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Federal Register

Thursday
October 11, 1984

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Environmental Protection Agency

Animal Biologics

Animal and Plant Health Inspection Service

Animal Drugs

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Environmental Protection Agency

Quarantine

Animal and Plant Health Inspection Service

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Title 3—

Proclamation 5252 of October 9, 1984

The President

National Down's Syndrome Month, 1984

By the President of the United States of America

A Proclamation

In the past decade, the United States has entered a new era of hope for its developmentally disabled citizens. This new age of enlightened understanding recognizes that developmentally disabled persons have a great potential for achieving and overcoming handicaps. Down's syndrome, a condition once thought to be without hope of positive change, is one of the best symbols of this changing attitude.

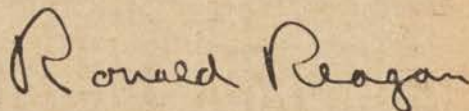
Progress is evident on several fronts. Research has uncovered the genetic basis for the condition and points the way to its ultimate prevention. Advances in medical treatment can minimize defects associated with the condition and have extended the life-span of those who have it. School doors have been unlocked to Down's syndrome children, and special education classes within mainstream school programs have been developed. Vocational training in preparation for gainful employment and independent living has become available.

These advances have not occurred by chance. They are the result of the collective effort of concerned physicians, scientific investigators, teachers and other professionals, parent groups such as the National Down's Syndrome Congress, and government. But the task remains unfinished. Public awareness and acceptance of the capabilities of persons who have Down's syndrome can greatly facilitate their being welcomed in all communities.

The Congress, by Senate Joint Resolution 254, has designated October 1984 as "National Down's Syndrome Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 1984 as National Down's Syndrome Month, and I urge all Americans to join me in encouraging renewed efforts on behalf of the health and well-being of individuals with Down's syndrome. I invite all concerned citizens, agencies, and organizations to unite during October in support of appropriate observances and activities that will assist individuals with Down's syndrome and their families to a fuller and more rewarding life.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, 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 ninth.



Presidential Documents

Proclamation 5253 of October 9, 1984

Fire Prevention Week, 1984

By the President of the United States of America

A Proclamation

Each year, fire strikes one out of ten homes in our country. Our Nation leads the world in technological achievements but, unfortunately, it also leads the world in per capita fire losses. Every hour one person dies, and every month \$2 billion is lost as a result of fire. Between 2 percent and 3 percent of our gross national product is consumed in fires annually.

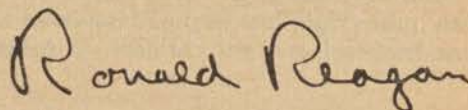
It is encouraging to note that, due to the increase in public fire education efforts and use of smoke detectors, there has been a leveling off of fire deaths in recent years. Many homes, however, are still without these safety devices, and I urge community leaders to encourage their use and emphasize the need to keep them in good working order.

Removing the threat of fire from our families and businesses is a national priority. New initiatives are needed to educate the public concerning fire safety and to advise them how they may prevent or survive fire situations. More and more private sector and volunteer organizations are joining the efforts to reduce the Nation's fire loss and this is commendable.

Special recognition is due the efforts of over a million men and women, both volunteer and career, of our Nation's fire services who daily risk their lives to protect others. It is appropriate that we take time to thank them for their unselfish dedication to the principle of helping others in desperate need. Americans should also appreciate the work of all organizations concerned with fire prevention and control efforts—in particular those which are members of the Joint Council of National Fire Service Organizations.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week of October 7 through 13, 1984, as Fire Prevention Week. I call upon the people of the United States and interested groups, volunteer organizations, businesses, and governmental organizations to plan and to participate in fire prevention activities during this week.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of October, 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 ninth.



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Presidential Documents

Proclamation 5254 of October 9, 1984

Mental Illness Awareness Week, 1984

By the President of the United States of America

A Proclamation

Mental illnesses are among the most misunderstood disorders. As a result, many of our citizens experience unnecessary pain. Stigma—a by-product of fear and misunderstanding—places an unwarranted burden on those with mental disorders and their families. It is of particular concern that the stigma associated with these problems often discourages people from seeking the help they need.

A recent National Institute of Mental Health research study found that one-fifth of adult Americans—over 24 million people—suffered a diagnosable mental disorder in the previous six months. In addition, an estimated 12 million children in this country have a mental disorder. Many will never reach full potential because their illnesses will go unrecognized and untreated.

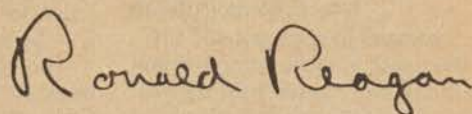
The cost of mental illnesses to this Nation is in excess of \$50 billion annually in health care and lost productivity. The cost in human suffering is beyond reckoning; however, the promise of relief is becoming a reality for many.

Research during recent decades has led to new and more effective drug, behavioral, and psychosocial treatments. For many, the pain of depression can be eased, suicide prevented, hallucinations and delusions assuaged, and crippling anxieties eliminated. Many children vulnerable to serious developmental and psychological problems can be protected by early diagnosis and intervention.

In recognition of the unparalleled growth in scientific knowledge about mental illnesses and the need to increase awareness of such knowledge, the Congress, by Senate Joint Resolution 322, has designated the week beginning October 7, 1984 as "Mental Illness Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 7, 1984, as Mental Illness Awareness Week. I call upon all health providers, educators, the media, public and private organizations, and the people of the United States to observe this week by participating in appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, 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 ninth.



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Rules and Regulations

Federal Register

Vol. 49, No. 198

Thursday, October 11, 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

Agriculture Marketing Service

7 CFR Part 1097

[Docket No. AO-219-A40]

Milk in the Memphis, TN Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the Memphis, Tennessee Federal milk marketing order. The base-excess plan will be modified to allow producer's milk delivered to other order plants regulated by the southeastern orders containing base-excess plans to be included in the computation of their bases.

These changes are based on evidence presented at a public hearing on proposals to amend this and 13 other Federal milk orders. The hearing was held on August 7, 1984, in Atlanta, Georgia.

The adopted order changes are necessary to reflect current marketing conditions and to insure that producer milk may be made available to fluid milk plants in this and other orders during the months in which demand is expected to be greatest without interfering in the computation of producer bases. Because of the limited time available to complete the rulemaking procedures, a recommended decision and the opportunity to file exceptions thereto were omitted. The amendments were adopted in the Assistant Secretary's decision of August 22, 1984. More than three-fourths of the producers who voted in a referendum approved the issuance of the amended order.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued August 1, 1984; published August 3, 1984 (49 FR 31072).

Emergency Final Decision: Issued August 22, 1984; published August 28, 1984 (49 FR 34028).

Referendum Order: Issued August 30, 1984; published September 6, 1984 (49 FR 35119).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the aforesaid tentative marketing agreement and order:

(a) *Findings upon the basis of the hearing record.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Memphis, Tennessee marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid

factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the **Federal Register**. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued August 22, 1984 (49 FR 34028). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the **Federal Register**, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8(c)(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of this order amending the order is approved or favored by at least three-fourths of the producers who were engaged in the production of milk for sale in the marketing area during the determined representative period.

List of Subjects in 7 CFR Part 1097

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended, as follows:

PART 1097—MILK IN THE MEMPHIS, TENNESSEE MARKETING AREA

1. Section 1097.90 is revised to read as follows:

§ 1097.90 Base milk.

"Base milk" means milk received by a handler from a producer during any of the months of March through July, which is not in excess of such producer's base computed pursuant to § 1097.93, except that for the months of March 1985 through July 1985 base milk shall be determined by the producer's base multiplied by the number of days in the month times the percentage of the producer's production pooled pursuant to § 1097.13.

2. In § 1097.92, the following language is added:

§ 1097.92 Computation of daily average base for each producer.

For producer bases to be calculated on or before February 25, 1985, and subject to § 1097.94, the base to be calculated for each producer shall be an amount obtained by dividing the total pounds of his producer milk (as defined under the respective orders) received from the producer by all handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Georgia; Tennessee Valley; Louisville-Lexington-Evansville; Alabama-West Florida; Memphis, Tennessee, Nashville, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1007, 1011, 1046, 1093, 1097, 1098, 1102, and 1108, respectively, of this chapter) during the immediately preceding months of September 1984 through January 1985 by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than 120. In the case of producers delivering milk to a handler's plant which first became a fluid milk plant or a pool plant under any of the above orders during or after the end of the base-forming period, the

daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the handler's plant had been a fluid milk plant or a pool plant during such period.

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

Effective date: October 11, 1984.

Signed at Washington, D.C., on: October 4, 1984.

Karen K. Darling,

Deputy Assistant Secretary, Marketing & Inspection Services.

[FR Doc. 84-26789 Filed 10-10-84; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service**9 CFR Part 78**

[Docket No. 84-082]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the States of North Carolina and South Carolina from Class A to Class Free. This action is necessary because it has been determined that these States meet the standards for Class Free status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from the States of North Carolina and South Carolina.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 811, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION:**Background**

A document published in the *Federal Register* on June 22, 1984 (49 FR 25616-25617) amended the brucellosis regulations in 9 CFR Part 78 by changing the classification of the States of North Carolina and South Carolina from Class A to Class Free. The amendments, which were made effective June 22, 1984, relieve certain restrictions on the interstate movement of cattle from these States.

