25, Tuxedo, NC 28784.

28. Ragan Plant (DE), Bessemer City Road, Gastonia, NC 28053.

29. SKT Research & Development and Workshop Corporation (CT), 1450 Broadway, New York, NY 10018.

30. Gray-Tred Mills, Inc. (AL), 106 W. Maple Avenue, Scottsboro, AL 35768.

31. Gloria Vanderbilt Creation, Inc. (DE), 1185 Avenue of the Americas, New York, NY 10036.

32. Ralph Lauren Home Furnishings, Inc. (DE), 1185 Avenue of the Americas, New York, NY 10036.

33. Stevens Direct Marketing, Inc. (DE), Commercial Drive, Greenville, SC 29607.

34. J. P. Stevens (Deutschland) G.m.b.H. Wanheimerstrasse 39, 4000 Dusseldorf, W. Germany 30.

1. Parent corporation is: Versatube Corporation, 4755 Rochester Road, Troy, Michigan 48098.

2. Wholly Owned Subsidiary which will participate Embossed Door Corp. (Mich. Corp.) 5835 Martin Avenue, Detroit, Michigan 48210.

1. Parent corporation and address of principal office: Waverly Gravel & Ready-Mix Co., Inc. d.b.a. Shell Rock Sand and Gravel, Shell Rock, IA 50670

2. Wholly-owned subsidiary which will participate in the operations and State of incorporation: (i) Brent Industries, Inc. (a Iowa corporation).

James H. Bayne,
Acting Secretary.

[FR Doc. 84-7840n Filed 3-22-84; 8:45 am]
 BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-No. 16)]

Intrastate Rail Rate Authority—Mississippi

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional certification.

SUMMARY: The Commission provisionally certifies the Mississippi Public Service Commission to regulate intrastate rail transportation. To obtain final certification, Mississippi must take certain modifications of its standards

and procedures, as outlined in the full decision.

DATES: Provisional certification is effective on March 22, 1984. To retain the provisional certification and to obtain final certification, Mississippi must make the required modifications May 22, 1984.

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: March 15, 1984.

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

James H. Bayne,

Acting Secretary.

[FR Doc. 84-7837 Filed 3-22-84; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of rail cost adjustment factor.

SUMMARY: The Commission has decided to approve the cost index filed by the Association of American Railroads (AAR) under the procedures of Docket Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*. The application of the index produces a Rail Cost Adjustment Factor (RCAF) of 1.053. The second quarter 1984 RCAF is unchanged from that published for the first quarter 1984. No rate actions will be ordered.

EFFECTIVE DATE: March 21, 1984.

FOR FURTHER INFORMATION CONTACT: Robert C. Hasek (202) 275-0938; Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981 (46 FR 22594, April 20, 1981), we outlined the procedures for the calculation of the interim mid-quarter index of railroad costs and the methodology for the computation of the RCAF. AAR was required to calculate and submit the mid-quarter index to the Commission no later than 20 days before the end of each quarter.

By notice served December 19, 1983 (48 FR 56659, December 22, 1983), we stated that the labor portion of the index would be computed including labor costs for the Consolidated Railroad Corporation (Conrail) restated at national contract levels and actual labor costs for all other railroads included in the index. The labor index figures for the first quarter of 1984 were restated to include Conrail at the national contract level. This had the effect of computing the index in a manner similar to that proposed in our decision served June 20,

1983 and by the AAR in its petition for reconsideration dated October 7, 1983.

Our rationale for restating Conrail's labor costs at the national contract level is contained in a separate decision. That decision also notes that the first quarter 1984 RCAF was overstated by .001 because of computational errors, and should have been 1.052.

We find the RCAF for the second quarter 1984 is 1.053. This is unchanged from the published first quarter 1984 RCAF. No rate actions will be ordered.

INTERIM MID-QUARTER INDEX

Line No. and category	1982 weights (percent)	Fourth quarter 1983 actual	First quarter 1984 forecast ¹	Second quarter 1984 forecast
1. Salaries, wages and supplements.....	48.3	138.3	147.7	147.3
2. Fuel.....	11.3	101.9	106.6	98.9
3. Materials and supplies.....	10.4	103.6	102.3	102.8
4. Other expense.....	30.0	113.8	114.9	116.3
5. Weighted average:				
a. 1980 = 100 (1982 weights).....		xxx	127.8	127.9
b. 1980 = 100 (1980 weights).....		122.6	127.2	* 127.3
6. Rail cost adjustment factor ² (10/1/82 = 100) (120.9 = 100).....		* 1.014	1.052	1.053

¹The first quarter 1984 index has been restated to correct errors in the computation of the railroad retirement portion of the salaries, wages and supplements category of the index.

²Linking is necessitated by a change of weights from 1980 to 1982. The following formula was used: 2nd quarter 1984 index (1982 weights) divided by 1st quarter 1984 index (1982 weights) times 1st Quarter 1984 index (linked index) equals linked index (1980 weights to 1982 weights) or 127.9 divided by 127.8 times 127.2 equals 127.3.

³The denominator was rebased to an October 1, 1982 level in accordance with the requirements of the Staggers Rail Act of 1980.

⁴For comparative purposes an RCAF for the fourth quarter 1983 is shown using actual data. The published RCAF is computed using forecasted data.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Pub. L. 96-354, it is our opinion that it will not have a significant adverse impact on a substantial number of small entities.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Dated: March 16, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gardison. Commissioner Gardison did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-7659 Filed 3-22-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the

proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Reinstatement

Employment and Training Administration
Reporting Under the Federal Supplemental Compensation Program
ETA-RC50; 1205-0193
Monthly; quarterly
State or local governments
1,796 responses; 1,183 hours; 5 forms
Information is used to monitor Federal Supplemental Compensation program activity and determine the impact of the FSC legislation.

Existing Collection in Use Without an OMB Control Number

Employment and Training Administration
Preliminary Estimates of Average Employer Tax Rates
ETA-RC75
Annually
State or local governments
53 responses; 13 hours

This information is collected from the State Employment Security Agencies (SESAs) each year to track changes in the taxing levels of the SESAs and their relative ranking, and to provide information to the Secretary of the Treasury as required by Section 3302(d)(7) of the Federal Unemployment Tax Act.

Revision

Employment Standards Administration
Employer's report of Injury or Occupational Illness/Physician's Report on Impairment of Vision

1215-0031; LS-202, 202a, 202b, 205, and 210

On occasion
Individuals or households; Businesses or other for profit organizations
39,156 hours; 5 forms

Forms are used to report injuries, periods of disability and medical treatment under the Longshoremen's and Harbor Worker's Compensation Act and its extensions.

Extension

Employment Standards Administration
Optional Use Payroll Form Under the Davis-Bacon Act (Form WH-347)
WH-347, 1215-0149

Weekly

Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies or employees; Small business or organizations
11,000,000 responses; 5,500,000 hours, 1 form

Report is used by contractors to certify payrolls in accordance with requirements of Copeland and Davis-Bacon Acts, attesting that proper wage rates and fringe benefits were paid; reviewed by contracting agencies to verify that rates are legal and that employees are properly classified (29 CFR 3.3, 5.5(a)(3)(ii)).

Existing Collection in Use Without an OMB Control Number

Occupational Safety and Health Administration
1,2-Dibromo-3-chloropropane
OSHA 252

On occasion
92 respondents; 237 hours
Businesses and other for profit small businesses or organizations

This information required to be collected is needed to monitor employee exposure to DBCP and to protect the health of employees exposed to DBCP in the workplace.

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

Paul E. Larson,
Departmental Clearance Officer.

[FR Doc. 84-7888 Filed 3-22-84; 8:45 am]
BILLING CODE 4510-30-M; 4510-27-M

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period of Idaho

This notice announces the beginning of a new Extended Benefit Period in Idaho, effective on March 18, 1984.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent state and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on March 3, 1984, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on March 18, 1984.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the

State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on March 19, 1984.

Patrick J. O'Keefe,

Deputy Assistant Secretary for Employment and Training.

[FR Doc. 84-7882 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Evon Industries, Inc., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period March 12, 1984-March 16, 1984.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the

investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-15,067; *Evon Industries, Inc., Camden, NJ*

TA-W-14,917; *Birdsboro Corp., Reading, PA*

TA-W-14,889; *Menasha Controls Corp., Menasha, WI*

TA-W-14,919; *Calgon Carbon Corp., Big Sandy Plant, Catlettsburg, KY*

TA-W-14,774; *Duval Corp., Carlsbad Property, Carlsbad, NM*

TA-W-15,019; *C. F. Nitrogen, Inc., Ahoskie, NC*

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-14,994; *Pittsburgh & Conneaut Dock Co., Conneaut, OH*

TA-W-15,062; *Ransburb Corp., Electro-Static Equipment Div., Indianapolis, IN*

TA-W-14,971; *Boy Shipbuilding Corp., Sturgeon Bay, WI*

TA-W-14,998; *Bessemer & Lake Erie Railroad, Conneaut Limestone Plant, Conneaut, OH*

Affirmative Determinations

TA-W-14,890; *RCA Corp., Consumer Electronics Div., Indianapolis, IN*

A certification was issued covering all workers separated on or after July 18, 1982 and before December 31, 1982.

TA-W-14,898; *General Electric Co., Video Products Business Div., Portsmouth, VA*

A certification was issued covering all workers separated on or after January 1, 1983 and before August 1, 1983.

TA-W-15,111; *Monongahela Connecting Railroad Co., Pittsburgh, PA*

A certification was issued covering all workers separated on or after November 16, 1982.

TA-W-15,110; *Mahoning Valley Railway Co., Youngstown, OH*

A certification was issued covering all workers separated on or after November 16, 1982.

TA-W-15,109; *Jackson County Iron Co., Black River Falls, WI*

A certification was issued covering all workers separated on or after November 8, 1982.

TA-W-15,034; *Warren Shirt Co., Lebanon, PA*

A certification was issued covering all workers separated on or after January 1, 1983 and before December 31, 1983.

TA-W-14,999; *U.S. Steel Corp., Great Lakes Fleet, Inc., Sault Ste. Marie Warehouse, Sault Ste. Marie, MI*

A certification was issued covering all

workers separated on or after September 9, 1982 and before January 1983.

TA-W-15,094; *Utah International, Inc., Springer Mining Co., Winnemucca, NV*

A certification was issued covering all workers separated on or after October 27, 1982 and before December 31, 1983.

TA-W-15,056; *Fosteria Glass Co., Moundsville, WV*

A certification was issued covering all workers separated on or after October 3, 1982.

I hereby certify that the aforementioned determinations were issued during the period March 12, 1984-March 16, 1984. Copies of these determinations are available for inspection in room 9120, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 20, 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-7887 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Bristol Brass Co., et al.

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 2, 1984.

Interested persons are invited to

submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 2, 1984.

The petitions filed in this case are

available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

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

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bristol Brass Co. (UAW)	Bristol, CT	3/12/84	3/8/84	TA-W-15,252	Brass rod and wire.
Brown Shoe Co. (ACTWU)	Ironton, MO	3/12/84	3/3/84	TA-W-15,253	Boots, sandals, outsoles, wedges, urethanesoles, plastic heels, moldings and pouring.
General Electric Indicating Devices, Inc. (company)	Caguas, P.R.	3/14/84	3/9/84	TA-W-15,254	Assembly and testing of analog display measuring instruments and other electrical measuring devices.
Maryland Shipbuilding & Drydock Co. (Maryland Drydock Association)	Baltimore, MD	3/12/84	3/9/84	TA-W-15,255	Inert gas distribution systems and container storage systems.
National Iron Co. (USWA)	Duluth, MN	3/12/84	2/20/84	TA-W-15,256	Truck cranes and mining conveyor systems.
Rubin Brothers Footwear, Inc. (workers)	Waycross, GA	3/13/84	3/9/84	TA-W-15,257	Men's, women's and children's work-type shoes.
Xerox Corp., Washington Central Refurbishing Center (ACTWU)	Springfield, VA	3/9/84	3/6/84	TA-W-15,258	Refurbishing xerox copiers.
Xerox Corp., Washington Regional Distribution Center (ACTWU)do	3/9/84	3/6/84	TA-W-15,259	Distribution center (refurbished copiers).

[FR Doc. 84-7886 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14, 878; TA-W-14, 879]

Massey-Ferguson, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance; Correction

In the matter of Massey-Ferguson, Inc.; Gear and Shaft Plant, Detroit, Michigan; Transmission and Axle Plant, Wayne, Michigan.

In Federal Register Doc. 84-628 appearing on page 1298 in the Federal Register of January 10, 1984, the following impact date, June 21, 1982 under Affirmative Determinations, Massey Ferguson, Inc. TA-W-14, 878 and TA-W-14, 879 in column 3 is corrected to read July 21, 1982.

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

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-7885 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,878; TA-W-14,879]

Massey-Ferguson, Inc.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

According to Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a certification of eligibility to apply for worker adjustment assistance on December 28, 1983 to workers and former workers of Massey-Ferguson, Incorporated's Gear and Shaft plant in Detroit, Michigan and Transmission and

Axle plant in Wayne, Michigan. The Notice of certification was published in the Federal Register on January 10, 1984 (49 FR 1298).

The Department of Labor in its certification of Massey-Ferguson workers under petitions TA-W-14,878 and TA-W-14,879 established a termination date of December 1, 1983 because the Transmission and Axle plant (TA-W-14,879) ceased production about four months earlier in August 1983 and the Gear and Shaft plant (TA-W-14,878) ended production over a month earlier in October 1983. It was the Department's intent to include all production workers in both plants under the certification.

In a letter dated February 27, 1984, the United Automobile Workers informed the Department that Massey-Ferguson retained employees beyond the December 1, 1983 termination date for disassembling and shipping machinery and for other reasons and asked that the certification be amended to include those workers. Upon request, Massey-Ferguson officials provided additional information which confirmed that workers were retained at both installations beyond the December 1, 1983 termination date. Company officials also reported that several workers continued to work longer at the Gear and Shaft plant dismantling and shipping machinery.

Based on these additional findings an amended Notice of Certification for TA-W-14,878 and TA-W-14,879 is hereby issued as follows:

"All workers of the Gear and Shaft Plant in Detroit, Michigan of Massey-Ferguson, Incorporated engaged in employment related to the production of

gears and shafts for tractors who became totally or partially separated from employment on or after July 21, 1982 and before June 1, 1984 and all workers of the Transmission and Axle Plant in Wayne, Michigan of Massey-Ferguson, Incorporated engaged in employment related to the production of transmission and axles for tractors who became totally or partially separated from employment on or after July 21, 1982 and before March 15, 1984 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

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

Robert A. Schaeffl,
Director, Office of Program Management, UIS.

[FR Doc. 84-7883 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-30-M

U.S. Steel Corp.; Notice of Affirmative Determination Regarding Application for Reconsideration

In the matter of U.S. STEEL CORP., SUPPLY DIVISION, STEEL SERVICE CENTERS, TA-W-14,731—Brighton, Massachusetts, TA-W-14,732—Baltimore, Maryland, TA-W-14,734—Pittsburgh, Pennsylvania, TA-W-14,735—Cleveland, Ohio, TA-W-14,737—Cincinnati, Ohio, TA-W-14,738—Chicago, Illinois, TA-W-14,739—St. Paul, Minnesota, TA-W-14,740—Kansas City, Missouri, TA-W-14,741—St. Louis, Missouri, TA-W-14,743—Memphis, Tennessee, TA-W-14,744—Birmingham, Alabama, TA-W-14,745—Dallas, Texas, TA-W-14,746—

Houston, Texas, TA-W-14,747—Los Angeles, California.

By an application dated February 24, 1984, the United Steelworkers of America requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of workers and former workers of the above cited locations of U.S. Steel Corporation's Steel Service Centers. The determination was published in the Federal Register on January 24, 1984 (49 FR 2970).

The application claims that recent Department of Labor certifications at plants of the U.S. Steel Corporation would provide a basis for the certification of workers at the above cited steel service centers, especially workers at the St. Paul, Minnesota service center which handles plate produced at the Gary Works where workers producing plate were certified for trade adjustment assistance benefits, TA-W-14,767.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

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

Harold Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 84-7684 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration

Advisory Committee on Sheltered Workshops, Subcommittee on Patient Worker Regulations; Meeting

A meeting of the Subcommittee on Patient Worker Regulations of the Advisory Committee on Sheltered Workshops will be held on April 10, 1984, beginning at 9:30 a.m. The meeting will be held in Room N3437A, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The purpose of the meeting is to consider the problems which relate to the aging who work in residential facilities and may be subject to the provisions of the Fair Labor Standards Act (FLSA). Regulations Part 529, issued pursuant to the Act, govern the employment of the sick, aged, or mentally ill or defective in hospitals or institutions in which they are receiving

care or treatment. Such individuals may be employed under certificates at wage rates below the statutory minimum otherwise required by FLSA. Such wages must, however, be at least commensurate with the individual's productivity.

The regulations were discussed at previous Advisory Committee meetings. However, the Committee has determined that the problems of the aging under these regulations may differ from those of other handicapped individuals and should be addressed at a special subcommittee meeting. Experts in the field of the aging will be afforded an opportunity to present their views to the Subcommittee.

The issues of particular interest to the Subcommittee include:

—The type and amount of participation in volunteer activities the aging in residential facilities should be allowed without being considered employees under FLSA;

—The conditions under which a group home for the aging should be considered similar to a family setting so that the residents who perform household chores need not be compensated for the work performed;

—The number of residents and number of hours worked per day or week which should be maximums for a family setting;

—Whether separate standards should be established for for-profit and nonprofit homes for the aging.

The public is invited to attend this meeting. Written data, views, or arguments pertaining to the business before the Subcommittee must be received by the Committee's Secretariat prior to the meeting date. Those wishing to make formal oral presentations should also notify the Secretariat. Members of the public wishing to speak during the course of the meeting will be allowed to do so as time permits.

Inquiries concerning this meeting should be directed to: Arthur H. Korn, Secretariat for the Advisory Committee on Sheltered Workshops, Room C4316, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone no. 202/523-8727. This is not a toll free telephone number.

Signed in Washington, D.C., this 19th day of March, 1984.

Susan R. Meisinger,
Deputy Under Secretary.

[FR Doc. 84-7688 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-84-30-C]

Kermit Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Kermit Coal Company, P.O. Box 179, Lovely, Kentucky 41231 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 1 Mine (I.D. No. 46-01602) located in Mingo County, West Virginia. The petition if filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

- a. Ten detonators with copper leg wires not over 30 feet long;
- b. Ten detonators with iron leg wires 6 and 7 feet long;
- c. Nine detonators with iron leg wires 8 and 9 feet long;
- d. Eight detonators with iron leg wires 10 feet long;
- e. Seven detonators with iron leg wires 12 feet long;
- f. Six detonators with iron leg wires 14 feet long; and
- g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

- a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;
- b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;
- c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will

install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 13, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7706 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-11-C]

LJ's Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

LJ's Coal Corporation, P.O. Box 98, St. Charles, Virginia 24282 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 1 Mine (I.D. No. 44-05668) located in Lee County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

- a. Ten detonators with copper leg wires not over 30 feet long;
- b. Ten detonators with iron leg wires 6 and 7 feet long;
- c. Nine detonators with iron leg wires 8 and 9 feet long;
- d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishing immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 13, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7707 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-12-C]

Lambert Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Lambert Coal Co., Inc., P.O. Box 394, Nora, Virginia 24272 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 42 Mine (I.D. No. 44-04790) located in Dickenson County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

- a. Ten detonators with copper leg wires not over 30 feet long;
- b. Ten detonators with iron leg wires 6 and 7 feet long;
- c. Nine detonators with iron leg wires 8 and 9 feet long;
- d. Eight detonators with iron leg wires 10 feet long;
- e. Seven detonators with iron leg wires 12 feet long;
- f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long;

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 13, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7708 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-128-C]

M & S Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

M & S Coal Company, Valley View, Pennsylvania 17983 has filed a petition to modify the application of 30 CFR 75.1714 (self-contained self-rescue devices) to its No. 2 Slope (I.D. No. 36-06448) located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator make available to each person who goes underground a self-contained self-rescue device or devices approved by the Secretary which is adequate to protect the person for one hour or longer.

2. The mine is wet and virtually dust free. The upper area of the mine was deep and strip mined, leaving ventilation to the surface by means of abandoned slopes, cracks, fissures and strip pits. This creates a natural draft that would sweep noxious fumes to the surface away from the miners.

3. Petitioner states that the mine geology, undulation, thin coal and varying pitches make it impossible to wear the device while working. Sections of the mine are subjected to freezing temperatures, making constant availability of the devices questionable. In addition, the wet conditions of the mine make it difficult to locate a suitable dry storage location for the self-rescuers.

4. Petitioner proposes to continue using the present filter-type self-rescuers as an alternative to providing self-contained self-rescuers, and states that this will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April

23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 14, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7708 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-35-C]

Maple Leaf Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Maple Leaf Coal Company, Box 146, Charmco, West Virginia 25958 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 54 Mine (I.D. No. 46-06066) located in Greenbrier County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 13, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7710 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-9-C]

Maple Meadow Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Maple Meadow Mining Company, Fairdale, West Virginia 25839 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Maple Meadow Mine (I.D. No. 46-03374) located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

- a. Ten detonators with copper leg wires not over 30 feet long;
- b. Ten detonators with iron leg wires 6 and 7 feet long;
- c. Nine detonators with iron leg wires 8 and 9 feet long;
- d. Eight detonators with iron leg wires 10 feet long;
- e. Seven detonators with iron leg wires 12 feet long;
- f. Six detonators with iron leg wires 14 feet long; and
- g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 13, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7711 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

CFR 75.1714 (self-contained self-rescue devices) to its Skidmore Slope (I.D. No. 36-04702) located in Columbia County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator make available to each person who goes underground a self-contained self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.

2. The distance from the mine portal to the actual working face is less than 2,000 feet; the mine can be evacuated in less than 15 minutes.

3. The mine is always damp to wet and there is only one piece of electrical equipment, which is a small pump located at the foot of the slope; therefore, the possibility of a fire is remote. However, should a fire occur anywhere on the intake side of the mine, it would be discovered immediately because one miner is always on the gangway level loading and transporting coal. If a fire should occur in the return, the miners could escape out the slope in intake air.

4. Petitioner states that the devices are too heavy, bulky and cumbersome to be worn safely in the heavily pitching anthracite mine. Sections of the mine are subjected to freezing temperatures, making constant availability of the devices questionable. The wet mine conditions make it very difficult to locate a suitable, dry storage location for the devices. The miners are equipped with filter-type self-rescue devices.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 14, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7712 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-18-C]

Mullins Enterprises, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Mullins Enterprises, Inc., Route 2, Box 24, Pound, Virginia 24279 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 1 Mine (I.D. NO. 44-05570) located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used only by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

- a. Ten detonators with copper leg wires not over 30 feet long;
- b. Ten detonators with iron leg wires 6 and 7 feet long;
- c. Nine detonators with iron leg wires 8 and 9 feet long;
- d. Eight detonators with iron leg wires 10 feet long;
- e. Seven detonators with iron leg wires 12 feet long;
- f. Six detonators with iron leg wires 14 feet long; and
- g. Five detonators with iron leg wires 16 feet long;

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying the conditions of use for the unit and will

Mishbucha Enterprises, Ltd.; Petition for Modification of Application of Mandatory Safety Standard

Mishbucha Enterprises, Ltd., Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30

install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 14, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7713 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-29-C]

Partner Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Partner Coal Company, Inc., R.D. 4, Box 245, Apollo, Pennsylvania 15613 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Gilmur No. 1 Mine (I. D. No. 36-02372) located in Westmoreland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposed to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 13, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7714 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-121-C]

Potts Contracting Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Potts Contracting Co., Inc., R.D. #4, Box 350, Pine Grove, Pennsylvania 17963 has filed a petition to modify the application of 30 CFR 75.1714 (self-contained self-rescue devices) to its 7 Foot Drift (I.D. No. 36-07269) located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that each operator make available to each person who goes underground a self-contained self-rescue device or devices approved by the Secretary which is adequate to protect the person for one hour or longer.

2. The mine is damp to very wet. The upper area of the mine was deep and strip mined, leaving ventilation to the surface by means of abandoned slopes, cracks, fissures and strip pits. This creates a natural draft that would sweep noxious fumes to the surface away from the miners.

3. Petitioner states that the mine geology, undulation, thin coal and varying pitches make it impossible to wear the device while working. Sections of the mine are subjected to freezing temperatures, making constant availability of the devices questionable. In addition, the wet conditions of the mine make it difficult to locate a suitable dry storage location for the self-rescuers.

4. Petitioner proposes to continue using the present filter-type self-rescuers as an alternative to providing self-contained self-rescuers, and states that this will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 14, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7715 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-4-C]

Sorokach Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Sorokach Coal Company, R.D. No. 2, Box 2665, Pottsville, Pennsylvania 17901 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its Buck Mountain Slope (I.D. No. 36-07498)

located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.
2. Ignition, explosion and mine fire history are non-existent for the mine.
3. There is no history of harmful quantities of carbon dioxide and other noxious of poisonous gases.
4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.
5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.
6. High velocities and large air quantities cause extremely uncomfortable and cold conditions in the already uncomfortable, wet mine.
7. As an alternate method, petitioner proposes that:
 - a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;
 - b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and
 - c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.
9. Petitioner states that the proposed alternate method will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 14, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7716 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-110-C]

Schelb Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Scheib Coal Company, R.D. #1, Box 40-A, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.1714 (self-contained self-rescue devices) to its Honey Slope (I.D. No. 36-05827) located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator make available to each person who goes underground a self-contained self-rescue device or devices approved by the Secretary which is adequate to protect the person for one hour or longer.
2. The mine is wet and virtually dust free. The upper area of the mine was deep and strip mined, leaving ventilation to the surface by means of abandoned slopes, cracks, fissures and strip pits. This creates a natural draft that would sweep noxious fumes to the surface away from the miners.
3. Petitioner states that the mine geology, undulation, thin coal and varying pitches make it impossible to wear the device while working. Sections of the mine are subjected to freezing temperatures, making constant availability of the devices questionable. In addition, the wet conditions of the mine make it difficult to locate a suitable dry storage location for the self-rescuers.
4. Petitioner proposes to continue using the present filter-type self-rescuers as an alternative to providing self-contained self-rescuers, and states that this will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April

23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 14, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7717 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-154-C]

T.A.G. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

T.A.G. Coal Company, 836 W. Spruce Street, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.1714 (self-contained self-rescue devices) to its Slope No. 11 (I.D. No. 36-07018) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator make available to each person who goes underground a self-contained self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.
2. The distance from the mine portal to the actual working face is less than 2,000 feet; the mine can be evacuated in less than 15 minutes.
3. The mine is always damp to wet and there is only one piece of electrical equipment, which is a small pump located at the foot of the slope; therefore, the possibility of a fire is remote. However, should a fire occur anywhere on the intake side of the mine, it would be discovered immediately because one miner is always on the gangway level loading and transporting coal. If a fire should occur in the return, the miners could escape out the slope in intake air.
4. Petitioner states that the devices are too heavy, bulky and cumbersome to be worn safely in the heavily pitching anthracite mine. Sections of the mine are subjected to freezing temperatures, making constant availability of the devices questionable. The wet mine conditions make it very difficult to locate a suitable, dry storage location for the devices. The miners are equipped with filter-type self-rescue devices.
5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

FR Doc. 84-7718 Filed 3-22-84; 8:45 am

BILLING CODE 4510-43-M

[Docket No. M-84-36-C]**Terry Eagle Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

Terry Eagle Coal Company, Route 2, Box 900, Summersville, West Virginia 26651 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Cari Eagle No. 1 Mine (I.D. No. 46-05865) located in Nicholas County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

- a. Ten detonators with copper leg wires not over 30 feet long;
- b. Ten detonators with iron leg wires 6 and 7 feet long;
- c. Nine detonators with iron leg wires 8 and 9 feet long;
- d. Eight detonators with iron leg wires 10 feet long;
- e. Seven detonators with iron leg wires 12 feet long;
- f. Six detonators with iron leg wires 14 feet long; and
- g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 13, 1984. Copies of the petition are available for inspection at that address.

Dated: March 13, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

FR Doc. 84-7719 Filed 3-22-84; 8:45 am

BILLING CODE 4510-43-M

[Docket No. M-84-26-C]**True Energy, Inc.; Petition for Modification of Application of Mandatory Safety Standard**

True Energy, Inc., P.O. Box 1740, Princeton, West Virginia 24740 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 14 Mine (I.D. No. 46-06404) located in McDowell County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

- a. Ten detonators with copper leg wires not over 30 feet long;
- b. Ten detonators with iron leg wires 6 and 7 feet long;
- c. Nine detonators with iron leg wires 8 and 9 feet long;
- d. Eight detonators with iron leg wires 10 feet long;
- e. Seven detonators with iron leg wires 12 feet long;
- f. Six detonators with iron leg wires 14 feet long; and
- g. Five detonators with iron leg wires 16 feet long;

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 13, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7720 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-109-C]

Valley Construction Co.; Petition for Modification of Application of Mandatory Safety Standard

Valley Construction Company, R.D. #1, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.1714 (self-contained self-rescue devices) to its No. 6 Vein (I.D. No. 36-07289) located in Dauphin County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that each operator make available to each person who goes underground a self-contained self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.

2. The mine is wet and virtually dust free. The upper area of the mine was deep and strip mined, leaving ventilation to the surface by means of abandoned slopes, cracks, fissures and strip pits. This creates a natural draft that would sweep noxious fumes to the surface away from the miners.

3. Petitioner states that the mine geology, undulation, thin coal and varying pitches make it impossible to wear the device while working. Sections of the mine are subjected to freezing temperatures, making constant availability of the devices questionable. In addition, the wet conditions of the mine make it difficult to locate a suitable dry storage location for the self-rescuers.

4. Petitioner proposes to continue using the present filter-type self-rescuers as an alternative to providing self-contained self-rescuers, and states that this will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April

23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 14, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7721 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-51-C]

Z & Y Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Z & Y Coal Company, Box 148, Bickmore, West Virginia 25019 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Mine No. 6-A (I.D. No. 46-04305) located in Clay County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person, and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

- a. Ten detonators with copper leg wires not over 30 feet long;
- b. Ten detonators with iron leg wires 6 and 7 feet long;
- c. Nine detonators with iron leg wires 8 and 9 feet long;
- d. Eight detonators with iron leg wires 10 feet long;
- e. seven detonators with iron leg wires 12 feet long;
- f. Six detonators with iron leg wires 14 feet long; and
- g. detonators with iron leg wires 16 feet long;

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

- a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;
- b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1984. Copies of the petition are available for inspection at that address.

Dated: March 14, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-7722 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefits Programs

[Prohibited Transaction Exemption 84-19; Exemption Application No. D-2388 et al.]

Grant of Individual Exemptions; The Alaska Electrical Pension Plan et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit

comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

- (a) The exemptions are administratively feasible;
- (b) They are in the interest of the plans and their participants and beneficiaries; and
- (c) They are protective of the rights of the participants and beneficiaries of the plans.

The Alaska Electrical Pension Plan (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 84-19; Exemption Application No. D-2388]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Carr-Gottstein Properties, Inc. (CGP) by reason of the Plan's participation in a mortgage loan made by Washington Mortgage Company to CGP on August 16, 1976.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 6, 1984 at 49 FR 956.

EFFECTIVE DATE: This exemption is effective August 16, 1976.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to CGP. Thus, CGP will be relieved of its excise tax liability arising as a result of

this transaction. The Department is not granting exemptive relief for any other aspect of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into the transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold the participation in the mortgage loan to the Plan.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Laborers Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 84-20; Exemption Application No. D-3309]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Ray W. Strand and Strand, Inc. by reason of the Plan's participation in a mortgage loan originated by the National Bank of Alaska to a partnership composed of Strand, Inc. and G&A Associates, for the period beginning April 5, 1976 through December 30, 1980.

For more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 6, 1984 at 49 FR 957.

EFFECTIVE DATES: This exemption is effective April 5, 1976 through December 30, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to Ray W. Strand and Strand, Inc. Thus, these parties will be relieved of their excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspect of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into the transaction, nor is the Department herein providing any

exemptive relief from Title I or Title II of the Act for any financial institution which may have sold the participation in the mortgage loan to the Plan.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Wooley Tool and Manufacturing Division, Employees Profit Sharing Plan and Trust (the Plan) Located in Odessa, Texas

[Prohibited Transaction Exemption 84-21; Exemption Application No. D-4490]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of a parcel of real property located at 5407 Andrews Highway, Odessa, Texas to Wooley Tool and Manufacturing Division, provided that the terms and conditions of sale are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 6, 1984 at 49 FR 959.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Telephone Real Estate Equity Trust (the Trust) Located in New York, NY

[Prohibited Transaction Exemption 84-22; Exemption Application No. D-4629]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to (1) the prior commitment (the Commitment) to loan a portion of the Trust's assets under the management of Eastdil Advisers, Inc. (Eastdil) to Landmark Thirty-Four Ltd. (Landmark), a party in interest with respect to the Trust; (2) the funding of the Commitment (the Loan); (3) the proposed loan of additional amounts of the Trust's assets under the management of Eastdil to other parties in interest who are affiliates of Landmark in connection with the further development of certain real property, provided that all terms and conditions of the transactions are at

least as favorable to the Trust as those obtainable in transactions with unrelated parties.

EFFECTIVE DATE: The effective date of this exemption is (1) October 13, 1982 as to the Commitment; (2) December 15, 1983 as to the Loan; and (3) the date of the grant of this exemption as to any future loans.

Written Comments

A comment was received from the applicant indicating that effective January 1, 1984, the name of the Bell System Trust was changed to the Telephone Real Estate Equity Trust. The Department hereby incorporates such change into this final grant. Twelve written comments were received from Trust participants indicating opposition to the grant of the proposed exemption. However, the commentators failed to provide any explanation as to their opposition to the grant of the proposed exemption. Therefore, based on the record taken as a whole, the Department has determined to grant the exemption as proposed.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 19, 1983 at 48 FR 56123.

FOR FURTHER INFORMATION CONTACT: David M. Cohen of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

The Nassau County Carpenters' Vacation Fund (the Vacation Plan) Located in Westbury, New York

[Prohibited Transaction Exemption 84-23; Exemption Application No. D-3485]

Exemption

The restrictions of section 406(b)(2) of the Act shall not apply to the transfers by the Vacation Plan of: (1) \$200,000 in uncommitted reserves to the Nassau County Carpenters' Welfare Fund (the Welfare Plan); and (2) \$100,000 in uncommitted reserves to the Nassau County Carpenters' Pension Plan (the Pension Plan). (These plans are collectively referred to as the Plans.)

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 30, 1982 at 47 FR 53968.

Written Comments and Hearing Requests: As noted above, notice of the proposed exemption was published in the *Federal Register* on November 30, 1982 at 47 FR 53968. The notice stated that interested persons had the right to comment on the proposed exemption

and request that a hearing be held. The Department received three comments on the proposed exemption including two requests for a hearing. One of the commentators withdrew his comments. Another commentator made no specific objection to the proposed exemption. The third commentator said he believed that the interest accrued on the uncommitted reserves should be passed on to the participants of the Vacation Plan in proportionate amounts. In response to the comment the applicant stated that the interest earned on the amounts in question was earned by the participants who cannot be located and will be paid to such participants upon proper application.

Notice of a hearing on this matter was published in the *Federal Register* on July 19, 1983 at 48 FR 32893. Although the hearing was to convene on October 3, 1983, the applicant failed to provide notice of the hearing to interested persons within the time period required. Therefore, another notice was published in the *Federal Register* on November 18, 1983 at 48 FR 52524. The purpose of the revised notice was to cancel the October 3, 1983 hearing and reschedule the hearing for January 16, 1984. By letter dated December 3, 1983, the applicant represented that notice of the rescheduled hearing was provided to interested persons.

The revised hearing notice stated that persons wishing to present oral comments at the hearing could notify the Department by January 13, 1984. The Department received no such comments. The revised notice also stated that persons who had not previously informed the Department of their desire to appear would be given an opportunity to offer their comments.

The Hearing: The hearing was convened as scheduled on January 16, 1984 in Room 3437 A and B of the Department of Labor Building in Washington, D.C.

Attending the hearing were representatives of the Department and representatives of the Vacation Plan. The representatives of the applicant made comments in favor of granting the exemption. Those individuals who had requested the hearing were not present.

After consideration of the entire record, the Department has determined to grant the exemption.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction;

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

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

Elliot I. Daniel,

Acting Assistant Administrator for Fiduciary Standards, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-7982 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2835 et al.]

Proposed Exemptions; The Teamsters Pension Trust Fund of Philadelphia and Vicinity and the Teamsters Health and Welfare Fund of Philadelphia and Vicinity, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income

Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this Federal Register Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of pendency of the exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file

with the Department for a complete statement of the facts and representations.

The Teamsters Pension Trust Fund of Philadelphia & Vicinity (the Pension Fund and the Teamsters Health and Welfare Fund (the Welfare Fund, Collectively, the Funds) of Philadelphia and Vicinity Located in Philadelphia, Pennsylvania

[Application Nos. D-2835 and D-2836]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the past loan (the Loan) of money by the Pension Fund to the Welfare Fund, a party in interest with respect to the Pension Fund, provided that the terms of the Loan were at least as favorable to the Pension Fund and the Welfare Fund as the Pension Fund would have obtained in an arm's-length transaction with an unrelated party.

Effective Date: If the proposed exemption is granted, the exemption will be effective July 31, 1975.

Summary of Facts and Representations

1. The Funds are administered by the trustees (the Trustees) in accordance with section 302(c)(5) of the Labor Management Relations Act of 1947, as amended. The same individuals are Trustees of both Funds. The Pension Fund, which had 34,894 participants as of December 31, 1980, is maintained pursuant to collective bargaining agreements between 15 locals of the Teamsters Union of Philadelphia & Vicinity and certain employers. The Welfare Fund, which had 27,233 participants as of December 31, 1980, is maintained pursuant to collective bargaining agreements between 16 locals of the Teamsters Union of Philadelphia & Vicinity and certain employers. The Welfare Fund is a contributing employer with respect to the Pension Fund. It is represented that twenty-five employees of the Welfare Fund are participants in the Pension Fund.

2. In 1974 and continuing into 1975, the Welfare Fund suffered serious cash flow difficulties as a result of decreased employer contributions, escalating

medical costs and increased utilization. As a result of these financial difficulties, the Welfare Fund lacked sufficient financial resources to pay claims totalling more than \$3,200,000.

3. On June 26, 1975, the Trustees acting on behalf of the Welfare Fund, voted unanimously to obtain the \$4 million Loan from some source in order to meet the Welfare Fund's financial needs. The motion voted upon did not identify a specific lender. The Trustees determined that the Loan would be in the best interest of the Welfare Fund. On the same date, acting on behalf of the Pension Fund, the Trustees deadlocked on a motion for the Pension Fund to make the Loan at 8 percent interest over a period not to exceed three years and secured by certain specified assets of the Welfare Fund. To resolve the deadlock, the Trustees agreed to refer the matter to an impartial umpire in accordance with the provisions of the Pension Fund document. The impartial umpire selected was I. Herman Stern (the Arbitrator), Professor of Law at the Temple University School of Law, Philadelphia, Pennsylvania.

4. The Arbitrator was asked to decide whether the dispute was the proper subject matter for arbitration under section 302(c)(5)(B) of the Labor-Management Relations Act of 1947, as amended, and the Act and whether the Loan would constitute a prohibited transaction under the Act. On July 11, 1975, the Arbitrator concluded that the deadlock over the Loan was the proper subject of arbitration and the Loan would not constitute a prohibited transaction under the Act. The Arbitrator also determined that the proposed Loan was "... a sound one, amply secured by collateral, for a relative short period of time, and will provide a reasonable return on the principal." *In the Matter of Arbitration Concerning the Deadlock of the Trustees of the Teamsters Pension Trust Fund of Philadelphia and Vicinity*, July 11, 1975, page 28.

5. Relying on the Arbitrator's decision, the Trustees agreed on July 21, 1975 to make the Loan from the Pension Fund to the Welfare Fund in installments beginning July 31, 1975. Principal on the Loan was due on or before August 31, 1978. Prior to establishing the interest rate on the Loan at 8 percent per annum the Trustees consulted with the Pension Fund's investment advisor, Wilfred Lumber, who advised them that generally the interest rate on short-term commercial loans such as the Loan would approximate the interest rate on medium term bonds, which was, at the

time, 8 percent. Mr. Lumber is currently Vice President and Vice Chairman of the Board of Shields Asset Management. Mr. Lumber had been employed for nineteen years by Bache Halsey Stuart Shields where he was First Vice President and Manager of the Pension & Welfare Fund Department. Prior to its execution, the Trustees also presented the terms of the Loan to the independent counsels of both Funds, neither of whom raised objection to the interest rate set on the Loan. In addition, Continental Bank and Trust Company, an area bank with a long standing business relationship with the Welfare fund, represents that, at the time, it would have made a loan similar to the Loan to the Welfare Fund at a fixed interest rate of 8 percent per annum. As of December 31, 1975, the Loan represented approximately 5 percent of the assets of the Pension Fund. A detailed loan agreement was executed in December 1975, incorporating the terms of the Loan contained in the minutes of the Trustees' meetings of June 26, 1975 and July 21, 1975. The Trustees obtained an opinion of counsel that a binding agreement was in effect between the Pension Fund and the Welfare Fund with respect to the Loan prior to initial disbursement of the Loan proceeds.

6. The applicant states that the Loan was fully collateralized by certain tangible assets of the Welfare Fund in accordance with the agreement, which provided that the value of the collateral (the Collateral) pledged must at all times be twice the amount of the remaining balance of the Loan. The Collateral included securities (the Securities) and a building (the Building) which was free and clear of encumbrances, located in Philadelphia, Pennsylvania. The Securities were appraised by Ernst & Whinney of Philadelphia, Pennsylvania at \$7,174,063 as of December 31, 1975 and the Building was appraised by Albert M. Greenfield & Co. of Philadelphia, Pennsylvania at \$2,300,000 as of June 6, 1975. Both appraisers were unrelated parties to the Funds. The applicant also states that the Collateral was reappraised annually and that the Collateral represented at least 200 percent of the Loan at all times during the term of the Loan. As a result, the Trustees represent that the terms of the Loan were in the best interests of the Pension Fund.

7. By 1978, the Welfare Fund's cash flow problems, which had necessitated the Loan in 1975, had been ameliorated. As a result, the Welfare Fund was able to restore some benefits that previously had been reduced and was able to repay the Loan on June 30, 1978.

8. The Department initiated an investigation of the Pension Fund and concluded in a letter to the Trustees in 1977 that the Loan constituted a transaction prohibited by section 406(b)(2) of the Act. The Trustees subsequently sought a declaratory judgment in the U.S. District Court for the Eastern District of Pennsylvania seeking to have the Department's letter declared null and void, and the District Court so declared. The Secretary of Labor appealed the District Court's declaratory judgment order to the U.S. Court of Appeals for the Third Circuit. The Court of Appeals reversed the District Court's order and remanded the case to the District Court with a direction to enter judgment in favor of the Secretary of Labor.¹ In its opinion, the Court of Appeals stated in *Cutajar et al. v. Marshall*, 590 F.2d 523 (3d Cir. 1979):

It is important to understand that this case involves no taint of scandal, no hint of self-dealing, no trace of bad faith. The violation was concededly a technical one, the result of a misunderstanding of the requirements of the newly enacted ERISA bolstered by the result of good faith submission of the dispute to impartial arbitration. Uncontradicted testimony before the District Court established that the terms of the transaction were fair and reasonable with respect to both plans. 590 F.2d at 528.

9. In summary the applicants represent that the Loan met the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Trustees agreed to make the Loan from the Pension Fund in reliance on the Arbitrator's opinion that the Loan was not a prohibited transaction and, further, that the Loan was a sound investment for the Pension Fund;

(b) The Trustees determined that the Loan would be in the best interests of both the Welfare Fund and the Pension Fund;

(c) The Loan constituted no more than approximately 5 percent of the Pension Fund's assets during the entire term of the Loan;

(d) The interest rate of 8 percent on the Loan was based upon advice provided to the Trustees by the Pension Fund's investment advisor, Wilfred Lumber and was approved by the independent counsels of both Funds; in addition, Continental Bank and Trust Company represents that it would have

¹ Section 406(b)(2) of the Act provides that a fiduciary with respect to a plan shall not in his individual or any other capacity act in any transaction involving the plan on behalf of a party (or represent a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries. This exemption as proposed would grant relief from section 406(a) of the Act, violations of which were not addressed in litigation between the Department and the Trustees.

made a similar loan to the Welfare Fund at a fixed rate of 8 percent at the time the Loan was executed;

(e) The Loan was at all times secured by Collateral with a value of at least 200 percent of the outstanding balance of the Loan and was repaid in full by the Welfare fund prior to August 31, 1978; and

(f) Uncontradicted testimony before the U.S. District Court for the Eastern District of Pennsylvania established that the terms of the transaction were fair and reasonable with respect to both Funds.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Department, telephone (202) 523-8973. (This is not a toll-free number.)

Prince Georges Orthopaedic Assoc., P.A. Employees' Pension Plan and Trust (the Plan) Located in Clinton, Maryland

[Application No. D-4183]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) the proposed 50 percent participation by the Plan in a loan of \$700,000 (the Loan) to the Woodyard Road Partnership (the Partnership), in which interests are owned by four shareholders (the Shareholders) of Prince Georges Orthopaedic Associates, P.A. (the Employer), the sponsor of the Plan, provided that the terms and conditions of the Loan are at least as favorable to the Plan as those it could obtain from an unrelated party; and (2) the personal guarantees of the Loan by the Shareholders to the extent of the Plan's participation therein.

Summary of Facts and Representations

1. The Plan is a money purchase pension plan with 40 participants and assets of \$2,206,745 as of October 1, 1982. The Employer is a medical corporation which has been engaged in the practice of orthopaedic medicine since October, 1970. The trustees of the Plan are Drs. John Lynn and Francis Malone (the Trustees), who are employees of the Employer. The Employer's principal place of business is in the Southern Building (the Building) in

Clinton, Maryland. The Employer, among other tenants, leases space in the Building from the Building's owner, the Partnership. The Shareholders are the Trustees and Drs. Francis Fowler and Lee Haacker, each of whom owns a 16.23 percent interest in the Employer. The Shareholders also own a total of 8.69565 per cent of the Partnership. None of the shareholders is the managing partner of the Partnership and the Partnership's managing partner is Mr. Gilbert Giordano (Giordano), who is not related to the Plan or to the Employer.

2. In October, 1982 the Partnership approved a refinancing of the Building in order to return capital to investors. The Partnership seeks \$700,000 for the refinancing. The Trustees propose the Plan's participation in the refinancing by investing \$350,000 of Plan funds in the Loan of \$700,000 to the Partnership. The Employer is requesting an exemption to permit the Plan's participation in the Loan and to permit the personal guarantees of the Loan by the Shareholders to the extent of the Plan's participation. The other half of the Loan, \$350,000, will be contributed by the Iradj Sadeghian, M.D., P.A. Pension Plan (the Coinvestor), which is unrelated to the Plan and the Employer. The Loan will be secured by a duly recorded second deed of trust (the Second Trust) on the Building. The Plan's participation in the Loan will be further secured by the personal guarantees of the Shareholders, who represent that they have a collective net worth of approximately \$1,000,000, and who will guarantee to the Plan the Partnership's repayment of the Loan to the extent of the Plan's 50 percent participation therein. The Loan will be evidenced by a deed of trust note bearing interest at the rate of 14 percent per annum. The principal of the Loan will be payable in seven annual installments of \$100,000 and interest on unpaid principal will be payable in annual installments at the aforementioned rate. In the event that the legal or equitable title to the Building becomes vested in any entity other than the Partnership, then the full balance of principal and accrued interest shall become immediately due and payable.

3. The Plan and the Coinvestor will enter into a Participation Agreement (the Agreement) defining the respective rights of the Plan and the Coinvestor (the Parties) with respect to the Loan and the Second Trust. Under the Agreement, the Parties will have equal rights and obligations with respect to the Loan and the Second Trust. The Agreement will provide that the Parties

shall each contribute the sum of \$350,000 toward the Loan to the Partnership and that all payments of principal and interest by the Partnership will be divided equally between the Parties. In the event of the Partnership's default in the payment of any one of the required installments, whether principal of interest, the Agreement will provide that either of the Parties has the right to initiate foreclosure of the Second Trust. The Agreement will further provide that any and all expenses incurred in the administration and refinancing of the Loan or in the event of default by the Partnership, where such expenses are not reimbursed, will be borne equally by the Parties. All funds derived from any foreclosure of the Second Trust will be shared equally by the Parties.

4. The Second Trust will be subordinate only to an existing lien (the First Trust) on the Building. The First Trust is payable to Annapolis Federal Savings and Loan Association of Maryland. As of June 30, 1983, the balance due on the First Trust was \$1,800,000 and final payment on the First Trust is due in 1994. The Employer represents that no party associated with the Partnership or the Plan holds any interest in the First Trust.

The Building was appraised on November 29, 1982 by John W. Fincham, M.A.I. (Fincham), an independent professional real estate appraiser whose office is located in Camp Springs, Maryland. Fincham represents that as of that date the Building had a fair market value of \$4,247,000. The Employer represents that, based upon Fincham's valuation of the Building, taking into consideration the outstanding First Trust, the Second Trust will be secured by collateral worth approximately 168% of the Loan. The Employer represents that for the duration of the Loan the Building will be insured against all risks by the Partnership for 100% of its full restoration or replacement costs with the Plan named as a loss payee to the extent of the Plan's interest in the Building.

5. The Trustees have appointed an unrelated Certified Financial Planner, Richard J. Behrer, CPA, CLU (Behrer), of Bethesda, Maryland, to act as an independent fiduciary on behalf of the Plan with respect to the proposed Loan. Behrer represents that he has substantial experience with qualified pension plans and with investments, such as the Loan, which are secured by interests in real property. Behrer has reviewed and analyzed the terms and

conditions of the proposed Loan and the Participation Agreement and represents that the Plan's participation in the Loan would be in the best interests of the Plan. Behrer represents that the Plan's participation in the Loan will provide the Plan with a high rate of return at a very low risk to the Plan, and that the Plan's participation in the Loan will be adequately secured by the personal guarantees of the Shareholders and by the Building. Specifically, Behrer represents that it is not uncommon for first and second liens combined to secure loans of up to 85 percent of the value of the collateral property. The proposed loan will be among loans totalling only 58.9 percent of the Building's value. Throughout the Loan's seven-year term, Behrer will represent the Plan, monitor the Loan's repayment on behalf of the Plan, and take any action necessary to protect the Plan and its participants and beneficiaries in the event of the Partnership's default on the Loan. The Trustees have also appointed as a co-fiduciary on behalf of the Plan with respect to the Plan's proposed participation in the Loan an experienced, professional pension consultant, Alan N. Kanter, Esq. (Kanter), whose office is located in Baltimore, Maryland. Kanter represents that the Plan's proposed participation in the Loan is on terms and conditions which are in the best interests and protective of the participants and beneficiaries of the Plan.

6. In summary, the applicant represents that the statutory criteria of section 408(a) of the Act will be satisfied because: (1) An independent fiduciary appointed by the Trustees has determined that the Plan's participation in the Loan will constitute a favorable investment for the Plan, providing the Plan with a high rate of return at a very low risk, and that it will be in the best interests and protective of the Plan and its participants and beneficiaries; (2) the independent fiduciary will represent the Plan and monitor the repayment of the Loan on behalf of the Plan throughout the Loan's seven-year term; (3) a professional pension consultant, acting as co-fiduciary on behalf of the Plan, has found the Loan to be in the best interests and protective of the Plan; (4) the Loan will be adequately secured by the Building, the value of which represents approximately 168 percent of the total indebtedness secured by the Building; (5) the Building will remain insured against risk of loss by hazard for its full replacement or restoration costs; and (6) the Loan will be further secured

to the extent of the Plan's participation therein by the personal guarantees of the Shareholders, whose combined net worth is represented to be in excess of \$1,000,000.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone, (202) 523-8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

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

Elliot I. Daniel,

Acting Assistant Administrator for Fiduciary Standards, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-7963 Filed 3-22-84; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by April 9, 1984.

ADDRESSES: Send comments to Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, D.C. 20503; (202-395-6880). In addition, copies of such comments may be sent to Ms. Marianna Dunn, National Endowment for the Arts, Administrative Service Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506 (202-682-5464).

FOR FURTHER INFORMATION CONTACT: Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506; (202-682-5464) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION:

Extensions or revisions are requested for current public use reports. Each entry issued by the Endowment contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Title: Basic State Grant Application Narrative Format

Form Number: OMB No. 3135-0027

Frequency of Collections: N/A

Respondents: State Arts Agencies

Use: Collection of information provides

a basis for evaluation of application for funding.

Estimated Number of Respondents: 30

Estimated Hours for Respondents to Provide Information: 330

Title: Fellowship Grant Acceptance Agreement

Form Number: OMB No. 3135-0031

Frequency of Collections: N/A

Respondents: Individuals

Use: To make grant payment to fellowship recipient.

Estimated Number of Respondents: 70

Estimated Hours for Respondents to Provide Information: 350

Title: Jazz Study Fellowship Grant Program

Form Number: OMB No. 3135-0029

Frequency of Collections: On occasion

Respondents: Individuals and small organizations

Use: To establish grant agreement; to monitor and evaluate study activities of fellowship recipient.

Estimated Number of Respondents: 37

Estimated Hours for Respondents to Provide Information: 58

Peter J. Basso,

Director of Administration, National Endowment for the Arts.

[FR Doc. 84-7827 Filed 3-22-84; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

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 utilization facilities, special nuclear materials or source material, notice

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.

Dated this 19th day of March 1984, Bethesda, Maryland.

For the Nuclear Regulatory Commission,
James V. Zimmerman,
Assistant Director, Safeguards, Office of
International Programs.

NRC EXPORT AND IMPORT APPLICATIONS

Name of applicant, date of application, date received and application number	Material type	Material in kilograms		End-Use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Mar. 5, 1984, Mar. 6, 1984, XSNM02125.	19.95 percent enriched uranium.	52,650	10,504	To NUKEM for conversion and manufacturing of fuel elements for various reactors for the RERTB Program.	EURATOM.
Edlow International Co., Mar. 13, 1984, Mar. 14, 1984, XSNM02126.	3.70 percent enriched uranium.	3,780	139.86	Conversion and fabrication and ultimate return to U.S. for use in Sequoyah Unit 2.	United Kingdom.
Westinghouse Electric Corp., Mar. 8, 1984, Mar. 12, 1984, ISNM84002.	3.30 percent enriched uranium.	97,957	3,233	Fuel rods for fabrication into fuel assemblies for use at Seabrook Reactor.	From Belgium.