Comments were solicited for 60 days after publication of the amendments. No

comments were received. The factual situation which was set forth in the document of June 22, 1984, still provides a basis for the amendments.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information compiled by the Department, it has been determined that this action will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause 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.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Changing the status of the States of North Carolina and South Carolina reduces testing requirements on the interstate movement of certain cattle. Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Testing requirements for cattle moved interstate for immediate slaughter, or to quarantined feedlots are not affected by the changes in status. Also, cattle from Certified Brucellosis-Free Herds moving interstate are not affected by these changes in status. It has been determined that the changes in brucellosis status affirmed by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, Mr. Bert W. Hawkins, Administrator, Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 78

Animal diseases, Cattle, Hogs, Quarantine, Transportation, Brucellosis.

Accordingly, the interim rule amending 9 CFR Part 78 which was published at 49 FR 25616-25617 on June 22, 1984, is adopted as a final rule.

Authority: Secs. 4, 5, and 6, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 120,

121, 125, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 4th day of October, 1984.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-26890 Filed 10-10-84 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 122

[Rev. 3, Amdt. 20]

Business Loans; Fiscal and Transfer Agent

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: On July 10, 1984, the Small Business Secondary Market Improvements Act of 1984 (Pub. L. 98-352, 98 Stat. 329) was enacted which amended the Small Business Act (Act) with respect to the operation of the secondary market for loans guaranteed by the Small Business Administration (SBA). This procedural regulation implements section 3(a) of Pub. L. 98-352 which mandated that, within ninety days after the date of enactment, SBA promulgate final rules and regulations with respect to the central registration provisions provided for in section 5(h)(1) of the Act (15 U.S.C. 636(h)(1)), as amended.

EFFECTIVE DATE: February 15, 1985.

FOR FURTHER INFORMATION CONTACT:

James W. Hammersley, Financial Analyst, 202-653-5954, Small Business Administration, Room 800C, 1441 L Street, NW., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION:

The Small Business Secondary Market Improvements Act of 1984 (Pub. L. 98-352) was enacted on July 10, 1984. This legislation amended the Small Business Act (Act) with respect to the operation of the secondary market for loans guaranteed by the SBA. It authorizes the SBA to establish a program for pooling the SBA guaranteed portions of loans made by lenders in the private sector. This pooling will enable investors to purchase fractional and undivided interests in a pool of SBA guaranteed loans. The legislation also authorizes the purchase by an investor of the full guaranteed portion of a single loan. The legislation requires SBA to provide for central registration of SBA guaranteed loans sold in the secondary market whether or not pooled. The Agency must promulgate final regulations governing the sale of guaranteed portions of SBA

loans in pools or otherwise within nine months of July 10, 1984. SBA is also required, under this law, to promulgate final regulations within ninety days of enactment, with respect to the central registration functions. This regulation is intended to comply with the ninety days mandate. Because this regulation is procedural in nature and in order to meet the statutory time frame, the Agency is publishing this regulation as a final rule, but it will accept and review any comments received with respect to this final rule.

On July 2, 1984, prior to the date of enactment of Pub. L. 98-352, SBA published in the Federal Register (49 FR 27162) a proposed regulation amending § 120.5(a)(3) (13 CFR 120.5(a)(3)) which would require any lender wishing to sell the SBA guaranteed portion of a loan in the secondary market to use SBA Form 1086, Secondary Participation Guaranty and Certification Agreement. Use of SBA Form 1086 requires the use of the services of SBA's fiscal and transfer agent (FTA) which registers the name of each investor of a guaranteed portion and issues Form 1086 which evidences ownership of such guaranteed portion. Since 1979 lenders wishing to participate in the secondary market for SBA guaranteed loans have been able to do so by registering the guaranteed portions with the FTA, but they have not been required to do so. A recent General Accounting Office report ((GAO/RCED) 83-96, SBA's 7(a) Loan Guarantee Program: An assessment of its Role in the Financial Market) stated the following as one of its recommendations:

—Develop better procedures for keeping records of secondary market transactions, including service fees and prices paid by investors for loans. The Administrator should determine whether improved recordkeeping controls could be accomplished more efficiently by internal changes in SBA's procedures or by using the services of the FTA for all loans sold in the secondary market.

Due to the declining level of resources available to SBA, the Agency has determined that the most efficient way to address the recordkeeping problem and implement secondary market policy decisions is to require the use of Form 1086. With over four years of SBA experience, the FTA has a tested and operating system that is capable of handling the entire volume of the secondary market. SBA has decided that changing internal procedures and continuing to operate a parallel system would not be efficient and would not satisfy the recommendation of the GAO. Requiring the use of SBA Form 1086 will rescind the non-registered format and

will require all SBA guaranteed loans to be sold through the centralized, computerized recordkeeping facility of the FTA. SBA Form 1086 also provides each purchaser with information on fees, interest rate and calculation, outstanding principal amount of loan, and original face amount of loan.

The regulation promulgated herein prescribes rules and procedures with respect to central registration provisions affecting SBA guaranteed loans sold in the secondary market whether or not pooled. The regulation prescribes the items which SBA's fiscal and transfer agent must maintain at a central facility with respect to sales of guaranteed portions of loans and certificates representing pool ownership. This central registry is an automated system which records information on certificates evidencing ownership of guaranteed portions as well as certificates representing interests in pools, the history of certificate transfers, and the current registered ownership of all outstanding certificates. The central registration with respect to each guaranteed portion or pool certificate must include the name and address of the lender which made each loan and which sold the loan; the interest rate being paid by the borrower to the lender; the lender's servicing fee; whether the interest rate is fixed or variable; the identity of each purchaser; the price paid by the purchaser; the interest rate paid on the guaranteed portion or the certificate; and the FTA's fees. These registration items are all specified within the provisions of section 5(h)(1) of the Small Business Act.

Certificates registered on the books of the FTA are freely transferable and assignable. Transfers of certificates are carried out pursuant to applicable Uniform Commercial Code provisions and in accordance with all applicable rules of any self-regulatory organization or the appropriate regulatory agency, if any. A form of assignment appears on the reverse of each certificate. This form requires that the assignor's endorsement be guaranteed by a securities dealer which is a member of any national stock exchange or by a commercial bank located or having a correspondent in New York City. This form must be completed unless the parties use another form acceptable to the FTA.

Transfers of registered ownership are made by the FTA in accordance with instructions received from a securities dealer or assignor. Improper or incomplete items will be returned to the presenter, and will not be transferred until corrected. Each certificate presented to the FTA for transfer must

be accompanied by a letter of transmittal which includes the following information on the certificate forwarded for transfer: pool number, if applicable; certificate number; original principal amount of certificate; exact spelling of name in which new certificate is to be issued; complete address and tax identification number of the new holder; name and telephone number of person handling the transfer; complete instructions for the delivery of the new certificate. Together with the request there should be sent the appropriate fees which may be charged by the FTA.

This regulation also provides procedures for dealing with the situation in which a certificate is lost, stolen, destroyed, mutilated or defaced. In such a case, the holder must provide the FTA with full identification of the certificate and the pertinent facts relating to the occurrence. Also, the FTA will provide copies of the form of bond of indemnity which must be submitted in order to protect the interest of the SBA and the FTA. The FTA may charge a fee for each replacement certificate. The owner of a lost or stolen certificate must submit an affidavit to the FTA in order to enable the FTA to stop transfer of the certificate for 60 days in order to allow the owner to obtain the required bond of indemnity.

The SBA expects that these provisions will enable the FTA to properly account for the registration functions generally and for the pooling program when it becomes effective.

SBA certifies that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* SBA also certifies that this procedural regulation affects only the operations of SBA's fiscal and transfer agent and therefore, relates to the management of the Agency. As such, this regulation is outside the scope of Executive Order 12291.

All of the recordkeeping requirements and most of the reporting requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35. Such requirements are identified in the text of the regulation by the appropriate OMB approval number. Section 122.605 also requires the secondary market seller to report some information to the Fiscal and Transfer Agent on SBA's behalf. Such information will be available, upon request, to subsequent purchasers of the securities.

List of Subjects in 13 CFR Part 122

Small businesses, Trusts and trustees, Loan programs, Business.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act, as amended (15 U.S.C. 634(b)(6)), SBA is amending Part 122, Chapter I, Title 13, Code of Federal Regulations, by adding a new subpart F to read as follows:

PART 122—[AMENDED]

* * * * *

Subpart F—Central Registration for Secondary Market

Sec.	
122.601	Statutory provisions.
122.602	Definitions.
122.603	Fiscal and transfer agent.
122.604	Applicability of registration function.
122.605	Central registration.
122.606	Transferability of certificates.
122.607	Claim on account of loss theft, destruction, mutilated or defacement of certificate.

Authority: Sec. 5(b)(6) of the Small Business Act, as amended 15 U.S.C. 634(b)(6).

Subpart F—Central Registration for Secondary Market

§ 122.601 Statutory provisions.

The statutory authority for this Subpart F is section 5(h) of the Small Business Act (15 U.S.C. 634(h)).

§ 122.602 Definitions

(a) *Act* means the Small Business Act, 15 U.S.C. 631, *et seq.*

(b) *Certificate* means the document

(1) Representing a beneficial fractional interest in a pool consisting of the SBA guaranteed portions of loans or

(2) Representing the guaranteed portion of an SBA loan which is not sold into a pool.