[FR Doc. 84-7914 Filed 3-22-84; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Export Nuclear Facilities for Materials

Correction

In FR Doc. 84-3955 appearing on page 5705 in the issue of Tuesday, February 14, 1984, make the following correction:

In the table, seventh entry (Transnuclear, Inc.), "XSNM02113 (Amend. 03)" should have read "XSNM01913 (Amend. 03)".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20758; File No. SR-PCC-84-04]

Self-Regulatory Organizations Filing of Proposed Rule Change by the Pacific Clearing Corporation

March 16, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 21, 1984, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends PCC's guidelines for approving foreign and domestic banks and trust companies as issuers of letters of credit for PCC participants fund purposes.¹

¹ In making the amendments, PCC is responding to a January 19, 1984 letter from the Institute of Foreign Bankers, Inc., commenting on certain PCC standards for approving letter of credit issuers. See File No. SR-PCC-83-06, which was approved by the

First, PCC proposes to amend its procedures under Rule XXX, Section 1(b) relating to the approval of issuers. PCC proposes to require that any domestic issuer be regulated and examined by federal or state authorities having regulatory authority over banks or trust companies. This amendment should ensure that financial institutions eligible to be issuers include only those which are regulated and examined for safety and soundness by bank regulatory authorities, regardless of whether those institutions are considered to be "banks" under federal or state law.

Second, the proposal amends PCC's Application for Approval and Agreement of Issuers of Letter(s) of Credit by expanding the classes of eligible foreign issuers. Previously, a non-U.S. institution had to have a "P-1" rating Moody's Investor Service ("Moody's") or an "A-1" rating by Standard & Poor's Corporation ("S&P") for letters of credit issued to support commercial paper or other short-term obligations. If it did not satisfy this requirement, it nonetheless could apply to be an issuer, subject to limiting terms imposed by the PCC board. Under the proposal, a non-U.S. financial institution additionally may qualify as a letter of credit issuer if: (1) Any commercial paper or short-term obligations issued by the foreign institution's parent or an affiliated entity has a "P-1" Moody's rating or an "A-1" S&P rating; (2) any such commercial paper or short-term obligations issued by non-affiliated entities and supported or guaranteed by the non-U.S. institution has such a rating; or (3) the institution, its parent or

Commission in Securities Exchange Act Release No. 20615 (February 1, 1984), 49 FR 4574 (February 7, 1984).

an affiliated entity has an "Aaa" Moody's rating or a "AAA" S&P rating on its long-term obligations.² PCC States that without the proposal's modifications, many large, well-capitalized foreign financial institutions would be unable to qualify as letter of credit issuers.

PCC states that the proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934, as amended. In particular, PCC believes that the proposed rule change furthers Sections 17A(b)(3) (A) and (F) of the Act, in that it assures the safeguarding of securities and funds in the custody or control of PCC or for which PCC is responsible, by improving the standards for acceptance of letters of credit.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-PCC-84-04.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed

² These additional PCC standards are based on those discussed in Securities Exchange Act Release No. 19954 (July 18, 1983), 48 FR 33578 (July 22, 1983) (File No. SR-OCC-83-13).

rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

(FR Doc. 84-7948 Filed 3-22-84; 8:45 am)

BILLING CODE 8010-01-M

[Release No. 23249; 70-6961]

Connecticut Light and Power Co. et al.; Hearing

March 19, 1984.

In the Matter of The Connecticut Light & Power Co., Selden Street, Berlin, Conn. 06037; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass. 01089; Proposal for pollution control financing; exception from competitive bidding.

The Connecticut Light and Power Company ("CL&P") and Western Massachusetts Electric Company ("WMECO"), electric utility subsidiaries ("Companies") of Northeast Utilities, a registered holding company, have filed an application-declaration pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

In order to meet certain environmental protection standards the Companies must acquire, construct, and install all or portion of the radioactive waste treatment systems and structures, non-radioactive waste treat systems, the pumphouse screenwash system, the sanitary system and the oily waste collection system ("Facilities") in connection with the Millstone Unit 3 nuclear electric generating station. CL&P and WMECO own 52.6115% and 12.2385%, respectively, of the Facilities. In connection therewith CL&P and WMECO propose to execute Financing Agreements ("Financing Agreements") with the Connecticut Development Authority ("Issuer") which would issue pollution control revenue bonds ("Bonds") in the principal amount of not more than \$101,250,000 for CL&P Facilities and \$23,750,000 for WMECO Facilities. The Bonds would be issued under separate CL&P and WMECO

Indentures ("Indentures"), between the Issuer and a Trustee ("Trustee"). Pursuant to the Financing Agreements, the Issuer would loan to CL&P and WMECO the proceeds of the Bonds, and CL&P and WMECO would agree to make payments corresponding to the amounts needed to pay the principal, interest and premium, if any, on the Bonds as they became due.

The Financing Agreements and the Indentures would provide that monies receivable from CL&P and WMECO by the Issuer under the Financing Agreements are to be pledged and assigned to the Trustee. The Financing Agreements would also obligate CL&P and WMECO to pay the fees and charges of the Issuer and the Trustee.

The proceeds of the Bonds would be deposited with the Trustee. From a construction fund established under the Indentures, CL&P and WMECO would draw the proceeds of the Bonds to pay, or to reimburse the Companies for, a portion of the cost of acquiring, constructing and installing the Facilities.

The Bonds would be issued with a variable interest rate as either Floating Rate Demand Notes ("FRDN"), Annual Tender Bonds or 3-year Tender Bonds. With these types of securities the Companies and the Trustee would enter into Remarketing Agreements with one or more Remarketing Agents.

In order to obtain the benefit of high quality bond ratings for the Bonds, CL&P's and WMECO's obligations under the Financing Agreements would be secured by separate irrevocable standby letters of credit ("Letter of Credit") to be issued in favor of the Trustee in an amount equal to the principal amount of the Bonds plus an amount which would cover (i) one to seven months' interest on FRDN or seven months' interest on an Annual Tender Bond up to an assumed maximum 20 percent interest rate and (ii) to the extent not required for interest on the Bonds, amounts sufficient to reimburse the Issuer, the Trustee and the Remarketing Agents for costs that might be incurred if it were necessary to enforce their right under the various agreements. Pursuant to separate agreements ("Reimbursement Agreements"), CL&P and WMECO would agree to repay all amounts that are drawn under the Letter of Credit as well as certain fees and expenses. Delivery of the Letter of Credit would obtain for the Bonds a rating equivalent to the credit rating of that bank. The maturity of the Letter of Credit would be ten years from the date of issuance, but could be extended.

Upon the issuance of the Letter of Credit, CL&P and WMECO would pay the placement agents, a one-time fee of

up to one and one-quarter per cent of the principal amount of the Bonds. So long as the Letter of Credit remains outstanding, CL&P and WMECO would be obligated to pay a letter of credit commission at a rate of not more than .75 per cent per annum payable quarterly in arrears on the amount available to be drawn under the Letter of Credit.

The Remarketing Agreement would provide that the Bonds would mature in not more than thirty years from the date of issuance, subject to the availability of the Letter of Credit and certain other conditions. Interest on the FRDN would be payable monthly or quarterly and for Annual Tender Bonds, it would be payable semi-annually in arrears unless the Bonds are converted to a fixed interest rate. The variable interest rate would be determined by the Remarketing Agent, in its sole discretion, and would be based on a 30-day (for FRDN) or one-year (for Annual Tender Bonds) yield evaluations at par of the securities of not less than 10 issuers of tax-exempt securities of the highest credit rating ("Kenny Index").

If FRDN were issued, the interest rate would be set either weekly, monthly or semi-annually. It would be based on the most recently published Kenny index. The Remarketing Agent would set the rate at the lowest level which would, in its judgment, having due regard for prevailing market conditions, produce, as nearly as practicable, a par bid for the Bonds. To facilitate this goal the Remarketing Agent would have the authority to adjust the interest rate on the Bonds within a range of twenty percent above and twenty percent below the most recently published Kenny index.

If Annual Tender Bonds were issued, the interest rate would be set annually, based on the Kenny index of one-year yield evaluations at par of issuers of comparably rated tax-exempt securities. If 3-year Tender Bonds were issued the interest rate would initially be set for three-year period. The Remarketing Agent would have the authority to adjust the interest rate on the Bonds within a range of twenty percent above and twenty percent below the most recently published annual Kenny index to produce as nearly as practicable a par bid for the Bonds.

Each bondholder would have the option of tendering to the Remarketing Agent any event multiple of not less than \$50,000 principal amount of the FRDN and \$5,000 principal amount of Annual Tender Bonds for purchase. For FRDN the bonds may be presented to the Remarketing Agent at least seven

days prior notice. The Annual Tender Bonds may be presented to the Remarketing Agent once a year during a period lasting approximately 15 days which would begin approximately 30 days before an interest payment date. The Remarketing Agent would be obligated, upon receiving notice of a bondholder's intention to present its Bonds for purchase, to use its best efforts to secure other purchasers of Bonds having a principal amount equal to the principal amount of the bonds being tendered. The proceeds from any such new purchases of Bonds ("remarketing") would be used to pay the tendering bondholders the principal amount of and the accrued interest on the Bonds being tendered. Federal funds are to be used for all redemption and remarketing transactions. The Bonds, once tendered, would be held by the Trustee (or by a co-registrar) and the Remarketing Agent would continue to seek other purchasers for the tendered Bonds.

If the Remarketing Agent is unsuccessful in securing a purchaser for the tendered Bonds, the Trustee may draw upon the Letter of Credit for the funds required to pay the tendering bondholder the principal and accrued interest on the tendered Bonds.

On a one-time basis, the Companies could request that the Issuer alter the original terms of the Bonds to convert them from floating interest rates to a fixed interest rate. At the time of the proposed conversion, CL&P and WMECO would consider the necessity of procuring a Letter of Credit for the remaining term of the Bonds. The fixed interest rate on the Bonds would be determined at the time of the conversion and would be based upon yield evaluations at par of the securities of 20 issuers of tax-exempt securities having (i) a rating by Moody's Investors Service, Inc. or Standard & Poor's Corporation in the same category as the senior long-term unsecured debt of the particular Company or (at the Company's option) as of the bank providing the Letter of Credit and (ii) maturities equal to the remaining term of the Bonds. If the Companies were to exercise this right, the application-declaration would be amended to seek the Commission's approval of the fixed interest rate.

So long as the Bonds have a variable interest rate the Bonds would be redeemable at the election of the Issuer (to be exercised pursuant to the direction of the Companies), in whole or in part, at any permitted time, at a price of 100 percent of the principal amount of the Bonds to be redeemed, plus accrued

interest. If the Bonds have been converted to a fixed-interest rate, the Bonds would be redeemable at the election of the Issuer (to be exercised pursuant to the direction of the Companies) in whole or in part at redemption prices to be determined and indicated in the Indentures.

CL&P and WMECO have elected to issue variable rate securities because of the significant interest savings (an estimated 450 to 600 basis points) under current market conditions that they expect to derive from the variable rates and because of the flexibility that the security offers. The flexibility of affording the Companies the right to direct the Issuer to redeem the Bonds at par when permitted upon 30 days notice and the Companies' option to request the Issuer to convert the Bonds to long-term fixed rate securities also make variable rate securities highly attractive.

The Bonds must be redeemed with accrued interest but without premium generally, in whole and not in part: (i) At CL&P's and WMECO's option if certain extraordinary events shall have occurred; (ii) if a determination is made that the interest on the Bonds is taxable for federal income tax purposes; and (iii) if a default were declared under the Indentures, the principal of all outstanding Bonds could be declared due and payable as provided in the Indentures.

The funds to be derived by CL&P and WMECO from loans under the financing Agreements would be applied to paying for reimbursing the Companies for their ownership shares of certain costs of the Facilities and to defray certain costs associated with this financing.

The Companies have requested that the Financing Agreements be excepted from the requirements of Rule 50 as inappropriate because the interest rate on such borrowings will be determined by reference to an issuance of securities (the Bonds) by the Issuer in a transaction which is not subject to the provisions of the Act.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 12, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of

fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7942 Filed 3-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13827; 812-5758]

Convertible Yield Securities, Inc., et al., Hearings

March 16, 1984.

In the matter of Convertible Yield Securities, Inc., High Yield Securities, Inc., the Greenway Fund, Inc., and A I M Distributors, Inc., Eleven Greenway Plaza, Suite 1919, Houston, TX 77046; Filing of application for an order pursuant to section 6(c) of the act exempting applicants from the provisions of section 22(d) of the act and rule 22d-1 thereunder.

Notice is hereby given that Convertible Yield Securities, Inc., High Yield Securities, Inc., and The Greenway Fund, Inc. ("Funds"), registered under the Investment Company Act of 1940 ("Act") as open-end, diversified, management investment companies, and A I M Distributors, Inc. ("Distributor"), the principal underwriter of the Funds' shares (collectively with the Funds, "Applicants") filed an application on January 25, 1984, and an amendment thereto on March 14, 1984, for an order, pursuant to section 6(c) of the Act, exempting them and any Funds which Distributor may offer in the future from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the extent necessary to permit sales without a sales charge of Funds' shares, and of any funds which may in the future become one of the Funds offered with a sales charge by Distributor, to (a) any officer, director, trustee, general partner or employee of any investment company for which A I M Advisors, Inc. ("Advisor") acts as investment adviser, (b) any investment advisory, agency, custodial or trust account managed or administered by Advisor, A I M Management, Inc. ("Management") or A I M Capital Management, Inc. ("Capital") and (c) any officer, director, or employee of Management, Advisor, Capital or Distributor (including any employee benefit plan established for

such employees). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the complete text of the applicable provisions.

Applicants state that Advisor, a Delaware corporation, is the investment adviser for the Funds. Management, the parent of Advisor and Capital, is also the parent corporation of Distributor, a Delaware corporation and the Funds' principal underwriter. The application indicates that Advisor and Distributor serve the Funds pursuant to written advisory and distribution contracts, respectively, with the Funds, and that the Funds have been and are now currently engaged in the continuous public offering of their shares through Distributor as the principal underwriter at the public offering prices set forth in their respective prospectuses. Applicants further state that the funds are sold through independent broker/dealers, and that the sales charge is designed to compensate these broker/dealers and their individual sales representatives for the effort put forth in making the customer contact, presenting the product, and securing the purchase of shares of one or more of the Funds.

Applicants propose to permit (a) any officer, director, trustee, general partner or employee of any investment company for which Advisor acts as investment adviser, (b) any investment advisory, agency, custodial or trust account managed or administered by Advisor, Management or Capital, and (c) any officer, director, or employee of Advisor, Management, Capital or Distributor (including any employee benefit plan established for such employees) to purchase shares of the Funds, and of any other registered investment companies which may hereafter be offered with a sales charge by Distributor for initial and subsequent investment, at the net asset value without the imposition of the sales charge otherwise applicable. The terms "officer", "director", "trustee", "general partner" or "employee" shall include any such person's spouse and minor children, and also include retired officers, directors, trustees, general partners and employees and their spouses and minor children (Collectively, all of the above persons to whom offers and sales without a sales charge are proposed to be made may be referred to herein as "Advisory Offerees").

The application indicates that under an order of exemption entered by the

Commission ("Prior Order") on October 28, 1982 (Investment Company Act Release No. 12767), the qualified employees profit-sharing plan covering all of Management's employees may purchase shares of the Funds at net asset value and without a sales charge under certain conditions set forth in the Prior Order. Applicants state that, in addition, pursuant to Rule 22d-1(i), shares of the Funds, which are parties to this application, may be sold at net asset value, subject to certain conditions, to directors or officers of the Funds and to officers, directors, employees or sales representatives of Advisor or Distributor, or to any trust, pension, profit-sharing or any other benefit plan established for any of such persons, provided that these sales are made for investment purposes and that the shares will not be resold except through repurchase or redemption by or on behalf of the Fund. The term "employees" as defined include an employee's spouse and minor children and retired employees.

Applicants state that Capital provides advisory services to corporations, institutions and private accounts and has approximately \$160 million in investments under management. However, Applicants assert that the management of small accounts is not practical because of difficulties in providing adequate portfolio diversification and because management costs are relatively high in relation to the size of the account. Applicants assert that investment companies such as the Funds would provide a very suitable alternative investment medium for such accounts, and that the flexibility of investment in the Funds, the detailed recordkeeping provided the investor, and other factors also make the Funds appropriate investment vehicles for larger accounts as well.

Applicants further assert that the ordinary selling expense which is incurred (i) by Distributor directly in calling upon broker/dealers and otherwise helping such firms to seek out and personally contact prospective investors and (ii) by such broker/dealers will not be incurred with respect to any of the types of sales covered by the application. Administrative and processing costs are expected to be minimal, and no extraordinary or distribution costs will be borne by the Funds.

Applicants submit that the sale of shares of the Funds at net asset value to Advisory Offerees may conflict with the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder.

Nevertheless, Applicants assert that investment by Advisory Offerees in shares of the Funds at net asset value pursuant to a uniform offer described in the prospectuses and statements of additional information of the Funds would not be inconsistent with the purposes underlying Section 22(d) of the Act. Specifically, Applicants argue that such purchases will not result in any unfair discrimination between purchasers of shares of the Funds.

Applicants represent that the proposed sales to Advisory Offerees would result in substantial economics sales effort and sales-related expense as compared with other sales in the normal channels of distribution. Advisory Offerees who are officers, directors or employees of Management, Advisor, Capital or Distributor (and, of course, those who are officers, directors, trustees, general partners or employees of registered investment companies), and Advisory Offerees who are investment advisory accounts of Management, Advisor or Capital, have or should have a basic understanding of the nature of an investment in an investment company as well as general familiarity with the Funds. Applicants submit that the common tie through Management and its three subsidiaries is the basis for a unique relationship of the Advisory Offerees to the Funds, and that substantial equities exist in favor of selling shares of the Funds to these Offerees without a sales charge since the customary selling expense would not be incurred by the Funds or the principal underwriter in connection with these sales.

Applicants state that no individual or in-person group sales solicitations or presentations concerning the Funds will be made. Advisory Offerees who are employees of Advisor, Management, Capital or Distributor ("Affiliated Employees") will at least annually receive a notice at their employer's expense concerning the availability of shares of the Funds at their net asset value. Applicants represent that this notice will describe the Funds and their investment objectives, indicate that investments would be at net asset value and detail the methods by which investments could be made. The notice will also indicate where additional information concerning the Funds can be obtained. A copy of the appropriate prospectus/es would be furnished prior to the time any Affiliated Employees would make an initial investment in a Fund. Applicants state further that each prospectus and related statement of additional information for the Funds will contain appropriate disclosure

concerning the ability of Affiliated Employees to make an investment in a Fund without a sales charge.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 9, 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 Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7938 Filed 3-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13828; 812-5737]

**Greater Washington Investors, Inc.;
Application for Order Exempting
Applicant**

March 18, 1984.

Notice is hereby given that Greater Washington Investors, Inc. ("Applicant"), 5454 Wisconsin Avenue, Chevy Chase, Maryland 20815, a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 23, 1983, and an amendment thereto on January 20, 1984, requesting a Commission order (1) pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Sections 18(d), 21(b), 23(a) and 23(b) of the Act, (2) pursuant to Section 17(b) of the Act, exempting Applicant from the provisions of Section 17(a)(3) of the Act, and (3) pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, permitting certain proposed transactions. The requested order would permit Applicant to maintain a stock option plan and grant options thereunder to its officers and key employees and to lend purchase money for the underlying stock upon exercise of such options. 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 the provisions cited in the application.

Applicant states that it is a venture capital investment company and a small business investment company licensed under the Small Business Investment Act of 1958. Applicant further states that it has outstanding 2,948,257 shares held by approximately 3,000 shareholders and that Applicant's assets are valued at approximately \$27.7 million. Applicant states that for many years it was subject to federal taxation as a regulated investment company under Section 851(a)(1) of the Internal Revenue Code (the "Code"). Applicant states further that, in October 1981, after passage of the Small Business Investment Incentive Act of 1980, Applicant elected to be regulated as a business development company in accordance with Section 54(a) of the Act. It is stated that Section 851 of the Code does not apply to business development companies and, as a result, the favorable tax treatment available to regulated investment companies under Subchapter M, Part I of the Code ("Subchapter M") is not available to such companies.

Applicant states that, in 1981, when it became a business development company, it had tax loss carryforwards available to it. Applicant states that it exhausted its tax loss carryforwards in 1983, and that it is in the best interests of Applicant's shareholders to have the provisions of Subchapter M apply to Applicant beginning in 1984. Accordingly, on December 23, 1983, Applicant withdrew its election to be a business development company under the Act.

Applicant states that it intends to become a business development company again if the Code is amended to permit such elections without the loss of Subchapter M treatment. Applicant maintains that it conducts its business so as to qualify as a business development company and that it intends to continue to conduct its operations and maintain its investment portfolio as if it were a business development company under the Act.

Applicant states that upon electing to be a business development company, Applicant adopted a stock option plan (the "Plan") in accordance with Section 61(a)(3)(B) of the Act. Applicant states further that the Plan has continued in effect, although its operation has been suspended by Applicant's Board of Directors (the "Board") pending consideration of the application. Applicant states that the Plan is administered by the Board, a majority of

whose members are not "interested persons" as defined in Section 2(a)(19) of the Act. Applicant states that one member of the Board, who is also an officer of Applicant, has a financial interest in the Plan. Applicant states that the Board approved continuation of the Plan to enable Applicant to retain talented and experienced key employees familiar with the venture capital business and to attract other talented employees by enabling them to obtain an equity interest in Applicant as well as to provide additional incentive to obtain appreciation in Applicant's common stock. Applicant states that, in furtherance of these purposes, the Board may from time to time consider amendments to the Plan, including, subject to shareholder approval, amendments to increase the number of shares subject to the Plan.

Applicant states that, subject to limitations contained in the Plan, the Board determines the officers and other key employees to whom options will be granted, the number of shares covered by each option, the term of the option and limitations on the exercise thereof. Applicant states further that the specific issuance or grant of each option will be approved by a majority of the Board as defined in Section 57(o) of the Act. Applicant states further that, in approving an option for a Plan participant, the Board considers whether such option is in the best interests of Applicant and its stockholders. The Board also considers the then-present value of any options previously granted to such officer or key employee and the magnitude of the potential dilution of the pro rata interests of existing shareholders. Applicant represents that the potential for dilution is presently minimal because a maximum of 2.5% of Applicant's shares is subject to the Plan, and in any event, the option exercise price will be no less than 85% of the per-share net asset value of Applicant's common stock.

Applicant states that the Plan permits the grant of options covering 75,000 shares of Applicant's common stock. It is further stated that such shares constitute 2.5% of Applicant's outstanding shares and that options covering 71,000 shares have been granted to Applicant's officers and key employees.

Applicant states that the purchase price of shares under each option must be the higher of (a) the fair-market value of Applicant's common stock at the time the option is granted, or (b) 85% of the per-share net asset value as of the most recent determination of such value by Applicant's Board prior to the time the

option is granted. The Plan provides that "fair market value" shall be the mean between the highest bid and lowest asked prices of Applicants' shares as quoted on the Automated Quotation System of the National Association of Securities Dealers, Inc. for the date in question. Applicant represents that the Plan requires pricing the shares underlying the options in the manner prescribed by Section 63 of the Act.

According to Applicant, the purchase price to be paid upon exercise of each option must be paid in cash except that the Board of Directors may authorize Applicant to make a loan of the purchase price provided that the terms of any such loan must comply with Sections 57(j) and 62 of the Act. Applicant states that the Plan provides that all options issued pursuant to the Plan will have a term not to exceed ten years from the date the options are granted. It is stated that options granted under the Plan are not transferable by the option holders except by will or the laws of descent and distribution. Applicant states that the Plan limits the aggregate fair market value of the stock for which a person may be granted options in any calendar year to \$100,000 plus any unused limit carryover to such year, and provides that an option under the Plan may not be exercised by an optionee while there is outstanding any stock option previously granted to such optionee under the Plan.

Applicant states that, under the Plan, all rights to exercise options shall terminate sixty days after an optionee ceases to be an employee of Applicant for any cause other than death, disability or retirement. Applicant states further that, if an optionee should retire or become disabled without having fully exercised an option, the optionee may exercise such option during the balance of its term within such period as may have been provided at the time of grant. If an optionee dies before the exercise of an option, the option shall be exercisable by the optionee's executors, administrators, legatees or distributees during the balance of its term but in no event more than one year after the optionee's death.

According to the application, continuing the Plan and lending purchase money to optionees acquiring the underlying stock would violate the provisions of Sections 17(a)(3), 18(d), 21(b), 23(a) and 23(b) of the Act, absent a Commission order. Also, because Applicants' key employees and officers are affiliated persons of Applicant, the operation of the Plan may be deemed to be a joint enterprise within the meaning of Section 17(d) of the Act and Rule 17d-1 thereunder.

Applicant asserts that the requested relief meets the standards of Section 6(c) of the Act. It is asserted that Congress has recognized that stock option plans are consistent with the public interest by enactment of Section 61(a)(3)(B) of the Act and that the Plan is consistent with the provisions of that section. Applicant believes that giving its key employees a proprietary interest in Applicant and an opportunity to achieve profits taxable at the favorable capital gain rate (as, for example, authorized by Section 422A of the Code) will motivate such employees to benefit shareholders by causing Applicant's common stock to appreciate. Moreover, Applicant asserts that to deny the Plan to Applicant would prevent it from being competitive in attracting and retaining capable management and would work to the detriment of Applicant's shareholders. Applicant asserts that, because it will again elect to be a business development company when doing so will not result in the loss of Subchapter M treatment, an undue hardship would be imposed on Applicant, its officers, Key employees and shareholders if Applicant were forced to abandon the Plan until favorable tax legislation is enacted. Applicant asserts that it should be permitted to continue operation of the Plan as if it were a business development company under the Act.

Applicant asserts that the terms of the Plan and granting of options thereunder also satisfy the standards of Section 17(d) of the Act and Rule 17d-1 thereunder because the Plan is consistent with the provisions, policies and purposes of the Act, and Applicant's participation under the Plan is not on a basis less advantageous than that of the other participants. Applicant asserts that because it is the grantor of the options, and the "required majority" (within the meaning of Section 57(o) of the Act) of the Board must authorize each option, Applicants' participation is on a basis more advantageous than that of the optionees.

Applicant further asserts that the requirements of Section 17(b) of the Act are met. Applicant states that the purchase price of the stock (which may be loaned to optionees) upon exercise of options granted pursuant to the Plan is the higher of the fair market value of the stock or 85% of the net asset value of the stock at the time the option was granted. Applicant asserts that the price is not unreasonable or unfair and does not involve overreaching by anyone. Applicant further asserts that the operation of the Plan and any loans to participants pursuant to the Plan are not inconsistent with Applicant's investment policy as recited in this

registration statement and reports filed with the Commission.

As a condition to the granting of the order, Applicant undertakes to comply with the following:

(1) Applicant will elect to become a business development company as soon as reasonably practicable after the Code is amended to permit Applicant to retain its status as a regulated investment company following such election.

(2) Applicant will not have a profit sharing plan as described in Section 57(n) of the Act while the Plan is in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 10, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7939 Filed 3-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20752; File No. SR-AMEX-84-7]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Disciplinary Action

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 24, 1984, the American Stock Exchange Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Rule 345 to permit summary disciplinary proceedings to be brought against employees of a member or member organization. The Exchange also proposes to delete Rule 521, which requires members to notify the Exchange of any disciplinary action taken against them. Rule 521 should have been repealed in 1980 when this requirement was restated in a uniform format in connection with amendments occasioned by the SEC's Options Study.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. 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 the Statutory Basis for, the Proposed Rule Change

(a) *Purpose.* Article V of the Constitution permits the Exchange to bring either a summary or formal disciplinary proceeding against a member, member organization or approved person. Summary proceedings are heard by a Disciplinary Committee consisting of three Exchange Officials and are intended to provide an expedited procedure to redress minor or technical violations of the Exchange's Constitution and Rules. All other disciplinary matters are the subject of formal charges which are presented before a Disciplinary Panel. Sanctions in summary proceedings are limited to a censure and/or a fine not to exceed \$2,500, and a respondent has no right to appeal from the determinations of a Disciplinary Committee. Since its adoption in 1972, the summary hearing procedure has provided the Exchange with a fair and effective system for dealing with minor rule infractions.

However, Exchange Rule 345, which sets forth the disciplinary procedures for member or member firm employees who are not members or approved persons, only provides for the commencement of

formal disciplinary proceedings. The Administration believes that similar efficiencies could be achieved if Rule 345 were amended to permit the Exchange to institute *summary* proceedings against member firm employees. Summary proceedings would be appropriate, for example, when the violation was inadvertent rather than intentional, a first-time rather than repeat violation, or a technical violation not involving public customers.

(b) *Basis.* The proposed rule changes are consistent with Section 6(b) of the Act in general and further the objectives of Sections 6(b)(6) and 6(b)(7) in particular by providing a mechanism for the appropriate discipline of members and persons associated with members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed Rule 345 change sets forth an internal procedure to redress minor or technical Exchange violations. The proposed Rule 521 deletion is a technical correction of Exchange rules. Neither change imposes nor relieves any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed

with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th 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 within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 14, 1984.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7937 Filed 3-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20755; File No. SR-PSDTC-84-04]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Pacific Securities Depository Trust Company

March 15, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 21, 1984, the Pacific Securities Depository Trust Company ("PSDTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends PSDTC's rules and procedures for approving foreign and domestic banks and trust companies as issuers of letters of credit for PSDTC participants fund purposes.¹ First, PSDTC proposes to amend its procedures, with respect to Article XI, Section 11.1, relating to the approval of issuers. PSDTC proposes to require that any domestic issuer be regulated and examined by Federal or State authorities having regulatory

¹ In making these amendments, PSDTC is responding to a January 19, 1984 letter from the Institute of Foreign Bankers, Inc., commenting on certain PSDTC standards for approving letter of credit issuers. See File No. SR-PSDTC-83-11, which was approved by the Commission in Securities Exchange Act Release No. 20816 (February 1, 1984), 49 FR 4576 (February 7, 1984).

authority over banks or trust companies. This amendment should ensure that financial institutions eligible to be issuers include only those which are regulated and examined for safety and soundness by bank regulatory authorities, regardless of whether those institutions are considered to be "banks" under Federal or State law.

Second, the proposal amends PSDTC's Application for Approval and Agreement of Issuers of Letter(s) of Credit by expanding the classes of eligible foreign issuers. Previously, a non-U.S. institution had to have a "P-1" rating from Moody's Investor Service ("Moody's") or an "A-1" rating by Standard & Poor's Corporation ("S&P") for letters of credit issued to support commercial paper or other short-term obligations. If it did not satisfy this requirement, it nonetheless could apply to be an issuer, subject to limiting terms imposed by the PSDTC board. Under the proposal, a non-U.S. financial institution additionally may qualify as a letter of credit issuer if: (1) Any commercial paper or short-term obligations issued by the foreign institution's parent or an affiliated entity has a "P-1" Moody's rating or an "A-1" S&P rating; (2) any such commercial paper or short-term obligations issued by non-affiliated entities and supported or guaranteed by the non-U.S. institution has such a rating; or (3) the institution, its parent or an affiliated entity has an "Aaa" Moody's rating or a "AAA" S&P rating on its long-term obligations.² PSDTC states that without the proposal's modifications, many large, well-capitalized foreign financial institutions would be unable to qualify as letter of credit issuers.

PSDTC states that the proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934, as amended. In particular, PSDTC believes that the proposed rule change furthers Sections 17A(b)(3) (A) and (F) of the Act, in that it assures the safeguarding of securities and funds in the custody or control of PSDTC or for which PSDTC is responsible, by improving the standards for acceptance of letters of credit.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date

² These additional PSDTC standards are based on those discussed in Securities Exchange Act Release No. 19954 (July 18, 1983), 48 FR 33578 (July 22, 1983) (File No. SR-OCC-83-13).

of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-PSDTC-84-04.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7941 Filed 3-22-84; 8:45 am]
BILLING CODE 8010-01-M

[File No. 1-3132]

Self-Regulatory Organizations; Indianapolis Power & Light Co.; Unlisted Trading Privileges

March 16, 1984.

In the Matter of Indianapolis Power & Light Company, 4% Cumulative Preferred Stock, \$100 Par Value; Securities Exchange Act of 1934, Section 12(d); Application to Terminate Unlisted Trading Privileges.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(f) of the Securities and Exchange Act of 1934 ("Act") and Rule 12(f)(3) promulgated thereunder, to withdraw the specified security from unlisted trading privileges on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for terminating unlisted trading privileges include the following:

Indianapolis Power & Light Company has determined to terminate unlisted trading privileges in the above stock on the Amex because of a very nominal and inadequate amount of trading that does not justify the expense of maintaining such unlisted trading

privileges. The Amex has posed no objection in this matter.

Any interested person may, on or before April 6, 1984, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7940 Filed 3-22-84; 8:45 am]
BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

Privacy Act for 1974; System of Records; Proposed Revision of Routine Uses

AGENCY: Selective Service System.

ACTION: Proposed revision of a System of Records.

SUMMARY: The Selective Service System proposes to revise a system of records by adding a routine use. The System pertains to information on the Registration Card Furnished by a registrant who registers after 1979.

Comment Date: Comments are due on or before April 23, 1984.

ADDRESS: Selective Service System, Attn: Management Services, Washington, D.C. 20435.

FOR FURTHER INFORMATION CONTACT: David A. Cox, Associate Director, Management Services, Selective Service System, Washington, D.C. 20435. Phone (202) 724-0872.

SUPPLEMENTARY INFORMATION: This System of Records (System Number SSS-10) appears at 45 FR 30587 (May 8, 1980) and was revised at 47 FR 8117 (February 24, 1982).

The proposed addition of a routine use of records maintained in the system, including category of user and the purpose of such use will read as follows: Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 *et seq.*)

March 19, 1984.

Thomas K. Turnage,

Director of Selective Service.

[FR Doc. 84-7792 Filed 3-22-84; 8:45 am]

BILLING CODE 8015-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirement Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish notice in the *Federal Register* that the agency has made such a submission.

DATE: Comments must be received on or before April 27, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

Copies: Copies of the proposed survey, the request for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538;

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

Information Collection Submitted for Review:

Title: Survey of Research Capabilities for Historically Black Colleges and Universities

Frequency: One time, nonrecurring
Description of Respondents: Black Colleges and Universities

Annual Responses: 57

Annual Burden Hours: 57

Type of Request: New

Dated: March 16, 1984.

Elizabeth M. Zaic,

Chief, Information Resources Management Branch, Small Business Administration.

[FR Doc. 84-7878 Filed 3-22-84; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 12-E]

Redelegation of Investment Activities; Director, Office of Investment etc.

I. Pursuant to the authority delegated to the Deputy Associate Administrator for Investment in Delegation No. 12-B (published in this issue of the *Federal Register*) authority relating to investment activities is hereby redelegated as follows:

A. Director, Office of Investment

To take any and all actions necessary to carry out the provisions of Title I, II, and III (with the exception of Section 310 of Title III) of the Small Business Investment Act of 1958, as amended, and the regulations thereunder as amended from time to time, except for final approval of applications for licensing, funding, and transfer of licenses, revocation of licenses, and all matters of first impression having significant impact on policy; including without limitation all necessary action in connection with making, servicing, administration, collection and sale of partially or fully disbursed SBIC related loans, obligations and property (real, personal or mixed, tangible, or intangible) held by or assigned to SBA and arising out of activities under said Act, and, in connection therewith to accept or reject offers for cash, excepting however, all settlement agreements and, liquidation type action and activities.

B. Director, Office of Special Guarantees

To take any and all actions necessary to carry out the provisions of Titles I and IV of the Small Business Investment Act of 1958, as amended, and the regulations thereunder as amended from time to time, except for final approval of agreements with sureties and applications for Pollution Control Financing Guarantees and all matters of first impression having significant impact on policy; including the following:

1. Lease Guarantee Activities

a. To take all necessary actions in connection with the administration and servicing of lease guarantees.

b. To process claims arising under lease guarantees.

2. Surety Bond Guarantee Activities

a. To guarantee sureties of small business against portions of losses resulting from breach of bid, payment or performance bonds on contracts up to the statutory limit.

b. To approve or decline all claim reimbursement requests from participating surety companies on contract defaults bonded with SBA guarantees.

c. To take all necessary actions in connection with establishing SBA loss reserves for potential liability on contract defaults under guaranteed bonds.

d. To negotiate agreements with sureties and revisions thereto for final approval of the DAA/I.

e. To approve or decline applications for guarantees received from participating surety and/or insurance companies.

f. To take all necessary actions in connection with the servicing, administration, collection and payment of claims arising under surety bond guarantees upon default.

g. To make size and eligibility determinations for the purposes of the surety bond guarantee program.

3. Pollution Control Financing Guarantee Activities

a. To decline or recommend approval of applications for pollution control financing guarantees authorized to be made by the Agency including reconsiderations thereof and to execute commitments and modifications thereto and guarantees pertaining to such financing.

b. To determine eligibility and make size determinations of applicants for pollution control financing guarantees.

c. To take all necessary actions in connection with the servicing, administration, collection and payment of claims arising under the guarantees upon default of the small business.

d. To negotiate participation agreements with qualified companies and revisions thereto for final approval of the DAA/I.

e. To approve the investment of funds in the pollution control guarantee fund not needed for payment of operating expenses or for the payment of claims arising under the pollution control financing program in bonds or other obligations of, or other obligations guaranteed as to principal and interest by, the United States.

4. To amend, suspend or revoke authority delegated to any position listed below.

C. Special Assistant to Director, Office of Special Guarantees

1. To take all necessary actions in connection with the administration and servicing of lease guarantees.
2. To process claims arising under lease guarantees.

D. Chief, Surety Bond Guarantee Branch

1. To guarantee sureties of small business against portions of losses resulting from the breach of bid, payment or performance bonds on contracts up to the statutory limit.
2. To approve or decline all claim disbursement requests from participating surety companies on contract defaults bonded with SBA guarantees.
3. To take all necessary actions in connection with establishing SBA loss reserves for potential liability on contract defaults under guaranteed bonds.
4. To negotiate agreements with sureties and revisions thereto for final approval of the DAA/I.
5. To approve or decline applications for guarantees received from participating surety and/or insurance companies.
6. To take all necessary actions in connection with the servicing, administration, collection and payment of claims arising under surety bond guarantees upon default.
7. To make size and eligibility determinations for purposes of the surety bond guarantee program.

E. Claims Supervisor, Surety Bond Guarantee Branch

1. To approve or decline claim reimbursement requests not exceeding \$24,999.99 from participating surety companies on contract defaults bonded with SBA guarantees.
2. To take all necessary actions connected with the surety's accountability to SBA for, and payment to SBA of, its share of surety's recoveries from Bond indemnitors on defaulted contracts.

F. Chief, Pollution Control Finance Guarantee Branch

1. To decline or recommend approval of applications for pollution control financing guarantees authorized to be made by the Agency including reconsiderations thereof and to execute commitments and modifications thereto and guarantees pertaining to such financings.
2. To determine eligibility and make size determinations of applicants for pollution control financing guarantees.
3. To take all necessary actions in connection with the servicing,

administration, collection and payment of claims arising under the guarantees upon default of the small business.

4. To negotiate participation agreements with qualified companies and revisions thereto for final approval of the DAA/I.

II. This redelegation does not authorize anyone serving in the above positions:

A. To sell any primary obligations or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereof.

B. To deny liability of the Small Business Administration under terms of participation or guaranty agreement, or to initiate a suit for recovery from a participation or guaranty agreement.

C. To accept or reject a compromise settlement of an indebtedness owned to the Agency for a sum less than the amount due thereon. (Authority for compromise settlements is delegated to the Central Office Claims Review Committee, see Delegation of Authority 12A.)

III. The authority delegated herein may not be redelegated.

IV. The authority delegated herein may be exercised by any SBA employee officially designated as Acting in that position.

EFFECTIVE DATE: March 23, 1984.

Dated: March 16, 1984.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 84-7879 Filed 3-22-84; 8:45 am]
BILLING CODE 8025-01-M

[Delegation of Authority No. 12-B; Revision 2]**Redelegation of Investment Activities; Financial Assistance**

Delegation of Authority No. 12-B (38 FR 13787) as amended (40 FR 23125) is hereby superseded by Delegation of Authority No. 12-B (Revision 2). This revision reflects the organizational change made by the consolidation of the Financial Assistance and Investment activities.

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Finance and Investment in Delegation of Authority No. 12 (Revision 2) (47 FR 14995), as amended (48 FR 9979, 48 FR 28599, 49 FR 5411) the following authority is hereby delegated to the Deputy Associate Administrator for Investment as follows:

A. To take any and all actions necessary to carry out the provisions of Titles I, II, III and IV (with the exception of Section 310 of Title III) of the Small

Business Investment Act of 1958, as amended, and the regulations thereunder as amended from time to time, including without limitation all necessary action in connection with the making, servicing, administration, collection and sale of partially or fully disbursed SBIC related loans, obligations and property (real, personal or mixed, tangible, or intangible) held by or assigned to SBA and arising out of activities under said Act, and, in connection therewith, to accept or reject offers for cash, excepting however, all settlement agreements and liquidation type action and activities.

B. To take any and all actions necessary to carry out the provisions of Titles I and IV of the Small Business Investment Act of 1958, as amended, and the regulations thereunder as amended from time to time, including without limitation all necessary action in connection with the following:

1. Lease Guarantee Activities

a. To take all necessary actions in connection with the administration and servicing of reinsured lease rental guarantee insurance policies (hereafter referred to as "lease guarantees").

b. To process claims arising under lease guarantees.

2. Surety Bond Guarantee Activities

a. To guarantee sureties of small business against portions of losses resulting from breach of bid, payment, or performance bonds on contracts up to the statutory limit.

b. To approve or decline all claim reimbursement requests from participating surety companies on contract defaults bonded with SBA guarantees.

c. To take all necessary actions in connection with establishing SBA loss reserves for potential liability on contract defaults under guaranteed bonds.

d. To enter into agreements with participating surety and/or insurance companies and to modify and revise the same whenever necessary.

e. To approve or decline applications for guarantees received from participating surety and/or insurance companies.

f. To take all necessary actions in connection with the servicing, administration, collection and payment of claims arising under surety bond guarantees upon default.

g. To make size and eligibility determinations for the purposes of the surety bond guarantee program.

3. Pollution Control Financing Guarantee Activities

a. To approve or decline applications for pollution control financing guarantees authorized to be made by the Agency including reconsiderations thereof and to execute commitments and modifications thereto and guarantees pertaining to such financing.

b. To determine eligibility and make size determinations of applicants for pollution control financing guarantees.

c. To take all necessary actions in connection with the servicing, administration, collection and payment of claims arising under pollution control financing guarantees upon default of the small business.

d. To enter into participation agreements with qualified companies and to revise such agreements when necessary.

e. To approve the investment of funds in the pollution control guarantee fund not needed for payment of operating expenses or for the payment of claims arising under the pollution control financing program in bonds or other obligations of, or other obligations guaranteed as to principal and interest by the United States.

II. This redelegation does not authorize anyone serving in the above position:

A. To sell any primary obligations or other evidence of indebtedness owned to the Agency for a sum less than the total amount due thereof.

B. To deny liability of the Small Business Administration under terms of participation or guaranty agreement, or to initiate a suit for recovery from a participation or guaranty agreement.

C. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the amount due thereon. (Authority for compromise settlements is delegated to the Central Office Claims Review Committee, see Delegation of Authority 12A.)

III. The authority delegated herein may be redelegated.

IV. The authority delegated herein may be exercised by any SBA employee officially designated as Acting Deputy Associate Administrator for Investment.

EFFECTIVE DATE: March 23, 1984.

Dated: March 16, 1984.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 84-7880 Filed 3-22-84; 8:43

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Pine Belt Regional Airport, Laurel-Hattiesburg, Mississippi; FAA Approval of Noise Compatibility Program

AGENCY: Federal Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Pine Belt Regional Airport (PIB) under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). The FAA accepted the noise exposure maps for PIB submitted under Part 150 on August 17, 1983.

The PIB noise compatibility program was approved by the Administrator on February 10, 1984.

EFFECTIVE DATE: The effective date of the FAA's approval of the PIB noise compatibility program is February 10, 1984.

FOR FURTHER INFORMATION CONTACT: Elton Jay, Civil Engineer, Jackson Airports District Office, P.O. Box 6111, Pearl Branch, Jackson, Mississippi 39208, (601) 960-4628. Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has approved the noise compatibility program for Pine Belt Regional Airport, effective February 10, 1984.

Under Section 104(a) of the Aviation Safety and Noise Abatement (ASNA) Act of 1979, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reductions of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

PIB submitted to the FAA on December 9, 1982, noise exposure maps, descriptions and other documentation which were produced during an airport noise control and land use compatibility (ANCLUC) study conducted at PIB from January 1982 to December 1982. The PIB noise exposure map was accepted by

FAA on August 17, 1983. Notice of that acceptance was published in the Federal Register on September 14, 1983.

The PIB ANCLUC study report contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdiction from the date of study completion to beyond the year 1987. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in Section 104(b) of the Act. The FAA began its review of the program on August 17, 1983, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such a program within the 180-day period shall be deemed to be an approval of such a program.

The submitted program contained four proposed actions for noise mitigation, both on and off the airport. The FAA has completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The program, therefore, was approved by the Administrator February 10, 1984. This approval is granted for the four specific program elements. On-airport actions include local approval, distribution, and public information activities related to the noise exposure map and noise compatibility program. It also includes maintaining status quo on no noise sensitive uses on airport property. Off-airport elements include acquisition of land or easements within noise impacted areas designated by the noise exposure maps and developing and implementing land use ordinances to assure compatible land use within noise impacted areas. FAA's approval of these noise compatibility measures involves the determination that the program actions to be implemented do not create an undue burden on interstate or foreign commerce, are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses, provide for revision when appropriate, and are consistent with the requirements of FAR Part 150, Appendix B. Such approval does not constitute FAA environmental approval of specific projects, nor does it represent a commitment to fund or implement elements of the program.

These determinations are set forth in detail in a Record of Approval endorsed by the administrator on February 10, 1984. The Record of Approval, as well as other evaluation materials and the

documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of Pine Belt Regional Airport.

Issued in East Point, Georgia, March 8, 1984.

William J. McGill,
Manager, Airports Division, ASO-600.

[FR Doc. 84-7803 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

Golden Triangle Regional Airport, Columbus-West Point-Starkville, Mississippi; FAA Approval of Noise Compatibility Program

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Golden Triangle Regional Airport (GTR) under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). The FAA accepted the noise exposure maps for GTR submitted under Part 150 on August 17, 1983.

The GTR noise compatibility program was approved by the Administrator on February 10, 1984.

EFFECTIVE DATE: The effective date of the FAA's approval of the GTR noise compatibility program is February 10, 1984.

FOR FURTHER INFORMATION CONTACT: Elton Jay, Civil Engineer, Jackson Airports District Office, P.O. Box 6111, Pearl Branch, Jackson, Mississippi 39208, (601) 960-4628. Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has approved the noise compatibility program for Golden Triangle Regional Airport, effective February 10, 1984.

Under Section 104(a) of the Aviation Safety and Noise Abatement (ASNA) Act of 1979, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in

consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

GTR submitted to the FAA on October 21, 1982, noise exposure maps, descriptions and other documentation which were produced during an airport noise control and land use compatibility (ANCLUC) study conducted at GTR from November 1981 to October 1982. The GTR noise exposure map was accepted by FAA on August 17, 1983. Notice of that acceptance was published in the Federal Register on September 14, 1983.

The GTR ANCLUC study report contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdiction from the date of study completion to beyond the year 1987. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in Section 104(b) of the Act. The FAA began its review of the program on August 17, 1983, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such a program within the 180-day period shall be deemed to be an approval of such a program.

The submitted program contained four proposed actions for noise mitigation, both on and off the airport. The FAA has completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The program, therefore, was approved by the Administrator February 10, 1984. This approval is granted for the four specific program elements. On-airport actions include local approval, distribution, and public information activities related to the noise exposure map and noise compatibility program. Off-airport elements include acquisition of land or easements within the areas adversely affected by noise. FAA's approval of these noise compatibility measures involves the determination that the program actions to be implemented do not create an undue burden on interstate or foreign commerce, are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses, provide for revision when appropriate, and are consistent with the requirements of FAR Part 150, Appendix B. Such approval does not constitute FAA environmental approval of specific projects, nor does it represent a

commitment to fund or implement elements on the program.

These determinations are set forth in a Record of Approval, endorsed by the Administrator on February 10, 1984. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of Golden Triangle Regional Airport.

Issued in East Point, Georgia, March 8, 1984.

William J. McGill,
Manager, Airports Division, ASO-600.

[FR Doc. 84-84-7704 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 149—Airborne Distance Measuring Equipment (DME); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 149 on Airborne Distance Measuring Equipment (DME) to be held on April 11-13, 1984 in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Sixth Meeting Held on January 11-13, 1984; (3) Report on Coordination with the European Organization for Civil Aviation Electronics (EUROCAE) Working Group 25; (4) Report on Coordination with RTCA Special Committee 151 on Airborne MLS Area Navigation Equipment; (5) Review of Comment Papers on CW Interference; (6) Review Task Assignments From Previous Meeting; (7) Review Seventh Draft of Committee Report on Minimum Operational Performance Standards for Airborne Distance Measuring Equipment; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on March 12, 1984.

Karl F. Bierach,
Designated Officer.

[FR Doc. 84-7804 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 153—Airborne VOR Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 153 on Airborne VOR Equipment to be held on April 9-10, 1984, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Second Meeting Held on January 9-10, 1984; (3) Review of Homework Assignments; (4) Review Comments Received on the Third Draft of the Committee Report on Minimum Operational Performance Standards for Airborne VOR Equipment; (5) Discuss Coordination on the VOR Minimum Operational Performance Standards with the European Organization for Civil Aviation Electronics (EUROCAE); (6) Assignment of Tasks; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 12, 1983.

Karl F. Bierach,
Designated Officer.

[FR Doc. 84-7795 Filed 3-22-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

The Department of the Treasury has submitted the following public information collection requirement(s) to

OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535-6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and/or to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0222

Form Number: IRS Form 6047

Type of Review: Existing Regulation

Title: Windfall Profit Tax

Alcohol, Tobacco and Firearms

OMB Number: 1512-0386

Form Number: ATF REC 5330/1

Type of Review: Reinstatement

Title: Registered Importers of Implements of War on US Munitions List; Commercial Records of Acquisition and Disposition

OMB Reviewer: Norman Frumkin, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Office of the Secretary

OMB Number: New

Form Number: None

Type of Review: Regular Submission

Title: Solicitation of Proposal Information for Award of Public Contracts

OMB Number: New

Form Number: None

Type of Review: Regular Submission

Title: Post-Contract-Award Information

U.S. Customs Service

OMB Number: 1515-0041

Form Number: Customs Forms 6059-B and C

Type of Review: Revision

Title: U.S. Customs Declaration

OMB Reviewer: Judy McIntosh, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Dated: March 19, 1984.

Gary Kowalczyk,

Departmental Reports.

[FR Doc. 84-7852 Filed 3-22-84; 8:45 am]

BILLING CODE 4810-25-M

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of art advisory panel.

SUMMARY: A closed meeting of the Art Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held April 20 and 26, 1984.

FOR FURTHER INFORMATION CONTACT:

Karen Carolan, CC:C:E:V, 1111 Constitution Avenue, NW., Room 2575, Washington, D.C. 20224, Telephone No. (202) 566-4138 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Advisory Panel will be held on April 20 and 26, 1984, beginning at 9:30 a.m. in Room 3411, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552(b)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978. (43 FR 52122.)

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 84-7961 Filed 3-22-84; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

Delegation Order No. 84-5 to the Deputy General Counsel

Pursuant to the authority vested in me as Director of this Agency by Reorganization Plan No. 2 of 1977, and by Executive Order 12048 of March 27, 1978, there is hereby delegated to the

Deputy General Counsel the following described authority:

1. The authority under the Freedom of Information Act (5 U.S.C. 552) to make determinations and responses concerning the granting of requests for records of the Agency.

2. The authority to redelegate any authority granted herein together with the power of further delegation.

3. Notwithstanding any other provision of this order, the Director may at anytime exercise any function or authority delegated herein.

4. All prior delegations of this authority remain in force. This delegation is effective immediately.

Dated: March 20, 1984.

Charles Z. Wick,

Director, United States Information Agency.

[FR Doc. 84-7889 Filed 3-22-84; 8:45 am]

BILLING CODE 6230-01-M

Sunshine Act Meetings

Federal Register

Vol. 49, No. 58

Friday, March 23, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-400; Amdt. 2; 3-16-84]

Addition and Closure of Items to Closed Session of March 16, 1984 Meeting.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: February 28, 1984, 49 FR 7325.

TIME AND DATE: 10:30 a.m., March 16, 1984.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

Discussion on United Kingdom. (BIA)
Discussion on Peru. (BIA)
Discussion on ECAC. (BIA)
Discussion on Spain. (BIA)
Discussion on Korea. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-7980 Filed 3-21-84; 10:25 am]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-402; Amdt. 2; 3-19-84]

Notice of addition and closure of item to the closed session of the March 19, 1984 meeting.

TIME AND DATE: 10:30 a.m., March 19, 1984.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 19. Discussion on Japan. (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

[FR Doc. 84-8041 Filed 3-21-84; 3:35 pm]

BILLING CODE 6320-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 7:55 p.m. on Friday, March 16, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to adopt a resolution (1) making funds available for the payment of insured deposits in Seminole State National Bank, Seminole, Texas, which had been closed by the Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, on Friday, March 16, 1984; (2) appointing Seminole National Bank, Seminole, Texas, a newly-chartered subsidiary of First West Texas Bancshares, Inc., Midland, Texas, as the transfer agent for the Corporation for the payment of insured and fully secured deposits of the closed bank; and (3) making funds available for an advance payment to uninsured depositors and other general creditors of Seminole State National Bank equal to 55 percent of their uninsured claims.