(c) *FTA* means the SBA's fiscal and transfer agent.

(d) *Secondary Market* means the process by which the SBA guaranteed portions of loans made by lending institutions are purchased and sold.

§ 122.603 Fiscal and transfer agent.

The FTA, as authorized by law, is SBA's agent in carrying out the central registration of (a) the SBA guaranteed portions of loans sold in the secondary market and (b) certificates representing fractional interests in pools composed solely of the SBA guaranteed portions of loans. The FTA also has the responsibility for issuing, on behalf of SBA, the certificates representing such interests.

§ 122.604 Applicability of registration function.

The rules and requirements in this subpart relating to registration shall apply:

(a) Every guaranteed portion of a loan sold in the secondary market commencing with the initial sale by the lender which made the loan; and

(b) Every certificate representing a fractional or undivided interest in a pool approved by the SBA and composed solely of the SBA guaranteed portions of loans.

§ 122.605 Central registration.

The FTA shall register each guaranteed portion and each pool certificate sold pursuant to sections 5(f) and (g) of the Act. Such registration (OMB Approval No. 3245-0185) shall include, with respect to each sale, the:

(a) Identity of the lender which made the loan and which sold the loan;

(b) Interest rate paid by the borrower to the lender, and whether the rate is fixed or variable;

(c) Lender's servicing fee;

(d) Identity of the purchaser;

(e) Price paid by the purchaser;

(f) Interest rate paid on the guaranteed portion or the certificate, as applicable;

(g) Fees which the FTA is charging for these registration duties and for the issuance of certificates to facilitate pooling; and

(h) Such other information as SBA shall determine.

This information shall be available from the FTA upon request of the purchaser of a guaranteed portion or of a certificate.

§ 122.606 Transferability of certificates.

Certificates issued by the FTA shall be freely transferable. Transfers shall be carried out pursuant to and in accordance with Article 8 of the Uniform Commercial Code of the State of New York. A form of assignment on the back of each certificate shall be used to transfer the certificate, unless the parties choose to use another form acceptable to the FTA. The FTA may refuse to issue a certificate until the documents of transfer are correct and complete. Each certificate presented to the FTA for transfer must be accompanied by a letter of transmittal which shall include the following information: pool number, if applicable; certificate number; original principal amount of certificate; exact spelling of name in which new certificate is to be issued; complete address and tax identification number of the new holder; name and telephone number of person

handling the transfer; complete instructions for the delivery of the new certificate. Together with such letter there shall be sent the appropriate fee which may be charged by the FTA.

§ 122.607 Claim on account of loss, theft, destruction, mutilated or defacement of certificate.

(a) *General.* To obtain a replacement certificate on account of loss, theft, destruction, mutilation or defacement of a certificate, the holder must provide the FTA with complete identification of the certificate and the pertinent facts relating to the situation reported. In addition, the holder must file a bond of indemnity in such form and with such surety, sureties or security as may be required by the FTA to protect the interests of SBA and the FTA. Copies of the form of bond are available from the FTA. The FTA may charge a fee for each replacement certificate.

(1) *Loss or Theft.* Report of the loss or theft of a certificate must be made promptly to the FTA in the form of an affidavit of loss. Copies of the form of affidavit are available from the FTA. The report shall include:

(i) The name and address of the registered owner. If the report is made by any other person or entity, the capacity in which he/she or it represents the owner must be reported;

(ii) The identification of the certificate by pool number, if applicable; certificate number; original principal amount, and the exact form in which the certificate was registered and a full description of any assignment, endorsement or any other writing therein;

(iii) A statement of the circumstances surrounding the theft or loss.

Upon receiving notification of loss or theft, the FTA will stop transfer of the certificate for up to 60 days to allow the registered holder to obtain the required bond of indemnity and any other documentation. The FTA will extend the stop for up to an additional 60 days if subsequently requested.

(b) *Destruction, Mutilation or Defacement.* If a certificate is destroyed, or becomes so mutilated or defaced as to impair its value to the owner, a report as outlined in subsection (a)(1) of this section shall be made to the FTA. All available portions of the mutilated or defaced certificate also must be submitted. The FTA then will arrange for the preparation of a replacement certificate.

Dated: October 3, 1984.

James C. Sanders,
Administrator.

[FR Doc. 84-26795 Filed 10-10-84; 8:45 am]
BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8599]

William H. Rorer, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Modifying Order.

SUMMARY: This Order modifies the August 21, 1967 Order issued against a pharmaceutical manufacturer, 72 F.T.C. 412, pursuant to the March 20, 1967 decision of the Court of Appeals for the Second Circuit, 374 F.2d 622 (1967). After reviewing respondent's Request and other relevant information, the Commission denied request to vacate the Order in its entirety and retained provision that prohibited the company from charging different prices for its products to competing customers. The Commission noted that the Order "in essence requires compliance with section 2(a) of the Robinson-Patman Act," and the firm had not shown that complying with an order that essentially requires adherence to the law is causing it injury. However, the Commission determined that retaining certain "fencing-in" provisions that has been in effect for 17 years "placed the firm at a disadvantage with respect to its competitors by increasing its compliance costs unnecessarily." Therefore, in accordance with its conclusions, the Commission modified the Order by deleting requirements that the company promptly inform the Commission when it charged competing retailers different prices for its products, submit to the Commission a written statement containing justification for price differences, and publicize to all its retail customers that prices to some are higher than to others, together with reasons and details of the price differences or discounts.

DATES: Cease and Desist Order issued on August 21, 1967; Modifying Order issued on September 14, 1984.

FOR FURTHER INFORMATION CONTACT: L/301-1, Elliot Feinberg, Washington, D.C. 20580, (202) 634-4604.

SUPPLEMENTARY INFORMATION: In the Matter of William H. Rorer, Inc., a corporation. Codification appearing at 32 FR 12844, remains unchanged.

List of Subjects in 16 CFR Part 13

Pharmaceutical products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

Before Federal Trade Commission

[Docket No. 8599]

Order Modifying Cease and Desist Order Issued August 21, 1967

Commissioners: James C. Miller III, Chairman, Michael Pertschuk; Patricia P. Bailey; George W. Douglas, Terry Calvani.
In the matter of William H. Rorer, Inc., a corporation.

On March 2, 1984, respondent William H. Rorer, Inc. ("Rorer") filed a "Request To Reopen Proceeding And Vacate Cease and Desist Order" ("Request"), pursuant to section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b) and § 2.51 of the Commission's Rules of Practice. The Request asked the Commission to reopen the proceeding and vacate the cease and desist order issued on August 21, 1967 ("the Order") in its entirety.

After reviewing respondent's Request and other relevant information, the Commission has concluded that respondent has not made a satisfactory showing that changed conditions of law or fact or public interest considerations require that the Order be vacated in its entirety. The Commission has found, however, that it is in the public interest to modify the Order to terminate certain of its provisions.

The Order against Rorer prohibits price discrimination in the sale of prescription and nonprescription pharmaceutical products and in essence requires compliance with section 2(a) of the Robinson-Patman Act. Additionally, the Order contains certain provisions designed to help ensure compliance with the prohibition of price discrimination. The Commission finds that the changed facts relied on by Rorer do not provide a basis for setting aside the Order. Rorer maintains that the nature of the marketplace for antacids has changed since the Order was issued. In particular, Rorer says that independent drug stores are less significant outlets for its products than they were at the time the Order issued. However, Rorer has failed to show that independent drugstores or other retailers would not suffer competitive injury from illegal price discrimination favoring their competitors. Moreover, such changes do not warrant setting aside an order that applies to all competing retailers, not merely to independent drugstores.

Indeed, the growing importance of mass marketers in the sale of covered products cited by Rorer demonstrates that it was appropriate for the Commission to issue, and for the Court of Appeals to sustain, an order applicable to all competing retailers.

Further, the Order's requirement that Rorer comply with the law in its sales of all of its "prescription and nonprescription pharmaceutical products" does not justify reopening of the Order. The fact that Rorer has introduced new products since the Order was issued and that the percentage of total Rorer sales accounted for by Maalox (the product involved in the original case) has declined are not reasons for setting aside the Order. Rorer has not shown that complying with an order that essentially requires adherence to the law is causing it injury.

Rorer also says that legal and economic thinking about the Robinson-Patman Act has changed since the Order was issued and that the level of Commission enforcement activity has declined. Request, pp. 27-29. Rorer does not contend, however, that the conduct that led to the Order would be legal today. Indeed, the Second Circuit found that the discrimination in this case, which continued for eight years, constituted a serious and extensive violation and amounted to "a classic price discrimination in favor of the chains as against individual retailers, a principal reason for and target of the Robinson-Patman Act." 374 F. 2d 622, at 625 (2d Cir. 1967).