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: March 20, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-8051 Filed 3-21-84; 3:53 pm]

BILLING CODE 6714-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:00 a.m., Wednesday, March 28 through Friday, March 30, 1984.

PLACE: Aspen Institute at Wye Plantation, Queenstown, Maryland 21658.

STATUS: Closed.

MATTERS TO BE CONSIDERED: In the framework of panel, roundtable and seminar discussions, Governors, Reserve Bank Presidents and First Vice Presidents will informally exchange views on Federal Reserve System management practices for the future, including System internal organization, procedures, and personnel resources and structure for (a) supervisory and regulatory proposals recommended in the Report of the Vice President's Task Group on Regulation of Financial Services, and in other proposals; and (b) payments system services (including check, electronic, and securities services) and fiscal services.

Discussions will provide an informal forum for exchanging ideas. It is not intended that these discussions will determine or result in the joint conduct or disposition of official agency business, nor will any decisions be taken or positions formulated, so as to constitute a meeting within the meaning of the Government in the Sunshine Act. However, in view of the broad construction of the term "meeting" in *ITT World Communications v. FCC*, 669 F.2d 1219, notice is being given under the Act of a meeting that will be closed to public observation.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 20, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-8000 Filed 3-21-84; 11:57 am]

BILLING CODE 6210-01-M

5

POSTAL SERVICE

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, April 2, 1984, in Memphis, Tennessee, and at 8:00 a.m. on Tuesday, April 3, 1984, in Rooms A and B, 14th floor, U.S. Postal Service Southern Regional Headquarters, 1407 Union Avenue, Memphis, Tennessee. As indicated in the following paragraph, the April 2 meeting is closed to public observation. The April 3 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 March 5, 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 April 2. (See 49 FR 9300, March 12, 1984.) The agenda items of the meeting to be closed concern (1) strategic planning in connection with collective bargaining negotiations involving parties to the

1981 National Agreements, between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July 1984; and (2) consideration of the February 24, 1984, Recommended Decision of the Postal Rate Commission on E-COM rates [Docket No. R83-1].

*Agenda**Monday Session, April 2 (Closed)*

1. Strategic Planning—Collective Bargaining.

2. Consideration of Postal Rate Commission Recommended Decision of February 24, 1984, on E-COM Rate and Classification Changes [Docket No. R83-1].

Tuesday Session, April 3 (Open)

1. Minutes of the Previous Meeting, March 5-6, 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. Report on Finance Group Programs. (Mr. Coughlin, Senior Assistant Postmaster General for Finance, will brief the Board on developments in the Finance Group.)

4. Consideration of a contract for temporary consulting services for the Board of Governors.

5. Report of the Regional Postmaster General. (Mrs. Strange, Regional Postmaster General, will report on postal conditions in the Southern Region.)

6. Update on Environmental Impact Statement for Stamford, Connecticut.

7. Consideration of leased Voice Communications Network.

8. Consideration of Tentative Agenda for the May 7-8, 1984, meeting of the Board in Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 84-8031 Filed 3-21-84; 2:15 pm]

BILLING CODE 7710-12-M

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 2:00 p.m., Monday, March 26, 1984.

PLACE: Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Gravelee, (202-377-6970).

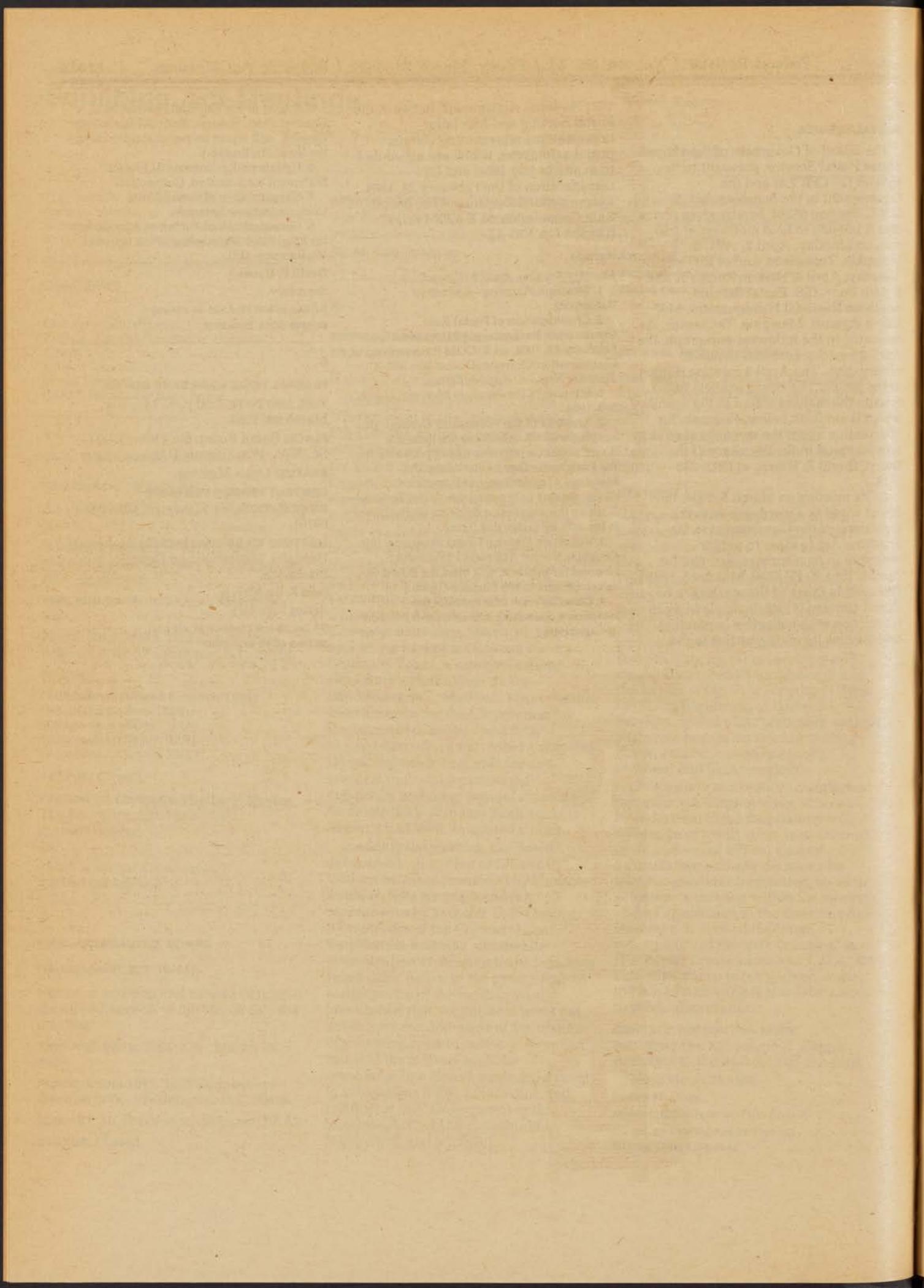
MATTERS TO BE CONSIDERED: Brokered Deposits, Limitations on Deposit Insurance.

John F. Buckley, Jr.,

Acting Secretary.

[FR Doc. 84-8158 Filed 3-22-84; 3:09 p.m.]

BILLING CODE 6720-01-M



Federal Register

Friday
March 23, 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; Notice**

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the

provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas
Decisions to General Wage
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of

Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Connecticut: CT83-3021	June 3, 1983.
Iowa:	
IA84-4006	Feb. 17, 1984.
IA84-4011	Feb. 24, 1984.
Kansas: KS83-4084	Sept. 2, 1983.
Louisiana: LA84-4010	Mar. 9, 1984.
Minnesota:	
MN83-2001	Jan. 14, 1983.
MN83-2057	July 29, 1983.
New York: NY81-3034	June 5, 1981.
North Dakota: ND84-5006	Mar. 16, 1984.
Utah: UT83-5120	Sept. 30, 1983.

Supersedeas Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois: IL82-2068 (IL84-5008)	Dec. 17, 1982.
Iowa: IA83-4033 (IA84-4018)	Apr. 29, 1983.
Kentucky:	
KY82-1065 (KY84-1009)	Oct. 15, 1982.
KY82-1066 (KY84-1011)	Do.

Cancellation of General Wage
Determination Decision

General Wage Determination Number FL84-1002, dated February 17, 1984 in 49 FR 6204, is cancelled. Agencies with dredging projects to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR), § 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR Part 1, § 1.6(c)(2)(i)(A), the incorporation of the withdrawn decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

Signed at Washington, D.C. this 16th day of March 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

MODIFICATIONS P. 4

DECISION NO. MN83-2057 (Cont'd)

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$17.76	28%	\$17.76	28%
18.26	28%	18.26	28%
15.44	20%	15.44	20%
16.80	12%*	16.80	12%*
17.40	3.54	17.40	3.54
	3.54		3.54
	3.54		3.54

Add:
 Electricians (Cont'd); All New single family dwellings with separate service, & multiple dwellings up to & inclu. 4-plexes; & to all residential remodeling, rewiring & repairing except that any single apartment project inclu. a change of main service entrance, shall not exceed 8 living units or 400 amps.
 Truck Drivers: Site Preparation, Excavation & Incidental Paving: Classifications
 Cable Splicers

Address:
 Electricians: Anoka (Anoka & Fridley Twns. & cities of Andover, Anoka, Columbia Hgts., Coon Rapids, Fridley, Hilltop, Ramsey & Spring Lake Park), Carver, Hampein, & Scott Counties; Commercial Building & Residential quarters over 3 stories;
 Cable Splicers: All New family dwellings up to & inclu. 4-plexes, & all residential remodeling, rewiring & repairing in apartment buildings up to & inclu. a 400 ampere service limited to 3 floors occupied as living quarters floors, & non-elevator apartment bldgs, Anoka (Rem. of Co.) & Remaining Counties;
 Commercial Building & all new construction of multiple dwellings in excess of 4-plexes & all residential remodeling, rewiring, & repairing of any apartment project exceeding 8 units or 400 ampere services;
 Electricians
 Cable Splicers

GROUP 1: Booms; Mechanic; Off-Road; Tractor Trailer; Truck Driver (Operation of Hand & Power Operated Winches); & Truck Trains
 GROUP 2: Tri Axles (Including Four Axles)
 GROUP 3: Bituminous Distributor; & Tandem Axles
 GROUP 4: Bituminous Distributor Spray Operator (Rear End Oiler); Dumpman; Pilot Car; Self-Propelled Packer; Single Axles; Slurry Operator; Tank Truck (Gas, Oil, Road Oil & Water); Teamster & Stableman; Tractor Operator (Wheel Type Used for any Purpose)
 The Following Classifications Shall Come Under The Appropriate Axle Rate Wage Group:
 "A" Frame; Dry Batch Hauler; Dump; Ready-Mix Concrete; Slurry; Tank (Gas, Oil, Road Oil & Water)

MODIFICATIONS P. 3

DECISION NO. MN83-2001 (Cont'd)

GROUP 1: Booms; Mechanic; Off-Road; Tractor Trailer; Truck Driver (Operation of Hand & Power Operated Winches); & Truck Trains
 GROUP 2: Tri Axles (Including Four Axles)
 GROUP 3: Bituminous Distributor; & Tandem Axles
 GROUP 4: Bituminous Distributor Spray Operator (Rear End Oiler); Dumpman; Pilot Car; Self-Propelled Packer; Single Axles; Slurry Operator; Tank Truck (Gas, Oil, Road Oil & Water); Teamster & Stableman; Tractor Operator (Wheel Type Used for any Purpose)

The Following Classifications Shall Come Under The Appropriate Axle Rate

Wage Group:
 "A" Frame; Dry Batch Hauler; Dump; Ready-Mix Concrete; Slurry; Tank (Gas, Oil, Road Oil & Water)

DECISION NO. MN83-2038 - MOD. #2 (48 FR 20594 - May 6, 1983) Atkin, Becker...Wright & Yellow Medicine Counties, Minnesota	DECISION NO. MN83-2057 (Cont'd)	DECISION NO. MN83-2057 (Cont'd)
Change: Electricians: Area 1 Area 3 Electricians Cable Splicers Ironworkers: Area 1 Painters: Area 1 Area 1 Brush Sandblasters; Spray; Steel Area 3: Brush Sandblasters; Spray; Steel	Change: Roofers Sprinkler Fitters: Carver Co. Remaining Cos. Laborers: Site Preparation, Excavation & Incidental Paving: Class 1 Class 2 Class 3 Class 4 Class 5 Class 6 Truck Drivers: Site Preparation, Excavation & Incidental Paving: Group 1 Group 2 Group 3 Group 4	\$16.48 16.47 17.83 12.35 12.50 12.55 12.70 12.80 13.05 14.95 14.40 14.30 14.00 \$2.77 3.23 4.17 2.60 2.60 2.60 2.60 2.60 2.60 2.10 2.10 2.10 2.10
Change: Carpenters; Millwrights; & Pile-Drivers Commercial Building: Millwrights	Omit: Electricians Truck Drivers: Site Preparation, Excavation & Incidental Paving: Classifications	\$16.36 \$3.62

LABORERS (CONT'D)

Marine:
 Group 1
 Group 2
 Group 3
 Group 4
 Troy & Vicinity:
 Group 1
 Group 2
 Group 3
 Group 4
 St. Clair County:
 E. St. Louis & Vicinity:
 Common, Diamond point
 drill operator
 Dynamite Men & Powder Men
 Mason Tender
 Belleville & Vicinity:
 Common
 Dynamite Men & Powder Men
 Working w/a Torch at
 Bottom of Sewer
 O'Fallon, Mascoutah, Scott
 AFB, Shilo, Lebanon &
 Vicinity:
 Common
 Bottom Men on Sewer Work
 Dynamite Men
 Mason & plasterers'
 Tenders
 Freeburg & Vicinity:
 Common
 Sewer Work
 Mason & Plasterers'
 Tenders
 Dynamite Men
 New Athens & Vicinity:
 Group 1
 Group 2
 Group 3
 Group 4
 LATHERS: St. Clair County

Basic Hourly Rate	Frings Benefits	PAINTERS:	Basic Hourly Rate	Frings Benefits
\$17.05	.25	Residential Repaint:	\$13.38	\$1.85
17.30	.25	Brush	14.38	1.85
17.55	.25	Blast & Spray		
18.65	.25	Commercial Building & Residential (New)		
		Construction:		
16.25	.25	Brush	15.01	1.85
16.50	1.05	Blast & Spray	16.01	1.85
16.75	1.05	Industrial:	15.72	1.85
17.85	1.05	Brush & Taping	16.72	1.85
		Blast & Spray	17.775	
		PLASTERERS		
15.25	2.15	PLUMBERS & STEAMFITTERS:		
16.775	2.15	Madison (Alton & Portion N. of Mitchell) Co.	19.50	1.89+b
17.85		Madison (Granite City & Southern & of Co.) & St. Clair (E. St. Louis & Vic.) Cos.		
14.70	2.70	St. Clair (Belleville & Vic.) Co.	15.85	4.48
16.20	2.70	ROOFERS:	17.60	2.60
14.95	2.70	Kettlemen		
		Composition, Slate, Tile & Waterproofing	12.65	2.05
15.95	1.45	SHEET METAL WORKERS	14.85	2.05
16.80	1.45	SPRINKLER FITTERS	15.64	2.36+95
		TERRAZZO WORKERS	16.67	2.83
16.45	1.45	TILE SETTERS, FINISHERS	17.35	
12.40	1.135	POWER EQUIPMENT OPERATORS	13.98	2.905
12.65	1.135	Master Mechanic	11.70	1.605
12.90	1.135	Group 1	17.17	2.48
14.00	1.135	Group 2	16.67	2.48
		Group 3	13.89	2.48
14.65	2.65	Group 4	13.24	2.48
14.90	2.65	Group 5	13.14	2.48
15.15	2.65	Group 6:	12.89	2.48
16.25	2.65	a		
14.735	.66	b	18.82	2.48
		c	19.12	2.48
		d	14.99	2.48
		TRUCK DRIVERS:	15.49	2.48
		Group 1	14.325	1.15+c
		Group 2	14.725	1.15+c
		Group 3	14.925	1.15+c
		Group 4	15.175	1.15+c

LABORERS CLASSIFICATIONS:

GROUP 1 - Unskilled
 GROUP 2 - Workmen while cutting and burning with a torch, men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe, including reinforced concrete tile, but not including box culverts, tin whistles or multiple culverts
 GROUP 3 - Tenders to all brick and plaster masons
 GROUP 4 - Dynamite men

POWER EQUIPMENT OPERATORS CLASSIFICATIONS:

GROUP 1 Cranes, Draglines, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-type Backhoes, Asphalt Plant Operators, Plant Opers., Ditching Machines or Backfillers, Dredges, Asphalt Spreading Machines, Heavy Duty Mechanic, Ass't. Master Mechanic, All Locomotives, Cableways or Tower Machines, Hoists 2 drum or more, Hoists-2 drum or more, Hydraulic Backhoes, Ditching Machines or Backfiller
 Cherry Pickers, Overhead Cranes, Roller (Steam or Gas) Concrete Pavers, Excavators, Concrete Breakers, Concrete Pumps, Bulk Cement Plants, Cement Pumps, Derrick-type Drills, Mixers (over 3 bags) and Boat Opers., (25' & over), Motor Graders or Pushcats, Scoops or Tournapulls, Bulldozers, Endloaders or Fork-Lifts, Power Blads or Elevating Graders, Winch Cats, Boom Tractors, and pipe Wrapping or Painting Machines, Drills (other than derrick type) 1-drum-hoists, Mud Jacks, Mixers (2 or 3 bags), Conveyors (2), Air Compressors (2), Water Pumps regardless of size (2), Welding Machines (2) Siphons or Jets (2), Winch Heads or Apparatus (2) and Light Plants (2), Mixers (Under 2 bags), all tractors regardless of size (Straight Tractor Only), Firemen on Stationary Boilers, Automatic Elevators, Form Grading Machines, Finishing Machines, Power-Sub-Grader or Ribbon Machine, Longitudinal Floats, Boat Opers., (under 25 ft. conveyors (1), Distribution Opers., On Trucks, Siphons or Jets (1) Winch Heads or Apparatus (1), Light plant (1) Mixers (under 2 bags)
 GROUP 2 Air Compressor (1), Water Pumps regardless of size (1)
 GROUP 3 Firemen and Asphalt Spreader Oilers
 GROUP 4 Heavy Equipment Oilers (truck cranes, dredges, monigans, large cranes, etc.)
 GROUP 5 Oilers
 GROUP 6

- a. Engineers Operating under air pressure
- b. Engineers Operating in air over 10 lbs. pressure
- c. Oilers operating under air pressure
- d. Oilers operating in air over 10 lbs. pressure

STATE: Iowa

COUNTIES: Statewide (except Black Hawk, Carter Gordo, Scott & Webster Cos.)
 DATE: Date of Publication
 Supersedes Decision No. IA83-4033, dated April 29, 1983, in 48 FR 19568.
 DESCRIPTION OF WORK: Highway Projects (does not include building structures in rest area projects & work on or pertaining to the Mississippi & Missouri Rivers)

Basic Hourly Rates	Pringe Benefits
\$13.33	\$2.10
13.58	2.10
13.455	2.10
11.22	1.38
11.12	1.00
8.78	.90
8.53	
7.92	
12.17	2.45
11.22	1.38
11.12	1.00
8.78	.90
8.53	
7.92	
9.70	1.80
9.82	1.80
10.05	1.80
9.99	1.80
10.43	1.80
9.91	1.30
9.61	1.30
9.41	1.30
9.76	1.20
9.46	1.20
9.26	1.20
7.00	.95
6.70	.95
6.50	.95
7.00	.82
6.35	.82
5.90	.82
7.00	
6.50	
5.50	
12.25	2.10
11.55	2.10
10.76	2.10
11.65	2.78
10.00	2.78
8.90	2.78
11.91	2.00
11.26	2.00
10.56	2.00

POWER EQUIPMENT OPERATORS

(CONT'D):

- ZONE 5 - GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- ZONE 6 - GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- ZONE 7 - GROUP 1
- GROUP 2
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- GROUP 4
- GROUP 5
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- GROUP 98
- GROUP 99
- GROUP 100

TRUCK DRIVERS:

- ZONE 1:
- Single axle, jack & spreader,
- tandem axle excld, power
- lift form truck & jack,
- jack & spreader trucks, low-
- boys, tractor-trailer water
- polls, tandem dump w/auxil-
- ary end, dump trailer
- Water pullis
- Lumber carrier
- ZONES 2 & 3
- ZONES 4 & 5
- ZONE 6
- ZONE 7
- ZONES 8, 9 & 10

CARPENTERS & PILEDRIVERS:

- ZONE 1 - Carpenters
- Carpenters (creosote)
- Piledrivermen
- ZONES 2 & 3
- ZONES 4 & 5
- ZONE 6
- ZONE 7
- ZONES 8, 9 & 10
- CEMENT MASONS:
- ZONE 1
- ZONES 2 & 3
- ZONES 4 & 5
- ZONE 6
- ZONE 7
- ZONES 8, 9 & 10

LABORERS:

- ZONE 1 - GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- ZONES 2 & 3 - GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- ZONES 4 & 5 - GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- ZONE 6 - GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- ZONE 7 - GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- ZONES 8, 9 & 10 - GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5

POWER EQUIPMENT OPERATORS:

- ZONES 1 & 2 - GROUP 1
- GROUP 2
- GROUP 3
- ZONE 3 - GROUP 1
- GROUP 2
- GROUP 3
- ZONE 4 - GROUP 1
- GROUP 2
- GROUP 3

TRUCK DRIVERS CLASSIFICATIONS:

GROUP 1: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP 2: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frams Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP 3: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP 4: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTES:

- a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years and 6% of regular hourly rate for employee who has worked in business less than 5 years; 7 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day After Thanksgiving; & Christmas Day
- b. Paid Holidays: 4 hours for Christmas Eve if holiday falls on Monday through Friday.
- c. \$31.00 per week.

WELDERS:

Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

ZONE DEFINITIONS

ZONE 1 - City of Council Bluffs

ZONE 2 - Linn & Polk Cos.; City of Dubuque

ZONE 3 - City of Clinton

ZONE 4 - Cities of Ames & Iowa City

ZONE 5 - City of Burlington (including Burlington Ordnance Plant)

ZONE 6 - Pottawattamie Co. (area west of the eastern boundaries of Minden, York, Washington & Silver Creek Townships); Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marshall, Story, Warren Cos.; the Cities of Fort Madison, Keokuk, Muscatine & their abutting municipalities (excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque & Iowa City & their abutting municipalities)

ZONE 7 - Des Moines, Louisa & Muscatine Cos. (excluding Cities of Burlington (including Burlington Ordnance Plant), Muscatine & abutting municipalities)

ZONE 8 - Allamakee, Appanoose, Bremer, Butler, Chickasaw, Clayton, Davis, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Iowa, Jefferson, Keokuk, Lee, Mahaska, Mitchell, Monroe, Poweshiek, Tama, Van Buren, Wapello, Washington, Winnebago, Winneshiek, Worth & Wright Cos. (excluding Cities of Keokuk, Fort Madison & abutting municipalities)

ZONE 9 - Adair, Adams, Audubon, Calhoun, Carroll, Cass, Clarke, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Ida, Lucas, Mills, Monona, Montgomery, Page, Ringgold, Sac, Shelby, Taylor, Union, Wayne & Woodbury Cos. & Pottawattamie Co. (east of Minden, York, Washington & Silver Creek Townships)

ZONE 10 - Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas & Sioux Cos.

LABORERS CLASSIFICATION DEFINITIONS - ZONE 1

GROUP 1 - General laborers

GROUP 2 - Towboats & dredge deckhands

GROUP 3 - Rakers & Screedman on Asphalt; Mortar Mixers; Chain Saw Operators

GROUP 4 - Pipelayers; Concrete Saw Op.

GROUP 5 - Form Setters & Precast Manhole Setter, Inlet Builders & Manhole Setters

LABORERS CLASSIFICATION DEFINITIONS - ZONES 2 thru 10

GROUP 1 - Sandblasters; Powderman & Blaster; Powderman tender; Pipelayer, sewer, water, telephone conduits, tec.; Sewer utility topman & laser Op.; Gunnite nozzleman; Diamond & core drills; powered by air; All work performed by laborers working from a bos'n chair, swinging stage, tag line or block & tackle; Drill ops. of air tracs, wagon drills & similar drillings; Tree climber; Form setters; Rakers; Automatic asphalt & concrete power curbing machines; Portmen, not mechanical; Timbermen; Underpinning & shoring; Caissons over 12' depth; Grade Checker & cutting torches on demolition work; trenchers; Self-propelled vibrating compactors; Safety boat ops.

GROUP 2 - Power bugymen; Concrete & paving sawmen; Form line; Expansion joint assembler; Bottom man; Caulker, joiner & painter; flimber & chair-sawman; Mechanical grouters; Stresser or stretcherman on post tension or prestressed concrete on or off the job; Form tamber; Air, Gas, Electric tool ops.; Vibrator, barck hammer, paving breakers, spaders, tampers, electric drills, hammer & checkers; Sandblaster tender; Concrete processing material & monitors; Cement finisher tenders; Stringman or paving work & power broom op.

GROUP 3 - Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Stake chaser, seeding & mulching & planting of trees shrubs & flowers; Mechanic tenders; Group greaser tender; Water pumps (under 3'); Compressors (under 400 CFM); Common Labor; Carpenter tender & hot asphalt labor

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONES 1, 2, 3, 4, & 5

GROUP 1 - Power Shovel, Crane, Backhoe & Dragline; Central Mix Plant; Dredge Engineer; Dredge Leverman; Paver or Spreader; Hoisting Engineer (steel erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat; Master Mechanic; CMI Paver; CMI Subgrader (or equivalent); Asphalt Plant; Front End loader; Scraper; Bulldozer; Push Cat; Tractor pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equip. Greaser; Concrete Pump; Self-propelled Curb Machine

GROUP 2 - Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber Greene, Haiss Loader or similar machine; Tractor-pulling ripper, disc, sheepsfoot or flat roller; Self-propelled Sheepsfoot Roller; Self-propelled Roller (other than asphalt); Distributor; Screening & Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bulfloat; Form Grader; Water Wagon on Compaction

GROUP 3 - Boiler; Mechanical Broom; Oiler; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump (other than dredge); Boom & Winch Truck; Compressor; Tank Car Heater (combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat; Batch Plant; dry; Light Plants; Compressors; Mechanical Heaters; Pumps; Welding Machines; Conveyors

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONES 6, 7, 8, 9, & 10

GROUP 1 - Power Shovel; Crane; Backhoe (3/4 cu. yd. or larger); Dragline; Dredge Engineer & Leverman; Hoisting Engineer (steel erection); Motor Patrol (finish); Piledriver; Master Mechanic; Sideboom Tractor; Horizontal Boring Machine

GROUP 2 - Central Mix Plant; Paver or Self-propelled Spreader; Tow or Push Boat; CMI Paver; Subgrader or equivalent; Asphalt Plant; Scraper (over 12 cu. yd.); Bulldozer (finish); Push Cat; Mechanics-Welders; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer; Concrete Pump; Self-propelled Curb Machine (12 cu. yd. & under); Bulldozer (rough); Backhoe (under 3/4 cu. yd.); Asphalt Roller; Group Equip. Greaser; Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber Greene, Haiss Loader or similar machine; Crawler Tractor (pulling disc, sheepsfoot, ripper or flat roller); Self-propelled Sheepsfoot Roller; Self-propelled Roller; Distributor; Screening & Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bulfloat; Form Grader

GROUP 4 - Boiler; Mechanical; Boom; Oiler; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump (other than dredge); Boom & Winch Trucks; Compressor; Tank Car Heater (combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat; Batch Plant; dry; Spreader attachments; Utility tractor with attachments

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

STATE: KENTUCKY
 DECISION NUMBER: KY84-1009
 SUPERSEDES Decision Number KY82-1065, dated October 15, 1982 in 47 FR 46229.
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes & apartments up to and including four (4) stories).

COUNTY: BOYD
 DATE: DATE OF PUBLICATION
 FOOTNOTE 'a': Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, & Christmas Day; Vacation Pay Credit: Employer contribution of 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service.
 FOOTNOTE 'b': Per month, per employee

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	18.50	\$2.68		
BOILERMAKERS	16.35	3.175		
BRICKLAYERS & STONE MASONS	15.36	2.54		
CARPENTERS	14.93	3.33		
CEMENT MASONS & PLASTERERS	17.06	1.05		
ELECTRICIANS:				
Witemen	17.32	3.06+	\$12.76	\$3.26
Cable Splicers	18.19	3.06+	15.32	3.33
ELEVATOR CONSTRUCTORS:				
Mechanics	17.26	2.59+&	15.71	4.60
Helpers	12.075	2.59+a		
Probationary Helpers	8.625	1.11		
GLAZIERS	15.84	3.61		
IRONWORKERS	17.23	2.00		
LABORERS:				
Group 1	12.57	2.00	15.91	4.60
Group 2	12.72	2.00		
Group 3	12.74	2.00		
Group 4	12.77	2.00		
Group 5	12.82	2.00		
Group 6	13.07	2.00		
Group 7	13.27	2.00	16.11	4.60
Group 8	13.77	2.00	14.97	2.18
LINE CONSTRUCTION:			12.23	2.18
Linemen	18.46	2.35+	11.46	2.18
Cable Splicers	20.31	3%&	13.50	.65
Mechanical equipment operators	2.35+	3%&	9.30	.65
Groundmen	14.77	2.35+	16.89	2.89+
				3%
			16.47	3.23
			14.90	305.50b
			15.20	305.50b
			15.27	305.50b
			15.32	305.50b
			15.39	305.50b
			15.69	305.50b

DEFINITIONS

LABORERS:

- Group 1 - General laborers, carpenter tenders, cement finisher tenders, concrete men, wreckers & wall men, water boys, handlers of empty oxygen & acetylene bottles.
- Group 2 - Hod carriers, mortar men, lather & plasterer tenders.
- Group 3 - Wrapping, heating, & applying hot & cold tar on all pipes, applying tape on pipes, & operating tester.
- Group 4 - Beck hand & scow man.
- Group 5 - Jackhammer, power tools (electrical, gas, or air power), burning torch wagon, drill operators, handling of creosote material, signal men, & asphalt rakers.
- Group 6 - Rock & powder men.
- Group 7 - Sand hog or mucker, & tunnel miners.
- Group 8 - Caisson workers

POWER EQUIPMENT OPERATORS:

- Class A - Auto Patrol, Batch Plant, Bituminous Paver, Cable Way, Central Compressor Plant, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Pump, Crane, Crusher Plant, Derrick, Derrick Boat, Ditching & Trenching Machine, Dragline, Dredge Operator, Dredge Engineer, Elevating Grader & all types of loaders, Hoe type Machine, Hoist (1-drum when used for stack or chimney construction or repair), Hoisting Engine (2-drums or more), Locomotive, Motor Scraper, Carry-all Scoop, Bulldozer, Heavy Duty Welder, Mechanic, Orangepeel Bucket, Pile Driver, Power Blade, Motor Grader, Roller (bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Winch Truck, Push Dozer, High Lift, Fork Lift (regardless of lift height & except when used for masonry construction), All types of Boom Cais, Core Drill, Hopto, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradedall, Hoist, Hyster, Pumcrete, Ross Carrier, Boom, Tail Boom, Rotary Drill, Hydro Hammer, Macking Machine, Rock Spreader attached to equipment, Scoopmobile, Kecal Loader, Tower Cranes (French, German & other types), Hydro Crane, Backfiller, Guries, Sub-Grader.
- Class B - All Air Compressors (over 900 CFM), Bituminous Mixer, Joint Sealing Machine, Concrete Mixer (under 21 cu. ft.) Form Grader, Roller (rock), Tractor (50 HP & over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Fireman, Boom type Tamping Machine, Truck Crane Oilier, Greaser on grease facilities servicing heavy equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oilier, Self-Propelled Compactor, Tractair & Road Widening Trencher, Farm Tractor with attachments (except Backhoe, High Lift & End Loader), Elevator (when used to hoist building materials), Hoisting Engine (1-drum or buck hoist), Fork Lift (when used for masonry construction), Well Points Grout Pump, Throttlet-Valve Man, Tugger, Electric Vibrator Compactor.

PAINTERS:
 Brush, Roller, Drywall Finishers, Tapers, Mittens or Rags, Paper-hangers, Sandblast, Steamcleaning, & Dry-wall machine operators
 PILEDRIVERMEN
 PLUMBERS & PIPEFITTERS:
 Area 1 - within a 5 mile radius of 17th St. & Winchester Ave., Ash-land, Ky.
 Area 2 - over 5 miles & within a 15 mile radius of 17th St. & Winchester Ave., Ashland, Ky.
 Area 3 - over 15 miles & within a 30 mile radius of 17th St. & Winchester Ave., Ash-land, Ky.
 POWER EQUIPMENT OPERATORS:
 CLASS A
 CLASS B
 CLASS C
 ROOFERS:
 New Construction
 Re-roofing
 SHEET METAL WORKERS
 SPRINKLER FITTERS
 TRUCK DRIVERS:
 Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6
 WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

DEFINITIONS - CONTINUED

POWER EQUIPMENT OPERATORS: (Cont'd)

Class C - Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Roller (earth), Tamping Machine, Tractors (under 50 HP), Vibrator, Oiler, Concrete Saw, Burlap & Curling Machine, Hydro-Seeder, Power Form Handling Equipment, Deckhand Steersman, Hydraulic Post Driver, Drill Helper.

TRUCK DRIVER:

Group 1 - Warehousemen, yardmen, truck helpers, pickups, station wagons, panel trucks, flat-body material truck (straight job), greasers, washers, tiremen, gas pump attendants, dump trucks (up to 5 cu. yd.)
 Group 2 - Tank truck (straight), dump trucks (5 cu. yds. & over), agitator or mixer trucks (up to 5 cu. yds.) & flat bed tandems
 Group 3 - Winch trucks, fork trucks, distributor trucks (front end & back end), truck crane, monrail truck
 Group 4 - Material checker & receiver
 Group 5 - Agitator or mixer truck (5 cu. yds. & over)
 Group 6 - Tri-axle dump trucks, hydraulic lift tailgate truck & farm type tractors, end dumpsters, turnarockers, ross carriers, atthey wagon on similar equipment, A-frame, hydro-lift, dual purpose trucks, semi-dump, semi-trailer (whether flat, rack or pole & hauled or pushed by truck or tractors), semi-tank & lowboy trailers, mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses 29 CFR 5.5 (a) (1) (ii).

SUPERSEDES DECISION

STATE: KENTUCKY
 COUNTY: FAYETTE & FRANKLIN
 DECISION NUMBER: KY84-1011
 DATE OF PUBLICATION: 15, 1982, in 47 FR 46226.
 SUPERSEDES DECISION NUMBER KY82-1066, dated October 15, 1982, in 47 FR 46226.
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes & apartments up to and including four (4) stories).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$16.57	\$3.07	13.78	.85+
18.05	3.175	12.92	.85+
13.30	1.30	12.60	.85+
13.00	2.35	13.50	2.35
14.00		10.95	.92
		11.45	.92
		11.70	.92
		16.68	2.30
		17.10	3.22
		11.70	3.30
		17.08	3.30
		17.68	2.30
		14.97	2.18
		12.23	2.18
		11.46	2.18
		12.15	1.52
		12.00	1.75
		17.22	3.75
		16.47	3.23

ASBESTOS WORKERS

BOILERMAKERS
 BRICKLAYERS & STONE MASONS
 CARPENTERS & SOFT FLOOR LAYERS
 CEMENT MASONS:
 Commercial
 lt. commercial (applies to bowling alley bldgs banks (20,000 sq. ft. or less), churches, funeral homes, restaurants, fast food outlets, skating rinks, recreational bldgs (20,000 sq. ft. or less), storage (20,000 sq. ft. or less), shopping center (open face - 10 stories or less), retail stores, nursing homes, office bldgs. (20,000 sq. ft. or less), metal bldgs. (20,000 sq. ft. or less), all in plant work

LINE CONSTRUCTION (Cont'd):

Groundmen - Truck drivers
 Groundmen
 MARBLE, TILE, & TERRAZZO WORKERS
 MILLWRIGHTS & PILEDRIVER MEN
 PAINTERS:
 Brush, Drywall finishers & tapets, & Paper-hangers
 Steeple jack work, & window jack work, & work in enclosed buildings over 35' in height from permanent work area
 Sandblast & Spray
 PLUMBERS & PIPEFITTERS:
 Fayette County
 Franklin County (West 3/4 of Co., including the City of Frankfort):
 Pipefitters
 Plumbers -
 Contracts \$100,000.00 or less
 Contracts over \$100,000.00
 Remainder of Franklin Co.
 POWER EQUIPMENT OPERATORS:
 CLASS A
 CLASS B
 CLASS C
 ROOFERS:
 Fayette Co.
 Franklin Co.
 SHEET METAL WORKERS
 SPRINKLER FITTERS

ELECTRICIANS

ELEVATOR CONSTRUCTORS:

Mechanics
 Helpers
 Probationary helpers
 GLAZIERS
 IRONWORKERS
 LABORERS:
 Group I
 Group II
 Group III
 Group IV
 Group V
 Group VI

LINE CONSTRUCTION:

Linemen & Equipment Operators
 Cable Splicers

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

- a - Seven Paid Holidays: NewYear's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, & Christmas Day; Vacation Pay Credit: Employer contribution of 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service.
- b - $\frac{1}{2}$ Day Pay (4 hrs.) for Christmas Eve if employee works 4 hours that day.

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)).

CLASSIFICATION DEFINITIONS - LABORERS:

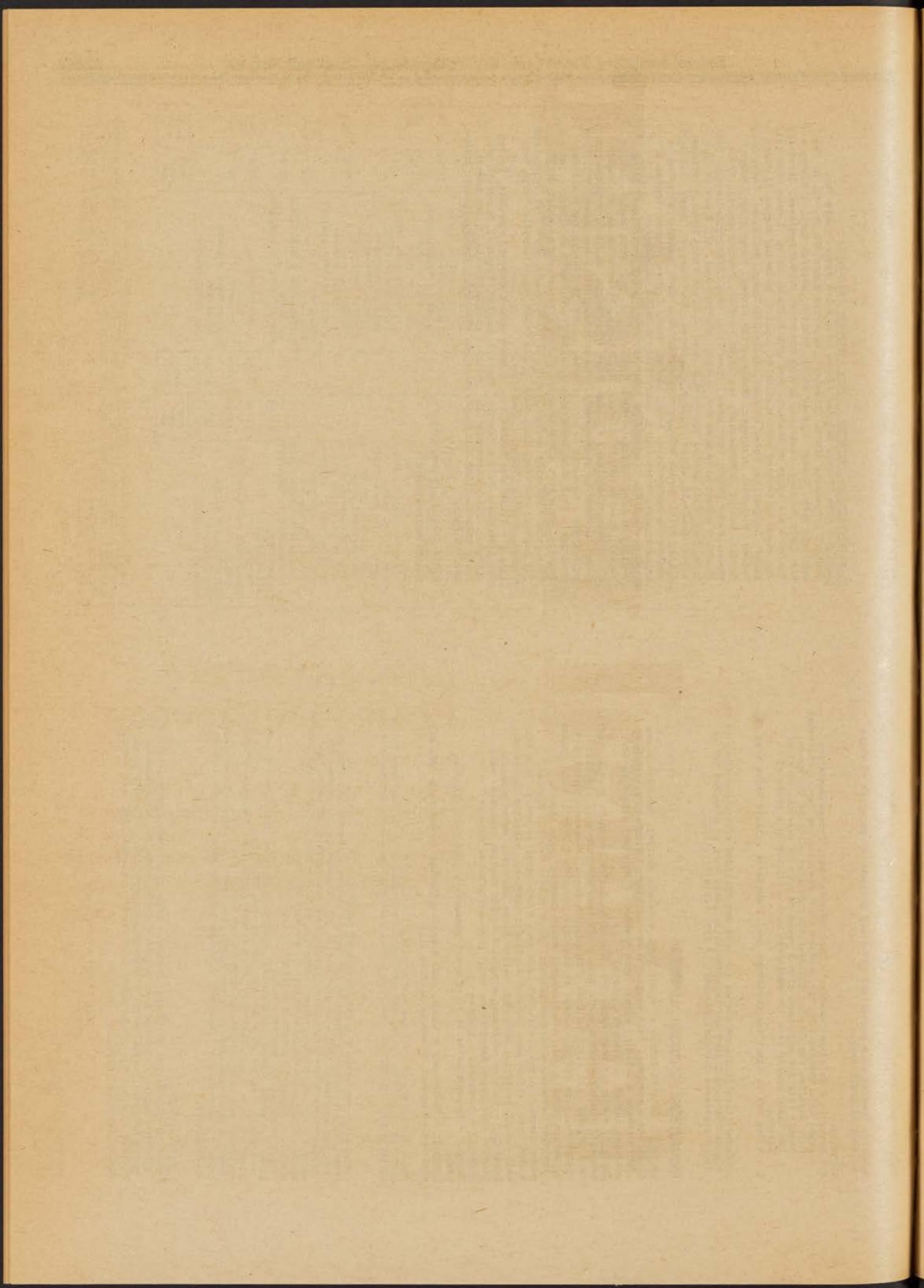
- GROUP I - General laborers, water boys, concrete pouring, concrete forms stripping & wrecking, hand digging & backfilling of ditches, clearing of right-of-ways & building sites, wood sheeting & shoring, signalman for concrete bucket, & general cleaning
- GROUP II - All air tool operators, air track drills, asphalt rakers, barco tampers, batcher plant & scale man, chain saw, concrete saw, electric hand grinder, all electric bush & chipping hammers, flagman, forklift operators, form setter (street or highway), gunnite laborers, hand spiker, introflax burning rod, joint makers, mason tenders, pipe layers, plasterer tenders, powderman helpers, power driven Georgia buggies, power posthole digger, railroad laborers, sandblaster laborers, scow man & deck hand, signal man, sweeper & cleaner machines, vibrator operators, walk behind trenching machines, mortar mixer machines, water pumpman
- GROUP III - Gunnite nozzleman & gunnite nozzle machine operator, sand blaster nozzleman, concrete or grout pumpman, plaster pumpman
- GROUP IV - Powderman & blaster
- GROUP V - Caisson holes (6 ft. & over) pressure & free air including tools
- GROUP VI - Tunnel man & tunnel sand miner, cofferdam (pressure & free air), sand hog or mucker (pressure or free air)

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS:

- Class A - Auto Patrol, Batcher Plant, Bituminous Paver, Cable Way, Central Compressor Plant, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Pump, Crane, Crusher Plant, Derrick Boat, Ditching & Trenching Machine, Dragline, Dredge Operator, Dredge Engineer, Elevating grader & all types of loaders, Hoe type Machine, Hoist (1-drum when used for stack or chimney construction or repair), Hoisting Engine (2-drums or more), Locomotive, Motor Scraper, Carry-all Scoop, Bulldozer, Heavy Duty Welder, Mechanic, Orangepeel Bucket, Pile Driver, Power Blade, Motor Grader, Roller (bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Winch Truck, Push Dozer, High Lift, Fork Lift (regardless of lift height & except when used for masonry construction), All types of Boom Cats, Core Drill, Hopto, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradeall, Hoist, Hyster, Pumcrete, Ross Carrier, Boom, Tail Boom, Rotary Drill, Hydro Hammer, Mucking Machine, Rock Spreader attached to equipment, Scoopmobile, KeCal Loader, Tower Cranes (French, German & other types), Hydro Crane, Backfiller, Gummies, Sub-Grader.
- Class B - All Air Compressors (over 900 CFM), Bituminous Mixer, Joint Sealing Machine, Concrete Mixer (under 21 cu. ft.), Form Grader, Roller (rock), Tractor (50 HP & over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Fireman, Boom type Tamping Machine, Truck Crane Oiler, Greaser on grease facilities servicing heavy equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Self-Propelled Compactor, Tractair & Road Widening Trencher, Farm Tractor with attachments (except Backhoe, High Lift & End Loader), Elevator (when used to hoist building materials), Hoisting Engine (1-drum or buck hoist), Fork Lift (when used for masonry construction), Well Points Grout Pump, Throttle-Valve Man, Tugger, Electric Vibrator Compactor.
- Class C - Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Roller (earth), Tamping Machine, Tractors (under 50 HP), Vibrator, Oiler, Concrete Saw, Burlap & Curing Machine, Hydro-Seeder, Power Form Handling Equipment, Deckhand Steersman, Hydraulic Post Driver, Drill Helper.

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federal register

Friday
March 23, 1984

Part III

Environmental Protection Agency

40 CFR Part 761

Polychlorinated Biphenyls (PCBs);
Manufacture, Processing, Distribution in
Commerce and Use Prohibitions; Use in
Electrical Transformers; Advanced Notice
of Proposed Rulemaking

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 761
[OPTS 62035; TSH-FRL 2528-7]
**Polychlorinated Biphenyls (PCBs);
Manufacture, Processing, Distribution
in Commerce and Use Prohibitions;
Use in Electrical Transformers**
AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: EPA issued a final rule which was published in the *Federal Register* of August 25, 1982 (47 FR 37342) that, among other provisions, authorized the indefinite use of certain electrical transformers containing polychlorinated biphenyls (PCBs) (PCB Electrical Use Rule). Although EPA had knowledge prior to August 25, 1982 of a major fire-related incident in Binghamton, New York involving a PCB-Transformer, EPA believed that fires involving this equipment were rare, isolated incidents. Thus, EPA did not consider the risks posed from fires when EPA made its determination that the continued use of electrical transformers containing PCBs did not pose unreasonable risks to public health or the environment.

Recent information from a May 1983 fire-related incident in San Francisco, California involving a PCB-Transformer and a September 1983 fire-related event in Chicago, Illinois involving a PCB-Transformer has brought into question EPA's earlier assumption that fire-related events involving PCB-Transformers are rare and isolated occurrences.

The purposes of issuing this Advance Notice of Proposed Rulemaking (ANPR) are to solicit data specific to the risks posed by fires involving electrical transformers that contain PCBs and to solicit data on mechanisms for mitigating or eliminating these risks. Depending upon the results of EPA's analysis of these data, EPA may propose further control measures on the use of this equipment by October 1984.

DATES: Comments on the issues raised in this Notice must be submitted by May 22, 1984.

ADDRESSES: Comments should be submitted in triplicate to: TSCA Public Information Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, D.C. 20460.

Comments should include the docket number OPTS-62035. Comments received in connection with this Notice

will be available for reviewing and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Rm. E-107, Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Jack P. McCarthy, 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:
I. Background

Section 6(e) of the Toxic Substances Control Act (TSCA) generally prohibits the use of PCBs after January 1, 1978. The statute does, however, set forth two exceptions under which EPA may, by rule, allow a particular use of PCBs to continue. Under section 6(e)(2) of TSCA, EPA may allow PCBs to be used in a "totally enclosed manner." A "totally enclosed manner" is defined by TSCA to be "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant, as determined by the Administrator by rule." TSCA also allows EPA to authorize the use of PCBs in a manner other than a totally enclosed manner if the Agency finds that the use "will not present an unreasonable risk of injury to health or the environment."

EPA promulgated a rule, which was published in the *Federal Register* of May 31, 1979 (44 FR 31514) to implement sections 6(e) (2) and (3) of TSCA. This rule is listed in the Code of Federal Regulations under 40 CFR Part 761. The rule, among other provisions, designated all intact, nonleaking capacitors, electromagnets, and transformers, other than railroad transformers, as "totally enclosed," thus permitting their use without specific authorizations or conditions. The Environmental Defense Fund (EDF) petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review a number of provisions of the rule, including the portion of the rule that designated all intact and nonleaking capacitors, electromagnets, and transformers as "totally enclosed." (*Environmental Defense Fund, Inc. v. Environmental Protection Agency*, 636 F.2d 1267).

On October 30, 1980, the court, among other things, decided that there was insufficient evidence in the record to support the Agency's classification of transformers, capacitors, and electromagnets as totally enclosed. The

court invalidated this portion of the rule, as well as a number of other provisions, and remanded the rule to EPA for further action.

As a consequence of the October 1980 decision, EPA undertook a number of rulemaking actions. The action relevant to the rule which is the subject of today's ANPR was published in the *Federal Register* of August 25, 1982 (47 FR 37342) (hereafter, PCB Electrical Use Rule). This rule amended the May 31, 1979 rule. The August 1982 amendment, among other provisions, authorized the continued use of PCB-Transformers [electrical transformers containing greater than 500 parts per million (ppm) PCBs] in facilities involved in the handling of food or feed items until October 1, 1985, and, allowed the use of all other categories of non-railroad electrical transformers containing or contaminated with PCBs for the remainder of their useful lives. In its August 25, 1982 decision, EPA made a determination that authorizing the use of these transformers for the remainder of their useful lives did not present an unreasonable risk to public health or the environment for the following reasons:

1. EPA determined that if it did not authorize the use of PCBs in transformers, the costs to the public and United States industry would be billions of dollars, primarily as a result of the disruption of electrical service. EPA determined that the resulting reduction in risk would not outweigh these substantial costs.

2. EPA determined that the inspection and maintenance programs required under the rule reasonably reduced the exposure risks associated with the use of PCBs in PCB Transformers, and the servicing conditions prevented further PCB contamination of transformers.

3. EPA determined that releases of PCBs to the environment and exposure to humans and biological organisms from mineral oil transformers are minimal. EPA estimated that these transformers contain less than 0.15 percent of all the PCBs used in transformers and release less than one-half of a percent of these PCBs on an annual basis.

4. EPA determined that the costs associated with other risk reduction measures such as accelerated phase-out, reducing the PCB concentration in the dielectric fluid, or providing containment for transformers were not reasonable when compared to the potential reduction in release of PCBs achieved.

In evaluating the risks posed by the continued use of electrical transformers containing PCBs, EPA had considered

the exposure resulting from leaks and spills of PCB-containing dielectric fluid as constituting the principal route of release of PCBs to the environment for this equipment.

There was, however, an indication that fires involving transformers also could be responsible for the release of PCBs. For example, on February 5, 1981, in the Binghamton State Office Building in Binghamton, New York, a PCB-Transformer was involved in a fire in the basement of the building. Monitoring, completed after the fire, indicated the distribution of PCBs, polychlorinated dibenzofurans, and polychlorinated dibenzodioxins throughout the interior of the building. The distribution of PCBs (and suspected oxidation products) throughout the 18-story building occurred via two vertical ventilation shafts that ran the length of the building and opened into the transformer vault in the basement. At the time, however, EPA believed that fires involving transformers that contain PCBs were rare, isolated events. Thus, although EPA made determinations that the use of electrical transformers containing PCBs did not pose unreasonable risks to public health or the environment, EPA did not directly consider the public health and environmental risks posed from fire-related events. EPA also did not evaluate the cost of implementing risk reduction measures to mitigate the risks posed by fires involving this equipment or factor into its economic assessment certain now-identified costs associated with the continued use of these transformers, principally, the high costs of clean-up following these incidents. These costs reduce the benefits associated with the continued use of these transformers.

After promulgation of the 1982 rule, additional information came to EPA's attention that indicated that PCB-Transformer fires may occur more frequently than previously expected, and that PCB-Transformer fire hazards are not restricted solely to transformers located inside buildings. On May 15, 1983, in the One Market Plaza complex in San Francisco, California, a PCB-Transformer was involved in a smoky transformer vault fire. Monitoring completed after the fire indicated the presence of PCBs and polychlorinated dibenzofurans (PCDFs) in soot from this fire. Although the vault housing the transformer was located exterior to the building itself, unsealed conduits from the vault to the basement and outside air intake vents drew the contaminated smoke into the building and allowed for the distribution of the PCBs and

polychlorinated dibenzofurans in the ductwork of the building.

The San Francisco incident, and an even more recent incident, in the First National Bank Building in Chicago, Illinois in September 1983, have prompted EPA to consider reassessing its earlier position on the expected frequency of fire-related incidents involving transformers that contain PCBs.

This Advance Notice of Proposed Rulemaking (ANPR) is the Agency's first step in formally assessing the public health and environmental risks posed by fires involving electrical transformers containing PCBs. If EPA determines that the risks posed by fires involving transformers that contain PCBs are sufficiently large, when weighed against the benefits of this equipment and the costs of control measures, then EPA will propose measures by October 1984 to reduce or eliminate these risks.

The purpose of this ANPR, then, is to present certain available information on the risks posed by fires involving transformers that contain PCBs, and, to solicit data in five major areas: (1) The risks posed to human health and the environment in the event of a fire-related accident involving an electrical transformer containing PCBs; (2) the probability of fire-related events occurring that involve electrical transformers that contain PCBs, and factors that may increase this probability; (3) the reactions and mechanisms of reactions involved in the formation of PCDFs and polychlorinated dibenzodioxins (PCDDs) in fire-related incidents involving electrical transformers containing PCBs; (4) the costs and nature of the cost incurred by the owner of a transformer involved in a fire-related event; and (5) the identification of available options for mitigating or eliminating the risks posed by fires involving electrical transformers containing PCBs as well as the costs and benefits associated with those options.

If EPA is not provided with adequate data, especially in the areas of the risks posed in the event of a fire, the probability of these fires occurring, and the costs associated with clean-up following these incidents, EPA will make its regulatory judgments based upon the data set forth in this document. These data indicate that PCB-Transformer fires pose relatively high risks, occur with unknown frequency and can result in relatively high clean-up costs.

II. Transformer Fire Risks

A. Case Studies

A primary source of information on the causes of and circumstances surrounding fires involving transformers containing PCBs are data compiled from three PCB-Transformer fires in Binghamton, New York; San Francisco, California; and Chicago, Illinois. In order to understand better the risks posed by the use of this equipment in the event of a fire, EPA has evaluated each of these incidents, and compared the circumstances surrounding each fire in order to determine what factors increased the risks posed from the fire, and what factors, if any, reduced the risks presented by the fire.

EPA assumes that the risks posed by a fire involving a PCB-Transformer are related to the degree of dispersion of toxic chemicals from the transformer into areas where people may be present. Thus, EPA expects that PCB-Transformer fires in buildings or near buildings may pose greater risks than PCB-Transformer fires in locations such as outdoor electrical substations. The Agency further assumes that the greater the dispersion of contaminants within a building, the greater the potential for exposure of humans to these contaminants, and therefore, the higher the risks. EPA has reached certain conclusions about the risks posed by transformer fires, based on these three case studies.

The three incidents discussed below are the three most well-characterized and well-researched incidents that EPA is aware of. EPA is soliciting similar information on other fire-related incidents involving transformers containing PCBs. A partial list of other less well-known and less well-researched incidents that EPA is aware of appears in Unit III.B. EPA is soliciting additional information on these incidents, as well as information on other incidents not included on this list.

1. *Binghamton, New York.* At 5:30 a.m. on February 5, 1981, a fire occurred in the switchgear adjacent to a PCB-Transformer in the basement mechanical room of the Binghamton State Office Building. This building is an 18-story office tower that was completed in 1973. Power to the building was supplied by two transformers which contained a coolant fluid consisting of 65 percent PCB (trade name Aroclor 1254) and 35 percent mixed tri- and tetrachlorinated benzenes.

Although the city fire departments responded within minutes, they did not enter the mechanical room until the power was disconnected to the

transformers approximately 50 minutes after the fire started. During this period, there was repeated electrical arcing and reports of loud explosions occurring in the mechanical room. Smoke generated by the fire was distributed by convection throughout the building through an open vertical shaft that started in the mechanical room and ran to the penthouse. This concrete block shaft contained the sheet metal duct for the exhaust air from the men's restrooms on all the floors. The shaft was not air tight, and allowed smoke to escape the space between the structural ceiling and the suspended ceiling on each floor of the building. As a result, the entire inside of the building was coated with black soot.

The probable source of the soot was combustion of the materials in the switch gear. The heat of the fire apparently caused a ceramic bushing to crack on one of the transformers, allowing approximately 180 gallons of insulating liquid to drain onto the floor in the vicinity of the fire. Photographs taken shortly after the fire was extinguished showed that the switch gear was completely destroyed, but there was little damage to the transformers. The mechanical room was heavily coated with soot, and puddles of liquid remained on the floor. The heat from the fire was sufficient to damage slightly a structural steel beam that was directly over the switch gear. However, the fire apparently did not spread to any material other than the switch gear itself.

Elevated levels of PCDFs in the soot were reported within a week after the fire. Comprehensive analyses of the soot were performed by Dr. David Stalling of the U.S. Fish and Wildlife Service, Columbia, Missouri, by Dr. Christopher Rappe of the University of Umea in Sweden, and by Dr. Pat O'Keefe of the New York State Department of Health Laboratories. These analyses reported the presence of PCDDs, PCDFs and polychlorinated biphenylenes (PCBPs), although the amounts found varied from sample to sample. Initial analyses of two soot samples by Smith *et al.* (Ref. 1) reported the presence of 2.8 and 2.9 ppm 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) and 124 and 273 ppm 2,3,7,8-tetrachlorodibenzofuran (2,3,7,8-TCDF). A more detailed analysis of a homogenized mixture of soot taken from throughout the building and used in animal feeding studies contained 7,200 ppm PCBs and the following concentrations of various homologs of PCDF: tetra-18 ppm, penta-21 ppm, hexa-2 ppm, hepta-3.5 ppm, and octa-0.74 ppm. Analysis of a single soot sample

found 597 ppm total tetra-chlorinated dibenzofuran, 48 ppm 2,3,7,8-TCDF, 1.8 ppm total tetra-chlorinated dibenzodioxins, and 1.2 ppm 2,3,7,8-TCDD. Congener specific analysis of a different Binghamton soot sample found 2,3,7,8 substituted constituents to be the most predominant congeners within each of the levels of chlorination of both PCDFs and PCDDs. Additional sampling data on PCB, PCDF and PCDD levels found following the Binghamton fire, as well as additional information on the circumstances surrounding this incident are presented in the Versar report, "Exposure Assessment: Fires Involving PCB Transformers" (Ref. 1).

The Binghamton State Office Building remains closed to normal use. The building has been extensively cleaned by vacuuming and washing to remove the soot. Analysis of air samples, wipe samples from vinyl walls, and bulk samples of sprayed-on ceiling insulation have demonstrated that the ratio of the various toxic constituents is not constant from one matrix to another, and that the vaporization and redeposition processes are causing a gradual redistribution of the material within the building. Estimates of clean-up costs to date are between \$15 and \$20 million.

2. *San Francisco, California.* Shortly after 11:00 a.m. on May 15, 1983, a fire started in the sub-basement transformer vault of the One Market Plaza office building complex at the corner of Steuart and Mission Streets in San Francisco. The vault contained three transformers that were filled with Aroclor 1242 coolant liquid. Heavy black smoke issued from the sidewalk grating adjacent to the building for about three hours until the high voltage power to the transformer was interrupted by the utility. During this three-hour period, there was considerable vibration and loud noises occurring in the vault that were described by reporters at the scene as "explosions." No information is available on the size of the transformers, but it was reported that only one transformer leaked, and that after the fire there were 50 to 60 gallons of liquid in the vault, with the floor and walls of the vault caked with black soot and liquids dripping from the vault ceiling. The liquid remaining in the transformer contained 0.127 ppm tetrachlorodibenzofuran (TCDF) and no detectable tetrachlorodibenzo-p-dioxin (TCDD).

Smoke and soot from the transformer vault contaminated the adjacent switch gear room (through the bus duct) and small areas of the adjacent parking garage and workshop areas (through

small cracks in the concrete block vault walls). Some of the heavy smoke issuing from the sidewalk grating was apparently pulled into the building through street level air makeup louvers and into the ventilating fans that supply air through the sub-basement, basement, plaza level, and floors 2 through 6 of the Steuart Street office tower. Tests later indicated that the contamination was limited to the basement, the air handling system through floor 6, and the exterior of the building. The upper floors of the Steuart Street Tower receive air from ventilating fans mounted in a penthouse above the 28th floor.

Air samples taken in the vault starting a week after the fire measured 320 to 1500 micrograms per cubic meter PCBs, depending on the rate of ventilation through the vault. (Ambient levels of PCBs in the atmosphere have been measured and range from about 0.1 to 9 nanograms per cubic meter.) The switch gear room adjacent to the vault had air concentrations as high as 98 micrograms per cubic meter before ventilation was started. The San Francisco Department of Public Health restricted access to any area having a level of PCBs in the air in excess of 1 microgram per cubic meter, or surface contamination in excess of 1 microgram PCBs per 100 square centimeters when sampled by wiping with a cloth wetted with octane. Although no samples collected in the offices on floors 2 through 6 were contaminated above these levels, the city requested that the ventilation system not be operated because of the possibility of spreading contamination to these clean areas. Without ventilation, these floors could not be occupied.

Analysis of the soot collected in the transformer vault and in the sub-basement adjacent to the wall of the transformer vault showed the presence of PCBs, TCDFs, and TCDDs. A soot sample taken adjacent to the vault showed the presence of 86,000 ppm PCBs, 28.9 ppm total TCDFs (6.3 ppm 2,3,7,8-TCDF), and 0.324 ppm TCDD (0.059 ppm 2,3,7,8-TCDD). Additional sampling data on PCB, PCDF, and PCDD levels found as a result of the San Francisco fire are presented in the Versar report (Ref. 1).

The available reports on the analytical results from One Market Plaza do not specify the analytical procedures nor, in most cases, the detection limits of the procedures used. However, from a comparison of available information on the contents of the transformer and the amount of fluid spilled, and the levels of contaminants measured, it is apparent that the

conversion of PCBs to PCDFs occurred with about the same efficiency in both Binghamton and San Francisco.

Estimates of clean-up costs to date (provided by the Pacific Gas and Electric Company) are between \$15 and \$20 million.

3. *Chicago, Illinois.* On September 28, 1983, a fire occurred in a bus bar between a PCB-Transformer and the switch gear in a transformer vault under the plaza on the same block as the First National Bank Building in Chicago, Illinois. Although power to the transformer was cut after about 10 minutes, smoke continued to issue from the sidewalk grating for about 45 minutes. Inspection of the transformers after the fire was extinguished indicated that one of the four transformers in the vault had leaked approximately 15 gallons of coolant consisting of 65 percent Aroclor and 35 percent chlorinated benzenes. The source of the leak was a small hole in the transformer casing that was possibly caused by electrical arcing.

Significant PCB contamination was limited to the vault, the exhaust air ducts from the vault, and to the exterior surfaces of a small building adjacent to the transformer vent. The highest readings outside the vault and its exhaust system were on a window near the vault (497 micrograms per 100 square centimeters) and on an intake air well grille (752 micrograms per 100 square centimeters) and window (398 micrograms per 100 square centimeters). The transformer vault was adjacent to an underground parking garage and shared a ventilating system with the garage and a small adjacent building; however, none of these areas was heavily contaminated.

The First National Bank Building, about one-half block from the vault, was not contaminated. Although one fiberglass filter on an air intake vent on the fourth floor of the First National Bank Building was found to contain about 90 ppm PCBs, nearby filters did not show high levels. The building was evacuated when smoke was seen coming from a window vent; however, the smoke was later identified as the exhaust from an auxiliary diesel generator that started when power was shut off to the transformers.

No analyses were reported for PCDFs or PCDDs in the soot. A number of wipe samples were collected in the First National Bank Building and from the air supply intake near the transformer, but no PCDFs or PCDDs were found.

The First National Bank Building was evacuated at the time of the fire, but reoccupied the following day. Cleaning was limited to the transformer vault, its

exhaust system, and the exterior of the small building next to the vault.

B. Conclusions Based on Case Studies

Based upon EPA's evaluation of the circumstances surrounding the Binghamton, New York; San Francisco, California; and Chicago, Illinois fires, EPA believes that fires involving PCB-Transformer present certain risks of exposure of humans and the environment to toxic contaminants such as volatilized PCBs and certain oxidation products of PCBs, including PCDF.

1. *Toxicity of PCBs and oxidation products found in soot.* In earlier rulemakings, EPA has already concluded that, based upon available information, persons exposed to PCBs can develop chloracne; and, that based on animal data, there is a potential for reproductive effects and developmental toxicity as well as oncogenicity in humans exposed to PCBs. Although the effects of chloracne are reversible, EPA does not consider this effect of exposure to PCBs to be insignificant (Ref. 2).

According to the September 12, 1980 Carcinogenic Assessment Group's (CAG's) Risk Assessment on 2,3,7,8-TCDD (Ref. 3), gauged by results of toxicity testing in animals for a variety of effects, 2,3,7,8-TCDD is one of the most toxic chemicals known. This substance was found in soot samples taken following the Binghamton and San Francisco transformer fires. LD₅₀ values of 2,3,7,8-TCDD range from 0.6 micrograms per kilogram orally for the male guinea pig to 275 micrograms per kilogram dermally for the rabbit, which would classify this compound as supertoxic (Ref. 4). (The scale of acute toxicity ranges from practically nontoxic to supertoxic.) Deaths typically occur about one week or more after treatment. In chronic and acute oral 2,3,7,8-TCDD toxicity studies on several animal species, the liver, thymus, and spleen have consistently been the target organs. Liver damage, including necrotic and degenerative changes, lipid accumulation, and increased liver weight have been observed in mice, rats, and guinea pigs following 2,3,7,8-TCDD treatment. Atrophy of the thymus and spleen has also consistently been found in laboratory animals. Other effects of 2,3,7,8-TCDD ingestion include suppression of reproductive function in rats and disturbances of the hematopoietic system with occasional hemorrhaging in monkeys, rats, and mice (Ref. 3).

There are several cancer bioassay studies of 2,3,7,8-TCDD: (1) A Dow Chemical Company study (Kociba *et al.*, 1978) in male and female Sprague

Dawley rats; (2) the Van Miller *et al.* (1977) study in male Sprague Dawley rats; (3) the Toth *et al.* (1979) study in Swiss mice; (4) the National Cancer Institute (1980 a, b) studies in rats and mice; (5) the Pitot *et al.* (1980) promotion study in rats; and (6) the Kouri *et al.* (1978) cocarcinogenicity study in mice (Ref. 3).

In summary, according to the September 1980 CAG risk assessment (Ref. 3), carcinogenic responses have been induced in mice and rats at very low doses of 2,3,7,8-TCDD. In addition, 2,3,7,8-TCDD has been shown to be a very potent cancer promoter. These results, together with suggestive evidence in epidemiologic studies, constitute substantial evidence that 2,3,7,8-TCDD is likely to be a human carcinogen. In addition, on the basis of a Dow Chemical Company study on 2,3,7,8-TCDD, it appears that 2,3,7,8-TCDD is a more potent carcinogen than aflatoxin B₁, which is one of the most potent carcinogens known (Ref. 3).

Toxicological testing of polychlorinated dibenzofurans (PCDFs) has been more limited than testing of 2,3,7,8-TCDD. However, in a study designed to evaluate the comparative toxicity of PCBs and PCDFs, in rats, PCDFs were found to be more toxic than PCBs (Ref. 5). In particular, the results of this study indicate that PCDFs produced severe toxic effects on hematologic and thymic functions. In rats fed diets containing polychlorinated dibenzofurans, severe reduction in erythrocyte counts, hematocrit, and hemoglobin concentration occurred, and blood smears indicated hemolytic anemia.

Following the Binghamton fire, several researchers completed toxicological testing of soot samples in guinea pigs. Based on these studies using Binghamton State Office Building (BSOB) soot, EPA has concluded that multiple exposures to soot from PCB-Transformer fires have the potential to product toxicity in the thymus, the hematopoietic system, the salivary gland duct epithelial and, possibly, the liver (Ref. 6).

It is worth noting that thymic atrophy, bone marrow depletion, and diminished body weight gain, all effects of the subchronic administration of the BSOB soot have been routinely demonstrated in acute studies in guinea pigs using PCDFs and PCDDs (Ref. 6). In addition, the group of guinea pigs dosed with 231.1 ppm BSOB soot in the subchronic study exhibited symptoms characteristic of acute exposure to 2,3,7,8-TCDD and 2,3,7,8-TCDF which include skeletal muscle degeneration, fatty changes in

hepatocytes, and degeneration of gastrointestinal tract epithelium (Ref. 6).

One paper stated that the oral LD₅₀ of the BSOB soot in guinea pigs is 410 milligrams per kilogram body weight (Ref. 6), which would classify this compound as very toxic (Ref. 4).

2. Discussion of formation of oxidation products from PCBs. There is direct evidence of the formation of PCDFs and PCDDs from heating and burning commercial mixtures of PCBs and diluents. The direct evidence is from: (1) Laboratory experiments published in chemical and other literature, and (2) chemical analyses of materials at the sites where fires were known to involve transformers that contained PCBs. PCBs, PCDFs, and PCDDs were all found in some soot specimens from both the Binghamton and San Francisco fires. (PCDFs and PCDDs were not analyzed for in the soot from the Chicago fire.)

Laboratory studies provide the best available information on the conversion of pure PCBs to PCDFs. In these studies, a number of different PCB congeners and mixtures of congeners have been heated and the resulting materials analyzed for all PCDFs and PCDDs. Since a specific PCB compound reacts to form a limited number of PCDFs, the formation of PCDFs involves intramolecular elimination of three kinds of diatomic molecules, with or without some rearrangement of chlorine atoms on the remaining phenyl rings. From the products obtained in the PCB reactions, the diatomic molecules, hydrogen, hydrogen chloride, and chlorine, are formed from one hydrogen and/or chlorine atom in ortho positions on each of the two phenyl rings. The optimum temperature range for the published laboratory experiments was 600°C. Yields of PCDFs are in the percent range from 550°C to 600°C, but drop off to tenths of a percent at 500°C and 650°C.

The description and characterization of the chemical reactions occurring in a fire in which aroclors (or any other commercial mixtures of many PCB compounds) are burned is far more complex than the laboratory experiments. However, the same reactions observed in the laboratory should also occur in fire situations where the reactants and reaction conditions are similar to laboratory reaction conditions. Since the laboratory reaction that results in the formation of PCDFs from PCBs is intramolecular and an elimination, the effect of lower concentrations of PCBs (such as those present in mineral oil transformers) should have a minimal effect on the reaction rate or product yield at a given

temperature. That is, the fact that less PCB is present means only that less total PCDF will be formed since low concentrations alone are not expected to have any effect on the reaction rate, mechanism of reaction, or product yield. There also appear to be few factors present in an uncontrolled fire situation which would cause the total destruction of PCBs and PCDFs or which would present other competing reactions to reduce the yield of PCDFs.

An uncontrolled fire of sufficient temperature (about 600°C) to burn materials containing PCBs can result in the formation of PCDFs as large as a percentage of the level of PCBs originally present in the material. Concentrations would vary with the volume of contained combustion gases or constituents of material containing particulate combustion solids. Although high temperature incineration is used to dispose of PCBs in oil, PCDFs and PCDDs have also been detected following the incineration of PCBs in oil. Incineration of PCBs requires at 1200°C temperature, a two-second residence time, and sufficient oxygen. As explained above, however, laboratory experiments indicate that the reaction temperature for the formation of PCDFs is optimized at around 600°C.

Commercial mixtures of PCBs frequently contain mixtures of chlorobenzenes as well as PCBs. Even "pure" PCB may have low concentrations of chlorobenzenes present as contaminants. Experiments have shown the formation of PCDFs and PCDDs from pyrolysis of mixtures of chlorobenzenes in air. Other chlorinated compounds including chlorophenols were also formed. Amounts of PCDFs ranged as high as tenths of a percent for mixtures of trichlorobenzenes. Tetra- and pentachloro-benzene mixtures formed amounts of PCDFs and PCDDs which were two orders of magnitude smaller than the amounts of these compounds formed by trichlorobenzene. PCDFs and PCDDs may also be formed from the chlorinated phenols observed in the pyrolysis of chlorinated benzenes. The reactions to form PCDFs and PCDDs are bimolecular and the experimental concentrations of chlorobenzenes were high. The reduced concentration of chlorobenzene as a contaminant in commercial uses of PCBs would probably not lead a substantial increase in the amounts of PCDFs and PCDDs formed from burning or heating the PCBs. The notable exceptions are commercial materials using chlorobenzenes as a solvent for concentrated PCBs, i.e., askarels. EPA believes that the PCDD levels found in the Binghamton soot samples resulted

from the oxidation of chlorobenzenes. The low level PCDDs found following the San Francisco fire could have been associated with the possible presence of low concentrations of chlorobenzenes in the fluid, from past servicing operations. Information is not available on the products resulting from pyrolyzing chlorobenzene in commercial uses of PCBs, at different temperatures, in the range expected to be formed in uncontrolled burning.

With respect to possible burning or heating of commercial PCB mixtures at low concentrations in mineral oil, the flash point and fire point of the oil might increase the chances of having a fire start, and, once an oil fire starts, it is not unexpected that such a fire would provide suitable reaction conditions for producing PCDFs and PCDDs (if chlorobenzenes are present) from commercial PCBs. The flash points and fire points of both mineral oil and silicone oil could permit the heating of dissolved or dispersed PCBs to temperatures comparable to the temperatures used in published studies of these reactions. Thus, EPA expects that mineral oil equipment and other types of equipment contaminated with PCBs may also pose certain risks in the event of a fire from the perspective of the formation of toxic pyrolysis products.

Compared to mineral oil, the lower flash point and fire point of silicone oils (a potential substitute fluid for retrofilling PCB Transformers) might reduce the chances of having a fire start. But, once a silicone oil fire starts, it is not unexpected that such a fire would also provide suitable reaction conditions for producing PCDFs and PCDDs (when chlorobenzenes are present) from commercial mixtures of PCBs present in the transformers at low concentrations.

EPA is soliciting information concerning the identification and quantitation of residual chlorinated aromatic hydrocarbons, resulting from exposure to open flame burning of commercial formulations of transformer fluids containing PCBs and other chlorinated aromatic hydrocarbons. EPA is also soliciting information on conditions actually present in transformer locations, other than open flames, that can lead to the formation of residual chlorinated aromatic hydrocarbons. EPA is also soliciting information on substitute fluids and the chemical residues present following burning of these materials.

3. Populations at risk from PCB-Transformer fires. From its analysis of the three fires in Binghamton, San Francisco, and Chicago, EPA has

identified six populations that may be at risk in the event of a fire involving PCB-Transformers. The first group are persons present in a building or possibly in an adjacent building at the time of a fire. The second group are firemen and other emergency response personnel responding to the fire. The third group are onlookers present during the extinguishing of the fire, and the fourth group are persons involved in the clean-up following the fire. The final two groups are persons returning to the building following clean-up, and, persons exposed to equipment, automobiles, etc. that may have been contaminated during the fire.

In addition to these incidents posing certain risks to persons present in or around buildings involved in these fires, EPA believes that these incidents may also pose risks to other populations and to the environment. Specifically, depending upon the location and frequency of these incidents, EPA believes that the discharge of contaminated water (used to contain these fires) containing PCBs, PCDFs, and PCDDs into the water system could pose certain risks to other population groups as well. EPA is specifically soliciting data on the risks posed to humans and the environment from the discharge of water used to contain these fires. EPA solicits information on other potential populations that may be at risk in the event of a fire involving a transformer that contains PCBs.

4. Potential for exposure to PCBs and oxidation products from fires. Monitoring for PCBs, PCDFs and/or PCDDs was completed after the February 5, 1981 Binghamton fire, the May 15, 1983 San Francisco fire, and the September 28, 1983 Chicago fire. PCB contamination was found in all three incidents, and PCDFs and PCDDs were identified in soot samples from both the Binghamton and San Francisco fires (see Unit II.A. for summary of sampling data).

Sampling data accumulated following the Binghamton fire clearly indicates the potential for exposure to PCBs, PCDFs, and PCDDs by firemen, building occupants, and others in the vicinity of a PCB-Transformer fire. Sampling from the San Francisco fire also supports a determination that PCB-Transformer fires pose certain risks of exposure to PCBs, PCDFs, and PCDDs.

EPA solicits additional data on PCB, PCDF, and PCDD levels measured following PCB-Transformer fires.

5. Factors that appear to increase risks posed by fires. From EPA's preliminary analysis, it appears that PCB-Transformer fires may pose high risks when they occur near or inside

buildings that when they occur in outdoor locations such as electrical substations. From this preliminary analysis, it also appears that one of the primary factors that contribute to the risks posed by fires involving transformers that contain PCBs in buildings in the presence of ventilation shafts or ductwork in the vicinity of a transformer that is involved in a fire. In both Binghamton and San Francisco, ventilation equipment or ductwork in the vicinity of the transformers significantly contributed to the dispersion of PCBs and certain oxidation products, including PCDD and PCDF into the building.

A second factor that appears to increase the risks posed by fires involving PCB-Transformers is the failure of protective devices such as circuit breakers to interrupt the flow of electricity into a transformer. In both Binghamton and San Francisco, there is evidence that suggests that power continued to be provided to these transformers for some time after the initial malfunction. There is speculation that this factor contributed to the formation of additional toxic pyrolysis products, by creating excess heat and other conditions conducive to the formation of these oxidation products.

A third factor that appears to increase the risks posed by fires involving PCB-Transformers is firemen being unaware that they are responding to a fire involving a PCB-Transformer. In both Binghamton and San Francisco, there is evidence to suggest that the firemen who initially responded to the fires were not aware that PCB-Transformers were involved. Thus, these firemen may not have followed certain precautions that might be considered to be appropriate given the potential risks posed in the course of extinguishing such a fire. For example, filmed accounts of the San Francisco fire indicate that heavy black smoke poured out of the underground sidewalk vault housing the PCB-Transformers. These same filmed accounts indicate that respiratory protection was not used by firemen present above the transformer vault during their response to the fire. Further, these filmed accounts also indicate the presence of several similarly unprotected civilian onlookers in the area during the extinguishing of the fire.

A related factor that may be relevant to the degree of risk posed by fires involving PCB-Transformers is the type of building in which the transformer is located. EPA believes that PCB-Transformer fires in office buildings and shopping malls may pose greater risks to the public, because of the concentration of people normally present in these

types of buildings. Fires involving PCB-Transformers at industrial facilities may pose lesser risks, because fewer persons are generally present, and EPA expects that these transformers are often in places that are more open, where any malfunctions would be rapidly identified. EPA solicits comments on the relative risks posed by transformers located in office buildings, shopping malls, hotels and motels versus transformers located in industrial facilities or electrical substations.

Finally, EPA believes that there is one other factor that may increase the risks posed by PCB-Transformer fires. This factor is the lack of knowledge on the part of many persons, including firemen and other emergency response personnel, State and local authorities, and persons occupying these buildings about the potential risks posed in the event of a fire involving transformers that contain PCBs. In Binghamton, San Francisco, and Chicago, little structural damage occurred to the buildings as a result of these fires. For the most part, damage was limited to smoke damage. In these cases, a conscious decision was made by authorities at the scene to analyze for the presence of PCBs and certain oxidation products before allowing re-occupancy. Without this decision on the part of authorities present at the scene of other similar fires, it is possible that these other buildings may have been prematurely re-opened for occupancy.

Part of the reason for this general lack of knowledge about the risks posed in the event of PCB-Transformer fires may be the lack of a coordinated effort to accumulate information on similar fires when they occur. Currently, there is no EPA requirement that fires involving PCB-Transformers be reported to the Agency. EPA solicits comments on the benefits of maintaining an EPA PCB-Transformer Fire Reporting system as well as comments on other mechanisms for informing people of the hazards posed by these incidents.

EPA also solicits information from knowledgeable parties on its analysis of what factors increase the risks posed by fires involving PCB-Transformers as well as comments on other factors present during the Binghamton, San Francisco, and Chicago fires (or other fires) that may have increased the risks posed by these fires.

6. Factors that appear to have decreased the risks posed by fires. EPA believes that other factors may exist that, in contrast to the factors listed above, limit the risks posed by PCB-Transformer fires. That is, although the Binghamton and San Francisco fires are

considered to pose certain risks, both of these incidents had the potential to pose much greater risks. For example, one factor that limited the risks associated with the fires in Binghamton and San Francisco was the time of the fires. Both fires occurred during periods when these buildings were, for the most part, unoccupied. In contrast, the Chicago fire in September 1983 occurred in the First National Bank Building during a period of high occupancy. However, in this incident, power to the transformer was cut after about ten minutes. In Binghamton and San Francisco, the transformers remained energized for 50 minutes and three hours, respectively.

EPA is soliciting information on other factors that may have mitigated the risks posed by fires involving PCB-Transformers.

C. Clean-Up Costs Following PCB Transformer Fires

Given the well-established toxicity of PCBs, and the presence of materials that are more toxic than PCBs in the soot from a fire involving a PCB-Transformer, owners of PCB-Transformers involved in PCB-Transformer fires have invested up to \$20 million each to ensure the safety of persons returning to occupy these buildings. For a full analysis of measures taken as part of the clean-up of the Binghamton fire, see "The Binghamton State Office Building Clean-up: a Progress Report Update, 1983" (Ref. 7), and "Investigation of the Contamination Remaining in the Binghamton State Office Building Following Completion of Preliminary Clean-up, October 20, 1982" (Ref. 8). These costs, for the clean-up and removal of contaminated materials containing PCBs, PCDFs, and PCDDs found after these incidents can be factored into the economic analysis of the benefits of the continued use of PCB-Transformers. Earlier analyses of the benefits of the continued use of these transformers, completed in support of the August 25, 1982 PCB Electrical Use Rule, did not take into consideration the costs of clean-up in the event of a PCB-Transformer fire.

In Unit V of this Notice, EPA has presented preliminary estimates of the costs of clean-up in combination with estimates of the probability of such an occurrence, and preliminary estimates of the costs of various control measures designed to mitigate or eliminate the risks posed by PCB-Transformer fires.

III. Probability of Fires Occurring Involving Transformers That Contain PCBs

A. The Number and Location of Transformers Containing PCB's

1. *Data contained in the August 25, 1982 rulemaking record.* Transformers are used extensively by electric utilities and other industries to transmit and distribute electric power efficiently. Some transformers designed for use with PCBs contain between 60 and 70 percent PCBs; others, designed to contain mineral oil dielectric fluid are contaminated with PCBs from past servicing and manufacturing activities.

An estimate of the number of utility owned PCB-Transformers was previously provided to EPA via an Edison Electric Institute and Utilities and Solid Waste Advisory Group (EEI/USWAG) survey of the utility industry. These data were presented in tabular form in the Proposed PCB Electrical Use Rule, published in the *Federal Register* of April 22, 1982 (47 FR 17426). In the August 25, 1982, PCB Electrical Use Rule, EPA used these data, in combination with existing data from an earlier rulemaking to estimate the total number of PCB-Transformers in service and to estimate the distribution of these transformers among utility and non-utility owners.

In the August 25, 1982 PCB Electrical Use Rule, EPA estimated that the utility industry owned approximately 39,000 in-service PCB-Transformers. EPA estimated that 22,469 of these transformers are located in non-substation locations, such as in and around buildings and industrial facilities. The 39,000 transformers represent about one-third of all PCB-Transformers in service. EPA estimated that about 90,000 PCB-Transformers are non-utility owned transformers. EPA also estimated that there are over 20 million mineral oil transformers in the electrical utility industry and about five million in all other applications. These mineral oil transformers may contain relatively low level PCBs (less than 500 ppm PCBs) as a result of contamination from past servicing activities.

2. *New information on PCB-Transformers.* In late September 1983, a major building owner in the United States, the Equitable Life Assurance Society of the United States (Equitable Life Assurance), approached EPA with information on PCB-Transformers present in its buildings. The survey conducted by Equitable Life Assurance indicates that of the over 500 buildings owned by this corporate building owner, approximately 36 sites are serviced by about 277 PCB-Transformers. Fifteen of

these sites are office buildings, 13 are shopping malls, 5 are industrial facilities, and 3 are hotels or motels. Over 80 percent of the PCB-Transformers listed in this limited survey are owned by utilities (Ref. 8).

EPA believes that the estimates of the number of in-service PCB-Transformers used in the August 25, 1982 rule are still valid today. However, in order to evaluate fully the hazards posed by fires involving transformers containing PCBs, EPA needs more detailed information on PCB-Transformers. The data needed include data on: (1) The types of buildings in which PCB-Transformers are used, (2) the number of PCB-Transformers used in each building, (3) the ages of the transformers, (4) the ages of the buildings, (5) the location of the PCB-Transformers serving the buildings, and (6) the ownership of the PCB-Transformers. EPA solicits information from other building owners similar to that provided by Equitable Life Assurance, as well as from State and local municipalities.

EPA also solicits information on the costs of requiring PCB-Transformer owners to report to EPA the number and locations of PCB-Transformers.

B. Results From a Survey of EPA Regional Offices

In October 1983, EPA conducted a telephone survey of its regional offices across the United States in an attempt to obtain additional information on the frequency of fire-related events involving transformers that contain PCBs (Ref. 10). From this informal survey, EPA learned that in the period from February 1981 through September 1983, there were at least 15 fire-related incidents involving transformers that contained PCBs (this includes the Binghamton fire, the San Francisco fire, and the Chicago fire).

EPA uses the term "fire-related incident or event" because in many cases it is not clear whether an actual fire occurred in the vicinity of the transformer. However, there appears to be a full spectrum of fire-related events that can occur in the vicinity of a transformer. EPA believes that minor arcing with no apparent volatilization of PCBs or formation of oxidation products is at one end of the spectrum and a Binghamton-like event is at the other end of the spectrum. It is not clear whether conditions short of a Binghamton or San Francisco situation can also lead to the volatilization of PCBs and the formation and/or distribution of toxic oxidation products of PCBs. EPA solicits data on what other fire-related conditions, short of the

conditions present during fires like Binghamton or San Francisco, can also lead to the volatilization of PCBs and the formation and distribution of PCDFs, PCDDs, and other toxic oxidation products.

According to the results of this telephone survey, there were two fire-related incidents in region I (both in Boston, Massachusetts), three incidents in Region II (in New Jersey, Albany, New York, and Binghamton, New York), two incidents in Region IV (in Clearwater and Miami, Florida), one incident in Region V (in Chicago, Illinois), one incident in Region VI (in Corpus Christi, Texas), one incident in Region VII (in Kansas City, Kansas), two incidents in region VIII (in Denver, Colorado), and four incidents in Region IX (in California) (Ref. 10).

Thus, in a two-year period, without any formal EPA mechanism that required the reporting of fires involving transformers containing PCBs, fifteen incidents were reported to EPA regional offices. Detailed information on all of these incidents is not readily available. In many cases, monitoring for the presence and distribution of PCBs and pyrolysis products does not seem to have been undertaken.

The causes of these 15 fire-related incidents are also not always known. When causes were mentioned by survey respondents, they included: (1) Shortages in bus-bars, (2) switchgear malfunctions, (3) electrical shorts or arcing of the transformer, and (4) high voltage cable burning. One of the more disturbing incidents described by one of the regions was a case in which refuse present in the vicinity of a transformer caught fire as a result of sparks from an arcing transformer. The fire itself began in the refuse beneath the transformer, and, it eventually caused the rupture of the transformer casing.

EPA solicits additional data from knowledgeable parties on the circumstances surrounding the fire-related incidents described above. EPA also solicits information on the circumstances surrounding other incidents that EPA may not be aware of, especially information on the causes of the fires and the information and distribution of contaminants.

C. Other Estimates of Fire Frequency

Informal discussions between EPA representatives and representatives of the General Services Administration (GSA), regional fire departments, and the National Fire Administration have yielded some preliminary estimates of the frequency of fire-related incidents involving PCB-Transformers. EPA has obtained the following informal

estimates: 3-4 fire-related incidents per 1,000 PCB-Transformers per year and 2-3 fire-related incidents involving PCB-Transformers per fire department per year.

If one assumes that there are 140,000 PCB-Transformers in service (as estimated by EPA in the August 25, 1982 PCB Electrical Use Rule), then, 3-4 fire-related incidents per year per 1,000 transformers would yield an estimate of between 420 and 560 fire-related incidents per year. If one assumes that all non-substation PCB-Transformers (114,469) are located in or around buildings, then, 3-4 fire-related incidents per year per 1,000 non-substation transformers would yield an estimate of between 342 and 456 PCB-Transformer fire-related incidents per year in buildings.

If one assumes that there is an average of 10 major fire department jurisdictions per State, and a total of at least 510 jurisdictions in the United States, then, a 2 or 3 fire-related transformer incidents per fire department yields an estimate of between 1,020 and 1,530 fire-related PCB-Transformer incidents per year.

In addition, from data collected in Finland on PCB-Transformer fires, the Director General of the Finnish Institute of Occupational Health (FIOH) estimated that there may be as many as 1,120 such incidents in the United States each year. This is based on the assumption that the frequency of fire-related events in the United States would be the same as that in Finland. EPA has contacted the Director General of FIOH to obtain additional data on the basis of his estimates.

Information compiled from the National Fire Incident Reporting System (NFIRS), a computerized data base managed by the National Fire Administration, indicates that there were 1,405 transformer fires in calendar year 1982. These data are not, however, specific to PCB-Transformers. EPA is in the process of obtaining access to this data base for purposes of determining the percentage of these fires that involved PCB-Transformers.

D. Range of Estimates of the Frequency of PCB-Transformer Fires

EPA has developed a range of preliminary estimates on the frequency of fire-related incidents involving PCB-Transformers. The lowest estimate is eight per year based on reports to EPA. The highest preliminary estimate, 1,530 fire-related incidents per year, is arrived at by assuming that fire departments throughout the United States respond to an average of 3 PCB-Transformer fire-related incidents each, per year.

Other preliminary estimates include: 560 incidents per year (assumes 4 fire-related incidents per year per 1,000 PCB-Transformers), 1,120 incidents per year (assumes probability of a fire in the United States is equal to the probability of a fire in Finland), and 1,405 incidents per year (assumes all transformer fires reported to the NFIRS are PCB-Transformer fires).

EPA solicits data on the validity of the estimates provided above, as well as data to support other estimates of the frequency of fire-related incidents involving electrical transformers that contain PCBs.

IV. Benefits of PCB Transformers and the Availability of Substitutes

A. Benefits of PCBs

PCBs were originally used as dielectric fluid in electrical transformers primarily because of their fire-resistant properties. Traditionally, PCB-Transformers were placed in locations where concerns for fire safety were paramount. Even today, PCB-Transformers that are in storage for re-use are placed in or around buildings where fire safety is a concern. Other dielectric fluids, such as mineral oil, have superior electrical properties to PCBs, but their fire resistant properties are not as good as PCBs.

Thus, any consideration of phasing out PCB-Transformers must be accompanied by an analysis of the fire-resistant properties and potential toxicity of combustion products of substitute fluids. In addition, EPA must evaluate the adequacy of the electrical properties of these substitutes.

B. Substitute Transformers

In its August 1982 PCB Electrical Use Rule, EPA concluded that adequate substitutes exist for PCBs in indoor transformer locations. The following units summarize available information on the fire safety and electrical efficacy of substitute transformers, and discusses available information on the toxicity of substitute dielectric fluids in combustion situations.

There are six general types of substitutes for PCBs in transformers: Silicones, high-temperature hydrocarbons (HTH), chlorinated hydrocarbons, non-PCB askarels, fluorocarbons, and mineral oil. The following summarizes data available to EPA on the fire safety, toxicity in the event of a fire, and electrical efficacy of each type of substitute fluid.

There are several physical/chemical properties of substitute dielectric fluids that are used as a guide in determining fire safety. These properties are the

autoignition temperature, the flash point, and the fire point. The minimum temperature at which a fuel bursts into flames when the stimulus is thermal is referred to as the autoignition temperature. The temperature at which first flames appear from a free radical source such as an arc, spark, or flame is referred to as the flash point. The fire point is a slightly higher temperature at which flames are sustained. Currently, the National Electrical Code requires a minimum fire point of 300°C for unvaulted electrical transformers.

The property of having a fire point higher than 300°C allows classification of fluids as "less flammable transformer fluids" by Factory Mutual Research Corporation (FMRC). During the past few years, FMRC, with the assistance of industry and government, has developed a philosophy for hazard reduction, performed experimental and theoretical research, and has issued a test sequence for recognition of less flammable transformer fluids.

The first requirement of the FMRC is that the fluid have a fire point of at least 300°C. This temperature is sufficiently high to afford resistance to small ignition sources, such as matches, but is still low enough to be met by several classes of commercial fluids, including silicone oil.

The next requirement is that the transformer be located within a dam that is at least four times the area of the transformer tank and is deep enough to contain all the fluid in the event of a spill. Should the fluid become ignited, and it is assumed that it will be, and become fully involved in flames, this insures that the flames will not spread along the floor.

The final requirement is a maximum allowable rate of convective heat release. In a nonflammable building, with nonflammable contents, the risk of extensive fire loss is mainly to the structure itself. If the ceiling over the fire is overheated, collapse of the roof could occur. Heat release rates have been measured by FMRC for several fluids.

1. *Silicones.* Silicones refer to a family of relatively inert liquid organosiloxane polymers used as electrical insulation. Although silicone-filled transformers have been used since 1972, in the last five years, their use has increased significantly. They are superior to mineral oil and non-PCB askarels in thermal stability and, unlike mineral oil, will not degrade to form sludge. They also have fire points above 300°C.

Combustion of silicones, whether by arc-induced explosion or spray mist ignition, produces fluococulant silicone dioxide particles and globules of silica-gels. Breakdown products during arcing

in the absence of oxygen are silicone dioxide, hydrogen, and hydrocarbons. Water, carbon dioxide, and carbon monoxide are also produced in the presence of oxygen. Silicone fluids are self-extinguishing when burned in a pool, since a crust is formed which smothers the flames.

Silicone transformer fluids also have some disadvantages. They absorb moisture from the air very rapidly and extreme care must be taken to transfer the fluid without contact with the atmosphere in order to maintain proper electrical properties. Product literature from one silicone fluid manufacturer roughly estimates that at 100°C, silicone fluids will circulate 5 or 6 times more slowly than askarel or mineral oil. This slower rate of circulation may have implications on the ability of the fluid to dissipate heat.

2. *High-temperature hydrocarbons (HTH).* EPA uses the term HTH to refer to mineral oils with a fire point higher than 300°C. This category of fluids includes high temperature esters that are primarily used in railroad transformers. The primary advantages of HTHs are high fire point, low toxicity, biodegradability, and the long usage history compared with other transformer oils. The higher fire point of HTH fluids mitigates somewhat the fire hazard normally associated with the use of mineral oil in indoor locations.

HTHs are refined from paraffinic-type base oil. Breakdown products from complete combustion during arcing in the absence of oxygen are hydrogen, carbon, and hydrocarbons. Products produced in the presence of oxygen include water, carbon dioxide, and hydrocarbons. Data are not available on the products of incomplete combustion of HTHs.

Ester HTHs are used primarily in railroad transformers or where transformers must start up under very cold conditions. Because their cost is higher than other HTHs and they offer no real advantages in indoor locations, it is likely that the paraffinic HTHs will be the materials of choice for these uses.

The viscosity of at least some HTHs decreases more rapidly than other transformer fluids under the action of increased temperatures associated with overloading. This property allows greater cooling during overload conditions.

The primary disadvantage associated with the use of HTHs is that they have a higher heat release rate than other substitutes. This means that the HTHs will burn at over twice the temperature of silicone fluids, thus, potentially causing more damage in an indoor fire.

Another disadvantage of HTHs is the increased viscosity compared with that of mineral oils. This higher viscosity at normal operating loads causes slightly higher operating temperatures and could possibly shorten the life of the transformer.

3. *Chlorinated hydrocarbons.* Chlorinated hydrocarbons refer to a group of chlorinated aliphatic hydrocarbons. The primary chlorinated hydrocarbon being considered for use as an electrical insulating fluid is perchloroethylene. The primary advantage of perchloroethylene is its nonflammability.

Breakdown products from complete combustion during arcing include hydrogen, chloride, carbon, carbon monoxide, carbon dioxide, and water. Data are not available on the products of incomplete combustion of chlorinated aliphatic hydrocarbons.

4. *Non-PCB askarels.* Non-PCB Askarel is a generic term for a group of synthetic, fire-resistant, chlorinated aromatic hydrocarbons (chlorobenzenes) used as electrical insulating fluid. The primary advantages of the non-PCB askarels are their nonflammability and lower costs compared to HTHs and silicones. These fluids are treated the same as PCB-askarels in the National Electrical Code.

As mentioned in Unit I.B.2. of this Notice, however, experiments have shown the formation of PCDFs and PCDDs from the incomplete pyrolysis of mixtures of chlorobenzenes in air. Amounts of PCDFs ranged as high as tenths of a percent for mixtures of trichlorobenzenes.

5. *Fluorocarbons.* Fluorocarbons (specifically Freon 113) are being tested for use as a transformer fluid. EPA is soliciting information on the fire safety, electrical efficacy, and toxicity of freon fluids in fire situations.

6. *Mineral oil.* Mineral oil is a refined mineral insulating oil to which additives such as oxidation-inhibitor have been added. It is used in the vast majority of outdoor transformers.

If fire safety were not a consideration, mineral oil-filled transformers would probably be used in all applications. Mineral oils cost less than PCBs, have better heat transfer properties, are considerably lighter in weight, and form noncorrosive products under conditions of electrical arcing.

The major disadvantage of mineral oil is its flammability due to a low flash point. If arcing occurs, the complete combustion breakdown products are hydrogen, methane, other hydrocarbons, carbon monoxide, and water. Data are not available on the products of

incomplete combustion of mineral oil. The National Fire Code requires, with some exceptions, that oil-insulated transformers installed indoors be placed in vaults. Because of the cost of installing transformers in vaults, this is a disadvantage of mineral oil transformers.

As concluded in EPA's August 25, 1982 PCB Electrical Use Rule, EPA believes that adequate substitutes exist for PCBs in indoor transformer locations from the perspective of fire safety and electrical efficacy. EPA is soliciting information, however, on the toxicity of substitute transformer fluids in combustion situations. Specifically, EPA is soliciting data on the products of incomplete combustion of substitute dielectric fluids.

C. Retrofitting PCB Transformers

1. *Introduction.* Two general types of substitutes for PCBs in transformers stand out as the best retrofit candidates. These fluids are silicones and high temperature hydrocarbons (HTH). The principal questions to be considered are the cost of retrofit versus the value of the remaining life of the transformer and the qualification of the fluid as "less flammable" for insurance purposes. Other fluids, such as chlorinated hydrocarbons, fluorocarbon, and mineral oil, may be used in new transformers but are inappropriate for retrofitting because the design of the PCB-Transformers does not fit the properties of the fluids.

2. *Silicones.* There are six silicone fluids sold by six different companies for use as dielectric fluid. Four of the six fluids have been approved by Factory Mutual as "less flammable" fluids. Silicones have a higher viscosity than PCBs and are therefore not quite comparable as a coolant. For this reason, it is possible that transformers retrofitted with silicone would have to be derated. According to one silicone fluid manufacturer, if the transformer were fully loaded, a derating not exceeding five percent could be necessary.

It has been mentioned in the literature that a leaking problem could be created because silicone fluids are not compatible with silicone rubber gaskets and the coefficient of expansion of silicone fluids is 50 percent greater than that of PCBs. In actual practice, however, the silicone gaskets are replaced during retrofitting. Further, even though the coefficient of expansion is greater than that for PCBs, the greater solubility of the filler gas (nitrogen) in silicone eliminates that expected increase in pressure.

Experience with retrofitting PCB-Transformers since the issuance of the August 25, 1982 PCB Electrical Use Rule indicates that retrofitting with silicones to reclassify transformers as non-PCB is not practical at this time. In all, only one transformer retrofitted with silicone fluid has been able to reach and maintain levels under 50 ppm. Companies contacted during the past few months have all agreed that retrofitting to reach and maintain less than 50 ppm PCBs is not cost-effective. However, most thought that retrofitting to maintain levels under 500 ppm would be cost-effective in many cases.

3. *HTHs.* There are six HTH fluids sold by five companies that may be used as transformer dielectric fluids. There are also two products sold by two other companies that when mixed with other products may be used as HTH transformer fluids. Three of the six fluids are paraffinic-based oils and three are esters. As mentioned earlier, the three esters are more specialized for use in railroad transformers.

The other three fluids are more viscous than the silicones at lower temperatures, but thin more rapidly at higher temperatures. According to an HTH manufacturer, this property allows the transformers to be retrofitted with HTH without any derating. At lower normal load temperatures, however, the transformers do run hotter. These fluids are completely compatible with the materials that make up PCB-Transformers, and they are soluble in PCBs. Two of these fluids are approved by Factory Mutual as "less flammable transformer fluids," and the fire point of the third is over 300° C.

As with silicones, it does not seem practical to retrofit to maintain PCB concentrations under 50 ppm. However, it is possible and cost-effective in many cases to maintain concentrations under 500 ppm. The cost variables are about the same as for silicone fluids, except, HTH fluids require annual testing and possible filtering to remove moisture or particulates.

Because the paraffinic HTHs have high convective and radiant heat release rates, the owner's insurance company may recommend more stringent installation requirements.

EPA is soliciting comments on the information provided above pertaining to utilities' experience with retrofitting, and the ability practically to reduce PCB concentrations to below 50 ppm by retrofitting.

V. Regulatory Options for Reducing Risks

A. Preliminary Cost Effectiveness Analysis of Alternative Regulatory Options for PCB-Transformers

1. *Clean-up costs.* There are two categories of clean-up costs that EPA considered in evaluating the cost-effectiveness of various options for PCB-Transformer phase-out. The first category is the clean-up of spills from transformers. In its August 25, 1982 PCB Electrical Use Rule, EPA assumed that 0.2 percent of PCB Transformers failed each year, and that 47.7 percent of these failures resulted in spills. EPA assumed that an average of \$6,540 was spent per year per spill.

The second category of clean-up costs is the costs associated with the clean-up of catastrophic failures. For purposes of the following analysis, EPA assumes a catastrophic failure rate of 0.01 percent per year, and that clean-up costs are \$20 million per incident. These costs were not factored into the Agency's economic analysis completed for the August 25, 1982 PCB Electrical Use Rule. EPA presents a range of estimates of the probability of catastrophic failures in Unit III.C. These probabilities range from 0.0069 percent per year (about 8 incidents per year) through 1.34 percent per year (about 1,530 incidents per year). (Additional tables (that incorporate lower probabilities of catastrophic fires) are presented in the preliminary cost-effectiveness analysis completed for this ANPR (Ref. 11).)

EPA's estimate of clean-up costs associated with catastrophic events was derived from estimates provided from the Binghamton and San Francisco incidents. Further, in the analysis presented below, EPA assumes that little cost is normally associated with clean-up following non-PCB transformer fires in cases where little structural damage occurs to the building involved in the fire. EPA is soliciting data on the costs associated with clean-up following fires in transformers that do not contain PCBs.

2. *Comparison of clean-up costs versus phase-out costs.* The following table uses a population of 114,469 units (EPA's estimate of the number of non-substation PCB-Transformers) and an estimate of equipment life of 30 years, and compares phase-out costs to clean-up costs avoided if phase-out was implemented over a 5-year period, over a 10-year period, and over a 15-year period. EPA did not consider immediate phase-out because several persons indicated that manufacturing capacity was insufficient to allow for this option.

For a full description of the assumptions used in the following analysis, and for a more detailed analysis of phase-out costs versus clean-up costs avoided, see "Preliminary Study and Cost-Effectiveness Analyses of Alternative Regulations for Indoor PCB Transformers, February 1984" (Ref. 11).

TABLE I—PRELIMINARY COST-EFFECTIVENESS OF ALTERNATIVE PCB REGULATIONS FOR PHASE-OUT OF UTILITY-OWNED ASKAREL TRANSFORMERS

Regulation option	Cost ¹	Clean-up costs avoided ¹	PCB release avoided (pounds)
15-year phase-out	\$389.9	\$195.1	326,200
10-year phase-out	941.1	470.9	535,400
5-year phase-out	2,040.2	1,020.9	790,600

¹ In millions of dollars.

3. *Retrofilling.* EPA has completed a preliminary analysis of the costs of retrofilling PCB-Transformers to reduce PCB concentrations to below 500 ppm. EPA estimates that retrofill costs will range from \$20,736 to \$32,034 per transformer, depending upon the size of the transformer. These estimates do include the costs of disposal of PCB fluid, but do not include any consideration of a loss of efficiency or derating as a result of the retrofill.

An estimate of the total costs of requiring the retrofilling of all PCB-Transformers (114,469 in service non-substation transformers) to below 500 ppm is about \$1.5 billion. This can be compared to an estimate of clean-up costs avoided of about \$1.7 billion. This estimate of clean-up costs avoided assumes that retrofilled transformers that contain less than 500 pm PCBs that are involved in fire-related incidents would not result in the formation of PCDFs or PCDDs in sufficient quantities to trigger major clean-up efforts. EPA does not know whether this is a valid assumption. EPA is soliciting data on the potential for the former of PCDFs and PCDDs in PCB-contaminated transformers.

EPA also completed a preliminary analysis of the costs of retrofilling of PCB-Transformers to reduce the concentration of PCBs to 6 percent. An estimate of the total costs of requiring retrofilling of all non-substation PCB-Transformers to 6 percent PCBs is about \$1.3 billion. EPA is also soliciting data on the formation of PCDFs and PCDDs in this category of transformers. For additional information on the costs of requiring retrofilling, see "Preliminary Study and Cost-Effectiveness Analyses of Alternative Regulations for Indoor PCB Transformers, February 1984" (Ref. 11).

4. *Fire hazard inspections.* Following the transformer fire in San Francisco, the owner of the transformer involved in the fire (Pacific Gas and Electric Company (PG&E)) instituted a fire hazard related inspection program for PCB-Transformers. This program consisted of inspecting all network PCB-Transformers on a regular and frequent basis, using new techniques such as infrared sensors to detect potential defects ("hot spots") in the transformers and electrical equipment in the area of the transformers. In addition, for increased fire protection, PG&E installed secondary disconnect switches at PCB-Transformer locations.

EPA believes that completing transformer fire hazard inspections of PCB-Transformer locations may be the initial step in a program to reduce the likelihood of future fires involving this equipment and to mitigate risks associated with these fires should they occur. Other factors considered in a transformer fire hazard inspection might include a consideration of: The age of the transformer and the maintenance history, the location of the transformer, the location of ventilation equipment or ductwork in the vicinity of the transformer, and the presence of combustibles in a transformer vault or near a transformer location.

EPA is soliciting data on the effectiveness and costs of using infrared sensors to identify potentially faulty equipment. EPA is also soliciting data on the effectiveness and costs of other similar technologies, and information on the effectiveness and costs of installing and using secondary disconnect switches exterior to transformer locations. EPA is soliciting comments on its list of factors to be considered in fire hazard inspections, and comments on the ability to reduce the potential for fires by completing fire hazard inspections and instituting appropriate corrective measures. EPA is soliciting information on other factors that should be included in a PCB-Transformer fire hazard inspection, and information on the costs of conducting such inspections.

5. *Fire/smoke control technologies.* PG&E, in addition to completing fire hazard inspections, has committed to sealing off all openings through its network vaults. Presumably, this is being done to reduce the spread of smoke to areas adjacent to the transformer location in the event of a fire. EPA has obtained a preliminary range of estimates of the costs associated with sealing off transformer locations to reduce the spread of contaminated smoke. These estimates

range from \$2,000 to \$5,000 per transformer location (Ref. 11).

In addition to closing off transformer locations through the use of sealants, EPA believes that the use of smoke detectors and other sensors in transformer locations to create an early warning system may be beneficial in mitigating the risks from fires involving transformers. Further, the use of a heat-sensitive or smoke-sensitive baffling system in ventilation ducts exiting the transformer location could reduce the spread of contaminants via this route. For additional information on the economics of implementing these types of risk reduction measures, see "Preliminary Study and Cost-Effectiveness Analyses of Alternative Regulations for Indoor PCB Transformers, February 1984" (Ref. 11).

EPA is soliciting information on available smoke and fire control technologies, their application to PCB-Transformer fire situations, their ability to reduce the risks associated with these fires, and the costs associated with installing these systems.

6. *Reporting of PCB-Transformer fires to EPA.* EPA is soliciting comments on the benefits of instituting a PCB-Transformer fire reporting system within the EPA. EPA believes that specifically requiring the reporting of these incidents would increase the general level of knowledge about how these incidents occur, the circumstances surrounding these incidents, and the nature and level of risks posed by these incidents. EPA is soliciting comments on the costs associated with requiring such reporting, and the benefits to public health from such a system. EPA solicits comments on the mechanics of such a system, including comments on considerations such as: (1) Who would be responsible for reporting the fire, (2) when the report must be filed, and (3) what types of information must be reported.