Nor has Rorer demonstrated that there has been a change in law or policy regarding the duration of conduct orders issued by the Commission. As a general rule, the Commission has issued perpetual orders in conduct cases and the perpetual conduct order is an important element of the Commission's ability to deter law violations. The deterrent effect of law enforcement actions by the Commission could be adversely affected if the Commission were to sunset conduct orders that do no more than require compliance with the law. And in recent cases the Commission has declined to terminate conduct orders solely because of their age. See, e.g., *National Dairy Products Corp.*, 100 F.T.C. 431 (1982) (Commission declined either to rescind or terminate in five years a perpetual order issued under section 2(a) of the Clayton Act); *ABC Vending Corp.*, Docket No. 7652 (Letter from Secretary of the Commission to Arthur H. Kahn, Esquire, dated January 28, 1982, declining to set aside perpetual order provision based

on section 2(f) of the Clayton Act that "merely restates the law that must be adhered to by the respondent . . . and consequently does not hinder the respondent's ability to compete"); Letter of April 11, 1984 from Secretary of the Commission to James T. Halverson, Esq., concerning the Beecham Petition (Docket Nos. 8547, C-2037, C-2266 and Docket No. 4332); *Textile Leather Corp.*, Docket No. 1585 (Letter of January 20, 1984 from Secretary of the Commission to Kenneth B. Peterson, Esq.).¹

Rorer has also failed to show that it would be in the public interest to terminate the Order. Rorer's arguments that the Order prevents it from competing misconstrue the scope and meaning of the Order in two important respects. First, Rorer claims in effect that the Order bars all price discrimination among competing retailers that is not concurrently cost justified to the Commission. Request, p. 37. This, however, is not the case. The Order does not bar all price discrimination, although it does require certain compliance procedures regarding discriminations in price that are allegedly justified by savings in costs. Second, Rorer says that no "meeting competition" defense is included in the Order. Request, pp. 38-39. While it is true that the defense is not explicitly stated in the Order, the Supreme Court held in *FTC v. Ruberoid Co.*, 343 U.S. 470 (1952), that the cost justification and meeting competition defenses "are necessarily implicit in every order issued under the authority of the act just as if the order set them out *in extenso*." 343 U.S. at 476. Thus, the order does not prohibit Rorer from granting price discounts either in instances where it can cost justify those discounts or where it is meeting the lawful competition of a competitor.

However, the Commission has determined that the public interest warrants modifying the Order to terminate certain "fencing-in" provisions. These provisions require that in any instance where respondent institutes a price schedule charging a different price for its products to competing retail customers "on the basis or in the belief" that such difference in price is cost justified (1) it promptly notify the Commission of the institution of such price schedule; (2) submit to the

Commission a written statement with necessary underlying data in support of the cost justification of such price discrimination; and (3) adequately and regularly publicize to all retail customers that prices to some are higher than to others, together with reasons and details of the price differences or discounts. These "fencing-in" provisions have now been in effect for almost 17 years. The Commission finds that the pattern of conduct by Rorer which led to the entry of these "fencing-in" provisions has now been interrupted for a sufficient period of time so that they are no longer necessary either to dissipate the effects of respondent's past conduct or to prevent its recurrence. Although these provisions were justified at the time the Order was issued, their continued existence puts respondent at a disadvantage with respect to its competitors by increasing its compliance costs unnecessarily.

Accordingly, it is ordered that this matter be, and it hereby is, reopened, and that the Commission's Order issued on August 21, 1967, be, and it hereby is, modified to read as follows:

It is ordered that respondent William H. Rorer, Inc., a corporation, and its officers, representatives, agents and employees, directly, indirectly, or through any corporate or other device, in or in connection with the sale of prescription and nonprescription pharmaceutical products in commerce, as "commerce" is defined in the amended Clayton Act, so forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to some retailers at prices higher than the price charged to any other retailer who, in fact, competes in the resale and distribution of respondent's products with the retailer paying the higher prices.

By the Commission.

Issued: September 14, 1984.

Benjamin I. Berman,
Acting Secretary.

[FR Doc. 84-26815 Filed 10-10-84; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-1010]

Armstrong Cork Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

¹ In *Occidental Petroleum Corp.*, Docket No. C-2492, the Commission terminated a perpetual reciprocity order after the expiration of ten years. However, *Occidental* involved a broad order, issued under section 5 of the Federal Trade Commission Act, that prohibited all forms of reciprocity including practices that are today considered lawful and procompetitive. In contrast to the broad reach of section 5, the Robinson-Patman Act is far more specific in the defining prohibited forms of conduct.

SUMMARY: This Order reopens the proceeding and modifies an FTC Order issued on November 3, 1965, F.T.C. 849, which alleged that a manufacturer and a distributor of floor-covering products and its wholesalers had conspired to reduce competition by fixing resale prices and conditions of product sale to retailers and flooring contractors, and by discriminating in price between competing buyers. After considering petitions submitted by company, the supporting materials and other relevant information, the Commission concluded that hardships to the company and the public outweighed any benefit derived from the prohibition against imposing "terms or conditions" on resale of products, and deleted the language "terms or conditions" from paragraphs 1, 2, and 4 of Part I of the Order. The Commission also deleted the word "rebates" from paragraph 2 after finding that such modification would also be in the public interest since it would permit the company to funnel "direct-to-consumer" rebates through its wholesalers and retailers. However, the Commission declined to set aside or modify other parts of the Order as requested, holding that the firm had failed to demonstrate any change of law, fact, or public interest consideration that would justify further modification.

DATES: Consent Order issued on November 3, 1965. Modifying Order issued on September 10, 1984.

FOR FURTHER INFORMATION CONTACT: L/301-1, Elliot Feinberg, Washington, D.C. 20580, (202) 634, 4604.

SUPPLEMENTARY INFORMATION: In the matter of Armstrong Cork Company, a corporation. Codification appearing at 31 FR 343, remains unchanged.

List of Subjects in 16 CFR Part 13

Floor covering, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

Before Federal Trade Commission

[Docket No. C-1010]

Order Reopening and Modifying Final Order

Commissioners: James C. Miller III, Chairman, Michael Pertschuk, Patricia P. Bailey, George W. Douglas, Terry Calvani.
In the matter of Armstrong Cork Co., a corporation.

By petition of October 21, 1983, as supplemented and refiled on February 28, 1984, Armstrong World Industries, Inc. [formerly Armstrong Cork Company and hereinafter "Armstrong"] asked the Commission to reopen and modify the

Commission order issued against Armstrong on November 3, 1965. Armstrong requested that the Commission (1) modify Part I of the order by (a) deleting provisions prohibiting certain non-price vertical restraints; and (b) limiting the geographic scope of the resale price maintenance prohibitions; (2) set aside Parts II and III of the order; (3) set aside or modify Part IV of the order; and (4) substitute "Armstrong World Industries, Inc." for "Armstrong Cork Company" as the respondent to the order. Armstrong's October 21, 1983 and February 28, 1984 submissions were placed on the public record and no comments were received.

Upon consideration of Armstrong's petition and supporting materials, and other relevant information, the Commission finds that a modification of the order to delete the words "terms or conditions" from paragraphs 1, 2, and 4 of Part I is in the public interest. Armstrong has sufficiently demonstrated that the prohibition against Armstrong's imposing any terms or conditions on the resale of its products by Armstrong's customers has caused hardships to Armstrong and the public that outweigh any benefits that may be derived from the prohibition. The "terms or conditions" language of the order, which was intended to reach only price terms not non-price restraints, was overly broad in this case. Thus, modification of the order to delete the words "terms or conditions" is both in the public interest and consistent with the treatment of non-price vertical restraints in *Continental T.V. Inc. v. GTE-Sylvania, Inc.*, 433 U.S. 36 (1977).

The Commission also finds that deletion of the term "rebates" from paragraph 2 of Part I of the order is in the public interest. Armstrong states that it views the presence of the term "rebates" in that paragraph as prohibiting it from funneling "direct-to-consumer" rebates through wholesalers and retailers. Armstrong has demonstrated that permitting it to offer rebates in this manner will benefit both Armstrong and consumers. And, permitting Armstrong to funnel "direct-to-consumer" rebated through wholesalers and retailers should not affect the wholesalers' and retailers' ability to independently determine the resale price of the product. Moreover, if Armstrong should use the rebates to engage in resale price maintenance, it would violate the order provisions prohibiting resale price fixing. Thus, because deleting "rebates" from paragraph 2 of Part I of the order should benefit both Armstrong and consumers

without permitting resale price maintenance, granting Armstrong's requested modification is in the public interest.

However, the Commission has denied Armstrong's request to set aside paragraph 3 of Part I of the order. That paragraph is an integral part of the order's prohibition of resale price maintenance and Armstrong has demonstrated no change of law or fact or public interest considerations sufficient to require setting it aside.

The Commission has also declined to set aside paragraph 5 of Part I of the order. That paragraph does not require Armstrong to incur the costs it states it has incurred in fashioning a program to comply with the order. Nor does the order prohibit wholesalers from supplying inventory information in the least costly fashion possible. Rather the order simply prohibits Armstrong from requiring or requesting purchasers of its products to supply Armstrong with information concerning the resale prices charged by these purchasers. On the other hand, permitting Armstrong to request or require its purchasers of Armstrong's products to provide reports showing the prices at which they resell these products could affect its purchasers' pricing practices because they could view such reports as a means of monitoring their pricing. Thus, the benefits of this provision outweigh its *de minimis* costs, particularly when the order does not require either Armstrong or its customers to incur such costs.

Additionally, the Commission has refused Armstrong's request to limit the geographic scope of the order's resale price maintenance provisions to "within the United States." The Foreign Trade Antitrust Improvements Act of 1982, which clarified the extraterritorial application of domestic antitrust laws and the Federal Trade Commission Act, substantially addressed the concerns expressed by Armstrong in its petition. Moreover, Armstrong has failed to demonstrate any need to impose a limitation on the extraterritorial application of the order beyond that provided by statute.