7. *Registration of PCB-Transformers with fire departments.* PG&E, in a telephone conversation with EPA, indicated that it routinely informs fire departments of the location of PCB-Transformers in the utility system. Representatives of the International Firefighters Association and representatives of fire departments have informally indicated to EPA their desire to see this practice instituted nationwide. EPA believes that the risks posed to firemen and bystanders during PCB-Transformer fires could be significantly reduced if the initial response team is aware that the fire involves a PCB-Transformer, and that there are certain risks associated with extinguishing such a fire.

EPA is soliciting comments on the effectiveness of supplying this information to fire departments from the perspective of reducing the risks posed from these incidents to firemen and bystanders. EPA is also soliciting data on the costs of providing these data to fire department jurisdictions.

B. Utilities That Have Made Decision Voluntarily to Phase Out PCB-Transformers

1. *PG&E.* PG&E has decided to replace its 839 PCB-Transformers in the San Francisco area on a priority basis by December of 1987. According to PG&E, 40 PCB-Transformers in vault locations are to be replaced by June 16, 1984, and 45 PCB-Transformers in 12 high-rise buildings are to be replaced by June 16, 1984. The remaining PCB-Transformers are to be removed by the December 1987 date.

In the interim, PG&E is completing PCB-Transformer fire hazard inspections, sealing openings in vaults, and placing secondary disconnect switches at PCB-Transformer locations.

2. *Florida Power and Light.* Florida Power and Light Company (FPLC) has also committed to replacing its 458 PCB-Transformers. In September 1983, FPLC announced its plans to spend more than \$15 million in south Florida over a five-year period to replace this equipment. Details on the priority system for the removal of these transformers was not available to EPA, but, EPA is interested in obtaining this type of information.

3. *Boston Edison.* According to a letter dated August 5, 1983 from Boston Edison Company (BEC) to a property management firm, BEC is in the process of developing programs for the orderly elimination of PCB equipment from their system. BEC indicates that they have already begun the examination of transformer vaults in buildings for purposes of determining what work will be required and when it may be scheduled. EPA has no further details on BEC's decision or on its priority system for the removal of this equipment. EPA is soliciting additional information.

EPA is soliciting information from other utilities or building owners that have made the decision to remove PCB-Transformers from their present locations, and data on the basis for making the decisions to phase out this equipment.

VI. Summary of Data Needs for Proposed Rule

A. Risks Posed by Fires

1. *Number, location, and ownership of PCB-Transformers.* EPA is soliciting information on the types of buildings in

which PCB-Transformers are used, the number of PCB-Transformers used in each building, the age of the buildings, the age of the transformers, the location of the PCB-Transformers serving the buildings, and the ownership of the transformers. EPA is also soliciting information on the location of PCB-Transformers other than those present in or directly servicing buildings.

2. *Populations exposed, types of chemicals, and levels of exposure.* EPA is soliciting information on populations potentially exposed to PCBs and PCB-oxidation products in the event of a fire, and the levels of chemicals to which the populations are potentially exposed.

3. *Routes of exposure to PCBs and oxidation products.* EPA is soliciting information on the potential routes of exposure to PCBs and their oxidation products in the event of a fire involving this equipment. EPA is soliciting information on the role of ventilation equipment and ductwork in the dispersion of PCBs and oxidation products from PCB-Transformers involved in fires.

4. *Representativeness of Binghamton and San Francisco data.* EPA is soliciting comments on its analysis of the Binghamton and San Francisco fires and on the representativeness of these fires from the perspective of evaluating the nature of the risks posed when a PCB-Transformer is involved in a fire-related incident.

5. *Information on the risks posed by the fire in Chicago.* EPA is soliciting additional data on the causes of and circumstances surrounding the September 1983 Chicago fire, as well as information on the risks posed from this incident.

6. *Information on other fire-related incidents involving PCB-Transformers.* EPA is soliciting data on other PCB-Transformer fire-related incidents in addition to data on Binghamton, San Francisco, and Chicago. EPA is soliciting data on the time, date, and location of the incident; the cause of the incident; the extent and avenue of smoke travel; the location of ventilation equipment relative to the location of the fire; the type of equipment involved in the incident; the age of the equipment; the type of building in which the incident occurred; the number of people present in the building at the time of the incident; the time elapsed between the beginning of the fire and the response of the fire department; the time required to de-energize the transformer; the effectiveness of the circuit breaker as a protection device in the incident; the potential for the formation of oxidation products such as PCDF and PCDD; levels of PCBs, PCDFs, PCDDs, and

other oxidation and pyrolysis products measured in the building following the fire; the nature of any clean-up undertaken following the incident; and, the costs of clean-up following the incident.

7. *Factors that may increase/decrease the risks posed by PCB-Transformers in the event of a fire-related incident.* EPA is soliciting information on factors, such as the failure of protection devices, the location of ventilation equipment, the type of building in which a fire occurs, etc. that may increase the risks posed to humans and the environment from fires involving PCB-Transformers. In addition, EPA is soliciting information on factors that may decrease these risks.

8. *Exposures and risks resulting from contaminated water at fires.* EPA is soliciting comments on exposures and risks that may result from water contaminated at fires. Contaminated water may result from the application of water during firefighting, the rupturing of pipes under high temperatures, and possibly other sources including water from clean-up operations following the fire. Contaminated water may enter sewer systems (both sanitary and storm sewer systems) and may run off directly to surface water. Contamination of sewers, treatment works, sludges and surface water may result. EPA solicits information and data on the distribution of PCBs and other toxic chemicals through such routes, including the mode of distribution and environmental fate; actual or anticipated concentration levels in water, sludge, treatment systems and biota; adverse effects on and continuing risk to humans through drinking water or ingestion of contaminated food; risk to other organisms; threat to the operation of sewage treatment systems; and the costs of clean-up.

B. Frequency of Fire-Related Incidents

EPA is soliciting comments from building owners, fire departments, utilities, and other parties on the accuracy of EPA's nationwide estimates of the frequency of fire-related incidents involving PCB-Transformers. EPA is also interested in data on the frequency of these fires versus the age of the transformers involved.

C. Formation of Reaction Products

1. *The reaction products found following PCB-Transformer fires.* EPA is soliciting information on the types and levels of oxidation/pyrolysis/incomplete combustion products that are found following fire-related incidents involving PCB-Transformers.

2. *The reactions and mechanisms of reactions involved in the formation of reaction products.* EPA is soliciting information on the reactions and mechanisms of reaction involved in the formation of oxidation/pyrolysis/incomplete combustion products from PCB-Transformer fires.

3. *The potential for the formation of reaction products following fires involving PCB-Contaminated Transformers.* EPA is soliciting data on the potential for the formation of toxic reaction products from fires involving PCB-Contaminated Transformers.

D. Costs and Nature of Costs Associated With Clean-Up

EPA is soliciting information on the costs incurred by owners of PCB-Transformers involved in fire-related incidents. These costs include the costs of analysis, the costs of clean-up and removal of contaminated materials, the costs of lawsuits filed by damaged parties, and the costs of replacing the damaged vault and/or transformer(s) following the incident. EPA is also soliciting data on the size of the area cleaned, the levels remaining after clean-up, and other explanatory information on how clean-up money was spent, and why clean-up required the amount of money used.

E. Costs and Benefits of Regulatory Options

1. *Benefits of PCBs.* EPA is soliciting specific information concerning whether transformer fire incidents have been reduced over the past 40 years due to PCB usage, whether this usage has made a significant impact on reducing the dollar costs from building fires, and whether such usage has resulted in any appreciable saving of human life.

2. *Substitute transformers.* EPA is soliciting information on the toxicity of substitute dielectric fluids in the event of a fire.

3. *Retrofilling.* EPA is soliciting information on the fire safety, electrical efficacy and toxicity (in the event of a fire-related incident) of PCB-Transformers that have been retrofilled with non-PCB fluid. EPA is also soliciting comments on the PEDCo Environmental Inc. study of substitute transformers and dielectric fluids.

4. *Identifying high risk transformers.* EPA is soliciting information on what constitutes a high risk PCB-Transformer from the perspective of hazards posed in the event of a fire-related incident, and methods for identifying such a transformer. EPA is soliciting information on the costs associated with inspecting all PCB-Transformer locations to determine which PCB-

Transformers would pose higher risks in the event of PCB-Transformers that may be considered to be high risk transformers.

5. *PCB-Transformer phase-out costs.* EPA is soliciting information on the costs to transformer owners of requiring the phase-out of all PCB-Transformers over 5-, 10-, or 15-year periods. EPA is also soliciting comments on the Putman Hayes and Bartlett Preliminary Study and Cost-Effectiveness Analyses of Alternative Regulations for Indoor PCB-Transformers (Ref. 11).

6. *Phase-out costs of high risk PCB-Transformers.* EPA is soliciting information on the costs to transformer owners of requiring the phase-out of PCB-Transformers that fall within the high risk categorization.

7. *Fire hazard inspection programs.* EPA is soliciting information on what factors should be included in a PCB-Transformer fire hazard inspection, and on the effectiveness of inspections and subsequent corrective measures in reducing the probability of fires and mitigating the risks posed when fires do occur. EPA is also soliciting information on the costs associated with completing these inspections and the costs associated with implementing corrective measures following inspection.

8. *Availability and effectiveness of early detection devices and smoke control technologies.* EPA is soliciting information on the effectiveness of early detection devices in reducing the risks associated with PCB-Transformer fire-related incidents. EPA is also soliciting information on the availability of smoke control technologies to reduce the spread of the contaminated smoke from fires involving PCB Transformers. EPA is soliciting data on the effectiveness of these technologies in the event of an electrical power failure, which often accompanies PCB-Transformer fire-related incidents.

9. *Effectiveness and costs of PCB-Transformer fire reporting system.* EPA is soliciting information on the costs and benefits of instituting an EPA PCB-Transformer fire reporting system.

10. *Registration of PCB-Transformers with fire department jurisdictions or with EPA.* EPA is soliciting data on the costs and benefits of registering PCB-Transformer fires with local fire departments or with regional offices of the EPA.

11. *Utilities that are phasing out PCB-Transformers.* EPA is soliciting information from all utilities that have made the decision to phase out PCB-Transformers. EPA is interested in obtaining information on the rationale for instituting these phase-out programs.

VII. References

- (1) USEPA, OPTS, EED, Versar, Inc., "Exposure Assessment: Fires Involving PCB-Transformers" (January 1984).
- (2) USEPA, OPTS, HERD, "Response to Comments on Health Effects of PCBs submitted by the Chemical Manufacturers Association and the Edison Electric Institute" (August 19, 1982).
- (3) USEPA, Carcinogenic Assessment Group, "The Carcinogenic Assessment Group's Risk Assessment on (2,4,5-Trichlorophenoxy) Acetic Acid (2,4,5-T) (2,4,5-Trichlorophenoxy) Propionic Acid (Silvex) 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)" (September 12, 1980).
- (4) Casarett and Doull, (1975) "Toxicology of the Basic Science of Poisons," MacMillan Publishing Co., Inc., pp. 23-25.
- (5) Oishi, S, Morita, M., Fukuda, H., (1978) "Comparative Toxicity of Polychlorinated Biphenyls and Dibenzofurans in Rats," Toxicology and Applied Pharmacology, 43, 13-22.
- (6) USEPA, OPTS, HERD, "The Toxicity of Soot From PCB Transformer Fires" (December 20, 1983).
- (7) OGS, (1983) "The Binghamton State Office Building Clean-up: A Progress Report Update," Albany, NY: New York State Office of General Services (January 1983).
- (8) Versar, "Investigation of the Contamination Remaining in the Binghamton State Office Building Following Completion of Preliminary Clean-up" (October 20, 1982).
- (9) The Equitable Life Assurance Society of the United States, Letter to David Dull, EPA, "Equitable Life Assurance Survey" (October 4, 1983).
- (10) USEPA, OPTS, EED, "Summary of Regional Data on PCB-Transformer Fires" (October 19, 1983).
- (11) USEPA, OPTS, ETD, PHB, "Preliminary Study and Cost-Effectiveness Analyses of Alternative Regulations for Indoor PCB Transformers" (February 1984).
- (12) USEPA, OPTS, ETD, PEDCo Environmental, Inc., "Substitutes for PCBs for Use in Indoor Electrical Transformers" (January 1984).
- (13) Mitre Corporation, "Environmental Assessment of PCBs in the Atmosphere," Tables 5-11 and 5-13 (April 1976).
- (14) Buser, Hans Rudolf, "Formation of Polychlorinated Dibenzofurans (PCDFs) and Dibenzop-dioxins (PCDDs) from the Pyrolysis of Chlorobenzenes" (1979).
- (15) Buser, Hans Rudolf, "Formation of Polychlorinated Dibenzofurans (PCDFs) from the Pyrolysis of PCBs" (1978).
- (16) Buser, Hans Rudolf, "Formation of Polychlorinated Dibenzofurans (PCDFs) from the Pyrolysis of Individual PCB Isomers" (1979).

VIII. Rulemaking Record

EPA is issuing the following list of documents which constitutes the record for this rulemaking, and requests comments on any other documents that should be included. Documents will continue to be added to the record as

appropriate, including information submitted in response to this rule.

A. Previous Rulemaking Records

(1) Official rulemaking record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibition Rule" published in the *Federal Register* of May 31, 1979 (44 FR 31514).

(2) Official rulemaking record from "Polychlorinated Biphenyls (PCBs); Disposal and Marking Final Regulation" published in the *Federal Register* of February 17, 1978 (43 FR 7150).

(3) Official rulemaking record from Polychlorinated Biphenyls (PCBs); Manufacture, Processing, Distribution, and Use in Closed and Controlled Waste Manufacturing Processes" published in the *Federal Register* of October 21, 1982 (47 FR 46980).

(4) Official rulemaking record from Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Equipment" published in the *Federal Register* of August 25, 1982 (47 FR 37342).

B. Support Documents

(1) USEPA, OPTS, EED, Telephone Communications between Denise Keehner, EPA, and Peter Gillson, GSA, "Frequency and Nature of PCB Transformer Fires" (October 5, 1983).

(2) USEPA, OPTS, EED, Telephone Communications between Denise Keehner, EPA, and David Endicott, National Fire Administration, "Data in

the National Fire Incident Reporting System for 1982" (November 10, 1983).

(3) USEPA, OPTS, EED, Telephone Communications between Denise Keehner, EPA, and Gary Girod, Ventura County Fire Protection District, "Frequency of PCB-Transformer Fires" (August 22, 1983).

(4) USEPA, OPTS, EED, Telephone Communications between Denise Keehner, EPA, and Meg Pietrasz, Pacific Gas and Electric, "Information on PCB-Transformer Fire in San Francisco" (December 1, 1983).

(5) United States Department of Energy, Center for Fire Research, "Development of Flammability Criteria for Transformer Dielectric Fluids" (March 1980).

(6) Pacific Gas and Electric Company, Letter to Mr. Harry Seraydarian, USEPA Region IX, "PCB Transformer Fire in San Francisco" (June 20, 1983).

(7) Pacific Gas and Electric Company, Letter to Mayor Dianne Feinstein, "Plan to Remove PCB-Transformers" (June 16, 1983).

(8) USEPA, OPTS, EED, Record of Meeting between EPA and Dow Corning, "Retrofitting and PCB-Transformer Fires" (September 20, 1983).

(9) Chemical Regulation Reporter, Article on PCB-Transformer Fires, "U.S. Can Expect 1,120 Transformer Fires Each Year, Finnish Scientist Tells NIEHS" (September 23, 1983).

(10) Jorma Rantanen, Director General, Institute of Occupational Health, Letter to Don Clay, EPA,

"Incidence of PCB-Transformer Fires" (November 23, 1983).

(11) USEPA, OPTS, EED, Record of Meeting between Bob Westin of Versar and Denise Keehner, EPA, "PCB-Transformer Fires Issue" (week of September 26, 1983).

(12) USEPA, OPTS, EED, Telephone Communication between Leo Kokoszka, EPA and Steve Farrow, USEPA Region VIII, "PCB-Transformer Fires and Related Incidents" (October 18, 1983).

(13) Buser, H. R. (1979), "Formation of Polychlorinated Dibenzofurans (PCDFs) and Dibenzo-p-dioxins (PCDDs) from the Pyrolysis of Chlorobenzenes," *Chemosphere* No. 6, 415-424.

(14) The New York Times, "Florida Utility Will Replace Transformers Made With Toxic PCB's" (Thursday, September 8, 1982).

(15) USEPA, Office of Water Regulations and Standards, Criteria and Standards Division, "Ambient Water Quality Criteria for 2,3,7,8-Tetrachlorodibenzo-p-dioxin" (February 1984).

List of Subjects in 40 CFR Part 761

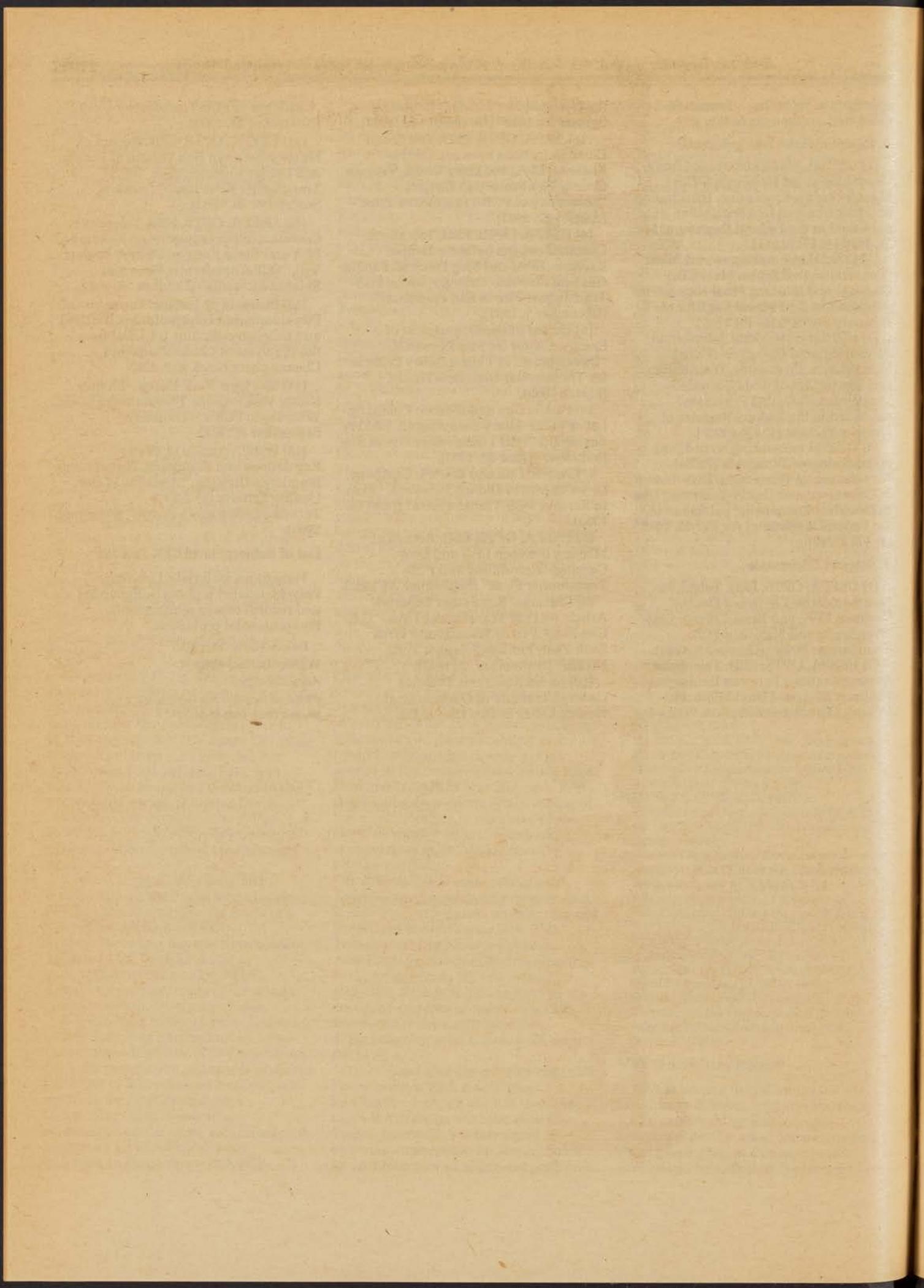
Hazardous materials, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements, Environmental protection.

Dated: March 15, 1984.

William D. Ruckelshaus,
Administrator.

[FR Doc. 84-7845 Filed 3-22-84; 8:45 am]

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Federal Register

**Friday
March 23, 1984**

Part IV

Environmental Protection Agency

40 CFR Part 52

**Approval and Promulgation of
Implementation Plans; Indiana, Kentucky,
Massachusetts, Mississippi, New
Hampshire, Virginia; Final Rules**

**Approval and Promulgation of
Implementation Plans; Illinois, New
Hampshire, New Jersey, New York, Ohio,
Rhode Island; Proposed Rules**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2549-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA today is approving a revised sulfur dioxide (SO₂) emission limitation for Indiana-Michigan Electric Company's Breed Generating Station. At the request of Indiana, EPA proposed this action as a revision to the Indiana State Implementation Plan (SIP) on March 15, 1983 (48 FR 11092) and received several comments. After review of these comments, EPA is approving the revised emission limit because it continues to assure the attainment and maintenance of the SO₂ National Ambient Air Quality Standards (NAAQS) in Sullivan County.

EFFECTIVE DATE: April 23, 1984.

ADDRESSES: Copies of this revision to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V Office).

U. S. Environmental Protection Agency, Air and Radiation Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

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

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Clean Air Act (CAA), the Administrator of EPA determined the status of attainment of the NAAQS for SO₂¹ in each area of

Indiana (43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978)). EPA determined that Sullivan County, the County in which IMEC's Breed Plant is located, was attaining the NAAQS. On June 26, 1979 Indiana submitted a revised SO₂ plan for all counties in Indiana which established a 6.0 lbs/MMBTU emission limit for all existing fuel combustion sources in the State, except for certain site specific limits set forth in an appendix to the regulation. On March 12, 1982, EPA approved this regulation, recodified at 325 IAC Article 7, with certain exceptions (47 FR 10860).

325 IAC Article 7 provides that Indiana may adopt operating permits which contain site specific emission limits less stringent than those contained within 325 IAC Article 7, as long as the NAAQS are protected with the less stringent limits. These relaxed limits supersede those in 325 IAC Article 7 and must be submitted to EPA as revisions to the SIP. Pursuant to this provision, Indiana adopted an operating permit for Breed that contained a 9.57 lbs/MMBTU SO₂ emission limit and submitted it to EPA on February 26, 1981. In response to deficiencies noted by EPA, the permit was resubmitted on June 22, 1982 with additional data.

The technical information submitted included computer dispersion modeling and data from continuous ambient SO₂ monitors operated by IMEC in the neighborhood of the Breed Plant. The modeling data indicated that the NAAQS are maintained in Sullivan County at the new emission limit of 9.57 lbs/MMBTU as well as in the neighboring State of Illinois. The ambient data did not show any violations of the NAAQS either.

In order to investigate the effect of the relaxation on the nearby Vigo County SO₂ nonattainment area, EPA performed some additional modeling. This analysis shows that the addition of Breed's contribution to the modeled impacts from the Vigo County sources does not result in a violation of the 24-hour SO₂ NAAQS (the constraining standard) on any day modeled. Therefore, EPA concluded that the Breed revision will not interfere with the ability of the Vigo County SO₂ SIP to ensure attainment and maintenance of the SO₂ NAAQS in Vigo County.

Finally, because Breed is located in an area designated attainment for the SO₂ NAAQS and the proposed revision is

micrograms per cubic meter of air (80 µg/m³) (the annual primary standard), or 2) the maximum 24-hour concentration of SO₂ at any site exceeds 365 µg/m³ more than once (the 24-hour primary standard). The secondary SO₂ NAAQS is violated when the maximum 3-hour concentration at any site exceeds 1,300 µg/m³ more than once.

less stringent than the generally applicable 6.0 lbs/MMBTU emission limit in 325 IAC Article 7, certain provisions of the PSD regulations (40 CFR 51.24 & 52.21) could be applicable. SIP relaxations must be reviewed for PSD increment consumption if the PSD baseline has been triggered in the affected area. However, there have been no SO₂ PSD sources in Sullivan County or in any county in Indiana which have a one µg/m³ annual impact on Sullivan County. Therefore, the PSD baseline date has not been triggered. Consequently, relaxing the SO₂ SIP limit for Breed will not consume PSD increment and the PSD regulations' requirement for an increment consumption analysis is not applicable. Based on these data, EPA proposed to approve the 9.57 lbs/MMBTU emission limit for Breed on March 15, 1983 (48 FR 11092).

EPA received comments in response to this proposal from the States of New York and Massachusetts, the Province of Ontario (through the Canadian Embassy), the National Resources Defense Council, Incorporated (NRDC), and counsel for Indiana & Michigan Electric Company (IMEC). A summary of these comments and EPA's responses are as follows:

Comment: Several commenters felt that EPA did an inadequate job of determining whether the Indiana SIP, as revised, will cause or contribute to impermissible levels of interstate air pollution (section 110 (a)(2)(E)) in that EPA's review was limited to Breed, in isolation from the cumulative impact of other sources in Indiana and other states. In addition, New York held that EPA did not comply with section 406(d)(2) in that it did not require that the State SIPs be updated within one year of the 1977 amendments to the CAA with all new requirements (e.g., new interstate pollution abatement provisions).

The commenters recommend that EPA reject the Breed SIP proposal and instead require an interstate impact analysis to determine the long range cumulative impacts of the Indiana SIP, including the impact of downwind SO₂ and particulate levels. This analysis should be based on the use of the best available long range air pollution model.

Response: The courts of appeals have consistently concluded that EPA is only required to consider emissions from individual instead of aggregated sources when making section 110(a)(2)(E) determinations. In *Connecticut v. EPA*, 656 F.2d 902, 909 (2d Cir. 1981), the Second Circuit held that the Agency was not required to investigate the potential

¹ The primary SO₂ NAAQS is violated when, in a calendar year, either: 1) the annual arithmetic mean value of a site's SO₂ concentration exceeds 80

interstate impacts of multiple pollution sources in New York, where a new limitation was granted to only two facilities. Quoting *Ohio Environmental Council v. EPA*, 593 F.2d 24, 30 (6th Cir. 1979), the Court noted that, for purposes of a revision application [under section 110(a)(3)(A)], "the proper inquiry is directed to the emission of a particular source of pollution . . ." *Id.* The Second Circuit recently reaffirmed this position in *State of Connecticut v. EPA*, et al., 696 F.2d 147, 168 (2nd Circuit 1982). The Sixth Circuit in *New York v. Administrator, U.S. Environmental Protection Agency*, Slip Opinion, Case No. 82-3126 (6th Cir. July 1, 1983) ruled that the EPA is not required to consider the cumulative impact of all State SO₂ sources when approving an emission limitation for a single source.

Finally, implicit in New York's references to section 406(d)(2) is the contention that, because the CAA interstate transport requirements allegedly were not satisfied, section 406(d)(2) requires EPA to disapprove the proposed Breed emission limit and conduct additional interstate impact inquiries. However, because EPA has found that this SIP revision does satisfy the requirements of section 110(a)(2)(E), no section 406(d)(2) issue arises.

Even if this revision did not satisfy section 110(a)(2)(E), section 406(d)(2) imposes no affirmative duty upon EPA to revise a SIP, but merely sets deadlines for certain SIP revisions that are required by the CAA or by regulations issued by the Administrator. Therefore, there is no derivative duty under section 406(d)(2) to revise the Indiana plan.

Comment: New York and NRDC commented that neither Indiana nor EPA have provided an adequate record on interstate impacts on which to base a determination under section 110(a)(2)(E) because the record did not determine the effect of the relaxation at distances beyond 50 kilometers (km).

Response: The administrative record for this action contains EPA's analysis for interstate impacts. This thorough analysis provides a sound basis for a section 110(a)(2)(E) determination. The analysis employed a model approved for this type of generic situation by EPA, because it has been shown to accurately predict air quality impacts in areas such as this one. The commenters are once again essentially concerned that EPA did not directly estimate the impact on ambient SO₂ and TSP levels in New York (and other eastern States) from the Breed plant and from all sources governed by the Indiana SIP. It is EPA's position that long range transport models which attempt to estimate single

source or cumulative impacts at great distances from the source(s) have not been validated to a sufficient degree to allow use for general regulatory purposes.

Consequently, EPA must continue to rely on the analyses performed with the already accepted guideline model to support this action. These analyses predict that approval of the 9.57 lbs/MMBTU limit for Breed will not interfere with attainment of the primary SO₂ standards within the range of the analyses in Indiana or Illinois and imply that approval will not interfere with attainment elsewhere.

EPA's position was recently affirmed in a similar situation by the Sixth Circuit in *New York v. Administrator, U.S. Environmental Protection Agency*, *supra*, which found that the EPA did not act arbitrarily or capriciously in basing its analysis of the interstate effect on short-range modeling, as long as EPA's own guidelines are followed.

Comment: New York noted that EPA has relaxed SO₂ emission limits for at least 17 other power plants in the Midwest. NRDC and New York assert that these actions have increased total pollutant loading being exported from the midwestern states to the East.

Response: Although the actions cited are indeed relaxations from the previously federally approved allowable SO₂ SIP limits, these SIP revisions in almost all cases merely allow the continued use of the power plants' present fuel supply. Therefore, the actual emissions from these sources are not expected to increase. In fact, a few of the SIP revisions cited will result in a decrease from historical actual emissions because the revised limits, although higher than their previous federally approved limits, are more stringent than their present fuel quality. Moreover, as discussed earlier, EPA need not evaluate the cumulative impacts of these other sources when acting on the SIP revision for the Breed Station.

Comment: New York submitted numerous documents which it feels squarely present the problems caused by long range transport of sulfur into New York. The documents include trajectory analyses, modeling studies, monitor/observation data analyses, etc. which conclude that:

(a) The interstate movement of SO₂ and sulfates to New York from the Breed plant, and the Midwest in general, is causing or substantially contributing to violations of the TSP NAAQS in New York (based on long range transport modeling, monitoring data analysis, trajectory analyses, studies of visibility degradation, . . .).

(b) Restriction in SO₂ emissions will result in decreased sulfate levels downwind.

(c) Health impacts result from sulfates and severe economic losses are attributable to acid deposition; both can be linked to Midwest SO₂ emissions, and

(d) Local sources cannot account for the elevated sulfate levels in New York.

Response: Most importantly, the studies presented by the commenter do not attempt to specifically estimate the impact of the Breed plant on air quality levels in New York. Several of the studies do suggest that sulfates significantly contribute to TSP levels in New York and that air flow trajectories at times of high sulfate concentrations indicate air mass passage over the Midwest coal consumption area upwind of New York. Several long range modeling studies cited by the commenter provide estimates of contribution of individual states' SO₂ emissions to New York's sulfate levels. However, uncertainties associated with the transformation, transport and deposition processes and their incorporation into these models greatly detract from the utility of the modeling results.

Observational evidence presented by the commenter of visibility degradation and of sulfate levels which significantly contribute to violations of the TSP NAAQS are sound indicators that a regional sulfate problem exists. The study showing reduced sulfate measurements surrounding smelters in the southwest during periods of labor strikes is not necessarily analogous to the present situation (because of differences in meteorology, terrain, atmospheric chemistry and other factors between the southwest and the Midwest/northeast U.S.) and provides little guidance for the degree of control, if any, required from Breed or other Midwestern plants to reduce excessive sulfate levels (and attendant problems).

In summary, New York provides ample evidence that sulfates pose a problem in the northeast and that Midwestern emissions contribute to the problem. However, it has not been shown that Breed significantly contributes to the problem (or even the extent that other Indiana and Midwestern sources contribute). It is this inability to quantify the extent and the specifics of the long range transport and transformation problem which prompts EPA to continue its accelerated research program to allow better characterization of the processes involved and a better understanding of the effects. Only in this manner can an effective means of control be devised.

Comment: New York felt that EPA's analysis of air pollution impacts was improperly restricted to the immediate area of the Breed plant. The Guideline on Air Quality Models is cited as support that models applicable to distances beyond 50 km are available and can be used on a case-by-case basis. Thus, EPA did not rely on its authoritative Guideline, has not performed the required analysis, and EPA's proposed action on Breed is without the necessary factual basis.

Response: The Guideline on Air Quality Models does acknowledge that in some cases it may be appropriate to employ air quality modeling to consider a source's impact at distances greater than 50 km from the source. However, no longer range SO₂ models have yet been approved by EPA for general, routine regulatory use. While the Agency is presently reviewing these models for possible inclusion in the Guideline, currently approved models for general regulatory use are considered valid only within a distance of 50 km from the source in question. The long range transport models require further scrutiny and careful adaptation prior to adoption for routine use in SIP revisions. In the event that a state wishes to use a longer range model (predicting concentrations at a distance greater than 50 km from the source) prior to its inclusion in the Guideline, whether for PSD or any other regulatory purpose, the long range transport model must undergo a meticulous and comprehensive adaptation to the unique circumstances at hand. This adaptation must occur on a case-by-case basis, and must encompass an evaluation using existing emissions and existing meteorological and air quality data, among other factors, to verify its validity for a particular application.

The modeling actually conducted in this case comprised an adequate basis for EPA to conclude that the requirements of section 110(a)(2)(E) were satisfied. It was unnecessary for EPA to attempt to effect an individual case adaptation of a non-reference model for Breed Station.

Comment: New York noted that EPA has previously contended that it is not necessary to examine the impact of the SO₂ SIP on downwind TSP levels because the SIP revision involves only SO₂ emissions and because a sulfate standard does not exist. In these responses, EPA has ignored the transformation of SO₂ to sulfate particulates and the fact that sulfate particles are included in TSP. The CAA requires controlling primary and

secondary or precursor pollutants if this is necessary to attain the NAAQS.

Response: The previous EPA responses were intended to address New York's specific concerns about sulfate levels in New York. EPA has always acknowledged the scientific reality of the transformation of SO₂ to sulfates and is aware that sulfate particles are included in measurements of TSP. EPA did not specifically address the impact on TSP levels due to increases in SO₂ emissions because the state of the art of long range transport and transportation models has not progressed to the point that validated estimates of SO₂ to sulfate transformation can be made. EPA has not yet adopted or approved any models that can accurately predict particulate concentrations resulting from SO₂ emissions. Such models have never been used or approved in any regulatory action. Currently approved models estimate particulate matter concentrations caused by particulate matter emissions, and SO₂ concentrations caused by SO₂ emissions. Applying sulfate conversion models in a regulatory context before completion of EPA's evaluation would be premature.

The Sixth Circuit Court recently upheld the EPA in a similar situation where in *New York v. Administrator, U.S. Environmental Protection Agency, supra*, it found that EPA did not violate the CAA in approving a revision to an SO₂ limitation by limiting its analysis to the revision's impact on SO₂ concentrations only.

Comment: New York stated that EPA, in similar rulemakings, has discounted and disregarded, without any substantive evaluation, the technical evidence submitted by New York into the rulemaking record. The CAA does not impose on downwind states a burden to undertake the necessary investigation to make the required finding under section 110(a)(2)(E). Numerous studies (e.g., ORBES, National Commission on Air Quality findings, independent data analyses, modeling/monitoring studies from the scientific literature) link violations of the TSP standards in New York to sulfates derived from out-of-state sources of SO₂. EPA's proposal for Breed does not respond to any of these studies although they have been brought to EPA's attention in previous rulemakings.

Response: EPA has not discounted or disregarded without reason any evidence submitted by New York in this or similar rulemaking actions. As discussed earlier, none of the

information submitted by the commenter quantifies the individual Breed plant contribution to high SO₂ or TSP levels in New York or other distant states. Furthermore, each study contained in New York's submittal provides a methodology which, although potentially suitable, has not yet withstood the requisite scrutiny for regulatory use. After careful consideration of the documents supplied by the commenter, it is EPA's position that further scientific research is necessary before any measures are taken, if any are determined appropriate, to alleviate the problems raised by New York. As new evidence becomes available from the accelerated federally funded research program presently underway, EPA and the scientific community should be in a better position to address the long range transport and transformation issue. EPA is not required to act in the face of inconclusive and as yet unvalidated scientific evidence.

Comment: New York noted that EPA has asserted that long range models are inadequate "for regulatory purposes" and that this justifies a refusal to make a long range determination under section 110(a)(2)(E), which New York asserts is required. New York believes that EPA should recognize its continuing obligation to review and apply updated and more sophisticated information related to modeling. Further, documents supplied by New York demonstrate that EPA has the necessary and technical and analytical tools to assess and determine the interstate pollution aspects of SIP. For example, New York cites a list of 21 long range transport models that are fully operational or in the development stages. EPA has provided no analysis or discussion that there are no long-range models suitable for regulatory use and should adopt the best available model to address the issue (as has been done by EPA for short-range modeling).

Response: EPA modeling guidelines are outlined in the "Guideline on Air Quality Models" (April 1978), in "Regional Workshops on Air Quality Modeling: A Summary Report" and other memoranda. EPA is presently evaluating public comments on a proposed revision to the Guideline on Air Quality Models and will also be initiating a public hearing process on about 30 candidate air quality models submitted by various groups in response to an EPA solicitation for new models. Several long range models were submitted and are presently being considered for incorporation into the Guideline.

Presently, the above referenced Workshop Summary Report indicates that a few long range transport models (e.g., MESOPUFF, MESOPLUME, MESOGRID) may be considered on a case-by-case basis as refined models within their established limitations whenever the PSD regulations require impacts from new sources in Class I areas to be considered. However, EPA has not supported use of such models for general regulatory purposes. No model on New York's list of 21 models is presently considered by the Agency as appropriate for routine regulatory use in the instance of Breed or in any other case without first undergoing the rigorous adoption, evaluation and validation process described earlier. Although EPA is presently analyzing a number of models which purport to be capable of predicting pollutant concentrations at distances exceeding 50 km from the source, no such models have yet been validated and approved for general regulatory use. Because the processes of transformation, transport and deposition and the extent of health and welfare effects are vital to the understanding of the problems cited by New York, additional ongoing research in these areas as sponsored by EPA and others, as well as the iterative standardized air quality modeling process continually conducted under section 320, including the continual revision process for the Modeling Guideline, are the appropriate mechanisms for addressing New York's concerns at the present time. EPA can analyze New York's 21 suggested models in a much more manageable fashion in the generic modeling refinement processes noted above than in individual SIP revisions.

Comment: New York specifically requested EPA to conduct regional air pollution modeling to determine long range impacts of the Breed plant.

Response: As discussed earlier, ongoing research is intended to clarify the technical issues involved in the long range transport question. Presently, it is premature to apply current models because it is not reasonably possible to confidently apportion individual source or selected area contributions to TSP/SO₂ levels in New York from midwestern sources.

Comment: NRDC expressed concern about the role that relaxations such as Breed have played in exacerbating the acid rain problem. NRDC stated that recent SO₂ relaxations are in violation of the Memorandum of Intent (MOI) signed with Canada in 1980 that called on both the U.S. and Canada to reduce emissions of SO₂ and oxides of nitrogen

(NO_x) while treaty negotiations are underway. Ontario requested that the spirit of the MOI be adhered to and increased emissions from Breed should not be allowed.

Response: The applicable section of the MOI agreement is that both governments should "promote vigorous enforcement of existing laws and regulations . . . in a way which is responsive to the problems of transboundary air pollution." EPA is approving this revision after reviewing it against the requirements of section 110, as interpreted in recent cases in the Sixth and Seventh Circuits, which are the relevant legal requirements specified in the MOI.

Additionally, it is not expected that the revised limit for Breed, which is essentially a worst case, status-quo limit, will result in an increase in actual emissions, because the utility has stated that it does not expect to change its coal supply. Consequently, this action should have no effect on the acid deposition phenomenon. Therefore, this rulemaking action is entirely consistent with the letter and the spirit of the MOI agreement.

The Commonwealth of Massachusetts and the Province of Ontario provided comments similar to those of New York and NRDC which question the advisability of EPA relaxing SO₂ emission limits when a massive body of evidence indicates that increased sulfur emissions are directly linked to increased acid precipitation. These comments are responded to by the discussions above of the New York and NRDC comments.

IMEC submitted comments in favor of the proposed revision and stated that:

(a) Based on the actual coal data from 1974-1982, the sulfur content in the fuel has not varied appreciably and IMEC stated their intention to continue use of the same fuel supply. IMEC does not expect actual emissions to increase and, because plant usage was lower in 1981 and 1982, actual SO₂ emissions have substantially decreased.

(b) The 9.57 lbs/MMBTU limit is not a relaxation of the federally approved emission limit. IMEC does not believe that EPA's March 12, 1982 rule-making which adopted a 6.0 lb/MMBTU limit was effective since this SIP revision was pending at the time of EPA's final action on the 6.0 lbs/MMBTU emission limit (see *Indiana and Michigan Electric Company v. EPA*, No. 82-1733, Seventh Circuit).

Response: EPA believes that the revised Breed emission limit was not pending at the time of EPA's approval, in part, of 325 IAC Article 7, and,

therefore, 325 IAC Article 7 applies to Breed. However, in any case, EPA notes that today's action approving a 9.57 lbs/MMBTU emission limit should moot the question whether 325 IAC Article 7's 6.0 lbs/MMBTU emission limit is applicable to Breed.

Finally, IMEC submitted after the close of the public comment period briefs which have been filed by IMEC and EPA in *New York v. Gorsuch*, No. 82-1717 (7th Cir., appeal docketed May 3, 1982). In IMEC's brief, it argues that the Clean Air Act does not require the analysis of the cumulative impact of various sources on distant States, that the prior SO₂ regulations are currently unenforceable in Indiana, that EPA has adequately addressed New York's interstate concerns within the record of EPA's approval of 325 IAC Article 7, and that New York has not presented credible evidence that Indiana sources adversely affect New York air quality. EPA does not necessarily agree with all positions advocated by IMEC in its brief. However, all substantive issues relative to Breed raised by IMEC in its brief have been addressed earlier in today's notice.

Conclusion on Revision to Sulfur Dioxide Limit

The public comments made by the State of New York, Commonwealth of Massachusetts, NRDC, Province of Ontario, and IMEC do not provide any technical basis for EPA to revise its position announced in the proposed rulemaking notice. That is, the revised SO₂ emission limit for Breed has been shown to protect the NAAQS through an acceptable air quality modeling analysis. Therefore, EPA today is approving a 9.57 lbs/MMBTU SO₂ emission limit for the Breed facility. All provisions in 325 IAC Article 7, as approved in part on March 12, 1982, which are applicable to Breed, other than the general 6.0 lb/MMBTU emission limit, remain applicable.

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

Under Section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 22, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 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, Intergovernmental relations, Incorporation by reference.

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

This notice is issued under authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: March 15, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Indiana

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

1. Section 52.770 is amended by adding paragraph (c)(43) as follows:

§ 52.770 Identification of plan.

(c) * * *
(43) On February 26, 1981 and June 22, 1982, Indiana submitted a 9.57 lbs./MMBTU sulfur dioxide emission limit for IMEC's Breed Generating Station in Sullivan County. This limit supersedes that approved at paragraph (c)(19).

[FR Doc. 84-7947 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[KY-002; A-4-FRL 2549-2]

Approval and Promulgation of Implementation Plans; Disapproval of Revised SO₂ Limit for Bell, Clark, and Woodford Counties; Approval of Revised SO₂ Limit for Pulaski County; Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today disapproving a revised sulfur dioxide (SO₂) emission limit for utility boilers in Bell, Clark, and Woodford Counties, Kentucky. EPA is approving the revised SO₂ emission limit the State adopted for Pulaski County, Kentucky. All of these counties are classified as attainment for the SO₂ National Ambient Air Quality Standards (NAAQS). The sources involved are coal-fired power boilers subject to Kentucky Regulation 401 KAR 61:015, Existing Indirect Heat Exchangers. EPA's approval and disapproval actions are based upon the requirement of the Clean Air Act. Based upon the

modelling, the violations being disapproved would cause violations of the short term (3-hr.) ambient standard. The intended effect is to disallow the relaxations in those areas where the standards would be violated and to allow the relaxations in the county where no violations of the standards are expected.

DATES: These actions are effective April 23, 1984.

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

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

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

Kentucky Department for Environmental
Protection, Division of Air Pollution
Control, 18 Reilly Road, Bldg. #2 Fort
Boone Plaza, Frankfort, Kentucky
40601.

FOR FURTHER INFORMATION CONTACT:
Melvin Russell of EPA's Air
Management Branch at the above
address, or by telephone 404/881-3286
(FTS 257-3286).

SUPPLEMENTARY INFORMATION: The Commonwealth of Kentucky submitted to EPA a State Implementation Plan (SIP) revision relaxing the SO₂ emission limit for indirect heat exchangers having a design input greater than 250 MMBTU/hr. in Bell, Clark, Woodford and Pulaski Counties. The applicable regulation is Kentucky regulation 401 KAR 61:015, Existing Indirect Heat Exchangers. The revision was duly adopted by the Commonwealth on June 6, 1979, after adequate public hearing in accordance with State and Federal requirements, and submitted to EPA by Kentucky's Department for Natural Resources and Environmental Protection (DNREP) on June 29, 1979. Additional information was submitted by Kentucky on September 14, 1981, in response to EPA's request.

The State SIP terminology identifies Bell, Clark, and Woodford Counties as Class II counties, and Pulaski County as a Class III county.

Appendix B to the Kentucky regulation changes the SO₂ emission limit from 1.8 pounds per million BTU (lbs./MMBTU) to 2.3 lbs./MMBTU for the boilers in Bell, Clark, and Woodford

Counties (State Class II counties) and from 3.2 to 3.3 lbs./MMBTU in Pulaski County (State Class III county).

Modelling indicates the following results at the 2.3 lbs./MMBTU and 3.3 lbs./MMBTU emission limits:

1. Violation of the 24-hour primary and the 3-hour secondary SO₂ NAAQS in Bell County.

2. Violation of the 3-hour secondary SO₂ NAAQS in Clark County.

3. Violation of the 3-hour secondary SO₂ NAAQS in Woodford County.

4. Attainment of the SO₂ NAAQS in Pulaski County.

The affected facilities are as follows:
1. Kentucky Utilities Company's (KU) Pineville Plant in Bell County (Pineville, Kentucky).

2. KU's Tyrone Plant in Woodford County (Versailles, Kentucky).

3. Eastern Kentucky Power's (EK) Dale Plant in Clark (Ford, Kentucky).

4. EK's Cooper Plant in Pulaski County (Burnside, Kentucky).

The Pineville boiler has a capacity of 37.5 megawatts (MW); the Tyrone boiler has a capacity of 76 MW. Both of these boilers are peaking units, relegated to standby service. The Dale boiler has a capacity of 172 MW; the Cooper boiler has a capacity of 354 MW. Both of these units are regular-use base-load units.

On September 22, 1982 (47 FR 41768), EPA proposed to approve the revised SO₂ limit for Pulaski County and to disapprove the revised SO₂ limits for the other three counties. One party submitted written comments.

Below are the comments received and an explanation of the response:

Comment: Because the Dale plant has stacks shorter than the nearby terrain, any modeling technique applied is very questionable. Application of the Valley model, in particular, is inappropriate here.

Response: EPA recognizes the uncertainty of modeling in complex terrain like that surrounding the commenter's facility. The Agency has nonetheless determined that results derived from the Valley model are sufficiently reliable to be used as a basis for determining the adequacy of emission limits to protect ambient SO₂ standards in such terrain. While the Valley model is currently the only model included in EPA's modeling *Guideline* that is suitable for use in this terrain, the *Guideline* does permit use of other models validated for application on a case-by-case basis. Since neither Kentucky nor the commenter took advantage of this alternative approach by offering a more appropriate model, EPA properly relied here on the Valley model.

Comments: Kentucky's September 14, 1981, submittal indicates that the Dale plant is a regular-use base-load unit. Since that submittal was made, operation of the Dale plant has changed and current planning does not call for total operation for any extended length of time.

Response: The change in the plant's total operation for an extended length of time does not change the short-term ambient impact. Based on the modeling, the plant would cause violations of the short-term (3-hr.) ambient standard. Therefore if the plant operates at its allowable emissions for only three hours, there could be violations of the ambient air quality standard.

Comment: The proposed disapproval for Clark County should be reevaluated.

Response: EPA has again reviewed the Kentucky submittal and supporting documentation and determined that the September 22, 1982, proposal to disapprove the revised SO₂ emission limit for Clark County is appropriate.

Action: Based on the above, EPA today disapproves Kentucky's revised SO₂ emission limit for Bell, Clark, and Woodford Counties. EPA approves the revised SO₂ emission limit for Pulaski County.

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 May 22, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region IV office (see address above).

The Director of the Federal Register approved the incorporation by reference of the Kentucky State Implementation Plan 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.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: March 15, 1984.
William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart S—Kentucky

1. In § 52.920 is amended by adding paragraph (c)(38) as follows:

§ 52.920 Identification of plan.

* * * * *

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

* * * * *

(38) Revised SO₂ limit for large coal-fired boilers in Pulaski County, submitted on June 29, 1979, by the Kentucky Department for Natural Resources and Environmental Protection.

2. A new § 52.928 is added as follows:

§ 52.928 Control strategy: Sulfur oxides.

The revised SO₂ emission limit for large coal-fired boilers in Bell, Clark, and Woodford Counties, submitted on June 29, 1979, is disapproved since it does not provide for attainment and maintenance of all SO₂ NAAQS. The limit approved by EPA on May 10, 1976 (41 FR 19105), remains the limit applicable to these sources.

[FR Doc. 84-7951 Filed 3-22-84; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[OAR-FRL-2549-3]

Approval and Promulgation of Implementation Plans; Temporary Sulfur-in-Fuel Revision for Reed and Barton Silversmiths in Taunton, Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a revision to the Massachusetts State Implementation Plan (SIP) which will allow Reed and Barton Silversmiths in Taunton, Massachusetts to increase the sulfur content of its residual fuel oil for up to 30 months. The burning of less expensive, higher sulfur content fuel oil will provide this source with some of the capital needed to implement permanent energy conservation measures.

EFFECTIVE DATE: March 23, 1984.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene (617) 223-5133.

ADDRESS: Copies of the Massachusetts submittal, which is incorporated by reference, are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 2313, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460 and the Department of Environmental Quality Engineering, 8th Floor, One Winter Street, Boston, Massachusetts 02108.

SUPPLEMENTARY INFORMATION: On October 31, 1983, the Massachusetts DEQE submitted a SIP revision for Reed and Barton Silversmiths, in Taunton, Massachusetts. The revision allows the burning of 2.2% sulfur fuel oil in their boilers for 30 months or less. During this time period, Reed and Barton Silversmiths has committed to implement permanent energy conservation measures. The facility will use the savings realized during the temporary (30 months or less) utilization of less expensive 2.2% sulfur fuel oil to defray the costs of implementing the permanent energy conservation measures. The facility will return to burning 1.0% sulfur fuel oil by September 23, 1986 and may not reapply for a second temporary sulfur relaxation.

Background

This temporary sulfur-in-fuel revision is being approved pursuant to the provisions of Regulation 310 CMR 7.19, "Interim Sulfur-in-Fuel Limitation for Fossil Fuel Utilization Facilities Pending Energy Conservation Measures." EPA approved the addition of this regulation to the Massachusetts SIP on March 19, 1981 (46 FR 17551). It specifies the requirements and conditions which sources must meet in order to qualify for temporary sulfur-in-fuel relaxations and the procedures which the Massachusetts Department of Environmental Quality Engineering (DEQE) must use to determine that the emissions will not violate any National Ambient Air Quality Standards (NAAQS). Only sources rated at less than 250 million Btu per hour heat input, which are currently burning residual fuel oil, and have made a commitment to either (a) convert to an alternate fuel, or (b) implement conservation measures, are eligible for a temporary sulfur-in-fuel revision not to exceed 30 months. Further details on the requirements of Regulation 310 CMR 7.19 and EPA's

reasons for approving it were discussed in a Notice of Proposed Rulemaking (NPR) published on December 16, 1980 (45 FR 82675). In the NPR, EPA also proposed approval of all individual sources that meet the eligibility requirements of this regulation.

EPA Evaluation

EPA has determined that the DEQE has approved Reed and Barton Silversmiths' request to burn higher sulfur fuel oil in accordance with the provisions of Regulation 310 CMR 7.19, and agrees that no air quality standards will be violated by the temporary burning of 2.2% sulfur fuel oil at this facility.

EPA received no comments on its December 16, 1980 (45 FR 82675) proposal to approve individual sources of sulfur-in-fuel relaxations, and DEQE received no comments on its proposed approval of the temporary sulfur-in-fuel relaxation at the Reed and Barton Silversmiths facility in Taunton. Since the public has had these other opportunities to comment, and since the Reed and Barton Silversmiths facility is a small source (each piece of equipment is less than 250 million Btu per hour heat input), EPA is taking final action today to approve this SIP revision without first publishing a new proposed rulemaking. EPA believes that publishing a new NPR is unnecessary. EPA finds good cause for making this action effective immediately because the implementation plan is already in effect under State law and imposes no additional regulatory burden.

Final Action

EPA is approving the proposed temporary sulfur-in-fuel relaxation revision for Reed and Barton Silversmiths.

Under U.S.C. Section 605(b), the Administrator has certified that this action will not have 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.

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

Intergovernmental relations, Air pollution control, Ozone, Sulfur oxides,

Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

Authority: Sec. 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 for the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 8, 1984.

William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart W—Massachusetts

Section 52.1120, paragraph (c) is amended by adding paragraph (61) as follows:

§ 52.1120 Identification of Plan.

* * * * *

(c) * * *

(61) A revision submitted on October 31, 1983, allowing the burning of 2.2% sulfur content fuel oil at the Reed and Barton Silversmiths facility in Taunton, Massachusetts for a period of up to 30 months, commencing on March 23, 1984.

[FR Doc. 84-7955 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-1-FRL 2375-8]

Approval and Promulgation of Implementation Plans; Temporary Sulfur-in-Fuel Revision for Stanley Woolen Company, in Uxbridge, Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a revision to the Massachusetts State Implementation Plan (SIP) which will allow Stanley Woolen Company, in Uxbridge, Massachusetts to increase the sulfur content of its residual fuel oil. The burning of less expensive, higher sulfur content fuel oil will provide this source with some of the capital needed to implement permanent energy conservation measures.

EFFECTIVE DATE: March 23, 1984.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, (617) 223-5131.

ADDRESSES: Copies of the Massachusetts submittal, which is incorporated by reference, are available for public inspection during regular

business hours at the Environmental Protection Agency, Region I, Room 2111, JFK Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20406; Office of the Federal Register, 110 L Street NW., Room 8401, Washington, D.C. 20406 and the Department of Environmental Quality Engineering, Eighth Floor, One Winter Street, Boston, Massachusetts 02108.

SUPPLEMENTARY INFORMATION: On May 3, 1983 the Massachusetts DEQE submitted a SIP revision for Stanley Woolen Company in Uxbridge, Massachusetts. The revision allows the burning of 2.2% sulfur fuel in one boiler (maximum thermal input rated at 14,625,000 Btu per hour) for 30 months or less. During this time period, Stanley Woolen Company has committed to implement the following permanent energy conservation measures: 1. Replacing one of the existing natural draft rotary cup type fired H.R.T. boilers to a type consistent with modern, combustion technology, 2. Closing or blocking off 200 of the 558 windows at the facility, 3. Repairing and installing double pane glass on the remaining 358 windows at the facility, and 4. Initiating various plant operating changes to include: (a) Lowering of steam operating pressure, (b) installing a time clock boiler operating control to allow for off-peak shut downs, (c) installing steam supply zone control. This will reduce the fuel use by approximately 67,500 gallons per year. The facility will use the savings realized during the temporary (30 months or less) utilization of less expensive 2.2% sulfur fuel oil to defray the costs of implementing the permanent energy conservation measures.

Background

This temporary sulfur-in-fuel revision is being approved pursuant to the provisions of Regulation 310 CMR 7.19, "Interim Sulfur-in-Fuel Limitation for Fossil Fuel Utilization Facilities Pending Conversion to an Alternate Fuel or Implementation of Permanent Energy Conservation Measures." EPA approved the addition of this regulation to the Massachusetts SIP on March 19, 1981 (46 FR 17551). It specifies the requirements and conditions which sources must meet in order to qualify for temporary sulfur-in-fuel relaxations and the procedures which the Massachusetts Department of Environmental Quality Engineering (DEQE) must use to determine that the emissions will not violate any National Ambient Air Quality Standards (NAAQS). Only sources rated at less than 250 million Btu per hour heat input.

which are currently burning residual fuel oil, and have made a commitment to either a) convert to an alternate fuel or b) implement conservation measures, are eligible for a temporary sulfur-in-fuel revision not to exceed 30 months. Further details on the requirements of Regulation 310 CMR 7.19 and EPA's reasons for approving it were discussed in a Notice of Proposed Rulemaking (NPR) published on December 16, 1980 (45 FR 82675). In the NPR, EPA also proposed approval of all individual sources that meet the eligibility requirements of this regulation.

EPA Evaluation

EPA has determined that the DEQE Company's request to burn higher sulfur fuel oil in accordance with the provisions of Regulation 310 CMR 7.19, and agrees that no air quality standards will be violated by the temporary burning of 2.2% sulfur fuel oil at this facility.

EPA received no comments on its December 16, 1980 (45 FR 82675) proposal to approve individual sources for sulfur-in-fuel relaxations, and DEQE received no comments on its proposed approval of the temporary sulfur-in-fuel relaxation at the Stanley Woolen Company facility in Uxbridge. Since the public has had these other opportunities to comment, and since the Stanley Woolen Company facility is a small source (each piece of equipment is less than 250 million Btu per hour heat input), EPA is taking final action today to approve this SIP revision without first publishing a new proposed rulemaking. EPA believes that publishing a new NPR is unnecessary. EPA finds good cause for making this action effective immediately because the implementation plan is already in effect under State law and imposes no additional regulatory burden.

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

Final Action

EPA is approving this sulfur-in-fuel relaxation revision for Stanley Woolen Company.

List of Subjects in 40 CFR Part 52

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

Dated: March 15, 1984.
William D. Ruckelshaus,
Administrator.

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

PART 52—[AMENDED]

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

Subpart W—Massachusetts

Section 52.1120 is amended by adding paragraph (c)(59) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *
(59) A revision submitted on May 3, 1983, allowing the burning of 2.2% sulfur content fuel oil at the Stanley Woolen Company, a facility in Uxbridge, Massachusetts for a period of up to 30 months, commencing on March 23, 1984.

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

[FR Doc. 84-7952 Filed 3-22-84; 8:45 am]

BILLING CODE 6550-50-M

40 CFR Part 52

[MS-006; A-4-FRL 2370-8]

Approval and Promulgation of Implementation Plans; Revised SO₂ Limit for United Cement Company and NSPS Regulations; Mississippi

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On December 10, 1982, the Mississippi Department of Natural Resources (DNR) submitted a revision to its State Implementation Plan (SIP) relaxing the sulfur dioxide emission limit for the kiln of the United Cement Company in Artesia, Mississippi. This revised limit had been adopted by the State on December 7, 1982. The intended effect of this regulation will be to relax the emission limit that the United Cement Co. will be required to meet. This regulation will have no effect on the National Ambient Air Quality Standards.

Also on December 10, 1982, the Mississippi DNR submitted a New Source Performance Standard (NSPS) regulation which enabled the State to adopt by reference all NSPS categories that had been promulgated by EPA as of December 8, 1982. Mississippi used this regulation to adopt six NSPS categories

and submitted them for EPA's approval on December 23, 1982.

EPA has determined that these changes meet all applicable requirements, and therefore approves them today as SIP revisions.

DATES: This action will be effective May 22, 1984 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:

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

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

Bureau of Pollution Control, Mississippi
Department of Natural Resources,
P.O. Box 10385, Jackson, Mississippi.

FOR FURTHER INFORMATION CONTACT:
Ms. Denise W. Pack, Air Management
Branch, EPA Region IV, at the above
address, telephone 404/881-3286 (FTS
257-3286).

SUPPLEMENTARY INFORMATION: On December 10, 1982, the Mississippi Department of Natural Resources submitted revisions in its State Implementation Plan. The revisions are as follows:

1. Revised Sulfur Dioxide (SO₂) emission limit for United Cement Company in Artesia. The United Cement Company (UCC) operates a kiln that is subject to the State's new process equipment SO₂ limit of 500 ppm. The kiln cannot meet this emission limit. Source testing has shown that the kiln emits 700 ppm while burning gas and 1800 ppm while burning coal. Upon approval of this revision the company will switch back to burning coal. Mississippi's Air Quality Regulations (APC-S-1, Section 4.2(a)) require existing process equipment to meet a limit of 2000 ppm, and provide for the Mississippi Commission of Natural Resources to modify the 500 ppm limit for new process equipment. On December 7, 1982, the Commission adopted, in the form of an operating permit, a revised SO₂ limit of 2000 ppm for the United Cement Company's Artesia kiln.

EPA's review of this submittal and the accompanying modeling data indicate that the National Ambient Air Quality Standards (NAAQS) will not be violated by the relaxation. However, the switch

to coal will consume a portion of the Class II PSD increment in the area. Since the facility was capable of burning coal and did in fact burn coal prior to 1975, the switch does not constitute a major modification under the PSD regulations.

The following table compares with the NAAQS the concentrations of SO₂ predicted by the CRSTER model for the facility. The table also shows the percentage of the PSD increment that will be consumed by this relaxation.

NAAQS for sulfur oxides	Predicted concentration	Percentage of PSD increment consumed	Distance from facility
Primary: 80 µg/m ³ (annual arithmetic mean)	2.7 µg/m ³	08.5	1.0 km NE.
365 µg/m ³ (max. 24-hour)	60.7 µg/m ³	42.0	1.0 km NE.
Secondary: 1300 µg/m ³ (max. 3-hour)	304.7 µg/m ³	39.4	1.0 km NE.

2. New Source Performance Standards. Mississippi also submitted an amendment to its Air Quality Regulations (APC-S-1, Section 6.3) which enables the DNR to adopt by reference all NSPS categories that had been promulgated by EPA as of December 8, 1982. (Mississippi adopts NSPS by reference to be able to enforce them and thus qualify for a delegation of authority from EPA. The Agency made an initial delegation of NSPS authority to Mississippi in November 1981 on this basis.)

3. Adoption of NSPS categories. After adopting the new enabling regulation, the Mississippi DNR adopted by reference the following NSPS (40 CFR Part 60):

- Surface Coating of Metal Furniture, Subpart EE.
- Lead-Acid Battery Manufacturing Plants, Subpart KK.
- Phosphate Rock Plants, Subpart NN.
- Industrial Surface Coating: Large Appliances, Subpart SS.
- Metal Coil Surface Coating, Subpart TT.
- Asphalt Processing and Asphalt Roofing Manufacture, Subpart UU.

Through this adoption by reference the above NSPS become State-enforceable.

Action. EPA has reviewed these submittals and found them to comply with all Federal requirements. Therefore, EPA announces its approval of these changes in Mississippi's SIP: (1) Revised sulfur dioxide limit for United Cement Company, Artesia; (2) NSPS

enabling regulations; and (3) adoption by reference of six NSPS source categories.

This action is being taken without prior proposal because Mississippi's regulations 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 May 22, 1984. This action may not be challenged later in proceedings to enforce its requirements.

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 action from the requirements of Section 3 of Executive Order 12291.

Note.—The Director of the Federal Register approved the incorporation by reference of the Mississippi State Implementation Plan 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.

Dated: March 15, 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)(15) as follows:

§ 52.1270 Identification of plan.

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

(15) Revised SO₂ limit for United Cement Company's Artesia kiln, and NSPS enabling regulation submitted on December 10, 1982, and adoption of six categories of NSPS submitted on December 23, 1982, by the Mississippi Bureau of Pollution Control.

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

[FR Doc. 84-7950 Filed 3-22-84; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[Docket No. NH1103; OAR-FRL-2549-4]

Approval and Promulgation of Implementation Plans; Sulfur-in-Fuel Revisions; New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions originally submitted by the State of New Hampshire in 1973 and 1975 concerning sulfur-in-oil requirements. These revisions raise the statewide sulfur-in-oil limit for eligible sources from 1.0% sulfur by weight to 2.2% (2.42 pounds of sulfur dioxide per million Btu) in the New Hampshire portion of the Androscoggin Valley Interstate Air Quality Control Region and to 2.0% (2.2 pounds of sulfur dioxide per million Btu) in all other parts of the State. New Hampshire regulations, adopted in 1973 and 1975, have allowed the continuous burning of higher sulfur fuels. The state regulations were never approved by EPA as part of the Federal SIP. No increases in actual emissions are expected to occur as a result of EPA's approval of these revisions. Currently there are no violations of the National Ambient Air Quality Standards for sulfur dioxide. The intended effect of these revisions is to bring federal requirements in concert with State requirements. These revisions do not apply to ten identified sources which will be the subject of future SIP revisions to be submitted by New Hampshire.

EFFECTIVE DATE: April 23, 1984.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2111, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street SW., Washington, D.C. 20460; Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408; and the New Hampshire Air Resources

Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-5130.

SUPPLEMENTARY INFORMATION: On March 23, 1983 (48 FR 12109), EPA published a Notice of Proposed Rulemaking (NPR) for regulatory changes to the New Hampshire SIP which raise the allowable sulfur content of No. 5 and No. 6 residual oils and crude oil used, purchased or sold for use in stationary combustion sources within the State. The December 21, 1982, submittal allowed the use of 2.2% sulfur content residual fuel oil in the New Hampshire portion of the Androscoggin Valley Interstate Air Quality Control Region and 2.0% sulfur content oil in all other parts of the State, by all but eight fuel burning sources. The original excluded sources were:

1. International Packings Corp., Bristol.
2. Dartmouth College, Hanover.
3. Hinsdale Products Co., Inc., Hinsdale.
4. Groveton Paper Co., Northumberland.
5. James River Corp./Cascade Division, Gorham.
6. Velcro USA, Inc., Manchester.
7. ATC Petroleum, Newington.
8. Anheuser-Busch, Inc., Merrimack.

The revisions and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. Only one comment was received, from the New Hampshire Air Resources Agency, during the public comment period on the NPR. As a result of an air impact analysis of a modification to the Hoague-Sprague Corporation facility in West Hopkinton, on March 29, 1983, the State requested that this source be withdrawn from these revisions. Accordingly, this source has been added to the list of excluded sources.

As a note of clarification, this approval also excludes a tenth source, the Manchester Steam facility of the Public Service Company. Because this source presently is not in operation and has been closed since November 1, 1981, the approvability of use of higher sulfur fuel by this facility under these revisions was not pursued. This source will have to be approved in a subsequent SIP revision prior to burning oil with greater than 1% sulfur content.

The New Hampshire Air Resources Agency has negotiated amended permits for five of the ten excluded sources and has submitted these revised permits to EPA for approval with accompanying compliance demonstrations. In another section of today's *Federal Register*, we are proposing to approve these five

sources for inclusion in this action and therefore will allow them to continue burning the higher sulfur oil. For three other sources, however, acceptable compliance demonstrations have not been submitted. These sources are Groveton Paper, James River/Cascade, and Anheuser-Busch. In the interim period until a SIP revision allowing the use of higher sulfur oil has been approved, EPA will formulate enforcement strategies for these three sources.

Sources are already burning oil at the sulfur levels approved today. These levels were permissible under New Hampshire regulations since 1973 and 1975. Thus, no increases in actual emissions are expected to result from approval of these revisions.

Final Action

EPA is approving the revisions to burn higher sulfur oil by those sources in New Hampshire which are the subject to these revisions.

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.

Authority: Secs. 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 New Hampshire was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 15, 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 EE—New Hampshire

1. Section 52.1520, paragraph (c) is amended by adding paragraph (26) as follows:

§ 52.1520 Identification of plan.

(c) * * *

(26) Revisions to CHAPTER Air 400, Section Air 402.02 (formerly Regulation No. 5), raising the allowable sulfur-in-oil limit for all but ten sources, were submitted by New Hampshire on July 12, 1973, April 11, 1975, December 21, 1982 and March 29, 1983. The excluded sources are:

1. International Packings Corp., Bristol.
2. Dartmouth College, Hanover.
3. Hinsdale Products Co., Inc., Hinsdale.
4. Groveton Paper Co., Northumberland.
5. James River Corp./Cascade Division, Gorham.
6. Velcro USA, Inc., Manchester.
7. ATC Petroleum, Newington.
8. Anheuser-Busch, Inc., Merrimack.
9. Hoague-Sprague Corp., West Hopkinton.
10. Public Service Co., Manchester Steam, Manchester.

§ 52.1531 [Reserved]

2. Section 52.1531, *Control strategy: Sulfur oxides* is removed and reserved.

[FR Doc. 84-7954 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[EPA Docket No. AH017VA; (A-3-FRL 2376-5)]

Approval of Revision to the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Secretary of Commerce and Resources submitted to the Environmental Protection Agency an amendment which allows an increase in the sulfur dioxide emissions from fuel burning sources in State Region VII (the Virginia portion of the National Capital Interstate Air Quality Control Region). Section 4.51(b) of the Virginia Regulations is being changed to allow an increase in the sulfur content of coal from 0.75% to 1.0%. This notice announces EPA's approval of the (SO₂) SIP revision as submitted. This revision, which will provide for greater use of the available coal, rather than oil, while having a minimal impact on air quality, meets all of the necessary requirements of the Clean Air Act and 40 CFR Part 51.

EFFECTIVE DATE: April 23, 1984.

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

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460

U.S. Environmental Protection Agency, Air Management Branch (3AW13), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Mr. Harold A. Frankford
Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall), Washington, D.C. 20460

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

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford at the Region III address stated above or telephone 215/597-8392.

SUPPLEMENTARY INFORMATION:

Background

On September 20, 1978, the Commonwealth of Virginia submitted numerous revisions to its State Implementation Plan (SIP). EPA has acted on all but one of the proposed revisions. The remaining revision deals with a change to section 4.51(b) of Virginia's regulations and provides for an increase in the allowable sulfur dioxide emissions from coal burning sources in State Region VII (the Virginia portion of the National Capital Interstate Air Quality Control Region). This Notice will address only the revision to section 4.51(b).

The Commonwealth submitted a Certification of Public Hearing dated August 15, 1978, stating that letters were sent on or about June 12, 1978 to the District of Columbia, Maryland, Tennessee, and the Environmental Protection Agency notifying them of the proposed SIP revision and the Public Hearing dates. Also, the hearings were advertised in the *Richmond Times-Dispatch* on June 14, 1978 and in at least one paper of general circulation in Virginia's seven Air Quality Control Regions. Public Hearings were held on July 14, 1978 in Richmond and on July 17, 1978 in each of the other six AQCR's.

On May 21, 1980, EPA published a Notice of Proposed Rulemaking, 45 FR 34018, stating that the Administrator proposed to disapprove the proposed revision because the Commonwealth had failed to submit a control strategy demonstration, as required by 40 CFR 51.13, showing the effect of this emissions relaxation on sulfur dioxide levels in the National Capital Interstate AQCR. As a result of the proposed rulemaking action, EPA received three comments regarding section 4.51(b).

One, a letter from the Commonwealth of Virginia dated June 16, 1980, stated that the required control strategy demonstration was in preparation and would be submitted by October 1, 1980. Second, a letter from Potomac Electric Power Company dated June 20, 1980, urged EPA to suspend action rather than disapprove the proposed revision pending submittal of the required control strategy demonstration. Third, a letter dated June 20, 1980 from the District of Columbia's Bureau of Air and Water Quality stated that the Bureau had not received 30-day notice of the public hearings as required by 40 CFR 51.5(b)(5), that they concurred with the proposed disapproval of Section 4.51(b), and, should a control strategy demonstration be submitted, that such material must be subject to a public comment period before being approved by EPA.

As a result of these comments and the Commonwealth's agreement to submit a control strategy demonstration, EPA published a Final Rulemaking Notice, on October 8, 1980, 45 FR 66789, suspending further action on this revision pending a receipt of the demonstration.

Subsequent Modeling Analyses

After several meetings and conversations with representatives of the Commonwealth, it was decided that EPA would perform the necessary modeling analysis and control strategy demonstration.

Region III performed the modeling study using the MPTER model, with one year of meteorological data, for all grids except Quantico and Pepco Potomac River. Since only one year of data was used, the highest rather than the second-highest estimated concentrations were used to determine if the NAAQS will be attained. Five major receptor grids were analyzed, one for each of the five major sources affected by the SIP revision. Each grid was a polar grid having 180 receptors and specifically designed to analyze the maximum impacts from the specific source, although emissions from all fourteen sources were included in each model run. Because of the very different nature of the Vepco Possum Point turbines, a sixth grid was developed specifically for those emissions.

The following sources were modeled at 1.0% sulfur fuel (as per the proposed SIP revision) and maximum capacity: Pepco Potomac River, Virginia Heat and Refrigeration, Department of Correction, VEPCO Possum Point, and the Quantico Marine Base. Other sources were modeled at actual 1979 emissions: Pepco Chalk Point, Pepco Dickerson, Pepco Benning Road, Pepco Buzzard Point,

Capital Power, GSA West, CSA Central, Walter Reed, and Howard University.

The ISCST and Valley models were used to estimate air quality impacts in the vicinity of the Quantico Marine Base. The ISCST model predicts air quality at a specified array of receptor locations around that source. Aerodynamic downwash is accounted for by that model and was accounted for in this modeling analysis. The Valley model was also applied because the effluent plume may intercept terrain. The Standard Valley screening assumptions were made: F stability, 2.5 m/sec wind speed, six hours of persistent meteorological conditions.

In the ISCST modeling analysis, five years of meteorological data were used (1967-1971 Quantico surface data and Sterling Dulles upper air data). Using five years of data permits the use of the highest second-high predicted SO₂ concentrations for determining compliance with NAAQS.

In the Spring of 1981, the Potomac Electric Power Company requested a temporary variance to burn 2.0% sulfur coal during the coal strike. Although the strike ended before the Commonwealth processed the variance, PEPCO had performed a control strategy demonstration in support of the variance request and this modeling analysis was submitted to EPA on March 30, 1982 in support of the proposed SO₂ relaxation.

As the Commonwealth had already reviewed and approved this analysis, EPA decided not to perform a second in-depth analysis for the PEPCO grid but simply to review the material on-hand and determine its acceptability.

PEPCO applied the EPA CRSTER model. EPA reviewed the model inputs and found the modeling approach to be consistent with EPA guidelines.

The modeling analyses are discussed in detail in the Technical Support Document. These in-depth modeling analyses have demonstrated that no violations of the sulfur dioxide NAAQS will result from the approval of the proposed SIP revision.

Notice of Proposed Rulemaking/Public Comments

Upon completion of the modeling analysis, EPA concluded that the revised SO₂ emissions limitation would not cause violation of the NAAQS for SO₂. Accordingly, on February 15, 1983, 48 FR 6725, EPA proposed approval of the Virginia SIP revision. During the 30-day public comment period, EPA received public comments from the State of Connecticut concerning the validity of the assumptions and the results of the modeling analysis. Connecticut

questioned the use of one year's worth of meteorological data in the modeling analysis, as five years' worth is generally recommended. Connecticut also pointed out that a previous modeling analysis performed by EPA using the 1.0% sulfur limitation had predicted possible SO₂ violations near sources sited on the Potomac River, and therefore questioned the more recent findings of no SO₂ violations.

EPA responds to these comments as follows: First, EPA's use of one year's worth of meteorological data, along with the use of the highest estimated concentration level, is consistent with current Agency guidelines on modeling procedures (EPA Document 1.2-080). Second, EPA considers the earlier modeling analysis to be invalid because the nature of the diffusion characteristics assumed in the earlier model were incorrectly applied to the sources which were predicted to cause SO₂ violations. EPA has more recently determined that the air diffusion characteristics in the proximity of these sources, because of their location near a large body of water (the Potomac River), are more representative of rural conditions, rather than the urban conditions assumed in the earlier modeling analysis. Therefore, EPA considers the more recent modeling analysis performed for these sources to be more appropriate.

EPA Actions

Based on the above evaluation, EPA approves the amended section 4.51(b) of the Virginia Regulations as a revision of the Virginia SIP. The Administrator's decision to approve the revision is also based on a determination that the amendment meets 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.

Accordingly, this notice amends 40 CFR 52.2420 (Identification of Plan) of Subpart VV (Virginia) by adding paragraph (c)(76) to incorporate this revision into the approved Virginia SIP.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities.

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

brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 52

Air Pollution Control, Ozone, Sulfur oxide, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Incorporation by reference.

Authority: 42 U.S.C. 7401-7642.

Dated: March 15, 1984.

William D. Ruckelshaus,

Administrator.

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

PART 52—[AMENDED]

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

Subpart VV—Virginia

1. In 52.2420, Identification of Plan, is revised by adding paragraph (c)(76) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(76) Amendments to Section 4.51(b) of the Virginia Air Pollution Control Board Regulations submitted on September 20, 1978 by the Commonwealth of Virginia.

[FR Doc. 84-7953 Filed 3-22-84; 8:45 am]

BILLING CODE 6580-50-M

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 52
(A-5-FRL 2548-6)
**Approval and Promulgation of
Implementation Plans; Illinois**
AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing rulemaking on a revision to the Illinois State Implementation Plan (SIP) for sulfur dioxide (SO₂). This action, if finally approved provides a new SO₂ emission limitation for Pekin Energy which is located in the Peoria Major Metropolitan Area. This action is based on a May 3, 1983 request by the State of Illinois, and supporting modelling analyses provided by the State which demonstrates that this new emission limitation for Pekin Energy will not cause or contribute to a violation of the SO₂ National Ambient Air Quality Standard.

DATE: Comments must be received by April 23, 1984.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review. (It is recommended that you telephone Randolph O. Cano, at (312) 886-6035 before visiting the Region V office).

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706

Comments on this proposed rule should be addressed to:

Gary Gulezian, Chief, Regulatory - Analysis Section, Air Programs Branch (5AP-26), USEPA, Region V, 230 South Dearborn, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Air Programs Branch (5AP-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6035

SUPPLEMENTARY INFORMATION: On March 24, 1983, the Illinois Environmental Protection Agency (IEPA) submitted a proposed State Implementation Plan (SIP) revision which requested that USEPA remove the conditional approval of the Part D Illinois SIP relating to SO₂ in the Pekin area because it is now attainment for the pollutant SO₂. USEPA was also requested to reclassify Peoria and Tazewell Counties to attainment for the

pollutant SO₂. In response to comments from USEPA, IEPA requested on May 3, 1983, that USEPA incorporate newly revised Illinois Pollution Control Board (IPCB) Rule 204(f)(2) into the Illinois SIP for sulfur dioxide. This proposed rulemaking concerns the incorporation of IPCB Rule 204(f)(2) into the Illinois SIP for sulfur dioxide. The State's request to redesignate Peoria and Tazewell Counties and to consider the sulfur dioxide control strategy approval condition satisfied are the subjects of separate Federal Register notices.

Rule 204(f)(2) was adopted by the Illinois Pollution Control Board (IPCB) as part of a February 24, 1983 Order of the Board (R80-22). Rule 204(f)(2) provides that existing industrial sources not equipped with flue gas desulfurization (FGD) systems as of December, 1980, located in the Peoria Major Metropolitan Area shall not exceed 5.5 pounds of sulfur dioxide per million BTU of actual heat input. The rule's reference to sources with FGD systems recognizes that several industrial boilers in the Peoria area which already are equipped with FGD systems need a more stringent SO₂ emission limit than 5.5 lbs/MMBTU to prevent violations of the SO₂ National Ambient Air Quality Standards (NAAQS).

Effectively, this revised rule relaxes the federally approved SO₂ emission limit of one relatively large source, Pekin Energy (formerly CPC International, Inc.), and of two minor sources (WABCO and Pabst) from 1.8 lbs./MMBTU to 5.5 lbs./MMBTU. The remaining industrial boilers covered by Rule 204(f)(2) already have federally approved SO₂ emission limits of 5.5 lbs/MMBTU. Pekin Energy operates three coal-fired boilers with a combined maximum capacity near 800 MMBTU/hr actual heat input. Pekin Energy is located in Pekin Township, Tazewell County which is currently designated as primary nonattainment for SO₂. For the reasons discussed below, redesignation to attainment for SO₂ in Pekin Township is being proposed in a separate Federal Register notice. The two minor sources (WABCO and Pabst) have approximately 60 MMBTU/hr actual heat input boilers each) are located in Peoria Township, Peoria County. USEPA proposes to take no action on this rule at this time as it applies to these two sources.

The modeling analyses contained in the State's technical support materials demonstrate that the revised emission limit for Pekin Energy will not cause or contribute to a violation of the SO₂ National Ambient Air Quality Standards.

These analyses also show that the SO₂ emission limits contained in revised

Rule 204(f)(2) and the federally approved SO₂ limits for the electrical utility SO₂ sources in the Peoria area will attain and maintain the SO₂ NAAQS in Cincinnati, Pekin and Elmgrove Townships in Tazewell County, and Logan and Limestone Townships in Peoria County. Therefore, EPA is proposing redesignation of these five townships which are currently nonattainment to attainment for SO₂ in a separate Federal Register notice. The recent improvement in SO₂ air quality in this area is directly attributable to substantial emission reductions at several electrical generating plants in the area through their compliance with their federally approved 1.8 lbs/MMBTU emission limit. The modeling analyses predict violations of the SO₂ NAAQS elsewhere in the Peoria area attributable to several industrial boilers equipped with FGD systems which have a 1.8 lbs./MMBTU emission limit. Pekin Energy does not contribute to these modeled violations. Because Pekin Energy was in compliance with their previous 1.8 lbs./MMBTU emissions limit, the revision to a 5.5 lbs./MMBTU will result in an increase in emissions (i.e. potential increase of up to 3,000 tons per year). Any increase in emissions resulting from the revised emission limit for Pekin Energy will not consume the Prevention of Significant Deterioration (PSD) increment because the baseline date in this area has not yet been triggered. Consequently, Pekin Energy's emissions are included in the PSD baseline concentration for the area. Because Pekin Energy's area of significant SO₂ impact does not extend beyond Peoria and Tazewell Counties, located in the central part of Illinois, the revision will not have a significant impact on SO₂ (or TSP) levels in other States. USEPA, therefore, proposed to approve the incorporation of IPCB Rule 204(f)(2) as it applies to all the Pekin sources except for two sources in Peoria Township (WABCO and Pabst). EPA will take action on Rule 204(f)(2) as it applies to the two sources after EPA receives additional information from Illinois concerning the SO₂ air quality in Peoria Township.

Under 5 U.S.C. 605(b) I have determined that this action if finally approved will not have a significant impact on a substantial number of small entities. This action only approves a regulation previously adopted by the State. Although no action is taken on the application of this regulation to two entities, no new requirements are imposed.

The technical support provided by the State and USEPA's rationale for proposing approval are available for

inspection at the USEPA Region V office listed in the front of this proposed rulemaking.

All interested persons are invited to submit written comments on the proposed SIP revision and USEPA's proposed approval. Written comments received by the date specified above will be considered in the development of USEPA's final rule. After review of all comments submitted, the Administrator will publish USEPA's final action on this proposed rule in the *Federal Register*. Under Executive Order 12291, today's action is not "major". It has been submitted to the Office of Management and Budget for review.

(Sec. 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601(a))

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 22, 1983.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 84-7950 Filed 3-22-84; 8:45 am]

BILLING CODE 6580-50-M

40 CFR Part 52

[Docket No. NH-1440; OAR-FRL-2548-4]

Approval and Promulgation of Implementation Plans; Sulfur-in-Fuel Revisions for Five Sources; New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan revisions submitted by the State of New Hampshire. These revisions will revise the sulfur-in-fuel limits for five sources from 1% sulfur by weight to 2% (2.2 pounds of sulfur dioxide per million Btu). These sources were excluded from recent revisions to the statewide sulfur-in-fuel limit. These sources were excluded because the New Hampshire Air Resources Agency was in the process of amending their operating permits to ensure no violations of the NAAQS. The intended effect of this action is to allow these sources to burn the higher sulfur fuel under the statewide regulation.

DATE: Comments must be received on or before April 23, 1984.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2313, JFK

Federal Bldg., Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Bldg., Boston, MA 02203 and the New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, New Hampshire 03301.

FOR FURTHER INFORMATION CONTACT: Stephen S. Perkins, (617) 223-4866.

SUPPLEMENTARY INFORMATION: On November 1, 1983, the New Hampshire Air Resources Agency submitted revisions to its State Implementation Plan (SIP). These revisions would allow an increase in the sulfur-in-fuel content from no more than 1.0% sulfur by weight to no more than 2% at the following sources:

1. International Packing Corp., Bristol
2. Velcro USA, Inc., Manchester
3. Dartmouth College, Hanover
4. Sprague Energy-Atlantic Terminal Corp., Newington
5. Hoague-Sprague Corp., Hopkinton

These sources were excluded from recently approved revisions to the statewide sulfur-in-fuel limit. The New Hampshire Air Resources Agency has negotiated amended permits with these sources to ensure that there will be no violations of National Ambient Air Quality Standards (NAAQS).

Background

On July 12, 1973, April 11, 1975, and December 21, 1982, the New Hampshire Air Resources Agency submitted revisions to its SIP to raise the allowable sulfur content of No. 5 and No. 6 residual oils and crude oil used, purchased, or sold for heat or power generation. The revisions allow the use of oil with no more than 2.2% sulfur by weight in the New Hampshire portion of the Androscoggin Valley Interstate Air Quality Control Region, and oil with no more than 2.0% sulfur by weight in all other parts of the state. Eight fuel burning sources were excluded from these revisions including International Packing, Velcro USA, Dartmouth College and ATC Petroleum, which is now called Sprague Energy. These sources were excluded because the New Hampshire Air Resources Agency was in the process of amending their operating permits to ensure no violations of the NAAQS.

On March 23, 1983 (43 FR 12109), EPA proposed to approve these revisions for all but the eight sources. We said that they would be the subject of future revisions. During the comment period, the New Hampshire Air Resources Agency requested that a ninth source,

Hoague-Sprague, be added to the list of excluded sources. In another section of today's *Federal Register*, EPA has given final approval to the statewide revisions, while excluding these sources.

Amended Permits and Technical Support

The New Hampshire Air Resources Agency has submitted amended operating permits for the five sources that ensure no violations of the NAAQS for sulfur dioxide (SO₂) when higher sulfur fuel is burned. The permit conditions and technical support for each source are described below.

1. International Packing Corp. Previous modeling with EPA's ISC model predicted NAAQS violations because of building downwash from short stacks. International Packing was required to raise its stacks to the good engineering practice (GEP) formula height of 12.5 m. This stack height increase has been completed. ISC modeling for the new stack height predicts no NAAQS violations.

2. Velcro USA, Inc. Previous ISC modeling also predicted NAAQS violations because of building downwash. Velcro USA was required to raise its stack to 18 m. The GEP formula height is 28 m. This stack height increase has also been completed. ISC modeling for the new stack height shows no NAAQS violations.

3. Dartmouth College. Previous elevated terrain modeling with EPA's VALLEY model predicted violations of the NAAQS. Dartmouth has agreed to an operating condition that restricts its maximum hourly steam output to 164,000 pounds, which is 95% of maximum capacity. The New Hampshire Air Resources Agency has inspected this facility and found Dartmouth to be in compliance with the operating restriction. VALLEY modeling of this restricted capacity shows no NAAQS violations.

4. Sprague Energy-Atlantic Terminal Corp. Previous modeling with ISC predicted NAAQS violations due to building downwash from short stacks. Sprague Energy was required to raise two existing stacks to 14 m. The GEP formula height is 15 m. This stack height increase will be completed by January 31, 1984. Sprague Energy also agreed to permit conditions restricting it to firing any three of four boilers at one time, or to the burning of 1.5% sulfur oil if it operates all four boilers. ISC modeling shows no NAAQS violations under these conditions.

5. Hoague-Sprague Corp. Previous building downwash modeling with ISC and elevated terrain modeling with

VALLEY predicted NAAQS violations. Hoague-Sprague was required to raise one of its stacks to 23 m. The GEP formula height is 34 m. This stack height increase has been completed. Hoague-Sprague also agreed to an operating condition that restricts it to firing only one boiler at any time. ISC and VALLEY modeling predicts no NAAQS violations under these conditions.

These sources are actually burning oil at the sulfur levels proposed for approval. These levels have been permissible under New Hampshire regulations since 1975. Therefore, these revisions will not result in increases in actual emissions and will not result in the consumption of any Prevention of Significant Deterioration (PSD) increment. Instead, the emissions from these sources are included in the baseline for SO₂. An analysis of interstate impacts also showed that these revisions will not interfere with attainment or maintenance of the NAAQS in any other state.

Stack Height Issues

In a recent decision, the United States Court of Appeals for the District of Columbia Circuit remanded portions of EPA's stack height regulations to the Agency for promulgation of new regulations governing credit to be given for stack height increases in certain situations. *Sierra Club v. EPA*, 719 F. 2d 436 (1983). The raising of the height of the stacks at International Packing, Velcro USA, Sprague and Hoague-Sprague in order to provide for attainment of the NAAQS for SO₂ is not inconsistent with that decision. The maximum height of any of these stacks after they are raised will be 23 m, which is 42 m below the *de minimis* stack height in EPA's regulations. 40 CFR 51.1(ii)(1) (1982). The Court of Appeals did not address the *de minimis* height, nor did any of the petitioners take issue with it.

Proposed action

EPA is proposing to approve the revisions to burn higher sulfur oil for International Packing Corp.; Velcro USA, Inc.; Dartmouth College; Sprague Energy-Atlantic Terminal Corp.; and Hoague-Sprague Corp.

Under 5 U.S.C. Section 605(b), the Administrator has certified that this action will 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.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of Sections 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

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: January 27, 1984.
Michael R. Deland,
Regional Administrator, Region I.
[FR Doc. 84-7949 Filed 3-22-84; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[Region II Docket No. 13; OAR-FRL-2549-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces the receipt of a request from the State of New Jersey to revise its implementation plan. If approved by the Environmental Protection Agency (EPA), this revision would allow 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 revision will remain in effect until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first. Emissions of sulfur dioxide from coal burning will be restricted to 0.3 pounds per million BTU gross heat input. Allowance for a temporary increase in the sulfur content of fuel oil used in the boilers at the U.S. Gypsum's Clark plant is part of New Jersey's program to provide incentives for industries to convert from fuel oil or natural gas to coal with stringent SO₂ control. Under New Jersey and EPA requirements such actions may not cause a violation of any national ambient air quality standards or Prevention of Significant Deterioration increments.

DATE: Comments must be received on or before April 23, 1984.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

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

New Jersey Department of Environmental Protection, Division of Environmental Quality, John Fitch Plaza, Trenton, New Jersey 08625.

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 April 14, 1983, the State of New Jersey Department of Environmental Protection (DEP) submitted to the Environmental Protection Agency (EPA) a proposed revision of its State Implementation Plan (SIP). This proposal, if approved by EPA, would allow the U.S. Gypsum Co. in Clark, New Jersey temporarily to burn fuel oil with a higher sulfur content than normally allowed under the SIP. 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 area in which Clark is located. 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. DEP proposes to allow the use of 2.0 percent sulfur content fuel oil at U.S. Gypsum Co. in either Boiler #1, #2, or #3 until March 15, 1985 or until Boiler #4 is converted to burn coal, whichever occurs first. Sulfur dioxide emissions from the burning of coal will be limited to 0.3 pounds per million BTU gross heat input through the use of limestone fluidized bed injection. In addition, a baghouse particulate control system will be installed.

The State has submitted an air quality modeling analysis which shows that U.S. Gypsum's use of 2.0 % sulfur fuel will cause no violations of national ambient air quality standards or PSD increments. In addition, the State has

executed an Administrative Consent Order with the Company that prescribes the length of time and conditions under which U.S. Gypsum can burn higher sulfur content fuel oil. A notice of the Consent Order has been published in a local newspaper.

Based on its review of this material EPA proposes to approve the State's proposed SIP revision. This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted on whether this SIP revision should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed SIP revision will be based on whether it meets the requirements of Section 110 of Clean Air Act and EPA regulations at 40 CFR Part 51.

Comments received by April 23, 1984 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II Office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

Under 5 U.S.C. Section 605(b), the Regional 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 proposed rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

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

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

Dated: July 20, 1983.

Jacqueline E. Schafer,
Regional Administrator, Environmental
Protection Agency.

[FR Doc. 84-7956 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[Region II Docket No. 19; OAR-FRL-2548-5]

Approval and Promulgation of Implementation Plans; Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces receipt of a request from the State of New York to revise its State Implementation Plan and EPA's proposed approval of this revision. If approved by the Environmental Protection Agency, this revision would renew, in modified form, a temporary relaxation of the sulfur content limitation applicable to certain fuel burning sources located in the Southern Tier East, Central, and Champlain Valley (Northern) Air Quality Control Regions. Generally, the sources affected are those with a heat input capacity under 250 million Btu per hour. The relaxation, technically known as a "special limitation," would allow the sources to use fuel oil with a maximum sulfur content of 2.8 percent, by weight, until June 30, 1984.

DATES: Comments must be received on or before April 23, 1984.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278.

Copies of the State's request are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency,
Air Programs Branch—Room 1005,
Region II Office, Jacob K. Javits
Federal Building, 26 Federal Plaza,
New York, New York 10278
New York State Department of
Environmental Conservation, Division
of Air, 50 Wolf Road, Albany, New
York 12233.

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

SUPPLEMENTARY INFORMATION: On October 19, 1983 the Environmental Protection Agency (EPA) received a proposed revision to the New York State Implementation Plan (SIP). Additional supporting material and clarification was submitted by the New York State Department of Environmental Conservation (DEC) on November 4, 1983. This revision provides for the renewal, in modified form, of a State-initiated fuel oil sulfur content relaxation ("special limitation") for certain fuel burning sources in the Southern Tier East, Central, and Champlain Valley (Northern) Air Quality Control Regions (AQCRs). The original "special limitation" was approved by EPA on October 27, 1977 (42 FR 56607) and an extension was approved on August 20, 1980 (45 FR

55482). The latest "special limitation" expired on December 31, 1982. The reader is referred to these two notices for historical background to today's action.

"Special limitations" are authorized by Section 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Section 225.2 allows the Commissioner of DEC to promulgate special sulfur-in-fuel limitations for oil combustion sources which do not have a total heat input in excess of 250 million BTU per hour and solid fuel combustion sources which do not have a total heat input in excess of 100 million BTU per hour. (NOTE: The heat input ceiling is applicable to sources located at one or more adjacent properties owned or operated by a single party). "Special limitations" cannot exceed 3.0 percent, by weight, for oil combustion sources of 2.8 pounds per million BTU gross heat content for solid fuel combustion sources, and can be promulgated only for sources in areas where ambient air quality standards for sulfur dioxide are being met and the Commissioner determines that the use of such fuel would not significantly degrade air quality.

State Submittal

The State's proposed renewal of the "special limitation" would allow the following sources to use oil with a maximum sulfur content of 2.8 percent, by weight, until June 30, 1984:

- All oil combustion sources in the Central, Champlain Valley (Northern), and Southern Tier East AQCRs, with a maximum heat input capacity of less than 50 million BTU per hour, *except those located in Broome and Onondaga Counties;*

- The following oil combustion sources in the Central, Champlain Valley (Northern), and Southern Tier East AQCRs, which have maximum heat input capacities of 50 to 250 million BTU per hour:

Alco Power Inc., Auburn, Cayuga County
Auburn Correctional Facility, Auburn, Cayuga County
Chicago Pneumatic Tool, Frankfort, Herkimer County
Rome Cable Division, Rome, Oneida County
Rome Division, Rome, Oneida County
Revere Ware, Rome, Oneida County
Rome Developmental Center, Rome, Oneida County
St. Luke's Hospital, New Hartford, Oneida County
Aerospace Electronics, Utica, Oneida County

Oneida Silversmiths, Sherrill, Oneida County
 Foster Paper, Utica, Oneida County
 Masonic Home, Utica, Oneida County
 West End Brewing, Utica, Oneida County
 St. Elizabeth's Hospital, Utica, Oneida County
 Bossert Manufacturing Co., Utica, Oneida County
 House of Good Samaritan Hospital, Watertown, Jefferson County
 Carthage Paper Makers, Carthage, Jefferson County
 Queen's Dairy Farm, Pierpoint Manor, Jefferson County
 Crowley Foods, Orleans, Jefferson County
 Mercy Hospital, Watertown, Jefferson County
 Crown Zellerbach, Carthage, Jefferson County
 Fiber Industries, Beaver Falls Lewis County
 Kraft Foods, Lowville, Lewis County
 Burrows Paper Corp., Lyonsdale, Lewis County
 Pajco Products, Lowville, Lewis County
 Sheffield Products, Norwich, Chenango County
 Norwich Pharmaceutical, Norwich, Chenango County
 Dellwood Foods, Delhi, Delaware County
 Kraft, Inc., Walton, Delaware County
 Woodbourne Correctional Facility, Woodbourne, Sullivan County
 Kiamesha Concord, Inc., Thompson, Sullivan County
 Sunmount Development Center, Tupper Lake, Franklin County
 Easton Mills, Easton, Washington County
 Great Meadows Correctional, Comstock, Washington County
 General Electric (Small Industrial Capacitors Division), Fort Edward, Washington County
 Scott Paper, Fort Edward, Washington County
 UM & M (Decora Division), Fort Edward, Washington County
 Greenwich Mills, Greenwich, Washington County
 Noroton Pulp and Machine, Greenwich, Washington County
 General Electric (Power Capacitor Division), Hudson Falls, Washington County
 Diamond International, Plattsburgh, Clinton County
 Georgia Pacific, Plattsburgh, Clinton County
 Imperial Paper, Plattsburgh, Clinton County
 Ayerst Laboratories, Rouses Point, Clinton County
 Champlain Valley Physicians Hospital, Plattsburgh, Clinton County

Sealright Co., Fulton, Oswego County
 Oswego Oil Terminals, Oswego, Oswego County
 Power Authority of the State of New York, Scriba, Oswego County
 Armstrong World Industries, Volney, Oswego County
 State University of New York at Oswego, Oswego, Oswego County
 General Foods, Fulton, Oswego County
 Hammermill, Oswego, Oswego County
 St. Lawrence University, Canton, St. Lawrence County
 Groveton Paper, Gouverneur, St. Lawrence County
 Groveton Paper, Natural Dam, St. Lawrence County
 Reynolds Metals, Massena, St. Lawrence County
 Chagrin Fibers, Norfolk, St. Lawrence County
 Potsdam Paper Corp., Potsdam, St. Lawrence County
 Kraft, Inc., Canton, St. Lawrence County

This sulfur content limitation applicable to all other oil combustion sources, under the generic requirements of the SIP, would remain at 2.0 percent, by weight. No "special limitation" is proposed for any coal combustion source.

The State's SIP revision submittal consists of the following:

- Public hearing documents defining the terms of the "special limitation;"
- Further elaboration and clarification of the proposed revision; and
- A technical support document evaluating the air quality impact of the revision.

The State's SIP revision request was submitted in accordance with all EPA requirements under 40 CFR Part 51. These include the need for public hearings, which were held by the State on May 24, 25 and 26, 1983.

EPA's Findings and Proposed Action

In order for EPA to approve the SIP revision, the State had to demonstrate, using acceptable procedures for evaluating the air quality impact, that the revision would not cause or contribute to any contravention of national ambient air quality standards or PSD increments.

EPA has reviewed the material submitted by DEC and proposes to approve the "special limitations" in the three AQCRs in accordance with the Commissioner's Order. The air quality impact analysis carried out by the State is consistent with EPA modeling guidelines and demonstrates that no national ambient air quality standard or PSD increment would be contravened.

The air quality analysis performed by the State indicated that the air quality

impact of five potential candidates for using 2.8% sulfur fuel oil would cause violations of ambient air quality standards. Consequently, the State excluded the following five sources from burning 2.8% sulfur content fuel oil:

Clinton Correctional Facility, Dannemora, Clinton County
 Newton Falls Paper Mill, Inc., Newton Falls, St. Lawrence County
 Stevens and Thompson, Paper Co., Middle Falls, Washington County
 Colgate University, Hamilton, Madison County
 Burrows Paper Corp., Little Falls, Herkimer County

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether this proposed revision to the New York State Implementation Plan should be approved or disapproved. The Administrator's decision to approve or disapprove will be based on the requirements of Section 110(a)(2) (A)-(K) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Interested persons are invited to comment on the subject proposal and on whether it meets Clean Air Act requirements. Comments received by April 23, 1984 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II office of EPA, at 26 Federal Plaza, Room 1005, New York, New York 10278.

Under 5 U.S.C. 605(b), the Administrator has certified that approvals of SIP revisions 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 52

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

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

Dated: November 23, 1983.

Jacqueline E. Schafer,
 Regional Administrator, Environmental Protection Agency.

[FR Doc. 84-7958 Filed 3-23-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[OAR-FRL-2548-8]

Approval and Promulgation of Implementation Plans; Ohio**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rulemaking.

SUMMARY: EPA is proposing to revise the Federal Ohio State Implementation Plan (SIP) for sulfur dioxide (SO₂) at the B.F. Goodrich plant and the Ohio Edison Company's Beech Street power station in Summit County, Ohio. EPA's approval is based on an urban modeling analysis submitted by the State to support the revision. The analysis demonstrates that this revision will not interfere with the attainment and maintenance of the SO₂ National Ambient Air Quality Standards. This action proposes to revise the B.F. Goodrich SO₂ emission limits from 5.54 lbs. SO₂/MMBTU to 7.0 lbs. SO₂/MMBTU. In addition, EPA is proposing to revise the Ohio Edison Beech Street Plant emission limit from 2.79 to 0.0 since the plant is permanently shut down.

DATE: Comments on EPA's proposed action must be received by April 23, 1984. Requests for a public hearing on this revision must be received by no later than April 9, 1984.

ADDRESSES: Copies of the Docket 5A-83-3 are on file at the following addresses for review. (It is recommended that you telephone Debra Marcantonio at (312) 886-6088 before visiting the Region V office)—U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Comments on this proposed rule and requests for a hearing should be addressed to: (Please submit an original and five copies if possible)—Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: On January 6, 1983, the Ohio Environmental Protection Agency (Ohio EPA) submitted a request for a revision to the SO₂ emission limitation for the B.F. Goodrich South Main Street Plant in Summit County, Ohio. The submittal was intended as a request for a revision to the current Federal SIP, which was promulgated by EPA on December 5,

1979 (44 FR 69928). Additional technical support was submitted to EPA on April 15, 1983.

Ohio EPA requested that EPA revise the emission limit for coal-fired Boilers #27 and #32 at the B.F. Goodrich facility from 5.54 lbs SO₂/MMBTU to 7.0 lbs SO₂/MMBTU. The current Federal limit of 0.51 lbs SO₂/MMBTU for Boiler #31 and the nonsimultaneous operating restriction for Boilers #27 and #32 currently in the SIP are not being revised.

To determine if the 7.0 lbs SO₂/MMBTU limit will provide for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS), B.F. Goodrich performed a RAM urban modeling analysis. The results of the analysis demonstrate that the proposed revision will not interfere with the attainment and maintenance of the SO₂ NAAQS. Therefore, EPA is proposing to promulgate this revision to the Ohio SO₂ SIP. Further discussion of the modeling analysis is contained in the technical support document for this revision, which is available for review at the Region V Office.

The emission inventory prepared by the State and used in the modeling attainment demonstration, omitted the Ohio Edison Beech Street Plant since it is permanently shut down. Therefore, as part of the proposed rulemaking, EPA is also revising the limit for the Ohio Edison Beech Street Plant from 2.79 lbs SO₂/MMBTU to 0.00 SO₂/MMBTU.

Impact on Attainment and Prevention of Significant Deterioration (PSD) in Other States

EPA also reviewed the proposed B.F. Goodrich revision for consistency with Section 110(a)(2)(E) of the Clean Air Act. Due to present limitations on modeling, the modeling for the revision was limited to a 50 km radius around the B.F. Goodrich plant. There is no other state within 50 km of the plant. Furthermore, although the revision would increase allowable emissions from the B.F. Goodrich plant by 1227 tons per year, the revision is not expected to result in an increase in actual emissions from historical levels. Therefore, the revision will not affect PSD increment consumption.

The modeling for this revision demonstrated that 3-hour and 24-hour ambient SO₂ concentrations resulting from B.F. Goodrich's emissions decrease markedly within a short distance from the plant and fall well below the corresponding ambient standards. Therefore, in EPA's judgment, the revision would not contribute substantially to SO₂ nonattainment in any other state.

Under 5 U.S.C. Section 605(b), the Administrator has certified that this source-specific revision to the Federal SIP does 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 52

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

(Section 110 of the Clean Air Act, as amended) (42 U.S.C. 74101)

Dated: September 7, 1983.

Valdas V. Adamkas,
Regional Administrator.

[FR Doc. 84-7948 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[OAR-FRL-2548-7]

Approval and Promulgation of Implementation Plans; Sulfur Dioxide Revision for Narragansett Electric Company, South Street Station; Rhode Island**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: This notice proposes to approve 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 proposing to approve Section 8.3.4, "Large Fuel Burning Devices Using Coal," of Rhode Island 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 Section 110 of the Clean Air Act.

DATE: Comments must be received on or before April 23, 1984.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air

Management Division, Room 2312, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2312, JFK Federal Building, Boston, MA 02203 and at the Division of Air and Hazardous Materials, Cannon Building, Room 204, 75 Davis Street, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT: John Pollack, (617) 223-4867, FTS 223-4867.

SUPPLEMENTARY INFORMATION: On July 19, 1983, the Chief of the Division of Air and Hazardous Materials of the Rhode Island Department of Environmental Management (RIDEM) requested that EPA approve proposed revisions to the SIP. These revisions will 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. These revisions will approve Section 8.3.4, "Large Fuel Burning Devices Using Coal," of Rhode Island Regulation 8 as it applies to existing fuel burning devices at South Street.

Amendments to Rhode Island Regulation 8, "Sulfur Content of Fuels," were approved by EPA on March 29, 1983 (48 FR 13026). The amendments provided for temporary variances from sulfur-in-fuel emission limits for small fuel burning sources (less than 250 MMBTU per hour) which committed to energy conversion (from oil) or conservation measures, and for the bubbling of emissions from small sources to achieve cost effective control strategies.

Section 8.3.4 allows for the burning of coal under certain conditions at fuel burning sources greater than 250 MMBTU per hour and has not previously been approved by EPA. This section is now being proposed for approval only as it applies to existing fuel burning devices at South Street, and at the request of the State, in order that the State Regulation and the federally approved SIP will be the same. There are no existing fuel burning sources in the State except for South Street which are eligible under Section 8.3.4, and South Street is being submitted as a source specific SIP revision. For any new major fuel burning source greater than 250 MMBTU per hour, or for the addition of a fuel burning device greater than 250 MMBTU per hour to an existing source, the federal New Source Performance Standards (NSPS) and the State New Source Review /PSD Regulations will supersede Section 8.3.4.

Therefore, Section 8.3.4 does not provide for a generic approval for large sources (greater than 250 MMBTU per hour) to burn coal. EPA approval of source specific SIP revisions will still be required in order for large sources to burn coal.

This approval will not affect the bubble under which South Street currently operates when burning residual fuel oil (46 FR 5980). Under this bubble, South Street is allowed a sulfur-in-oil limit of 1.21 lbs/MMBTU (2.2% S oil) when the nearby NECo Manchester Street Station is burning natural gas or not operating. Otherwise, South Street is limited to the previously approved SIP sulfur-on-oil limit of 0.55 lbs/MMBTU (1.0% S oil).

Prior to approving a revision to a SIP, EPA must determine that the proposed actions will not violate applicable National Ambient Air Quality Standards (NAAQS) or Prevention of Significant Deterioration (PSD) increments. Towards this end, a modeling analysis in support of the proposed revision was performed by NECo after consultation with both EPA and the State.

The EPA ISCST model was used including significant terrain below stack top, building induced downwash from the nearby Manchester Street Station, multiple source impacts, and urban effects. Five years of hourly surface meteorological data from Green Airport in Providence, Rhode Island along with upper air data from Chatham, Massachusetts were used. In addition to South Street and Manchester Street Station, all major sources of sulfur dioxide (SO₂) within 20 kilometers (km) of South Street were included in the ISCST analysis. These consisted of eight additional sources in Rhode Island and one in Massachusetts. Furthermore, two Massachusetts power plants beyond 20 km, the Brayton Point and Montaup Stations, were included in the modeling analysis. The maximum annual average and highest second-high 24-hour and 3-hour average SO₂ concentrations monitored in Providence for the three-year period 1979-1981 were selected as background values in the NAAQS analyses.