The Commission also has found it unnecessary to set aside Parts II and III of the order. By their terms these provisions impose no prospective obligations on Armstrong.

Armstrong also asked the Commission to set aside or modify Part IV of the order, but the Commission has declined to do so because Armstrong has not demonstrated a change of law or fact or public interest considerations sufficient to require setting aside or modifying that Part. Part IV of the order only requires

that Armstrong treat competing customers equally or be able to justify any differences in treatment by means of one of the statutory defenses or the defense applicable to sales to the United States government. See *Federal Trade Commission v. Ruberoid Co.*, 343 U.S. 470(1952). Thus, the Commission sees no need to set aside or limit the term of Part IV. Moreover, if Armstrong is uncertain whether a proposed course of conduct would violate Part IV of the order, Armstrong may ask the Commission for an advisory opinion under § 2.41 of the Commission's Rules, 16 CFR 2.41 (1984).

Finally, Armstrong asked that the order be modified to substitute "Armstrong World Industries, Inc." for "Armstrong Cork Company" as the respondent to the order. The Commission finds that this modification is unnecessary because the order expressly binds the successors and assigns of Armstrong Cork Company and Armstrong's request therefore is denied.

Accordingly, it is ordered that this matter be reopened and that paragraphs 1, 2, and 4 of Part I of the order in Docket No. C-1010 be modified, as of the date of service this order. Those paragraphs will now provide:

1. Engaging in, participating in, continuing, carrying out or enforcing any contract, agreement, arrangement or understanding, with any wholesalers, distributors, or other purchasers of Armstrong floor covering products, which directly or indirectly establishes, maintains or fixes prices of resale of such products by such wholesalers, distributors, or other purchasers.

2. Enforcing, or attempting to enforce the price or prices or suggested prices or discounts for the resale of Armstrong floor covering products.

4. Circulating to or exchanging with any wholesaler or distributor or other purchaser, any circulars, price lists, suggested price lists, policy letters or other information, the effect of which is to create a contract, agreement, arrangement, or understanding which fixes or establishes a price or prices at or upon which any Armstrong floor covering products shall be resold.

By direction of the Commission.

Issued: September 10, 1984.

Emily H. Rock,
Secretary.

[FR Doc. 84-26808 Filed 10-10-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 588

New Animal Drugs for Use in Animal Feeds; Melengestrol Acetate with Monensin

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

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two new animal drug applications (NADA's) filed by The Upjohn Co. The NADA's provide for combination of melengestrol acetate (MGA) and monensin feeds for increased rate of weight gain, improved feed efficiency, and suppression of estrus in heifers being fed in confinement for slaughter.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Center for Veterinary Medicine (HFV-126), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed NADA 124-309 which provides for use of a dry supplement containing 0.125 to 0.8 milligram per pound melengestrol acetate and NADA 125-476 for a liquid supplement containing 0.125 to 0.8 milligram per pound melengestrol acetate, in combination with a supplement containing 50 to 1200 grams per ton monensin or a complete feed containing 5 to 30 grams per ton monensin. MGA 100 and MGA 200 premixes (NADA 124-309) and MGA 500 premixes (NADA 125-476) may be used to make the 0.125- to 0.8-milligram-per-pound MGA supplements. The complete feeds are consumed at a rate of 0.25 to 0.4 milligram (mg) MGA and 50 to 360 mg monensin per head per day for increased rate of weight gain, improved feed efficiency, and suppression of estrus and heifers fed in confinement for slaughter. The NADA's are approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR Part 514.11(e)(2)(ii)), and summary of safety and effectiveness data and information submitted to support approval of these applications may be seen in the Dockets Management Branch (HFA-305), Food and Drug

Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. In § 558.342 by revising paragraph (e), to read as follows:

§ 558.342 Melengestrol acetate.

(e) *Conditions of use.* It is used in or on finished feed for heifers as follows:
(1) *Amount.* Melengestrol acetate, 0.25 to 0.50 milligram per head per day.
(i) *Indications for use.* For increased rate of weight gain, improved feed efficiency, and suppression of estrus (heat).

(ii) *Limitations.* Heifers being fed in confinement for slaughter; administer in feed supplement; withdraw 48 hours prior to slaughter.

(2) *Amount.* Melengestrol acetate, 0.25 to 0.40 milligram per head per day, plus monensin, 5 to 30 grams per ton, see § 558.355(f)(3)(iv).

2. In § 558.355 by adding new paragraph (f)(3)(iv) to read as follows:

§ 558.355 Monensin.

(f) * * *
(3) * * *
(iv) *Amount.* Monensin, 5 to 30 grams per ton, plus melengestrol acetate, 0.25 to 0.40 milligram per head per day.
(a) *Indications for use.* For increased rate of weight gain, improved feed efficiency, and suppression of estrus (heat).

(b) *Limitations.* Heifers being fed in confinement for slaughter. Administer melengestrol acetate from a separate supplement containing 0.125 to 0.8 milligram per pound to complete feeds

containing monensin at 5 to 30 grams per ton of feed or with monensin supplements containing 50 to 1,200 grams per ton. Administer monensin in accordance with paragraph (f)(3)(i)(b) of this section. Withdraw melengestrol acetate 48 hours prior to slaughter.

Effective date, October 11, 1984.

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

Dated: October 1, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84-25533 Filed 10-10-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 25

[T.D. 7978]

Transitional Rule for Increased Annual Gift Tax Exclusion and Unlimited Exclusion for Certain Transfers

Correction

In FR Doc. 84-25984 beginning on page 38540 in the issue of Monday, October 1, 1984, make the following correction:

§ 25.2503-6 [Corrected]

On page 38542, § 25.2503-6(b), first column, the eleventh line should have been designated as "(3)".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 1069-84]

Delegation of Authority Under the Airport and Airway Improvement Act of 1982

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The approval of the Attorney General is necessary for the performance of any acts and the execution of any instruments necessary to make conveyances under the provisions of Section 516(b) of the Airport and Airway Improvement Act of 1982 (96 Stat. 671, 692). This order delegates the Attorney General's authority under Section 516(b) to the Assistant Attorney General in charge of the Land and Natural Resources Division. This order will facilitate internal management.

EFFECTIVE DATE: June 7, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Kollins, Chief, Land Acquisition Section, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, (202) 724-6883.

SUPPLEMENTARY INFORMATION: This order pertains to internal agency management and is being published in order to provide the public with accurate information on who will make the decisions under this statute. It is not a rule within the meaning of either the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., or Executive Order No. 12291 ("Federal Regulation").

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Organization and functions (Government agencies).

PART 0—[AMENDED]

For the reasons set out in the preamble, Part 0, Subchapter M of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 0 reads as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, unless otherwise noted.

2. A new § 0.69b is added to read as follows:

§ 0.69b Delegation of Authority Respecting Conveyances for Public Airports.

The Assistant Attorney General in charge of the Land and Natural Resources Division, and such members of his staff as he may specifically designate in writing, are authorized to exercise the power and authority vested in the Attorney General of section 516(b) of The Airport and Airway Improvement Act of 1982 (96 Stat. 671, 692) with respect to approving the performance of acts and execution of instruments necessary to make the conveyance requested in carrying out the purposes of that section, except those acts and instruments which in the opinion of the Assistant Attorney General, involve questions of policy or for any other reason require the personal attention of the Attorney General.

Dated: October 1, 1984.

William French Smith,
Attorney General.

[FR Doc. 84-26798 Filed 10-10-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 330

Final Regulations for Controlling Certain Activities in Waters of the United States

Correction

In FR Doc. 84-26554 beginning on page 39478 in the issue of Friday, October 5, 1984, make the following corrections on page 39484:

§ 330.5 [Corrected]

1. In the second column, in § 330.5, the paragraph designation "(c)" should be inserted before the heading "Grandfathering" in the ninth line of the column.

2. In the same section, in the same column, in paragraph (c)(2), in the first line, "Permitting" should read "Permittees".

3. In the same column, in paragraphs (c)(2) and (c)(3), the phrase "on or before October 5, 1984" should have read "within 60 days of the effective date of this regulation" in both places it appears.

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL-2691-2]

Approval and Promulgation of State Implementation Plans; Wyoming

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: This notice approves a minor revision to the air pollution control requirements of the Wyoming State Implementation Plan (SIP) which was submitted by the State on August 30, 1984. This revision involves a requirement for significant new sources of lead to meet the ambient air quality standard for lead and satisfies all the requirements for a lead plan.

DATES: This action will be effective on December 10, 1984 unless notice is received by November 13, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: 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 offices:

Environmental Protection Agency,
Region VIII, Air Programs Branch,

1860 Lincoln Street, Denver, Colorado 80295

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

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

FOR FURTHER INFORMATION CONTACT:

Michael Owens, Air Programs Branch,
Environmental Protection Agency, 1860
Lincoln Street, Denver, Colorado 80295,
(303) 844-6131.

SUPPLEMENTARY INFORMATION: On

August 30, 1984, the State of Wyoming
submitted a SIP revision that involves a
requirement for significant new sources
of lead to meet the ambient air quality
standard for lead prior to receiving a
construction permit.

The main change in the Wyoming air
quality regulations insures that all new
sources that emit lead will be required
to predict the maximum air quality
impact and if necessary control the
emissions to insure the lead standard
will not be violated. This new
regulation, in combination with the lead
monitoring data showing no violations
of the standard, and the State's
certification that no major lead sources
exist or are planned to be built in
Wyoming, fulfills the requirements of a
lead SIP.

The public is advised that this action
will be effective December 10, 1984.
However, if we receive written notice by
November 13, 1984 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 this final action and another
will begin a new rulemaking by
announcing a proposal of this action and
establishing a comment period.

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

Under section 307(1) of the Clean Air
Act, petitions for review of this action
must be filed in the United States Court
of Appeals for the appropriate circuit by
December 10, 1984. This action may not
be challenged later in proceedings to
enforce its requirements (See 307(b)(2)).

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

This rulemaking is issued under the
authority of section 110 of the Clean Air
Act (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur
oxides, Nitrogen dioxide, Lead,

Particulate matter, Carbon monoxide,
Hydrocarbons.

Dated: October 3, 1984.

William D. Ruckelshaus,
Administrator.

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

PART 52—[AMENDED]

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

Subpart ZZ—Wyoming

1. In Section 52.2620 paragraph (c)(15)
is added as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) * * *

(15) On August 30, 1984, the State of
Wyoming submitted a plan revision for
lead.

[FR Doc. 84-26610 Filed 10-10-84; 8:45 am]

BILLING CODE 6560-50-M

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 150

**Public Safety Awards to Public Safety
Officers**

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule supplants an
existing rule on awards to public safety
officers to reflect organizational changes
resulting from the establishment of the
Federal Emergency Management
Agency and recent amendments to the
Federal Fire Prevention and Control Act.
The rule describes the nomination
criteria and the selection process for
public safety awards made by the
President and by the Director of the
Federal Emergency Management
Agency and the Attorney General.

EFFECTIVE DATE: November 13, 1984.

FOR FURTHER INFORMATION CONTACT:
Richard S. Buck (202) 287-0385, Office of
General Counsel, Federal Emergency
Management Agency.

SUPPLEMENTARY INFORMATION: Section
15 of the Federal Fire Prevention and
Control Act of 1974 (15 U.S.C. 2214) (the
Act or the Fire Act) establishes two
classes of honorary awards for the
recognition of outstanding and
distinguished service by public safety
officers. Public safety officers are
firefighters, law enforcement officers

and civil defense officers. These include
awards presented by the President for
Outstanding Public Safety Service and
awards presented either by the Director,
FEMA, or the Attorney General for
Distinguished Public Safety Service
(referred to in the Act as the Secretary's
Award).

Since adoption of the Act, there have
been a number of organizational
changes primarily resulting from the
establishment of the Federal Emergency
Management Agency (FEMA), to whom
functions under the Federal Fire
Prevention and Control Act and the
Federal Civil Defense Act have been
transferred or delegated. Further, the
Fire Act has been amended to delete the
Secretary of Defense from having
responsibilities under section 15 and the
public safety officer awards program.
This requires the revision of a regulation
previously issued by the Secretary of
Commerce (who was responsible for
firefighting awards) with the
concurrence of the Secretary of Defense
and the Attorney General (who were
responsible for civil defense and law
enforcement awards). Now the
firefighting and civil defense functions
are vested in or delegated to the
Director, FEMA. The Fire Act directs the
issuance of joint regulations. Although
the Attorney General had not reviewed
or concurred in the proposed rule
previously put out for comment, the
Attorney General has concurred in the
joint issuance of these regulations. No
comments were received following
publication of the proposed rule on
March 12, 1984 (49 FR 9239 *et seq.*).

These regulation changes are
basically procedural and organizational,
being caused by organizational
realignments which do not actually
affect the nomination process. This
regulation is procedural and is not
subject to requirements for
environmental assessments contained in
44 CFR Part 10. It is not a major Federal
action significantly affecting the quality
of the human environment. Therefore,
no environmental impact analyses have
been made. This rule is not a major rule
within the meaning of the term in
section 1(b), Executive Order 12291, nor,
since it involves awards to a limited
number of individuals, is it a rule which
has a significant economic impact on a
substantial number of small entities.
Hence, no regulatory analyses have
been prepared.

List of Subjects in 44 CFR Part 150

Civil defense, Decorations, Medals
and awards, Firefighters, Law
enforcement officers.

Accordingly, Part 150 of Title 44, Code of Federal Regulations is revised to read as follows:

PART 150—PUBLIC SAFETY AWARDS TO PUBLIC SAFETY OFFICERS

- Sec.
- 150.1 Background and purpose.
 - 150.2 Definitions.
 - 150.3 Nomination process.
 - 150.4 Nomination and selection criteria.
 - 150.5 Joint Public Safety Awards Board.
 - 150.6 Design and procurement of awards.
 - 150.7 Selection process.
 - 150.8 Presentation of awards.
 - 150.9 Funding.
 - 150.10 Date of submission of nominations.

Authority: Federal Fire Prevention and Control Act of 1974, sec. 15, 15 U.S.C. 2214; Reorg. Plan No. 3 of 1978, 3 CFR 1978 Compilation p. 329 and Executive Order 12127, dated March 31, 1979 3 CFR 1979 Compilation p. 376.

§ 150.1 Background and purpose.

The regulations in this part are issued under the authority of the Federal Fire Prevention and Control Act of 1974 (the Act), 15 U.S.C. 2201 *et seq.* The Act establishes two classes of honorary awards for public safety officers and directs the issuance of the necessary joint regulations by the Director of the Federal Emergency Management Agency (FEMA) and the Attorney General. The functions of the Secretary of Commerce were transferred by Reorganization Plan No. 3 of 1978 to the Director, FEMA. Since initial passage of the Act, civil defense functions which then were delegated to the Secretary of Defense have been delegated to the Director, FEMA. Section 15 of the Act has been amended to delete the Secretary of Defense from participating in the granting of awards. See Pub. L. No. 98-241, 98 Stat. 95, 96 (1984). The Director, FEMA, and the Attorney General are issuing this regulation to implement the statutory provisions for FEMA and the Department of Justice.

§ 150.2 Definitions.

"Civil defense officer" (or member of a recognized civil defense or emergency preparedness organization) means any individual who is assigned to and is performing the assigned tasks of the unit or organization which has been given a mission under the direction or operational control of a Civil Defense or Emergency Preparedness Director/Coordinator in accordance with a Federal, State or local emergency plan and sanctioned by the government concerned. This also includes emergency management officers. This includes volunteers and paid employees for any governmental entity.

"Distinguished Public Safety Service Award" means the "Secretary's Award for Distinguished Public Safety Service," presented by either the Attorney General or the Director of FEMA to public safety officers for distinguished service in the field of public safety.

"FEMA" means the Federal Emergency Management Agency.

"Firefighter" means a member, regardless of rank or duties, of any organization (including such Federal organizations) in any State consisting of personnel, apparatus, and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire. This term includes volunteer or paid employees. The location of any such organization may include, but is not limited to, a Federal installation, a State, city, town, borough, parish, county, fire district, rural fire district or other special district.

"Joint Board" means the Joint Public Safety Awards Board established by the Director of the Federal Emergency Management Agency and the Attorney General to carry out the purposes of the Federal Fire Prevention and Control Act of 1974.

"Law enforcement officer" means a person involved in the control or reduction of crime and juvenile delinquency or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and court officers, and Federal civilian officers in such capacities.

"Nominating official" means the head of a Federal government department or agency, or his delegatee(s), the governor or other head of a State, or the chief executive or executives of any general governmental unit within any State.

"President's Award" means the President's Award for Outstanding Public Safety Service, presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contributions to public safety.

"Public safety officer" means a person serving a public agency, with or without compensation, as a firefighter, a civil defense officer (or member of a recognized civil defense or emergency preparedness organization), or a law enforcement officer, including a corrections or court officer.

"State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and any other territory or possession of the United States.

§ 150.3 Nomination process.

(a) The Nominating Officials nominating Firefighters and Civil Defense Officers shall submit their nominations for the President's Award or Distinguished Public Safety Service Award to the Executive Secretary, Joint Public Safety Awards Board, National Emergency Training Center, Emmitsburg, MD 21727. Copies of all nominations shall also be forwarded, depending on the category of the nominee, as follows:

(1) Firefighter: FEMA, Attention: Superintendent, National Fire Academy, Emmitsburg, MD 21727.

(2) Civil defense officer (or member of a recognized civil defense or emergency preparedness organization): FEMA, Attention: Superintendent, Emergency Management Institute, Emmitsburg, MD 21727.

(b) The Nominating Officials nominating law enforcement, corrections or court officers shall submit their nominations for the President's Award or Distinguished Public Safety Service Awards to: Assistant Attorney General for Administration, U.S. Department of Justice, Washington, D.C. 20530.

(c) All nominations shall be submitted in writing in accordance with the requirements prescribed in this section and § 150.4 at the earliest practicable date after the performance of the act or acts for which the nomination is made. Nominations for each year shall be made before November 15; any received thereafter will be considered as having been made for the following year. However, for the year 1983, nominations may be made by November 15, 1984.

(d) Nominations for the President's Award or the Distinguished Public Safety Service Award should include the name of the candidate, his/her position, title and address, and public agency served, the locale where the candidate performs his/her duties, the name, address and telephone number of the nominating official, a summary describing the outstanding contribution, distinguished service or extraordinary valor, and the dates relating thereto. The description should be sufficiently concise and specific to justify the request for recognition of the public safety officer through the presentation of either of the awards. Copies of any published factual accounts of the nominee's accomplishment should also be attached when available.