EPA's review of the NAAQS analyses showed that the NAAQS for SO₂ would not be violated as a result of burning coal meeting the proposed sulfur limits at South Street. NECo also performed a modeling analysis to determine the PSD increment for SO₂ that would be consumed by the burning of coal meeting the proposed sulfur limits at South Street. EPA's review of the PSD

analysis showed that available PSD increments for SO₂ would not be exceeded.

EPA's detailed reviews of these modeling analyses are contained in a Technical Support Document. Copies of EPA's Technical Support Document along with NECo's modeling analyses submitted by the RIDEM are available for public inspection at the locations listed in the ADDRESSES section.

Whenever NECo burns coal at South Street under this revision, the current Rhode Island emission limit for total suspended particulates (TSP) of 0.1 lbs/MMBTU must be met at all times. While NECo has not yet proposed how it would meet the TSP emission limit while burning coal, EPA's approval of the sulfur relaxation in no way frees NECo from the obligation of meeting this limit.

Proposed Action

EPA is proposing to approve:

1. Changes to the Rhode Island SIP for SO₂ 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 to existing fuel burning sources at South Street.

Under 5 U.S.C. Section 605(b), the Administrator has certified that this action will 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.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of Sections 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 USC 7410(a) and 7601(a)).

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: August 24, 1983.

Michael R. Deland,
Regional Administrator, Region I.

[FR Doc. 84-7957 Filed 3-22-84; 8:45 am]

BILLING CODE 6560-50-M

federal register

**Friday
March 23, 1984**

Part V

Department of the Interior

Minerals Management Service

**Outer Continental Shelf; Central Gulf of
Mexico; Oil and Gas Lease Sale 81;
Notice**

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Central Gulf of Mexico
Oil and Gas Lease Sale 81
Part 1
(April 1984)

1. Authority. This Notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Boulevard, Metairie, Louisiana 70002. Bids may be delivered in person to the above address during normal business hours (8:00 a.m. to 4:00 p.m., c.s.t.), until the Bid Submission Deadline at 10:00 a.m., c.s.t., April 23, 1984. Hereinafter, all times cited in this Notice refer to Central Standard Time (c.s.t.) unless otherwise stated. Bids will not be accepted on April 24, 1984, the day of Bid Opening. Delivery by mail should be addressed to P.O. Box 7944, Metairie, Louisiana 70010 and must be received by the Bid Submission Deadline. Bids received by the Regional Manager later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the Regional Manager prior to 10:00 a.m., April 23, 1984. Bids may not be withdrawn unless written withdrawal is received by the Regional Manager prior to 8:30 a.m., April 24, 1984. Bid Opening Time will be 9:00 a.m., April 24, 1984, at the Hyatt Regency New Orleans, 500 Poydras Plaza, Ballrooms D and E, New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 48 FR 45318, on October 4, 1983.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease, Central Gulf of Mexico Sale 81 (insert map number(s), map name(s), if applicable, and block number(s)), not to be opened until 9:00 a.m., c.s.t., April 24, 1984," must be submitted for each block or prescribed bidding unit bid upon. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease, Central Gulf of Mexico Sale 81, NH 16-4, Mobile, Block 898, not to be opened until 9:00 a.m., c.s.t., April 24, 1984." For those blocks which must be bid upon together as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. No bid for less than all of the unleased portions of a block or bidding unit will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing. Partnerships also need to

submit or have on file in the Gulf of Mexico Regional Office a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point; e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of \$150 or more per acre or fraction thereof. All leases awarded from this sale will provide for a yearly rental payment of \$3 per acre or fraction thereof. All leases will provide for a minimum royalty of \$3 per acre or fraction thereof. The bidding systems to be utilized for this sale apply to blocks or bidding units as shown on map 2. (see paragraph 12). The following bidding systems will be used:

(a) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See paragraph 14, "Information to Lessees."

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid will be deposited by the government in an interest bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

(b) Outer Continental Shelf Official Protraction Diagrams:

NH 16-4	Mobile	(approved April 19, 1983).
NH 16-7	Viosca Knoll	(approved December 2, 1976).
NH 15-12	Ewing Bank	(approved December 2, 1976).
NH 16-10	Mississippi Canyon	(approved December 2, 1976).
NG 15-3	Green Canyon	(approved December 2, 1976).
NG 16-1	Atwater Valley	(approved November 10, 1983).
NG 15-6	Walker Ridge	(approved December 2, 1976).
NG 16-4		(approved December 2, 1976).

These sell for \$2 each.

12. Description of the Areas Offered for Bids.

(a) Acreages of full and partial blocks occurring at the meeting of map borders appear on the Leasing Maps and Official Protraction Diagrams. Acreages of split blocks on the Federal/State boundary appear on the set of drawings entitled "Split Blocks--Central Gulf of Mexico," available from the Gulf of Mexico Regional Office (see paragraph 14). Where part of any of the above full, partial, or split blocks is under lease (as indicated below), the acreage available for leasing at this sale is listed in the document entitled "Central Gulf of Mexico Lease Sale 81, Open Acreages for Blocks with Aliquots Under Lease," available from the Gulf of Mexico Regional Office. A list entitled "8(g) Boundary Blocks" is also available from the Regional Office.

(b) References to maps 1, 2, and 3 in this Notice refer to the following maps which are available on request from the Gulf of Mexico Regional Office:

Map 1 entitled "Stipulations, Lease Terms, and Bidding Systems" refers largely to lease terms, stipulations, and warning areas.

Map 2 entitled "Stipulations, Lease Terms, and Bidding Systems" refers largely to bidding systems and bidding units.

Map 3 entitled "Detailed Maps to Biologically Sensitive Areas" pertains to areas referenced in Stipulation No. 2.

(c) In several instances, two or more blocks have been joined together into bidding units totaling less than 5,760 acres. Any bid submitted for a bidding unit having more than one block must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units with their acreages appears on map 2.

(d) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11 except for those blocks or partial blocks described as follows:

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block or bidding unit will be awarded to any bidder, unless:

- (a) the bidder has complied with all requirements of this Notice and applicable regulations;
- (b) the bid is the highest valid bid; and
- (c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of \$150 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, or other applicable regulations, may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid with the first year's annual rental as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart 1.

For this lease sale, the Minerals Management Service will implement procedures for the electronic funds transfer (EFT) payment of four-fifths of the cash bonus bid and the first year's annual rental for each lease issued. Detailed instructions on making EFT payments will be provided by the Regional Manager when bidders are qualified to submit bids at the sale.

The following procedures for the payment of four-fifths of the cash bonus and the first year's annual rental by EFT will be in effect for successful bidders at this sale, based on the final rule published in the Federal Register on March 8, 1984, at 49 FR 8602-8606.

Bidders are required to submit the balance of the bonus and the first year's annual rental payment by EFT utilizing the Federal Reserve Communications System (FRCS) and the Treasury Financial Communications System, payable to the U.S. Department of the Interior--Minerals Management Service. Each successful bidder must have its bank transfer the balance of the bonus payment and the first year's annual rental through the FRCS to the account of the U.S. Treasury at the Federal Reserve Bank of New York. The Federal Reserve Bank of New York must receive the EFT payment no later than noon, Eastern Standard Time, on the eleventh business day after receipt of the lease forms for execution. The term "business day" is defined as a day on which the Gulf of Mexico Regional Office is open for business.

11. Leasing Maps and Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps and Official Protraction Diagrams which may be purchased from the Gulf of Mexico Regional Office (see paragraph 14):

- (a) Outer Continental Shelf Leasing Maps--Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for \$17.

DESCRIPTIONS OF BLOCKS LISTED REPRESENT ALL FEDERAL ACREAGE LEASED UNLESS OTHERWISE NOTED

Sabine Pass	West Cameron (continued)	West Cameron (continued)	West Cameron (continued)	West Cameron, South Addition (continued)	West Cameron, South Addition (continued)	East Cameron (continued)	East Cameron (continued)	East Cameron, South Addition (continued)	East Cameron, South Addition (continued)	Vermilion (continued)	Vermilion (continued)	Vermilion (continued)
3	69 (N½)	180	283	393	502	30	160 (E½)	336	336	65	171	171
5	71	181	284			31	161	338	338	66	178—	178—
6	72	182 (N½)				32	178	339	339	67	(W½NW¼NW¼);	(W½NW¼NW¼);
7	73		West Cameron, West Addition			33	185	340	340	68	(SW¼NW¼);	(SW¼NW¼);
8	75					34	187	341	341	69	(N½NW¼SW¼);	(N½NW¼SW¼);
9	77					35	194—	342	342	70		
10	78					36	(E½E½SE¼)	343	343	71		
11	79					37	195 (S½)	344	344	72		
12	81					38	202	345	345	73		
13	81					39	198	346	346	74		
14	90					40	203	347	347	75		
15	91					41	204—	348	348	76		
16	92					42	(N½N½)	349	349	77		
	93					43	202	350	350	78		
	94					44	203	351	351	79		
	95					45	204—	352	352	80		
	96					46	204—	353	353	81		
17	97					47	213	354	354	82		
18—	(SW¼)					48	215	355	355	83		
20	101					49	220	356	356	84		
21—	102					50	221	357	357	85		
	(SW¼SW¼)					51	222	358	358	86		
	22					52	222	359	359	87		
	23					53	226	360	360	88		
	28—					54	229	361	361	89		
	(N½; N½N½S½					55	231	362	362	90		
	Zone 2)					56	232	363	363	91		
	33					57	235	364	364	92		
	34					58	235	365	365	93		
	35					59	235	366	366	94		
	36					60	235	367	367	95		
	40					61	235	368	368	96		
	41 (E½)					62	235	369	369	97		
	42					63	235	370	370	98		
	44—					64	235	371	371	99		
	(NW¼NW¼)					65	235	372	372	100		
	45					66	235	373	373	101		
	47 (NW¼)					67	235	374	374	102		
	48					68	235	375	375	103		
	49					69	235	376	376	104		
	53					70	235	377	377	105		
	54					71	235	378	378	106		
	55					72	235	379	379	107		
	56					73	235	380	380	108		
	57					74	235	381	381	109		
	58					75	235	382	382	110		
	59					76	235	383	383	111		
	61					77	235	384	384	112		
	62					78	235	385	385	113		
	64					79	235	386	386	114		
	65					80	235	387	387	115		
	66					81	235	388	388	116		
	67					82	235	389	389	117		
	68					83	235	390	390	118		
	178					84	235	391	391	119		
						85	235	392	392	120		
						86	235	393	393	121		
						87	235	394	394	122		
						88	235	395	395	123		
						89	235	396	396	124		
						90	235	397	397	125		
						91	235	398	398	126		
						92	235	399	399	127		
						93	235	400	400	128		
						94	235	401	401	129		
						95	235	402	402	130		
						96	235	403	403	131		
						97	235	404	404	132		
						98	235	405	405	133		
						99	235	406	406	134		
						100	235	407	407	135		
						101	235	408	408	136		
						102	235	409	409	137		
						103	235	410	410	138		
						104	235	411	411	139		
						105	235	412	412	140		
						106	235	413	413	141		
						107	235	414	414	142		
						108	235	415	415	143		
						109	235	416	416	144		
						110	235	417	417	145		
						111	235	418	418	146		
						112	235	419	419	147		
						113	235	420	420	148		
						114	235	421	421	149		
						115	235	422	422	150		
						116	235	423	423	151		
						117	235	424	424	152		
						118	235	425	425	153		
						119	235	426	426	154		
						120	235	427	427	155		
						121	235	428	428	156		
						122	235	429	429	157		
						123	235	430	430	158		
						124	235	431	431	159		
						125	235	432	432	160		
						126	235	433	433	161		
						127	235	434	434	162		
						128	235	435	435	163		
						129	235	436	436	164		
						130	235	437	437	165		
						131	235	438	438	166		
						132	235	439	439	167		
						133	235	440	440	168		
						134	235	441	441	169		
						135	235	442	442	170		
						136	235	443	443	171		
						137	235	444	444	172		
						138	235	445	445	173		
						139	235	446	446	174		
						140	235	447	447	175		
						141	235	448	448	176		
						142	235	449	449	177		
						143	235	450	450	178		
						144	235	451	451	179		
						145	235	452	452	180		
						146	235	453	453	181		
						147	235	454	454	182		
						148	235	455	455	183		
						149	235	456	456	184		
						150	235	457	457	185		
						151	235	458	458	186		
						152	235	459	459	187		
						153	235	460	460	188		
						154	235	461	461	189		
						155	235	462	462	190		
						156	235	463	463	191		
						157	235	464	464	192		

South Timbalier (continued)	South Timbalier (continued)	South Timbalier, South Addition (continued)	Grand Isle (continued)	West Delta, South Addition (continued)	West Delta, South Addition (continued)	South Pass, South & East Addition (continued)	Main Pass (continued)	Main Pass, South & East Addition (continued)	Bretton Sound (continued)	Viosea Knoll	Ewing Bank (continued)
70	195		48	42	42	78	98	170	54	24	743
71	196	314	49	43	43	82	100	172	55	68	744
72	197	316	51	44	44	83	102	173	56	154	781
75	200	317	52	45	45	84	103	180		155	782
76	203	319	53	46	46	86	106	183	Chandeleur	202	784
77	205		54	47	47	88	(N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$)	184		246	785
85	206	South Pelto	63	48	48	89	(N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$)	184	11	247	787
86	208		75	49	49	93	107	199	12	248	788
87	209		77	50	50	94	107	202	14	249	789
90			77	51	51		(NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$)	203	15	250	790
97		South Timbalier, South Addition	78	52	52			208	17	251	824
98			79	53	53			209	19	252	825
100			81	54	54			210	20	253	826
106			82	55	55			211	21	254	828
107			83	56	56			212	22	255	829
111			85	58	58			213	23	256	871
112			86	59	59			214	24	257	872
128			88	60	60			215	25	258	873
129			89	61	61			216	26	259	903
130			90	62	62			217	27	260	914
131			91	63	63			218	28	261	915
132			92	64	64			219	29	262	916
133			93	65	65			220	30	263	919
134			94	66	66			221	31	264	920
135			95	67	67			222	32	265	944
144			96	68	68			223	33	266	947
145			97	69	69			224	34	267	949
146			98	70	70			225		268	951
147			99	71	71			226		269	952
148			101	72	72			227		270	962
149			102	73	73			228		271	963
150			103	74	74			229		272	966
151			106	75	75			230		273	986
152			109	76	76			231		274	988
155			113	77	77			232		275	991
156			118	78	78			233		276	994
159			118	79	79			234		277	1004
160			118	80	80			235		278	1005
161			118	81	81			236		279	1006
162			118	82	82			237		280	Mississippi Canyon
163			118	83	83			238		281	20
164			118	84	84			239		282	21
165			118	85	85			240		283	22
166			118	86	86			241		284	24
169			118	87	87			242		285	25
170			118	88	88			243		286	28
171			118	89	89			244		287	25
172			118	90	90			245		288	28
173			118	91	91			246		289	63
175			118	92	92			247		290	64
176			118	93	93			248		291	65
177			118	94	94			249		292	66
182			118	95	95			250		293	64
183			118	96	96			251		294	65
184			118	97	97			252		295	109
185			118	98	98			253		296	110
186			118	99	99			254		297	148
189			118	100	100			255		298	149
190			118	101	101			256		299	150
192			118	102	102			257		300	151
193			118	103	103			258		301	151
194			118	104	104			259		302	152
			118	105	105			260		303	152
			118	106	106			261		304	152
			118	107	107			262		305	152
			118	108	108			263		306	152
			118	109	109			264		307	152
			118	110	110			265		308	152
			118	111	111			266		309	152
			118	112	112			267		310	152
			118	113	113			268		311	152
			118	114	114			269		312	152
			118	115	115			270		313	152
			118	116	116			271		314	152
			118	117	117			272		315	152
			118	118	118			273		316	152
			118	119	119			274		317	152
			118	120	120			275		318	152
			118	121	121			276		319	152
			118	122	122			277		320	152
			118	123	123			278		321	152
			118	124	124			279		322	152
			118	125	125			280		323	152
			118	126	126			281		324	152
			118	127	127			282		325	152
			118	128	128			283		326	152
			118	129	129			284		327	152
			118	130	130			285		328	152
			118	131	131			286		329	152
			118	132	132			287		330	152
			118	133	133			288		331	152
			118	134	134			289		332	152
			118	135	135			290		333	152
			118	136	136			291		334	152
			118	137	137			292		335	152
			118	138	138			293		336	152
			118	139	139			294		337	152
			118	140	140			295		338	152
			118	141	141			296		339	152
			118	142	142			297		340	152
			118	143	143			298		341	152
			118	144	144			299		342	152
			118	145	145			300		343	152
			118	146	146			301		344	152
			118	147	147			302		345	152
			118	148	148			303		346	152
			118	149	149			304		347	152
			118	150	150			305		348	152
			118	151	151			306		349	152
			118	152	152			307		350	152
			118	153	153			308		351	152
			118	154	154			309		352	152
			118	155	155			310		353	152
			118	156	156			311		354	152
			118	157	157			312		355	152
			118	158	158			313		356	152
			118	159	159			314		357	152
			118	160	160			315		358	152
			118	161	161			316		359	152
			118	162	162			317		360	152
			118	163	163			318		361	152
			118	164	164			319		362	152
			118	165	165			320		363	152
			118	166	166			321		364	152
			118	167	167			322		365	152
			118	168	168			323		366	152
			118	169	169			324		367	152
			118	170	170			325		368	152
			118	171	171			326		369	152
			118	172	172			327		370	152
			118	173	173			328		371	152
			118	174	174			329		372	152
			118	175	175			330		373	152
			118	176	176			331		374	152
			118	177	177			332		375	152
			118	178	178			333		376	152
			118	179	179			334		377	152
			118	180	180			335		378	152
			118	181	181			336		379	152
			118	182	182			337		380	152
			118	183	183			338		381	152
			118	184	184			339		382	152
			118	185	185			340		383	152
			118	186	186			341		384	152
			118	187	187			342		385	152
			118	188	188			343		386	152
			118	189	189			344		387	152
			118	190	190			345		388	152
			118	1							

In addition to the foregoing, no bids will be accepted on the following unleased blocks located in military operating area W-155:

NH 16-7 Viosca Knoll	
79	214
80	255
81	256
82	257
123	258
124	299
125	300
126	301
167	302
168	343
169	344
170	345
211	387
212	388
213	389

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms as shown on map 1 and will be on Form MMS-2005 (August 1982). Copies of the lease form are available from the Gulf of Mexico Regional Office.

(b) The applicability of Stipulations 1 through 6 that will be included in leases resulting from this sale is shown on map 1 and supplemented by references in this Notice.

Stipulation No. 1--Cultural Resources.

(This stipulation will apply to all blocks offered for lease in this sale.)

(a) "Cultural resource" means any site, structure, or object of historic or prehistoric archaeological significance. "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Manager (RM) believes a cultural resource may exist in the lease area, the RM will notify the lessee in writing. The lessee shall then comply with subparagraph (1) through (3).

- (1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that may be affected by operations. The report, prepared by an archaeologist and geophysicist, shall be based on an assessment of data from remote-sensing surveys and other pertinent cultural and environmental information. The lessee shall submit this report to the RM for review.

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Mississippi Canyon (continued)	Green Canyon (continued)	Green Canyon (continued)
197	16	117
240	18	133
241	19	134
267	21	135
288	23	136
289	24	137
281	29	138
283	39	139
285	52	140
309	53	141
310	54	142
311	59	148
312	60	153
316	61	154
322	62	161
323	63	179
324	66	180
325	67	181
329	68	182
354	69	183
355	70	184
356	71	185
357	72	192
358	73	205
363	89	228
365	90	235
366	91	236
370	92	237
397	97	245
398	98	249
399	102	294
400	104	313
401	105	320
402	109	334
405	110	428
407	111	471
408	112	472
	114	473
	116	517

Although currently unleased and shown on the OCS Official Protraction Diagram Mobile NH 16-4 (Approved October 10, 1972; Revised December 21, 1977; Revised April 19, 1983), no bids will be accepted on the following blocks:

Mobile--Blocks
629 through 633
671 through 679
681
686 through 688
718 through 720
722
729 through 732
765 through 768
809 through 816
818 through 820

Stipulation No. 2--Protection of High Relief Banks.

(This stipulation will be included in leases located in the areas so indicated on maps 1 and 3 entitled "Central Gulf of Mexico Lease Sale 81, Stipulations, Lease Terms, and Bidding Systems," and "Detailed Maps of Biologically Sensitive Areas," respectively. The high relief banks with their appropriate "no activity" isobaths are listed below.)

Bank Name	Isobath (meters)
18 Fathom Lump	85
Bouma Bank	85
Rezak Bank	85
Sidner Bank	85
Sonnier Bank	85
Sackett Bank	85
Ewing Bank	85
Diaphus Bank	85
Alderdice Bank	80
Parker Bank	85
Fishnet Bank	76
Jakkula Bank	85
Sweet Bank ^{1/}	85
28 Fathom Bank	85
29 Fathom Bank	64
Bright Bank	85
Greyer Bank ^{2/}	85
MacNeil Bank ^{2/}	82

No structures, drilling rigs, or pipelines will be allowed within the isobaths of the banks listed above.

Operations within the area shown as "1-Mile Zone" on map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a down-pipe that terminates an appropriate distance, but no more than 10 meters from the bottom.

^{1/}The Sweet Bank Stipulation will contain only this sentence: "No structures, drilling rigs, or pipelines will be allowed within the 85-meter isobath."

^{2/}Western Gulf of Mexico bank with portion of 3-Mile Zone in Central Gulf of Mexico.

(2) If the evidence suggests that a cultural resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the cultural resource may be; or

(ii) Establish to the satisfaction of the RM that a cultural resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation conducted by an archaeologist and geophysicist, using survey equipment and techniques deemed necessary by the RM. A report on the investigation shall be submitted to the RM for review.

(3) If the RM determines that a cultural resource is likely to be present on the lease and may be adversely affected by operations, he will notify the lessee immediately. The lessee shall take no action that may adversely affect the cultural resource until the RM has told the lessee how to protect it.

(c) If the lessee discovers any cultural resource while conducting operations on the lease, the lessee shall report the discovery immediately to the RM. The lessee shall make every reasonable effort to preserve the cultural resource until the RM has told the lessee how to protect it.

Operations within the area shown as "3-Mile Zone" on map 3 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

- (1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a down-pipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.
- (2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall provide that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the Regional Manager (RM) on a schedule established by the RM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the RM shall require shunting as specified in subparagraph (1) above or other appropriate operational restrictions.

Stipulation No. 3--Live Bottom Areas.

(This stipulation will be included in leases located in the areas indicated on map 1 described in paragraph 12.)

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the Regional Manager (RM) a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 meters radius of a proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, seagrasses, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna. If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the RM photodocumentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

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If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the RM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

- (a) the relocation of operations to avoid live bottom areas;
- (b) the shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
- (c) the transportation of drilling fluids and cuttings to approved disposal sites; and
- (d) the monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation No. 4--Military Warning Areas.

(This stipulation is required of the lessee for operations within each warning area, as shown on map 1 described in paragraph 12.)

Warning Areas Command Headquarters
Central Planning Area

Warning Areas
Command Headquarters
Naval Air Training Command
Training Wing Six
Naval Air Station
Pensacola, Florida

Warning Areas

W-155

W-453

W-92

- (a) Hold Harmless

Warning Areas
Command Headquarters
Naval Air Station
New Orleans, Louisiana

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any Agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with, the programs and activities of the command headquarters listed in the table above.

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Stipulation No. 6--Military Impact Zone.

No surface structures or drilling rigs will be allowed at any time within the below listed blocks located in military operating area M-155.

M-155 Block			
34	38	210	386 434
35	78	254	431
36	122	298	432
37	166	342	433

14. Information to Lessees.

(a) There is available from the Gulf of Mexico Regional Office a set of drawings entitled "Split Blocks--Central Gulf of Mexico," depicting the State-Federal boundary, including the acreage on the Federal side of the line. For complete information on any of the above subjects mentioned in this Notice, including copies of the various documents identified as available from the Gulf of Mexico Regional Office, prospective bidders should contact the Regional Supervisor for Leasing and Environment at the address stated in paragraph 2, either in writing or by telephone (504) 837-4720.

(b) Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.), as amended; or in connection with the Louisiana Offshore Oil Port (LOOP) for blocks 57 and 59, Grand Isle area. U.S. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Bidders are advised that in accordance with section 16 of each lease offered, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

(e) For those blocks identified as having lease terms with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the Minerals Management Service either an exploration plan, where required, or a general statement of exploration intention prior to the end of the ninth lease year.

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Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by an act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, its agents, or invitees, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors, or subcontractors, emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the table above to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within individual designated warning areas. Necessary monitoring control and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emission shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual designated warning areas, shall enter into an agreement with the commander of the individual command headquarters listed in the table above, on utilizing an individual designated warning area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

Stipulation No. 5--Suspension of Production.

(This stipulation will be included in leases on blocks in water depths of 400-900 meters as shown on map 1 described in paragraph 12.)

The Director shall suspend or temporarily prohibit production or any other operation or activity pursuant to this lease if such suspension or cessation of operations or activities is necessary to complete operations or activities described in a development and production plan approved by the Regional Manager pursuant to 30 CFR 250.34.

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15. OCS Orders

Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.


 Director, Minerals Management Service
 William D. Bettenberg

Approved:


 Secretary of the Interior

William Clark

MAR 20 1984

Date

(f) Revisions of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (Form MMS-2005, August 1982), would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5 (a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulation requirements will be deemed to be part of the existing affirmative action forms.

(g) Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Mississippi Canyon area, as shown on map 1 described in paragraph 12. These areas were used to dispose of ordnance of unknown composition and quantity. The western-most area has not been used for over 15 years. Water depths in this area range from 185 to 675 meters. The eastern-most area was last used for ordnance disposal in 1970. Water depths in this area range from 750 to 1,525 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards.

The U.S. Air Force has released an indeterminate amount of unexploded ordnance throughout Eglin Water Test Areas 1 and 3. The exact location of the unexploded ordnance is unknown, and lessees are advised that all lease blocks included in this sale within these water test areas should be considered potentially hazardous to drilling and platform and pipeline placement.

(h) Federal regulation (30 CFR 250.34) requires a lessee to conduct shallow hazards and other geological and geophysical surveys that are necessary for the evaluation of activities to be carried out under a proposed exploration or development/production plan or activities being carried out under an approved plan. Data collection by the lessee on a lease and, when necessary, off a lease, will be analyzed and submitted by the lessee and then reviewed and, when necessary, reanalyzed by the Regional Manager (RM) to ensure that drilling, development, and production activities can be conducted in an acceptable manner with minimum acceptable risk or damage to human, marine, and coastal environments. Based on the review and analysis of the data received and other available data and information, the RM either approves or requires modification to an exploration or development/production plan or application for permit to drill, or recommends that the Director, Minerals Management Service, temporarily prohibit or suspend the conduct of exploration or development/production activities, according to provisions of the OCS Lands Act, as amended, and appropriate regulations. Existing regulations authorize the RM to take whatever steps are necessary to assure safe operations offshore, whether shallow hazards are delineated before or after the lease sale.

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[FR Doc. 84-7854 Filed 3-23-84; 8:45 am]

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UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Management Service

Outer Continental Shelf
Central Gulf of Mexico

Notice of Leasing Systems, Sale 81

Section 8(a)(8)(43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA), as amended, requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the

Federal Register:

1. identifying the bidding systems to be used and the reasons for such use; and
2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding systems to be used. In the Outer Continental Shelf (OCS) Sale 81, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)):
 - (a) bonus bidding with a fixed 16 2/3-percent royalty on all unleased blocks in less than 400 meters of water; and (b) bonus bidding with a fixed 12 1/2-percent royalty on all remaining unleased blocks.

- a. Bonus Bidding with a 16 2/3-Percent Royalty. This system is authorized by section 8(a)(1)(A) of the OCSLA, as amended. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency

payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

- b. Bonus Bidding with a 12 1/2-Percent Royalty. This system is authorized by section 8(a)(1)(A) of the OCSLA, as amended. It has been chosen for certain deeper water blocks proposed for the Central Gulf of Mexico (Sale 81) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water blocks. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12 1/2-percent royalty system would be less than for the same blocks under a 16 2/3-percent royalty system. As a result, more blocks may be explored and developed. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

2. Designation of Blocks. The selection of blocks to be offered under the two systems was based on the following factors:

- a. Lease terms on adjacent, previously leased blocks were considered to enhance orderly development of each field.
- b. Blocks in deep water were selected for the 12 1/2-percent royalty system based on the favorable performance of this system in these high-cost areas as evidenced in our analyses.

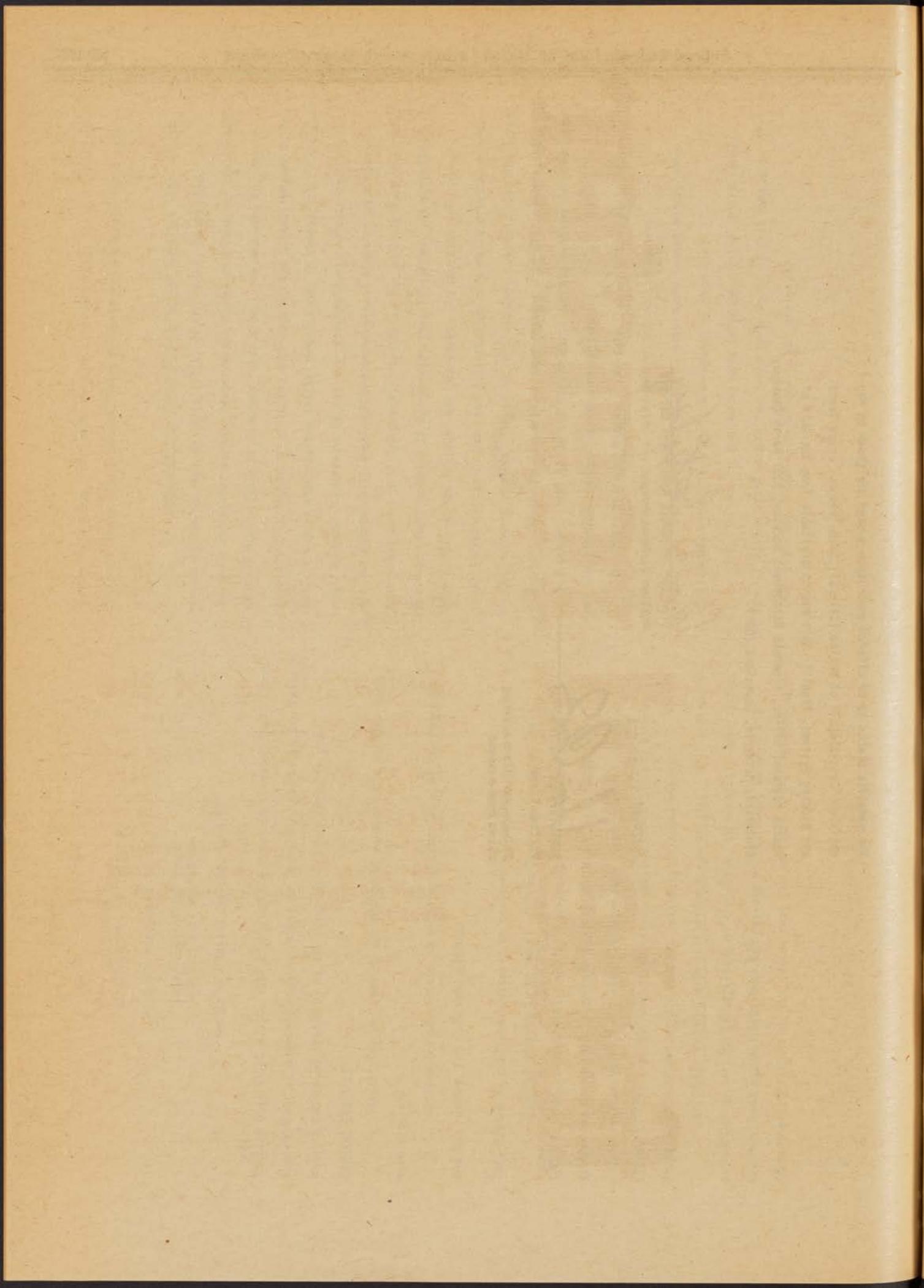
The specific blocks to be offered under each system are shown on Map 2 entitled "Central Gulf of Mexico (Sale 81) Stipulations, Lease Terms, and Bidding Systems, Final." This map is available from the Gulf of Mexico Regional Office, Minerals Management Service, 3301 North Causeway Boulevard, Metairie, Louisiana 70002.


Director, Minerals Management Service
William D. Bettenberg

Approved: MAR 20 1984


Secretary of the Interior
William Clark

[FR Doc. 84-7855 Filed 3-23-84; 8:45 am]
BILLING CODE 4310-MR-C



Federal Register

Friday
March 23, 1984

Part VI

Department of the Interior

Fish and Wildlife Service

**50 CFR Part 20
1984-85 Migratory Game Hunting
Regulations (Preliminary); Proposed
Rulemaking, Public Hearings and
Meetings**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Proposed 1984-85 Migratory Game Bird Hunting Regulations (Preliminary)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking public hearings and meetings.

SUMMARY: The Service proposes to establish hunting seasons, daily bag and possession limits, and shooting hours for designated groups or species of migratory game birds in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands during 1984-85. The Service annually prescribes migratory bird hunting regulations. These regulations provide hunting opportunity, a popular form of outdoor recreation, to the public and aid Federal and State governments in the management of migratory game birds.

DATES: The comment period for proposed regulations frameworks for Alaska, Hawaii, Puerto Rico, and the Virgin Islands will end on June 21, 1984; for other early season proposals (seasons opening before October 1) on July 16, 1984; and for late season proposals (seasons opening on or about October 1 or later) on August 17, 1984.

Public Hearings: Early Season Regulations, including those for Alaska, Hawaii, Puerto Rico, and the Virgin Islands—June 21, 1984, at 9 a.m.; Late Season Regulations—August 1, 1984, at 9 a.m.

Meetings of the following Councils will be held on March 25, 1984: Atlantic Flyway Council, 9 a.m.; Mississippi Flyway Council, 9 a.m.; Central Flyway Council, 8:30 a.m.; Pacific Flyway Council, 8:30 a.m.; National Waterfowl Council, 3 p.m.

ADDRESSES: Comments and requests to testify at the hearings may be mailed to Director, (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received may be inspected from 8 a.m. to 4 p.m. at the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C.

Both public hearings will be held in the Auditorium, Interior Department Building, 18th and C Streets, NW., Washington, D.C.

Council meetings will be held at the Boston Park Plaza Hotel, Boston, Massachusetts as follows: Atlantic Flyway Council, Room 413, 4th Floor;

Mississippi Flyway Council, Arlington Room, Mezzanine Level; Central Flyway Council, Room 436, 4th Floor; Pacific Flyway Council, Room 433, 4th Floor; and National Waterfowl Council, Arlington Room, Mezzanine Level.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (AC 202-254-3207).

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service proposes to establish hunting seasons, bag and possession limits, and shooting hours for migratory game birds during 1984-85 under §§ 20.101 through 20.107 of Subpart K of 50 CFR Part 20.

"Migratory game birds" are those migratory birds so designated in conventions between the United States and several foreign nations for the protection and management of these birds. During the 1984-85 hunting season, regulations are proposed for certain designated members of the avian families *Anatidae* (ducks, geese, brant and swans); *Columbidae* (doves and pigeons); *Gruidae* (cranes); *Rallidae* (rails, coots, and gallinules); and *Scolopacidae* (woodcock and snipe). These proposals are described under Proposed 1984-85 Migratory Game Bird Hunting Regulations (Preliminary) in this document.

Notice of Intention to Establish Open Seasons

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons, daily bag and possession limits, and shooting hours for certain designated groups or species of migratory game birds for 1984-85 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Factors Affecting Regulations Process

This is the first in a series of proposed and final rulemaking documents for migratory bird hunting regulations. Proposed season frameworks, shooting hours, and daily bag and possession limits are set forth for various groups of migratory game birds for which these regulations ordinarily do not vary significantly from year to year.

The proposals set forth here and the schedule by which more detailed proposals for these and other species will be developed depend upon a number of factors. Among these are the times when various annual population, habitat, and harvest surveys are conducted and results are available for

analysis; times of migration and other biological considerations; and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for consideration in the development of regulations. For these reasons, the overall regulations process for hunting seasons and limits is divided into the following segments: (1) Regulations for migratory game birds in Alaska, Puerto Rico, the Virgin Islands, and Hawaii; (2) seasons in the remainder of the United States opening prior to October 1 (early seasons); and (3) seasons opening in the remainder of the United States about October 1 and later (late seasons). Regulations development for each of the three categories will follow similar but independent schedules. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in supplemental proposed rulemakings to be published in the *Federal Register*. Also, additional supplemental proposals will be published for public comment in the *Federal Register* as population, habitat, harvest, and other information becomes available.

Because of the late dates when certain of these data become available, it is anticipated that comment periods on some proposals will necessarily be abbreviated. Special circumstances that limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow State agencies to adjust their licensing and regulatory mechanisms and, on the other hand, the lack before late July of current data on the status of most waterfowl. Publication of Regulatory Documents.

The establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the *Federal Register* in accordance with the Administrative Procedure Act. The publication of these documents is divided into three phases, as follows:

1. *Proposed rulemakings*—proposals to amend Subpart K (and other subparts when necessary) of 50 CFR Part 20, including supplementary proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and

outside dates within which States may make season selections.

2. *Final rulemakings—frameworks.* Final migratory game bird regulations frameworks which prescribe season length, bag and possession limits, shooting hours and outside dates within

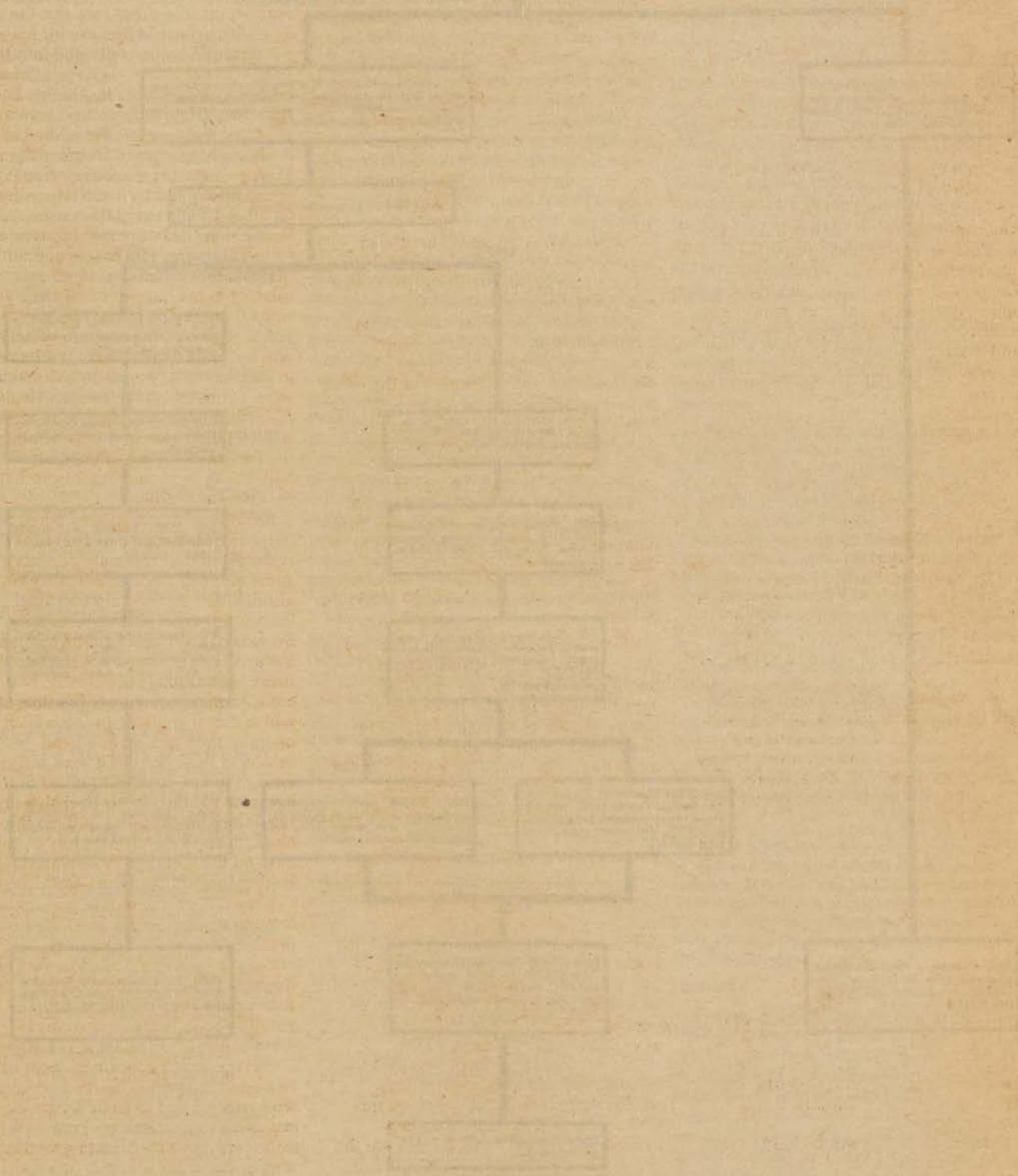
which States may make season selections.

3. *Final rulemakings—season selections.* Amendments to the various specific sections of Subpart K (and other subparts when necessary) of 50 CFR Part 20 based on the final regulations frameworks and on season selections

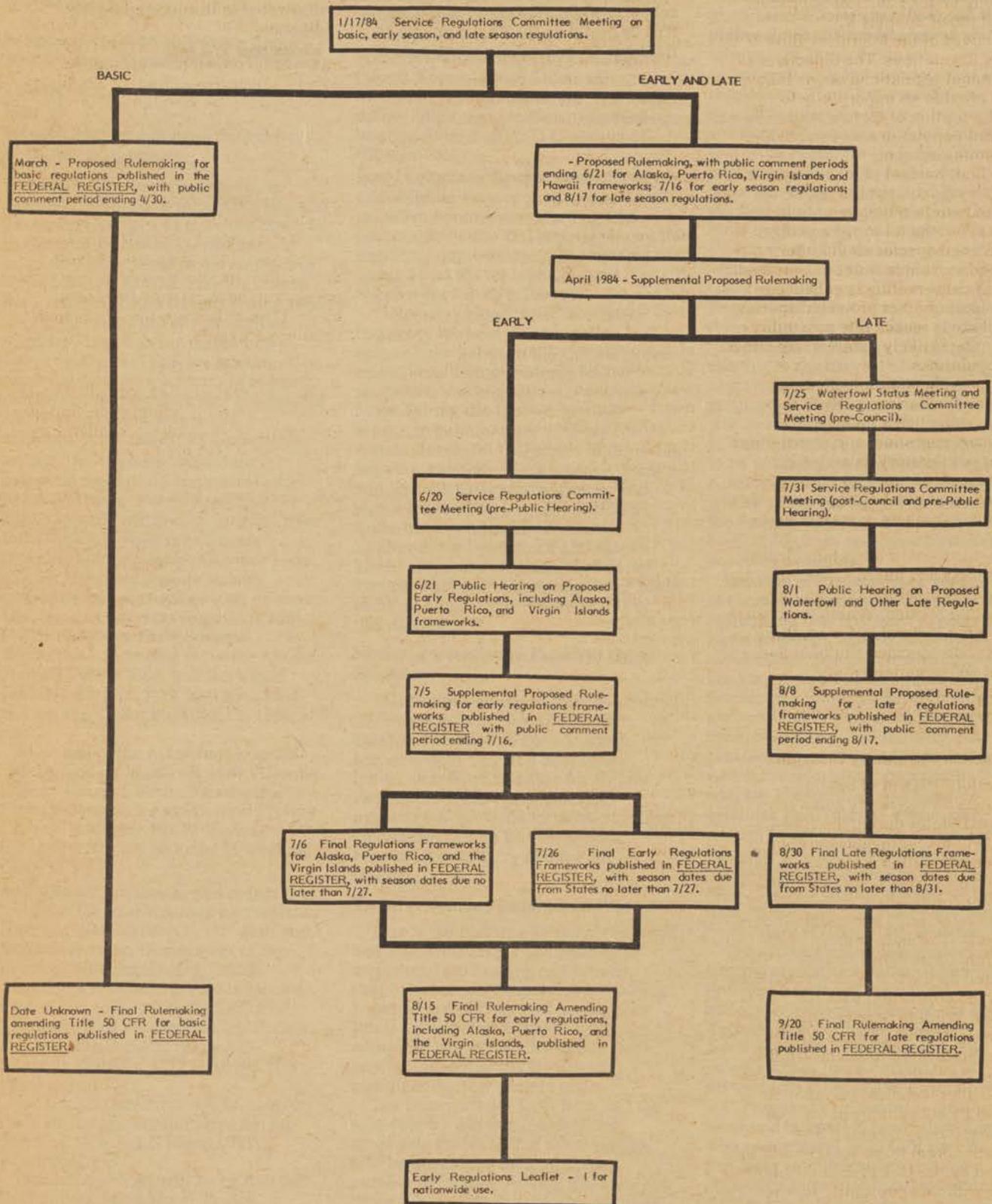
communicated by the States to the Service.

Major steps in the 1984-85 regulatory cycle relating to public hearings and Federal Register notifications are illustrated in the accompanying diagram.

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1984 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



All dates shown for frameworks and seasons in the Service's regulatory documents are inclusive.

Non-toxic shot regulatory proposals and final regulations are published separately under § 20.21 of Subpart C and § 20.108 of Subpart K.

Objectives of the Migratory Bird Hunting Regulations. The objectives of these annual regulations are as follows:

1. To provide an opportunity to harvest a portion of certain migratory game bird populations by establishing legal hunting seasons.
2. To limit harvest of migratory game birds to levels compatible with their ability to maintain their populations.
3. To avoid the taking of endangered or threatened species so that their continued existence is not jeopardized, and their conservation is enhanced.
4. To limit of other protected species where there is reasonable possibility that hunting is likely to adversely affect their populations.
5. To provide equitable hunting opportunity in various parts of the country within limits imposed by abundance, migration, and distribution patterns of migratory game birds.
6. To assist, at times and in specific locations, in preventing depredations on agricultural crops by migratory game birds.

The management of migratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States, other Federal agencies, State conservation agencies, national and regional conservation groups, universities, and the public provide much support to the achievement of these objectives.

Data Used in Regulatory Decisions

The establishment of hunting regulations for migratory game birds in the United States during the 1984-85 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will also be given to accumulated data and trends. The main sources of data result from operational surveys conducted by the U.S. Fish and Wildlife Service in cooperation with the Canadian Wildlife Service, Dirección General de la Fauna Silvestre de México, State and Provincial wildlife agencies, and others. The Service will also consider technical information provided by consultants of the four waterfowl flyway councils. The information from these sources will be analyzed by the U.S. Fish and Wildlife Service with an opportunity for the public to review and provide comments

on management rationales and proposed regulations, either in public hearings, by correspondence, or other communications.

Various surveys are used to ascertain the status, condition, and trends of migratory game bird populations. These include annual surveys of major waterfowl wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the United States and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including their geographical and temporal distributions, and species, age, and sex composition of the harvest; and band recovery information. Waterfowl breeding pair and production surveys also provide information on the abundance, duration, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State, Provincial, and private agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, information on harvests and regulations is useful for predicting approximate harvest levels which may result from various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subarctic and arctic breeding grounds traditionally used by most species and the greatest numbers of North American geese. Field observations of geese in the fall and winter also provide information on the production success of the past breeding season. Special population surveys are undertaken for many identifiable populations of geese throughout the year.

An annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population of mourning doves. Information from past years and the current year is used to establish population trends. An annual singing-ground survey is conducted throughout the woodcock breeding range in the eastern United States and Canada. Insight into production success is obtained from wing-collection surveys

of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined for possible long-term trends in population size and productivity. Information on white-winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Spring surveys of sandhill cranes are conducted annually with emphasis on the key staging area of the species along the Platte River in central Nebraska. The Service also solicits information on these and other species from knowledgeable individuals. Last year the Service initiated a study to determine if its Waterfowl Harvest Survey can be adjusted to measure harvest trends in migratory shore and upland game birds.

Definitions of Flyways

Flyways are biological-ecological units frequently used for reference in setting hunting regulations on many migratory game birds. These are defined as follows:

Atlantic Flyway: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; Colorado and Wyoming east of the Continental Divide; Montana east of Hill, Chouteau, Cascade, Meagher and Park Counties; and New Mexico east of the Continental Divide but outside the Jicarilla Apache Indian Reservation.

Pacific Flyway: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof. Flights of most migratory game birds breeding or produced in Alaska are more strongly oriented to this flyway than to the other flyways.

Hearings

Two public hearings pertaining to 1984-85 migratory bird hunting regulations are scheduled. Both meetings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 21 a public hearing will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, on C Street,

between 18th and 19th Streets, NW., Washington, D.C. This hearing is for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe. Proposed hunting regulations will be discussed for these species plus regulations for sandhill cranes in some States; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons; other duck seasons in September; and special sea duck seasons in the Atlantic Flyway. On August 1 a public hearing will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, address above. This hearing is for the purpose of reviewing the status and proposed regulations for waterfowl and other migratory game birds not previously discussed at the June 21 public hearing. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should write the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or telephone AC 202-254-3207. Those wishing to make statements should file copies of them with the Director before or during each hearing.

Public Comments Solicited

Based on the results of current migratory game bird studies and having due consideration of all data and views submitted by interested parties, the amendments resulting from these proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common snipe, coots, cranes, and waterfowl; coots, cranes, common snipe and waterfowl in Alaska; sea ducks in coastal waters of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or recommendations regarding the proposed amendments.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations will take into consideration all comments received by

the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals. Interested persons are invited to participate in this rulemaking by submitting written comments as follows:

For comments on Proposed 1984-85 Migratory Game Bird Hunting Regulations (preliminary) write to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the proposed annual regulations will be available for public inspection during normal business hours at the Service's office in Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C. The Service will acknowledge but may not respond in detail to each comment. Specific comment periods will be established for each of the three series of proposed rulemakings. All relevant comments will be accepted through the closing date of the last comment period on the particular proposal under consideration. As in the past, the Service will summarize all comments received during the comment period and respond to them.

Flyway Council Meetings

The Service published a final rule in the *Federal Register* dated December 22, 1981 (46 FR 62077) which established certain procedures in the development of the annual migratory bird hunting regulations. This rule took effect on January 21, 1982. One provision is to publish notification of meetings of waterfowl flyway councils where Department officials will be in attendance. In this regard, Departmental representatives will be present at the following spring meetings of the various flyway councils:

DATES: March 25, 1984—Atlantic Flyway Council, 9 a.m., Mississippi Flyway Council, 9 a.m., Central Flyway Council, 8:30 a.m., Pacific Flyway Council, 8:30 a.m., National Waterfowl Council, 3 p.m.

ADDRESS: Council meetings will be held at the Boston Park Plaza Hotel, Boston, Massachusetts, as follows: Atlantic Flyway Council, Room 413, 4th Floor; Mississippi Flyway Council, Arlington Room, Mezzanine Level; Central Flyway Council, Room 436, 4th Floor; Pacific Flyway Council, Room 433, 4th Floor, National Waterfowl Council, Arlington Room, Mezzanine Level.

NEPA Consideration

In 1975 the Service determined that the annual migratory bird hunting regulations constituted a major Federal action significantly affecting the quality

of the human environment under the National Environmental Policy Act of 1969. Consequently, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was prepared and filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the *Federal Register* on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. These have addressed regulations for various species of migratory game birds and hunting strategies, including a 5-year cooperative study of stabilized duck hunting regulations currently underway in the United States and Canada. The 1975 FES is out of print but copies of the various environmental assessments which supplement it are available upon request from the Office of Migratory Bird Management (address given previously).

Endangered Species Act Consideration

Prior to issuance of the 1984-85 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543; hereinafter the Act) to insure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of this Act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

Regulatory Flexibility Act, Executive Order (E.O.) 12291, and the Paperwork Reduction Act

In complying with these requirements during the 1981-82 regulatory development cycle, and with Office of Management and Budget concurrence, the Service prepared a Determination of Effects, a Preliminary Regulatory Impact Analysis (PRIA), a Final Regulatory Impact Analysis (FRIA), and a Memorandum of Law. For further information see the *Federal Register*: March 25, 1981, at 46 FR 18669; August 17, 1981, at 46 FR 41739; August 21, 1981, at 46 FR 42643; and September 18, 1981, at 46 FR 46543. The rules for the 1981-82 hunting season were determined to be "major," because the expenditures arising from these regulations exceed

\$100 million annually and represent a major Federal action.

An updated FRIA, focusing on waterfowl hunting, was completed by the Service on March 3, 1983. New economic information was utilized from the 1980 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation which indicated that hunters expended \$638 million for migratory bird hunting in 1980. The Service estimated the expenditures for waterfowl hunting in 1980 to be \$317 million (adjusted to 1981 dollars).

A Determination of Effects approved by the Assistant Secretary, Fish and Wildlife and Parks, on February 29, 1984 concluded that the hunting frameworks being proposed for 1984-85 were "major" rules, subject to regulatory analysis. In accordance with Office of Management and Budget instructions, the Service recently prepared an update of the 1981 Final Regulatory Impact Analysis for use in the development of the 1984-85 migratory bird hunting regulations to incorporate new economic information and waterfowl hunter activity and harvest information for the 1982-83 season. The summary of the 1984 update of the 1981 FRIA follows:

Stabilized regulations were again in effect during the 1983-84 season. New information which can be compared to that appearing in the 1983 update of the 1981 FRIA includes estimates of the 1982 fall flight of ducks from surveyed areas, and hunter activity and harvest information from the 1982-83 hunting season. The data indicate that fall flights decreased in the Pacific and Atlantic Flyways, increased in the Central Flyway, and remained the same in the Mississippi Flyway. Hunter activity, both in numbers of hunters hunter days, decreased as did the fall flight for the United States. This again demonstrates that non-regulatory factors, e.g., weather, local availability of ducks, habitat conditions, and local economy, affect hunter participation and the resulting benefits of duck hunting to the economy.