(e) An annual invitation shall be issued by the Joint Board for nominations for the President's Award and, on behalf of the Attorney General and the Director of FEMA, for the

Distinguished Public Safety Service Award. The invitation shall be issued by letter or by notice in appropriate publications of interest to the public safety community. However, nominating officials need not wait for such invitation but may nominate at the most appropriate time in accordance with the other provisions of this part. Approved by the Office of Management and Budget under Control No. 3067-0150.

§ 150.4 Nomination and selection criteria.

(a) Nominations for the President's Award of the Distinguished Public Safety Service Award shall be made on the basis of, and in conformity with, the following uniform criteria.

(1) *President's Award.* Documentation accompanying the nomination for this Award must indicate not only that the nominee unquestionably meets the standards established for the Distinguished Public Safety Service Award (see paragraph (a)(2) of this section), but also deserves greater public recognition because he/she has demonstrated unique qualities of courage, imagination or ability, which have resulted in outstanding contributions to the public safety.

(2) *Distinguished Public Safety Service Award.* Nomination for this award shall clearly show that the public safety officer's qualifying service or act is marked by courage, imagination or ability or has resulted in a significant contribution to the public safety accomplished through an originality of effort which far exceeds the expected quality of performance of the normal duties assigned to the nominee.

(b) A nomination shall specify whether it is being submitted for the President's Award or the Distinguished Public Safety Award.

§ 150.5 Joint Public Safety Awards Board.

(a) A Joint Public Safety Awards Board (Joint Board) is hereby established to fulfill the responsibilities of the Director of FEMA and the Attorney General by administering the process of nomination for the President's Award and by participating in the selection process with the Executive Office of the President. The Joint Board shall consist of ten representatives who are Federal employees and are of appropriate rank (at or equivalent to grades GM-14 or above). Five persons shall be named by and represent the Director of FEMA, and five persons shall be named by and represent the Attorney General. The representatives serving on the Joint Board shall select one of their number to act as the chairperson.

(b) Representatives on the Joint Board shall serve in addition to their regular duties and without additional compensation. Consistent with the requirements of this part, the members of the Joint Board shall establish the procedures by which the selections for the President's Award shall be made to assure the timely presentation of these awards.

(c) A National Emergency Training Center employee shall act as Executive Secretary of the Joint Board. The Executive Secretary shall perform such functions as are appropriate to the Board's responsibilities, including the receipt of all nominations and the communication of nomination information, for the purpose of receiving comments thereon, from members of the public safety community pursuant to § 150.5(e). The Executive Secretary shall be appointed by the Associate Director, Training and Fire Programs of FEMA.

(d) The Joint Board shall review the nominations for the President's Award and shall recommend to the Director, FEMA, and the Attorney General by February 1 of each year, those nominees determined by it to merit consideration for the President's Award together with reasons therefor. The Director and the Attorney General shall then recommend to the President those nominees determined by them to merit the President's Award, together with the reasons therefor. Recommendations for 1983 shall be submitted on or before December 14, 1984.

(e) The Joint Board may request that persons representing a cross-section of the national public safety community comment upon nominations made to the Board for the President's Award. Both the request for comments and the comments themselves shall be made in writing.

§ 150.6 Design and procurement of awards.

(a) The Joint Board shall consult with the Department of the Treasury and the Executive Office of the President in regard to the design and procurement of the appropriate citations and medal for the President's Award in accordance with applicable laws and regulations.

(b) Insofar as practicable, the designs for Distinguished Public Safety Service Awards of FEMA and the Department of Justice shall be coordinate so as to avoid distinctly different recognition of the various public safety officers.

§ 150.7 Selection process.

(a) *President's Award.* Nominations for the President's Award shall be reviewed, and winners selected by the President (or his designee) in

accordance with the requirements of § 150.3, the criteria in § 150.4(a)(1), and the procedures of § 150.5.

(b) *Distinguished Public Safety Service Award.* Upon receipt of nominations for this Award, the Director of FEMA or the Attorney General shall cause an evaluation and selection of the nominees to be made in accordance with the requirements of § 150.3 and the criteria prescribed in § 150.4(a)(2). In reviewing nominations, the Attorney General or the Director of FEMA may request that persons representing the relevant segment of the national public safety community comment upon the nomination and accompanying documentation. Both the request for comments and the comments themselves shall be made in writing.

(c) Individuals nominated for the President's Award who are considered not to meet the criteria for the Award by the Joint Board or who are not recommended to or selected by the President shall be automatically considered by the appropriate authority for nomination for the Distinguished Public Safety Service Award.

(d) Individuals nominated for the Distinguished Public Safety Service Award may be considered by the Joint Board for the President's Award if the Director of FEMA or the Attorney General determines that consideration for the President's Award is merited.

§ 150.8 Presentation of awards.

(a) Presentation of the President's Award shall be made at such time, place and circumstances as the Executive Office of the President directs. There shall not be more than twelve President's Awards given out during any calendar year.

(b) Presentation of the Distinguished Public Safety Service Award shall be made by the Attorney General or the Director of FEMA or a designee at such time, place and circumstances as the Director of FEMA or the Attorney General determines. There is no limit on the number of these awards made during any calendar year.

§ 150.9 Funding.

(a) *President's Award.* The costs involved in designing and striking the medal to be presented in conjunction with the President's Award shall be prorated among the agencies concerned. The cost of producing the medal and printing the certificate shall be borne by FEMA if the recipient is a firefighter or a civil defense officer. If the award recipient is a law enforcement officer, then such cost shall be borne by the Department of Justice.

(b) Distinguished Public Safety Service Award. All expenses in connection with this Award shall be borne by the appropriate Agency.

§ 150.10 Date of submission of nominations.

Nominations may only be submitted for acts, services, or contributions occurring within two years preceding the November 15 cutoff date described in § 150.3(b), above. However, for nominations submitted in 1984 prior to the cutoff date, nominations may be made for acts, services or contributions occurring on or after October 29, 1972 (two years before the effective date of the Act).

Dated: October 2, 1984.

William French Smith,
Attorney General.

Dated: October 3, 1984.

Louis O. Giuffrida,
Director.

[FR Doc. 84-26784 Filed 10-10-84; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 381

Cargo Preference; U.S. Flag Vessels

AGENCY: Maritime Administration,
Department of Transportation.

ACTION: Final rule.

SUMMARY: The Maritime Administration (MARAD) is issuing this final rule setting forth procedures governing the evaluation by U.S. departments or agencies ("the agencies") of bids from subsidized U.S.-flag bulk vessel operators for the carriage of dry bulk preference cargoes. The procedures require that operating differential subsidies (ODS) received by operators of vessels carrying dry bulk preference cargoes be considered a cost to the government for the carriage of such cargoes and be considered in the calculation of fair and reasonable rates for such carriage. MARAD's intent in establishing these regulations is to ensure equitable competition between subsidized and unsubsidized operators of dry bulk preference cargoes and the carriage of these cargoes at the lowest direct cost per ton to the government.

DATE: This rule is effective October 11, 1984.

FOR FURTHER INFORMATION CONTACT: Frederick R. Larson, Director, Office of Ship Operating Costs, Maritime Administration, Washington, D.C. 20590, Telephone: (202) 382-6036.

SUPPLEMENTARY INFORMATION:

a. Background

On January 19, 1984, MARAD issued an interim final rule and request for public comments concerning procedures governing the evaluation by Federal agencies of bids from subsidized U.S.-flag bulk vessel operators for the carriage of dry bulk preference cargoes. In particular, the public was requested to comment on the issue of whether MARAD should require an agency to consider the total cost to the government when bids are evaluated for the carriage of dry bulk preference cargoes by subsidized and unsubsidized bulk vessel operators.

Extensive information concerning the background of this rulemaking is to be found in the preamble to the interim final rule published in the *Federal Register* on January 24, 1984 (49 FR 2897), and in *Aeron Marine Shipping Co., et al., Final Opinion and Order, Docket No. A-132 (MSB, December 22, 1983)* and the *Tentative Order on Remand* of the same case (MSB, August 25, 1983), all of which are available from MARAD upon request. In the interest of brevity, this information is not repeated here.

On June 8, 1984, the United States District Court for the District of Columbia in *American Maritime Association v. United States of America*, C.A. No. 84-249, an action challenging, *inter alia*, the validity of the interim final rule, issued an order declaring that the Final Order and the interim final rule "were premised upon the incorrect assumption that the District Court opinion in *Aeron Marine Shipping Co. v. United States*, 525 F. Supp. 527 (D.D.C. 1981) and the Court of Appeals decision . . . [in that case] precluded [MARAD] from reopening the finding of inadequacy of service in the foreign preference cargo trades, pursuant to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1176) . . ."

Accordingly, the court vacated "so much of the Final Order and the interim final rule that concludes that MARAD has no authority to reopen its prior section 605(c) finding and remanded the matter for consideration of whether Congress intended a section 605(c) finding to be final or subject to subsequent modification. The court also ordered that the defendant's subsidized vessels remain eligible in the cargo preference trade under the conditions prescribed in the interim final rule, unless and until MARAD issues a new and properly promulgated rule superseding the interim final rule. Consistent with the court's order, the

defendant's subsidized companies will remain eligible to carry cargo preference under this final rule, at least until MARAD resolves the remanded issue. The court issued no stay on the promulgation on this final rule.