Copies of the supplemental FRIA are available upon request from the Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

The Department of the Interior has determined that this document is a major rule under E.O. 12291 and certifies that this document will have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Service plans to issue its Memorandum of Law for the migratory

bird hunting regulations at the time the first of these rules is finalized.

Authorship

The primary author of the proposed rules on annual hunting regulations is Morton M. Smith, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief, AC 202-254-3207.

List of Subjects in 50 CFR Part 20

Hunting, Wildlife, Exports, Imports, Transportation.

The rules that eventually will be promulgated for the 1984-85 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), as amended.

Proposed 1984-85 Migratory Game Bird Hunting Regulations (preliminary)

The following general frameworks and guidelines for hunting certain waterfowl, sandhill cranes, mourning doves, white-winged doves, Zenaida doves, scaly-naped pigeons, band-tailed pigeons, gallinules, rails, coots, common snipe, and woodcock during the 1984-85 season are proposed. Changes or possible changes, when noted, are in relation to 1983-84 final frameworks or regulations. In this respect, minor date changes due to annual variation in the calendar dates of specific days of the week, are regarded as "no change." All mentioned dates are inclusive. In connection with certain items, information is provided about proposals for change already submitted to the Service or expected to be submitted in the near future. Service views on these and other items in this proposed rulemaking are subject to change depending on public comments, and additional data and information that may be received later. These and the Service's responses or comments follow the frameworks being proposed.

Stabilized Regulations for Duck Hunting. During the 1980-81 hunting season, the Service implemented a program of stabilized regulations (numbers of hunting days and limits) for ducks in the United States. On July 1, 1980, the Service advised in the *Federal Register* (at 45 FR 44546) that it planned to take this action in connection with an evaluation program to be conducted in cooperation with the Canadian Wildlife Service. The study was described at that time, and is repeated for informational purposes as follows:

At the Public Hearing held on August 2, 1979, to review the proposed waterfowl and other late hunting season regulations, the Canadian Wildlife Service announced its intention to initiate a new waterfowl

management program that had been developed cooperatively with the Provinces of Alberta, Manitoba, and Saskatchewan. A major element of this program is the stabilization of waterfowl hunting regulations for five years. The Service, in responding to the Canadian statement, noted that annual changes in hunting regulations constitute a source of difficulty in understanding the population dynamics of waterfowl, particularly the relationship between regulations and harvest rates. It also noted the advantages of the two nations jointly implementing a study of stabilized regulations.

Duck bag limits and season lengths have not been markedly altered among years in the United States for some time. The objectives of this approach have been to hold hunting opportunity reasonably constant, but within a range that would not result in an overharvest of any population, and to provide an opportunity to define more precisely the relationships between regulations and harvest.

During the past few months, the Service has been discussing a cooperative study with Canadian Wildlife Service aimed at investigating more thoroughly the impact of environmental variables on waterfowl populations. To this end, the Service proposes to initiate a program in which hunting regulations during the next five years in each of the Flyways would be maintained at the same general levels as during the 1979-80 hunting season. The focus of the program would be primarily on ducks, and on seasons and bag limits. Consideration will be given to special situations regarding particular species or other aspects of the regulations. An environmental assessment is in preparation in which the proposed program will be examined in more detail, and criteria to be used in guiding it will be defined. The assessment will be made available for public review as soon as possible. The Service proposes to conduct the program in cooperation with the State wildlife agencies and the Canadian Wildlife Service. The program will provide a unique opportunity to study the impact of hunting on North American waterfowl, and to initiate or redirect studies relating to other aspects of waterfowl population dynamics.

Copies of the assessment noted above are available from the Office of Migratory Bird Management. The hunting regulations for the 1980-81 season incorporated the concept of regulations stability and represent the first year of a five-year study. The Service proposes to continue with the program of stabilized regulations during the 1984-85 hunting season, the fifth year of study.

Migratory Bird Hunting on Indian Reservations

In the April 5, 1983 *Federal Register* (48 FR 14701-14702), the Service announced its intention to further review and consider the matter of

migratory bird hunting on Indian Reservations, and procedures for establishing regulations pertaining to such hunting. At that time, the Service noted receipt of a letter from the White Earth Reservation Business Committee, White Earth, Minnesota, requesting (in essence) that Indian Tribes on Reservations with reserved hunting and fishing rights be permitted to have migratory bird hunting seasons that are not bound exclusively by the regulations applying to the States in which they are located. Among other things, it was proposed in the White Earth letter that where such seasons differed from those in effect in the States, they would be considered to be experimental and appropriate studies would be conducted to document impacts. Based on the results of such studies, a decision could be made about appropriate hunting seasons for these areas. The Service has subsequently received additional communications on this matter, including a letter from the Leech Lake Reservation Business Committee, Cass Lake, Minnesota. These communications reflect a desire for greater flexibility and more direct involvement in the management of migratory birds and migratory bird hunting by Indians on Indian Reservations.

In previous years, Indian Reservations have been expected to observe the same migratory bird hunting regulations that apply elsewhere in the States where the Reservations are located. These regulations are a fundamental part of the national conservation and management program for migratory birds and are developed in accordance with general regulations frameworks established at the Federal level by the Fish and Wildlife Service. The regulations are established each year following an extensive public review and comment process described elsewhere in this document.

The current legal framework for Federal and State authority for managing migratory birds dates back some 65 years to the Migratory Bird Treaty Act of 1918. Specifically, the Act (as amended) authorizes and directs the Secretary of the Interior to determine when, to what extent, and by what means hunting may be allowed and to adopt suitable regulations permitting and governing the hunting. Also, it expressly provides that States and Territories may make and enforce laws or regulations deemed necessary and advisable for the conservation of migratory birds. Although a role for Indian Reservations is not specifically recognized in the Act or in the procedures for implementing it, the

Service believes it appropriate to consider the extent to which the exercise of reserved, on-reservation hunting rights of Indians can be accommodated consistent with the conservation requirements and intent of the Act. Accordingly, the Service proposes to initiate an effort in the 1984-85 hunting season to determine the extent to which additional flexibility can be provided for migratory bird hunting by Indians on Indian Reservations consistent with the Federal responsibility for the conservation of the species involved.

Keeping in mind the clear conservation need for a comprehensive and coordinated approach to the management of a migratory resource such as migratory birds, the Service will undertake this effort in consultation with representatives of the Indian Reservations that may be involved, and the wildlife management authorities in the States where they are located. Consultation and coordination also will be maintained with the Flyway Councils and other appropriate interest groups. On this basis, the Service will consider proposals for hunting seasons on Indian Reservations that differ from those in the surrounding State(s). In doing so, the Service proposes to generally observe the zoning criteria described in the May 25, 1977 *Federal Register* (42 FR 26671). Since these criteria were established with States, rather than Indian Reservations in mind, their application to the latter shall be considered a limited exception to the original intended use for purposes of further study and evaluation. Specifically, it is proposed that the following guidelines will be observed.

1. The proposals shall describe the specific seasons to be implemented and shall be accompanied by a detailed evaluation plan describing what changes in harvest may be anticipated, how the changes will be measured and evaluated, and what steps will be taken to accommodate any significant impacts that may occur.

2. For purposes of implementing such a proposal, the Indian Reservation to which it applies shall be designated as a reserved hunting right zone within the State where it is located.

3. Such zones, and the regulations applied to them, shall be considered experimental until their effects are adequately defined and understood.

4. Hunting regulations for such reserved hunting right zones may differ from those in the surrounding State(s) with respect to the times when hunting seasons may occur for the various migratory game birds for which hunting

is permitted under Federal regulations. In all other respects (e.g., season length, bag limits, and other basic regulations), the regulations shall be consistent with those established by the Fish and Wildlife Service in the general frameworks for migratory bird hunting.

5. These experimental season dates within reserved hunting right zones shall apply only to Tribal members on Indian Reservations. Non-Indian hunters will continue to be subject to the regulations established for application elsewhere in the State.

The Service proposes to amend 50 CFR Part 20 as follows:

1. *Shooting hours.* (No change.) Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option that more restrictive shooting hours within this framework may be selected by the States or may be established for special seasons.

2. *Framework dates for ducks and geese in the continental United States.* (No change.) The Service proposes that these frameworks are to be generally the same as during the 1983-84 season: From October 1, 1984, to January 20, 1985 for the Atlantic Flyway; from the Saturday nearest October 1, 1984 to January 20, 1985 for the Mississippi Flyway; from the Saturday nearest October 1, 1984 through the Sunday nearest January 20, 1985 for the Central and Pacific Flyways with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway—September 15, 1984 through January 20, 1985.

(b) September teal season: September 1 through September 30, 1984, in specified areas.

(c) Special scaup season: October 1, 1984, through January 31, 1985, in specified areas.

(d) Experimental duck seasons: In Florida, Kentucky, Tennessee, and Iowa, 5-consecutive-day duck seasons may be selected in September; Mississippi may select a closing date of January 31, 1985.

(e) Snow (including blue) and white-fronted geese: In Louisiana, between October 1, 1984, and February 14, 1985, in zones established for duck hunting seasons.

(f) Snow geese: In the Atlantic Flyway, October 1, 1984, through January 31, 1985. In New Mexico, October 1, 1984, through February 12, 1985.

(g) Canada geese: In New York (including Long Island), Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and a

designated area in southeastern Pennsylvania, the Canada goose season framework extends to January 31, 1985.

(h) Pacific Flyway brant: October 20, 1984, through February 17, 1985.

(i) Alaska waterfowl: September 1, 1984, through January 26, 1985.

Additional information. The Chairman of the Central Flyway Council notified the Service that the Council is preparing a proposal for extending season frameworks for snow geese into February for both the Central and the Mississippi Flyways. The proposal will be submitted at a later date. Also, four States have requested or indicated that they will submit requests this year for extending the duck hunting season frameworks to permit duck hunting to begin substantially earlier than October 1 (Michigan) or continue substantially later than January 20 (Alabama, Georgia and South Carolina).

Response. The Service defers action on these proposed season framework extensions pending receipt and evaluation of additional information including evaluation of an experimental framework extension currently under study in Mississippi, and Flyway Council review and recommendations.

3. Black ducks. (No change) No changes in seasons and bag limits from those in effect in 1983-84 are proposed at this time pending an evaluation of 1983-84 changes in hunting regulations implemented during the 1983-84 hunting season. Evaluation of black duck hunting regulations is a continuing objective of the Service and has been in progress for several years. In 1983 a program to further restrict harvest of black ducks was developed and initiated in cooperation with State wildlife agencies, Flyway Councils, and private organizations. The program and alternatives were discussed in an Environmental Assessment, *Proposed Hunting Regulations on Black Ducks, 1983*, which is available upon request to the U.S. Fish and Wildlife Service (MBMO), Washington, D.C. 20240.

Additional information. New Jersey has proposed that the hen mallard be established as a 25 point bird experimentally in the State during the 1984-85 waterfowl season.

Response. The Service defers action on this proposal pending further consideration of the potential impact of such a change on mallard and black duck harvest. This proposal, if adopted, would increase the bag limit and encourage additional harvest of mallards at a time when the stabilized regulations study, which calls for no significant changes in season length and bag limit, is in progress. The proposed change would direct increased hunting

pressure toward the mallard hen at a time when efforts are being undertaken to reduce the harvest of black ducks. While it should not be automatically assumed that increased hunting of mallard hens will necessarily affect the harvest of black ducks this possibility should be further considered and evaluated in the light of any similarity of appearance problems that may be determined to occur. At this time, the Service is of the view that consideration of changes in mallard harvest regulations for the Atlantic Flyway should be deferred until such time as a mallard management plan, including guidelines for harvest strategies has been adopted for the flyway.

4. Wood ducks. (No change.) In 1977 regulations for this species were changed to permit southeastern States the option of an early October hunting season during which no special bag and possession limits applied under conventional regulations; under point system regulations, the species was placed in the mid-point category. The criteria for such seasons were described in the *Federal Register* dated May 25, 1977 (42 FR 26669), and are summarized and updated for informational purposes:

The southeastern United States is defined as Virginia, Kentucky, Tennessee, Arkansas, and Louisiana and all States east thereof in the Atlantic and Mississippi Flyways. The Service proposes to again consider regulations aimed at additional wood duck harvest in the southeastern States only within the following guidelines:

(a) In 1984 States in the southeastern United States may split their regular duck hunting season in such a way that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15.

(b) During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway in 1984 shall apply to wood ducks, and under the point system, the point value for wood ducks shall be reduced from the high to the mid-point category. For other species of ducks daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations.

(c) In addition, the extra teal option available to States in the Atlantic and Mississippi Flyways that select conventional regulations and do not have a September teal season may be applied during the period.

(d) This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

(e) This special provision for wood ducks shall be regarded as experimental, and subject to annual and final evaluations by participating States of population, harvest, banding, and other available information.

(f) The experiment shall be conducted for a specified time period to be agreed upon between the Service and participating States.

The Service proposes to retain this option for the 1984 season.

Additional information. By letter of February 10, 1984 the State of Alabama requested an increased bag limit for wood ducks throughout the hunting season in that State on the basis that Alabama is a major wood duck production State, and the birds are under-harvested. State officials feel that a larger bag limit would increase hunter and landowner interest in the welfare and increase of the species. No data were supplied in support of the request.

Response. The Service defers action on this request pending receipt of additional information and evaluation, and Flyway Council review and recommendations.

5. Sea ducks. (No change.) A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is proposed during the period between September 15, 1984, and January 20, 1985, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia. Such areas shall be described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Any State desiring its sea duck season to open in September must make its

selection no later than July 27, 1984. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

Additional information. By letter of January 12, 1984, the State of Delaware requested that consideration be given to increasing the daily bag limit on sea ducks from 7 to 10. No information in support of the request was provided.

Response. The Service defers action on this request pending receipt of additional information and evaluation, and Flyway Council review and recommendations.

6. September teal season. (No change.) An open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion only), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion only), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect non-target species by July 27, 1984.

7. Extra teal option. (No change.)

(a) States in the Atlantic Flyway (except Florida), not selecting the point system may select an extra teal limit of no more than 2 blue-winged or 2 green-winged teal or 1 of each daily and no more than 4 singly or in the aggregate in possession for 9 consecutive days during the regular duck season.

(b) States in the Mississippi and Central Flyways selecting neither a teal or early duck season in September nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season.

These extra limits are in addition to the regular duck bag and possession limits.

8. Experimental September Duck Seasons. (No change.) Final reports on the experimental duck seasons in Tennessee, Kentucky, and Florida are due this year; however, because most data from last year's experimental season will not be available by the time this year's regulations are established, regulatory provisions in effect during the studies will continue through the 1984 season. The experimental duck season in Iowa is scheduled through 1984 with the final report due in 1985.

Tennessee, Kentucky, and Florida September Duck Seasons: Experimental 5-consecutive-day duck seasons may be

selected in September by Tennessee, Kentucky, and Florida subject to the following conditions:

1. In Kentucky and Tennessee the seasons will be in lieu of September teal seasons;

2. In all States, the daily bag limit will be 4 ducks, no more than 1 of which may be of a species other than teal or wood duck, and the possession limit will be double the daily bag limit; and

3. Additional information to be gathered by the States to evaluate the experiment will include hunter and harvest surveys, banding, and population surveys.

Iowa: An experimental 5-consecutive-day duck season may be selected in September subject to the following conditions:

(1) The season may commence no earlier than September 17.

(2) All ducks legal during the regular duck season may be taken during the September segment of the season.

(3) Daily bag and possession limits during the September segment of the season will be the same as those in effect during the regular duck season.

Additional information. By letter of January 12, 1984, the State of Delaware requested that consideration be given to allowing a 5-day duck season in late September without penalty to the regular 1984-85 duck season. No data were supplied in support of the request.

Response. The Service defers action on this request pending receipt and evaluation of additional information, including evaluation of the experimental September seasons currently under study, and Flyway Council review and recommendations.

9. Special scaup season. (No change.) States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must occur between October 1, 1984, and January 31, 1985, all dates inclusive.

2. The season must occur outside the open season for any other ducks except sea ducks.

3. The season is limited to areas mutually agreed upon between the State and the Service prior to August 31, 1984, and

4. These areas must be described and delineated in State hunting regulations.

5. In lieu of a special scaup-only season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the

aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to special scaup seasons elsewhere.

10. Extra scaup option. (No change.) As an alternative to a special scaup-only season, States in the Atlantic, Mississippi, and Central Flyways, except those selecting the point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed for special scaup seasons. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

11. Mergansers. (No change.) States in the Atlantic and Mississippi Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 mergansers daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession limits for ducks. The restriction on hooded mergansers of 1 daily and 2 in possession is continued in the Atlantic, Mississippi, and Central Flyways.

12. Canvasback and redhead ducks. (No change.) No changes in seasons and bag limits from those in effect in 1983-84 are proposed at this time pending evaluation of changes in canvasback hunting regulations implemented during the 1983-84 hunting season. The Service previously initiated a program whereby the focus of harvest regulations was changed from one of areas closure to one of restrictive bag limits, and an experimental canvasback season was implemented in portions of the closed area in the Atlantic Flyway when established criteria were met. These actions and alternatives were presented in an Environmental Assessment, *Proposed Hunting Regulations on Canvasback Ducks, 1983*, which is available upon request to the U.S. Fish and Wildlife Service (MBMO), Washington, D.C. 20240.

13. Zoning. (No change.) States of the Atlantic, Mississippi, and Central Flyways may divide their States into zones for establishing different hunting seasons in accordance with criteria described in the *Federal Register* dated May 25, 1977 (42 FR 26671). The criteria for zoning are as follows:

1. The establishment of any of these zones shall be considered experimental until the effects of the zoning are more clearly defined and understood.

2. The primary purpose of the zoning shall be to provide more equitable

distribution of harvest opportunity for hunters throughout a State.

3. Proposed zones and season dates shall not substantially change the pattern of harvest distribution among the States within a flyway.

4. Zoning shall not detrimentally change the harvest distribution pattern among species or populations at either the State or Flyway level.

5. Each zoning proposal shall include a detailed evaluation plan describing how changes in harvest will be measured, and what steps will be taken to compensate for any significant changes that might occur.

6. Each zoning proposal shall include an evaluation of anticipated changes due to zoning. If on the basis of this evaluation the Service and the State agree that no significant increase in harvest is likely, the zoning experiment may be conducted without a reduction in season length for each zone, pending further evaluation. If the evaluation indicates that a significant increase in harvest is likely, an appropriate reduction in season length compared to what would be permitted without zoning shall be made for each zone.

7. Where two or more adjoining States in a flyway may be involved simultaneously in zoning experiments, consideration shall be given to the possibility of consolidating zones.

Memoranda of Agreement have been signed between the Service and each State participating in experimental zoning.

States in the Atlantic and Central Flyways, in lieu of zoning, may split their seasons for ducks and geese into two or three segments.

Additional information. In a January 23, 1984 letter, the State of Michigan informed the Service they intend to discuss with the Mississippi Flyway Council and Technical Section changes in their boundary between the northern and southern waterfowl hunting zones.

By letter of February 15, 1984, the State of Ohio advised the Service that they have requested review by the Mississippi Flyway Council of a proposal for 3 waterfowl zones in Ohio for the 1984-85 season.

Response. The Service defers action on these items pending receipt of additional information and review and recommendation by the Mississippi Flyway Council.

14. *Goose and brant seasons.* The Canadian Wildlife Service, State conservation agencies, the four waterfowl flyway councils, and others traditionally provide population and harvest information useful in setting annual regulations for geese and brant. The midwinter survey, the past season's

waterfowl harvest surveys and satellite imagery and ground studies for May and June of 1984 will provide additional information. While no changes from 1983-84 regulations are proposed at this time, the following proposed general regulations are subject to revision as additional information becomes available.

Atlantic Flyway. (No change). Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations. That is, between October 1, 1984, and January 20, 1985, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, West Virginia, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. However, in the area comprised of New York (including Long Island), Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on I-81 to Route 443, east on 443 to Leighton, then east via 208 to Stroudsburg, then east on I-80 to the New Jersey line, the Canada goose season length may be 90 days with the closing framework date extended to January 31, 1985. In addition, that portion of the Susquehanna River from Harrisburg north to the confluence of the west and north branches at Northumberland, including a 25-yard zone of land adjacent to the waters of the river, is included in the 90-day zone. The daily bag limit within this area (except New York, Rhode Island, and Connecticut) will be 4 birds with a possession limit of 8 birds. The daily bag and possession limits in New York, Rhode Island, and Connecticut will be 3 and 6, respectively. Those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select a 50-day season on Canada geese within the October 1, 1984, to January 20, 1985, framework; the daily bag and possession limits are 2 and 4 Canada geese, respectively. North Carolina and South Carolina (in designated areas) may select a 43-day season for Canada geese within a December 20, 1984, to January 31, 1985, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively. The season is closed on Canada geese in Florida

and Georgia. States may, in lieu of zoning, split their goose season into two or three segments.

Between October 1, 1984, and January 31, 1985, States in the Atlantic Flyway may select 90-day seasons on snow geese (including blue geese); the daily bag and possession limits may not exceed 4 and 8 geese, respectively.

Between October 1, 1984, and January 20, 1985, States in the Atlantic Flyway may select 50-day seasons for Atlantic brant; the daily bag and possession limits are 2 and 4 brant, respectively.

Environmental assessments prepared in 1975 articulate the management rationale being followed for Atlantic brant and greater snow geese. A greater snow goose plan was completed in 1981, and a flyway Canada goose management plan has been developed by the Atlantic Flyway Council.

Mississippi Flyway. (No change.) Seasons and bag limits for Canada geese to be generally the same as last year, that is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession, pending additional information and recommendations. Seasons and bag limits for specific populations of Canada geese, snow geese (including blue geese), and white-fronted geese are to be determined later when more information is available.

Harvests of the Eastern Prairie and Mississippi Valley Populations of Canada geese in this flyway are controlled by quota allocations. Specific quotas will be established after population management objectives, recent population information, probable production, and expected fall flights have been taken into consideration. It is intended that the entire quota can be safely taken without detriment to the population, and that such harvests are appropriate considering population objectives. Goose seasons in quota areas end when the quota has been achieved and the season terminated by State action, emergency order under § 20.26 of CFR 50, or when the permissible number of hunting days has expired. Specific procedural information for season closures of quota areas will be included in the final regulations.

Additional information. The Mississippi Flyway Council is currently revising the management plan for the Mississippi Valley Population of Canada geese. Any proposed regulatory changes resulting from the revision will be described in a supplemental proposed rulemaking.

By letter dated January 23, 1984, the State of Michigan informed the Service they intend to discuss with the Mississippi Flyway Council and

Technical Section changes in the Upper Peninsula (UP) experimental goose season to include the addition of 5 counties and all species of geese in the bag limit. They will also discuss adding 5 southwestern Michigan counties to their 107-day season to aid in the control of depredating and nuisance resident Canada geese.

Response. Since the changes under consideration could impact the management of Mississippi Valley and Tennessee Valley populations of Canada geese they should be viewed in the light of management plans for these populations. The Service defers action on these items pending additional information and evaluation, and review and recommendations by the Flyway Council.

Central Flyway. (No change.) Seasons and bag limits for Canada, whitefronted, Ross', and snow geese (including blue geese) are deferred pending additional information and recommendations. No significant changes from those in effect in 1983-84 are anticipated at this time.

Pacific Flyway. (Change.) Available information indicates that substantial declines in populations of dusky Canada geese, Pacific Flyway white-fronted geese, cackling Canada geese and, to a lesser extent, Pacific brant have occurred in recent years. Dusky Canada goose numbers have undergone a recent decline associated with continuing changes in breeding habitat following a 1964 earthquake, a recent increase in depredation of goose nests by several kinds of predators, and an unexpected increase in harvest. For whitefronts and cacklers, high levels of harvests on both breeding and wintering grounds are believed to be the cause of declines. As a result of these declines restrictive changes in regulations were implemented in 1979 and continued in subsequent years. Factors affecting numbers and winter distribution of Pacific brant are more complicated, but the population is believed to have been affected by habitat changes and locally high harvests. Pending consultation with representatives from affected States, the Pacific Flyway Council, and other interested organizations and individuals, the Service proposes to not open the season on cackling Canada geese, insofar as practical considering management objectives for other subspecies of Canada geese, and to further restrict the harvest of Pacific Flyway Population white-fronted geese throughout their range in the United States. More detailed proposals for harvest restrictions on cackling Canada geese and white-fronted geese are to be developed in consultation with the

affected States and the Pacific Flyway Council and will be published later. Decisions regarding dusky Canada geese and Pacific brant are deferred pending additional information and recommendations from the Pacific Flyway Council.

Seasons and bag limits for other Pacific Flyway geese are to be generally the same as last year, that is, not to exceed 93 days with overall goose bag limits not to exceed 6 daily and in possession. Specific season frameworks, season lengths, and daily bag limits for geese are deferred pending additional information and recommendations.

15. *Whistling swan.* (No change.) The following frameworks for whistling swans are proposed. In South Dakota an open season for taking a limited number of whistling swans may be selected subject to the following conditions:

(1) Except in the Central Flyway portion of Montana, the season must run concurrently with the duck season; in the Central Flyway portion of Montana, the season must run concurrent with the goose season;

(2) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take 1 whistling swan;

(3) In Nevada, no more than 650 permits may be issued authorizing each permittee to take 1 whistling swan in either Churchill, Lyon, or Pershing Counties;

(4) In Montana (Pacific Flyway portion only), no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in either Teton or Cascade Counties;

(5) In Montana (Central Flyway portion only), no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan;

(6) In North Dakota, no more than 1,000 permits may be issued authorizing each permittee to take 1 whistling swan;

(7) In South Dakota, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan;

(8) States must employ a method to assure that hunters validate their harvest.

Additional information. On August 1, 1983 the Service Regulations Committee was informed of North Carolina's intent to propose an experimental swan hunt in that State in 1984 with the endorsement of the Atlantic Flyway Council. The Council urged the Service to favorably consider such a hunt which it believes is consistent with proper management of the population.

Response. The Service defers action on this matter until such time as a specific proposal has been received and evaluated. The question of swan hunting

in the Atlantic Flyway was addressed in the June 17, 1983, *Federal Register* (48 FR 27806). At that time, the Service noted that such proposals should be considered in the light of public attitudes toward swan hunting. The Service is of the view that this remains an important factor that must be considered in dealing with proposals for swan hunting in the Atlantic Flyway.

16. *Sandhill cranes.* (No change.) Pending evaluation of harvest data from the 1983-84 season, seasons for hunting sandhill cranes may be selected within specified areas in Arizona, Colorado, Kansas, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, Montana, and Wyoming with no substantial change in dates from the 1983-84 seasons. The daily bag limit will be 3 and the possession limit 6 sandhill cranes, except in experimental season areas in Arizona and Wyoming where the limit is 2 cranes per season for 200 and 250 permit holders, respectively, and in the experimental season areas of New Mexico where the limit is 3 cranes per season for 345 permit holders. The provision for a Federal sandhill crane hunting permit is continued in all the above areas except experimental season areas in Arizona, New Mexico, and Wyoming.

17. *Coot bag limit.* (No change.) Within the regular duck season, States in the Atlantic, Mississippi, and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots. States in the Pacific Flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

18. *Gallinules.* (No change.) States in the Atlantic and Mississippi Flyways may select hunting seasons between September 1, 1984, and January 20, 1985, of not more than 70 days. Central Flyway States may select hunting seasons between September 1, 1984 and January 22, 1985, of not more than 70 days. Any State may split its gallinule season without penalty. The daily bag and possession limits may not exceed 15 and 30, respectively. States may select gallinule seasons at the time they select their waterfowl seasons. In this case, daily bag and possession limits will remain the same.

States in the Pacific Flyway must select their gallinule hunting seasons within the waterfowl seasons. A gallinule season selected by any State or portion thereof in the Pacific Flyway may be the same as but not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

19. *Rails.* (No change.) The States included herein may select seasons between September 1, 1984, and January 20, 1985, on clapper, king, sora, and Virginia rails as follows:

The season length for all species of rails may not exceed 70 days, and any State may split its rail season into two segments without penalty.

Clapper and king rails

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 or 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

Sora and Virginia rails

In addition to the prescribed limits for clapper and king rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, may be selected in States in the Atlantic, Mississippi, and Central Flyways, and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway. No hunting season is proposed for rails in the remainder of the Pacific Flyway.

20. *Common snipe.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1984, and February 28, 1985, not to exceed 107 days, except that in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons between September 1, 1984, and February 28, 1985, not exceeding 93 days, may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico.

All States in the Pacific Flyway, except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe season to run concurrently with their regular duck season. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season into two segments.

States or portions thereof in the Atlantic, Mississippi, and Central Flyways may defer selection of snipe seasons until they choose their waterfowl seasons in August. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

21. *Woodcock.* (No change.) States in the Central and Mississippi Flyways may select hunting seasons of not more than 65 days with daily bag and possession limits of 5 and 10, respectively, to occur between September 1, 1984 and February 28, 1985. States in the Atlantic Flyway, may select hunting seasons of not more than 65 days with daily bag and possession limits of 5 and 10, respectively, to occur between October 1, 1984 and February 28, 1985, except the season must end no later than January 31, 1985 in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia.

Any State may split its woodcock season without penalty. New Jersey may select woodcock hunting seasons by north and south zones divided by State Highway 70. The season in each zone may not exceed 55 days.

The October 1 opening in the Atlantic Flyway continues an action, implemented in 1982, for providing additional protection to woodcock populations that were significantly and detrimentally affected by a severe blizzard in April 1982. The October 1 opening was designed to assist recovery of the populations by reducing early season (pre-migratory) harvests in the important breeding areas that were affected by the blizzard. Populations in these areas had recovered only partially in 1983. Pending evidence of further recovery, it is considered advisable to continue the October 1 opening in 1984. In addition, the woodcock population in the Atlantic Flyway as a whole has been in a continuing decline in recent years. This further indicates the desirability of continuing a delayed framework opening date. The Service will further consider woodcock hunting regulations in the Eastern Region when results of the 1984 singing-ground survey and the 1983-84 woodcock wing collection survey are available.

22. *Band-tailed pigeons.* (No change.)

Pacific Coast States (California, Oregon, and Washington). These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1984, and January 15, 1985. The daily bag and possession limits may not exceed 5 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Nevada may select for the counties of Carson City, Douglas, and Lyon and experimental season and limits the same as those selected by California for Alpine County. Each hunter must have in possession a valid band-tailed pigeon hunting permit.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah). These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1984. The daily bag and possession limits may not exceed 5 and 10, respectively. The season shall be open only in the areas delineated by the respective States in their hunting regulations. New Mexico may divide its State into a North and a South Zone along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, and November 30, 1984, in the North Zone, and October 1 and November 30, 1984, in the South Zone, hunting seasons not to exceed 20 consecutive days in each zone may be selected.

23. *Mourning doves.* (No change.) Beginning in 1982, a program of generally uniform frameworks was implemented in all 3 mourning dove management units. For the 1983 season, States were offered an option of a season length of 70 half or full days with a daily bag and possession limit of 12 and 24, respectively, or a season length of 60 half or full days with a daily bag and possession limit of 15 and 30, respectively. States were allowed to select hunting zones without penalty and to split the season into not more than 3 time periods.

The Service proposes to offer these options again during the 1984 hunting season, pending results of the call-count survey and receipt of additional information and recommendations.

Between September 1, 1984, and January 15, 1985, except as otherwise provided, States may select hunting seasons and bag limits as follows:

Eastern Management Unit: All States east of the Mississippi River and Louisiana.

1. Shooting hours between one-half hour before sunrise to sunset daily.

2. Hunting seasons of not more than 70 full or half days with daily bag and possession limits not to exceed 12 and 24 doves, respectively. As an alternative, seasons not exceeding 60 full or half days and limits of 15 and 30 doves, respectively, may be selected. Under either option, the season may run consecutively or be split into not more than three time periods.

3. As an option to the above, Alabama, Georgia, Illinois, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State as described in 48 FR 35103.

B. Within each zone, these States may select hunting seasons of not more than 70 days (or 60 under the alternative) which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1984.

Additional information. By letter of January 12, 1984 the State of Delaware requested that the Service permit options of either a 70-day season with a 15-bird daily bag limit or a 90-day season with a 12-bird daily bag limit. No data were provided in support of this request.

Response. The Service defers action on this request pending receipt of additional information and Atlantic Waterfowl Council review and recommendation.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

1. Shooting hours between one-half hour before sunrise to sunset daily.

2. Hunting seasons of not more than 70 days with daily bag and possession limits not to exceed 12 and 24 doves, respectively. As an alternative, seasons not exceeding 60 days, and limits of 15 and 30 doves, respectively, may be selected. Under either option, the season may run consecutively or be split into not more than three periods.

3. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24 (or 15 and 30 under the alternative), singly or in the aggregate of the two species.

4. In addition to the basic framework and the alternative, Texas may divide the State into two or three zones for purposes of dove hunting in accordance with zoning proposals previously approved by the Service and the Central Flyway Council. The various zones are described in 48 FR 35103.

Under the two zone option, the following conditions apply:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 70 (or 60 under the alternative) days between September 1, 1984, and January 20, 1985.

C. The South Zone may have a season of not more than 70 (or 60 under the alternative) days between September 20, 1984, and January 20, 1985. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1984–January 20, 1985, period.

Under the three zone option, the following conditions apply:

A. The hunting season may be split into not more than two periods, except in that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves.

B. Each zone may have a season of not more than 70 (or 60 under the alternative) days. The framework dates are to be those included in the original proposal from Texas dated December 18, 1979. These dates are:

Panhandle Zone—between September 1, 1984 and January 20, 1985.

Central Zone—between the first Saturday on or after September 8, 1984 and January 20, 1985.

Rio Grande Zone—between September 20, 1984 and January 20, 1985.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

1. Shooting hours of one-half hour before sunrise to sunset daily.

2. Hunting seasons of not more than 70 full days with daily bag limits not to exceed 12 and 24 doves, respectively, which may run consecutively or be split into not more than three periods.

3. As an alternative, except in Arizona, seasons not exceeding 60 days and limits of 15 to 30 doves, respectively, may run consecutively or be split into not more than 3 periods.

24. *White-winged doves.* (No change). Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1 and December 31, 1984, and daily bag limits as stipulated below.

Arizona may select a hunting season of not more than 29 consecutive days running concurrently with the first period of the split mourning dove season. The daily bag limit may not

exceed 12 mourning and white-winged doves in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

Nevada. in the counties of Clark and Nye, and in the *California* counties of Imperial, Riverside, and San Bernardino, the aggregate daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24, respectively, with a 70-day season, or 15 and 30 if the 60-day option for mourning doves is selected; however, in either season, the bag and possession limits of white-winged doves may not exceed 10 and 20, respectively.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 12 and 24 (or 15 and 30 if the 60-day option for mourning doves is selected) white-winged and mourning doves, respectively, singly or in the aggregate of the 2 species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than 4 days for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

In addition, Texas may also select a white-winged dove season of not more than 70 (or 60 under the alternative) days to be held between September 1, 1984, and January 25, 1985, and coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 12 (or 15 under the alternative), of which not more than 2 may be whitewings. The possession limit of both species in the aggregate may not exceed 24 (or 30 under the alternative), of which not more than 4 may be whitewings.

Florida may select a white-winged dove season of not more than 70 (or 60 under the alternative) days to be held between September 1, 1984, and January 15, 1985, and coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 12 (or 15 under the alternative), of which not more than 4 may be whitewings. The possession limit of both species in the aggregate may not exceed 24 (or 30 under the alternative), of which not more than 8 may be whitewings.

Additional information. By letter of December 30, 1983, the State of Texas requested that the Service allow a limited hunting season on white-tipped (white-fronted) (*Leptotila verreauxi*) doves to run concurrently with Texas' special four-day white-winged dove

season. An aggregate daily bag of 10 white-winged and white-tipped doves to include no more than two white-tipped doves was requested as well as the standard 12 mourning doves during this special four-day season.

Response. The Service defers action on this request pending receipt of additional information and Flyway Council review and recommendations.

25. Migratory bird hunting seasons in Alaska. (Possible change.) In 1977, by mutual agreement, the Service and the Alaska Department of Fish and Game initiated a study of stabilized hunting regulations for the 5-year period, 1977 through 1981. Background information on this experiment was given in the **Federal Register** dated March 10, 1977 (42 FR 13317). Alaska submitted its final report of the study on December 31, 1981, and requested that it be permitted to continue setting stabilized regulations in conjunction with the stabilized duck hunting experiment underway in the remainder of the Pacific Flyway. The 1982-83 Alaska frameworks contained the stabilization feature. The Service proposes to allow Alaska to maintain stabilized duck hunting frameworks during the 1984-85 season.

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1984-85

Outside Dates: Between September 1, 1984, and January 26, 1985, Alaska may select seasons on waterfowl, snipe, and sandhill cranes, subject to the following limitations:

Shooting Hours: One-half hour before sunrise to sunset daily.

Hunting Seasons:

Ducks, geese, and brant—107 consecutive days in the Pribilof and Aleutian Islands, except Unimak Island; 107 days in the Kodiak (State game management unit 8) area and the season may be split without penalty; 107 consecutive days in the remainder of Alaska, including Unimak Island. Exception: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

Snipe and sandhill cranes—An open season concurrent with the duck season.

Daily Bag and Possession Limits:

Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

Geese—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

Brant—A daily bag limit of 4 and a possession limit of 8.

Common snipe—A daily bag limit of 8 and a possession limit of 16.

Sandhill cranes—A daily bag limit of 2 and a possession limit of 4.

Additional information. Pending consultation with representatives from Alaska, other affected states, the Pacific Flyway Council, and other interested organizations and individuals, the Service proposes to not open the season on cackling Canada geese, insofar as practical considering management objectives for other subspecies of Canada geese, and to further restrict the harvest of Pacific Flyway Population white-fronted geese throughout their range in the United States, including Alaska. A more detailed proposal for harvest restrictions on cackling Canada geese, white-fronted geese and possibly dusky Canada geese and Pacific brant is to be developed in consultation with the affected states and the Pacific Flyway Council and will be published later.

Justifications for the actions relating to goose season restrictions were previously stated under Item 14.

26. Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands. (No change.)

Proposed Frameworks for Selecting Open Seasons Dates for Hunting Migratory Birds in Puerto Rico, 1984-85

Shooting Hours: Between one-half hour before sunrise and sunset daily.

Ducks, Coots, Gallinules, and Snipe

Outside Dates: Between November 5, 1984, and February 28, 1985, Puerto Rico may select hunting seasons as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks, coots, common gallinules, and common snipe. The season may be split into 2 segments.

Daily Bag and Possession Limits:

Ducks—Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (*Oxyura jamaicensis*); the Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*), and the masked duck (*Oxyura dominica*), which are protected by the Commonwealth of Puerto Rico.

Coots—Not to exceed 6 daily and 12 in possession.

Common gallinules—Not to exceed 6 daily and 12 in possession, except that the season is closed on purple gallinules (*Porphyryla martinica*).

Common snipe—Not to exceed 6 daily and 12 in possession.

Closed Areas: No open season for ducks, coots, gallinules, and snipe is prescribed in the following areas:

Doves and Pigeons

Outside Dates: Puerto Rico may select hunting seasons between September 1, 1984, and January 15, 1985, as follows.

Hunting Seasons: Not more than 60 days for Zenaida, mourning, and white-winged doves, and scaly-naped pigeons.

Daily Bag and Possession Limits: Not to exceed 10 doves of the species named herein, singly or in the aggregate, and not to exceed 5 scaly-naped pigeons.

Closed Areas: No open season for doves and pigeons is prescribed in the following areas:

Municipality of Culebra and Desecheo Island—closed under Commonwealth regulations.

Mona Island—closed to protect the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as "Paloma cabeciblanca."

El Verde Closure Area—consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public. The purpose of this closure is to afford protection to the Puerto Rican parrot (*Amazona vittata*) presently listed as an endangered species under the Endangered Species Act of 1973.

Cidra Municipality and Adjacent Closure Areas consisting of all of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to

Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata wetmorei*) locally known as "Paloma Sabanera," which is known to be present in the above locale in small numbers and which is presently listed as an endangered species under the Endangered Species Act of 1973.

Additional information. The Service has received correspondence from the World Society for the Protection of Animals and the Humane Society of the United States questioning the propriety of migratory bird hunting regulations in Puerto Rico, and requesting information on matters relative to the establishment of such regulations. Their primary concerns relate to the effect of hunting on protected species of migratory birds in Puerto Rico. Appropriate officials of the Commonwealth of Puerto Rico have been alerted to the questions and concerns that have been raised. The Service will further review these matters in consultation with Puerto Rican officials. The review will be directed toward identifying actions presently underway, as well as additional actions that may be needed to improve migratory bird management in Puerto Rico.

Proposed Framework for Selecting Open Season Dates For Hunting Migratory Birds in the Virgin Islands, 1984-85

Shooting Hours: Between one-half hour before sunrise and sunset daily.

Ducks

Outside Dates: Between December 1, 1984, and January 31, 1985, the Virgin Islands may select a duck hunting season as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks.

Daily Bag and Possession Limits: Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (*Oxyura jamaicensis*); Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*), and the masked duck (*Oxyura dominica*).

Doves and Pigeons

Outside Dates: The Virgin Islands may select hunting seasons between September 1, 1984, and January 15, 1985, as follows.

Hunting Seasons: Not more than 60 days for Zenaida doves and scaly-naped pigeons throughout the Virgin Islands.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves and 5 scaly-naped pigeons.

Closed Seasons: No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands.

Local names for certain birds

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columba passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

27. Migratory game bird seasons for falcons. (No change.)

Proposed Special Falconry Frameworks

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

Note.—In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

28. *Hawaii mourning doves.* (No change.) The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of Part 20 of Title 50 CFR. Such a season must be within the constraints of applicable migratory bird treaties and annual regulatory frameworks. These constraints provide that the season must be within the period of September 1, 1984, and January 15, 1985, the length may not exceed 60 full days; and the daily bag and possession limits may not exceed 10 and 20 doves, respectively. Other applicable Federal regulations relating to migratory game birds shall also apply.

Dated: March 13, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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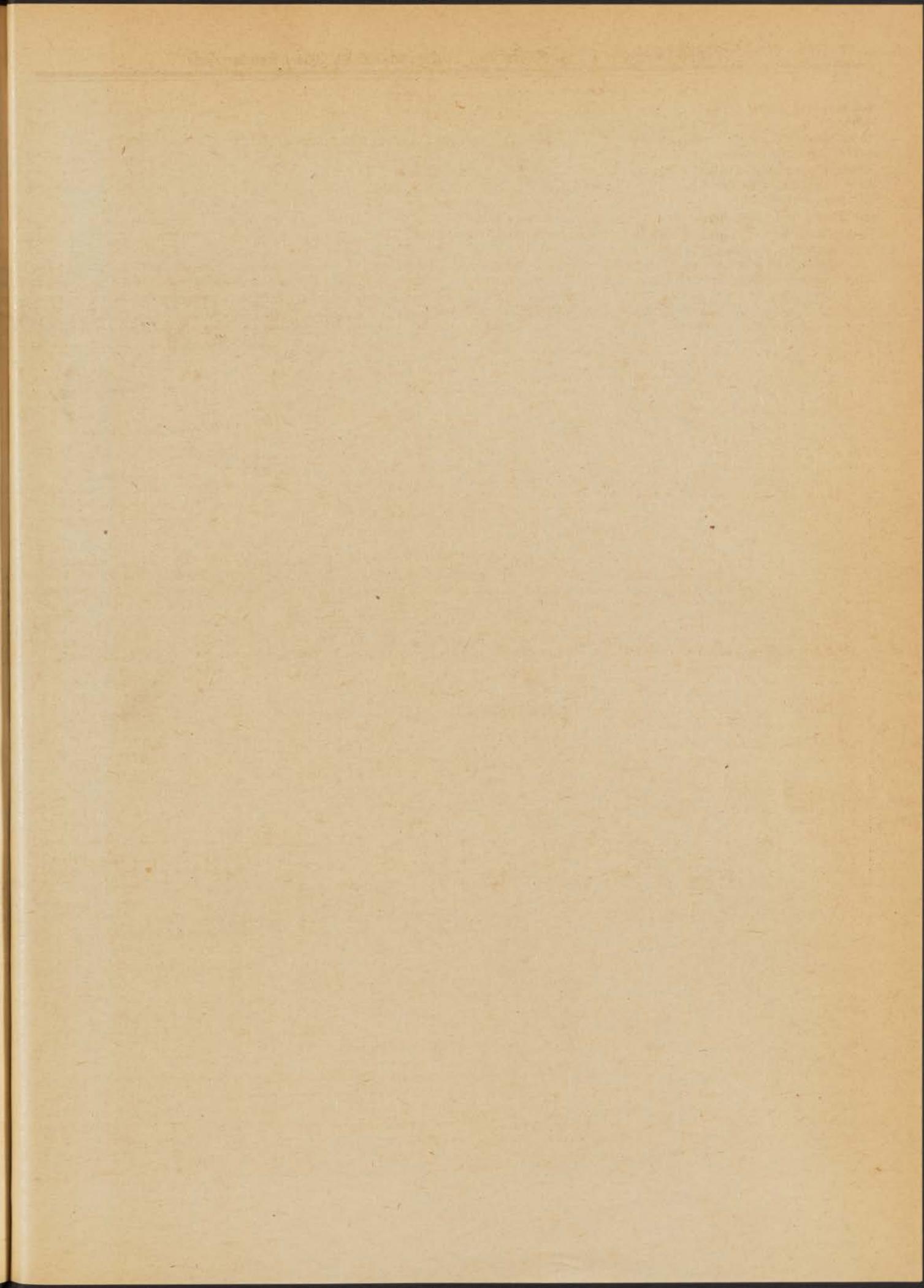
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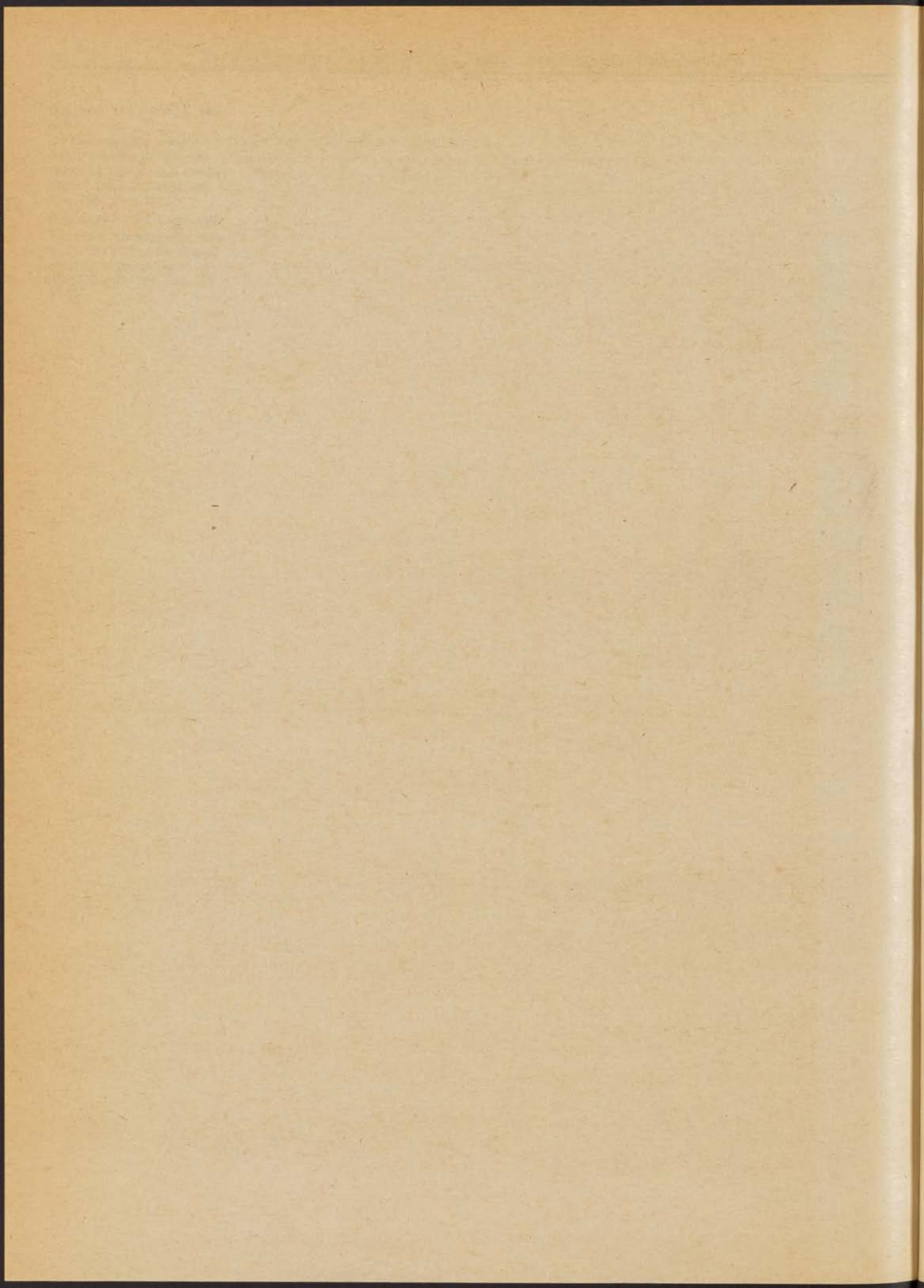
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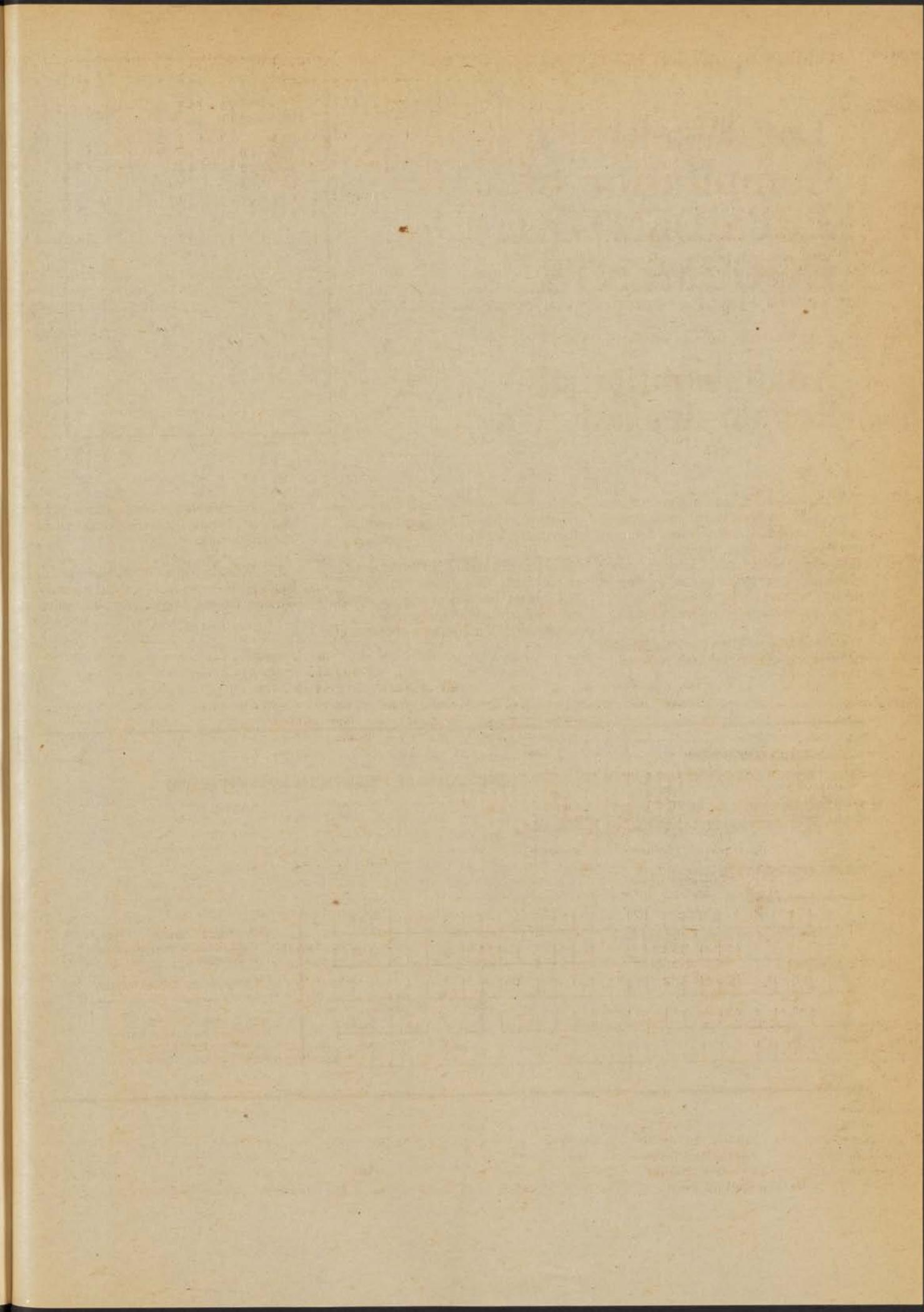
To designate the week beginning May 6, 1984, as "National Correctional Officers Week". (Mar. 20, 1984; 98 Stat. 92) Price: \$1.50

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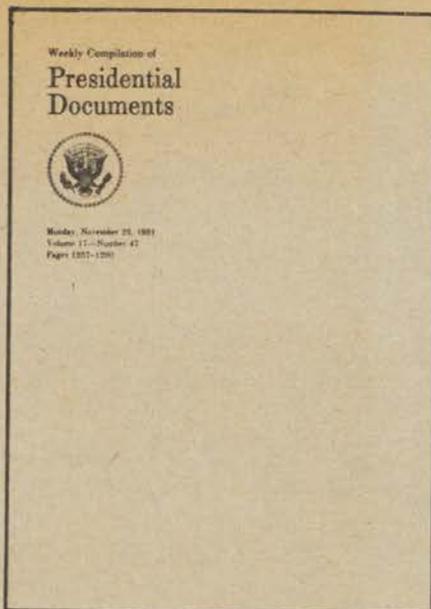
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