The issue of whether Congress intended a section 605(c) finding to be subject to subsequent modification is separate from the issues addressed in the interim final rule. The section 605(c) issue addresses only the questions of whether existing U.S. flag service in the relevant trade is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in the trade. On the other hand, the final rule addresses only procedures for evaluating the competing bids of subsidized and unsubsidized vessel operators. The procedures of the rule will apply to any subsidized vessel operators admitted to the dry bulk cargo preference trade and are not limited in their application to any particular vessels. Thus, the final rule may be promulgated without there being a resolution of the section 605(c) remand issue. MARAD is currently in the process of resolving the section 605(c) issue in another proceeding.

b. The Interim Final Rule

The interim final rule provided a five-step procedure for determining which U.S.-flag bidder should be selected to carry dry bulk preference cargo whenever a subsidized operator is the apparent low responsive bidder for the contract.

Under the interim rule, the agency first requests from MARAD a figure for the ODS to be paid for the proposed voyage for each of the subsidized operators who bid for the contract. Second, the agency adds this ODS figure to the initial bid of each of the subsidized operators, resulting in an "augmented bid." Third, the agency compares the augmented bids for the subsidized operators to the initial bids of the unsubsidized operators. Fourth, the agency selects an operator based on the lowest responsive bid, whether that low bid is an augmented bid of a subsidized operator for the bid of an unsubsidized operator. Fifth, the agency requests from MARAD a "fair and reasonable" guideline rate for the low bidder, and compares the rate to the unaugmented bid of the subsidized carrier or the bid of the unsubsidized carrier, as the case may be. The bidder selected is the lowest bidder whose bid is equal to or less than the guideline rate.

c. Comments on the Interim Final Rule

Seven comments were received on the rule. One commenter alleged that the interim final rule is arbitrary and capricious because it is (1) based upon an invalid assumption; (2) contrary to the decision in *Aeron Marine Shipping Co. v. United States*, 695 F.2d 567, (D.C. Cir. 1982), and the purposes and policy of the Merchant Marine Act, 1936, as amended (the Act); (3) in conflict with the Final Opinion and Order in MARAD's Docket No. A-132; and (4) in conflict with certain regulations of the United States Department of Agriculture (USDA). These objections are discussed in sequence below.

The commenter argued that the rule was based on the invalid assumption that the subsidized operator would not receive ODS if its bids were unsuccessful, thereby saving the government the ODS amount. The commenter stated that ODS cannot be considered a cost of carrying the preference cargo, because ODS would be paid to the subsidized operator whether preference cargo or commercial cargo were carried.

Contrary to that commenter's assertion, the rule was not based on the alleged assumption. The purpose of this rule is to ensure equitable competition between subsidized and unsubsidized carriage of dry bulk preference cargoes and to enable the government to obtain the carriage of such preference cargoes at the lowest cost per ton. The rule is not intended to achieve a reduction in the overall ODS budget. ODS is intended to provide support of U.S.-flag vessels in the foreign commerce of the United States in accordance with the Act and ODS agreements covering bulk cargo vessels. The fact that ODS would be paid to a subsidized operator if that operator were otherwise in the non-preference cargo trade is in accordance with the legitimate purposes of the ODS program and has no bearing on the purposes of this rule.

The commenter next argued that the interim final rule is contrary to the Court of Appeals' decision in *Aeron Marine Shipping, supra*, and the intent of Congress in amending the Act in 1970. According to this commenter, Congress intended subsidized operators to have the advantage of ODS to allow them to carry preference cargoes at rates much lower than the premium rates of unsubsidized operators. This commenter argues that the interim rule treats subsidized vessels as unsubsidized vessels and would perpetuate the premium rates Congress sought to eliminate. In this same vein, albeit from an opposite perspective, another

commenter argued that Congress intended "fair and reasonable rates" for subsidized operators in the dry bulk preference trades to be set at world rates or rates approaching world rates, and argued that compensation for subsidized vessels should not include a profit. This commenter objected that the interim rule would permit subsidized operators to set their rates too close to premium rates. MARAD believes that both commenters have misstated the intent of Congress in this respect.

As discussed previously in the recent Tentative and Final Orders, the Court of Appeals held that Congress intended that subsidized bulk vessels would "eventually" carry preference cargoes at world rates, phasing out the costly premium rate system in the process, thereby saving the government substantial funds, as well as ensuring the construction of modern bulk vessels. *Aeron Marine Shipping*, at 570 and 578-579. The Court of Appeals found that world rates were too low to attract the participation of subsidized vessels in the bulk preference trade. With regard to setting a new rate, the Court directed that:

Given the tension between Congress' dual objectives to have subsidized ships carry preference cargoes and have subsidized ships carry those cargoes at world rates, the Subsidy Board must strike a balance between the conflicting goals. It must seek to have subsidized ships carry preference cargoes at rates that, so far as practicable, approach world rates. But it must also permit rates high enough to provide reasonable incentives for subsidized operators to carry those cargoes.

To accomplish the "dual objectives" of Congress, the rule requires that subsidized bulk vessel operators demonstrate, by use of the augmentation procedure, that they are in fact providing one of the benefits Congress intended: a lower cost to the Government than the premium rate charged by the unsubsidized operator. At the same time, the rule provides a reasonable incentive for subsidized bulk vessel operators to carry preference cargoes by permitting them to charge a rate that includes a reasonable profit. These points are discussed below.

1. The Augmentation Procedure

It is evident from the decision of the Court of Appeals that Congress did not intend subsidized vessels to take over the preference trade unless they could do so at cost to the government below premium rates, and as close to world rates as practicable. In determining the cost of carriage by a subsidized operator, it would be pointless to omit the amount of subsidy received by the operator for the voyage. There would be

no reason to prefer the subsidized vessels over unsubsidized vessels if the bid of the subsidized vessels (and thus the cost to the government) exceeded the premium rate of the unsubsidized bidder.

By adding the amount of ODS that would be received for the carriage of preference cargo to a subsidized operator's bid, the agency can ensure that the subsidized operator (if the low bidder) is charging the government less than its unsubsidized competitors, which have historically charged a high premium rate. Furthermore, the augmentation procedure will prevent a subsidized operator from winning a contract by bidding just a few cents below the premium rate and receiving the full amount of its bid plus ODS. Permitting a subsidized operator to win a contract with such a high bid would not achieve the Congressional purpose. Finally, by encouraging competitive bidding between all operators, the rule should further decrease shipping costs for the benefit of the government and the public.

Preference cargo should be carried by the bidder with the lowest direct cost to the Government, whether or not the operator is a recipient of subsidy. If an unsubsidized vessel is more efficient and can carry the cargo closer to the world rate than the subsidized vessel, the public interest requires the selection of the unsubsidized vessel. Congress did not intend subsidized vessels to be granted an unfettered right to dominate the preference trade. The additional competition resulting from the entry into the trade of more modern subsidized vessels at fair and reasonable cost-based rates achieves the objectives of Congress in 1970 to reduce premium rates and is consistent with the holding of the Court of Appeals.

2. "Fair and Reasonable" Rates

With regard the questions on what constitutes "fair and reasonable rates" and whether the subsidized operator's compensation should include a profit, the Court of Appeals directed MARAD to consider whether the world rate it had previously selected would permit the subsidized operator: (1) to cover its costs without a return on capital; or (2) to earn a profit. *Aeron Marine Shipping, supra*, at 581. If a reasonable profit would not be earned, MARAD was required to explain why the rate was, nonetheless, "fair and reasonable" in light of standards set for rates for United States-flag commercial vessels.

The previous rate methodology established by MARAD for *Aeron Marine* had not attracted subsidized

vessels into the preference trade.

Whether a subsidized operator can earn a reasonable profit under a rate depends on the level of world rates. They were depressed before and at the time the previous rate methodology was established. They continue to be so. Accordingly, MARAD could not now say with any certainty that the rate methodology originally established would satisfy the requirements of the Court of Appeals. In light of this, MARAD concluded that the most reasonable alternative was to allow subsidized operators to compete for carriage of preference cargo predicated on cost-based rates but to allow carriage without regard for ODS. The rates actually charged by the subsidized operators would be less than the premium rates ordinarily charged by unsubsidized U.S. vessels, since they would not include the costs reimbursed by ODS.

The final rule leaves intact the method for calculating a fair and reasonable guideline rate that was set forth in MARAD's Tentative Order (at p. 15). The method provides that a subsidized operator, if it is successful in the bidding, can receive a reasonable profit, based on its actual costs, which costs do not include amounts reimbursed by ODS. Such an approach is in compliance with the mandate of the Court of Appeals since it would allow subsidized vessels to earn a reasonable profit and provide, therefore, sufficient incentive to attract those vessels into the preference trade.

The commenter's third objection was that it believed the rule is inconsistent with the recent Final Opinion and Order in Docket No. A-132. That Order provides, among other things, that when the annual gross freight revenue from the carriage of preference cargo exceeds 50 percent of a subsidized operator's total annual freight revenues, ODS is reduced according to the formula set forth in that Order. The commenter argued that the interim final rule, however, made no allowance for the abated subsidy when the subsidy amount was added as an augmentation to the subsidized operator's bid. It alleged that since the abatement comes at a later time, it is unlikely that either the operator or the government will know at the time the operator makes the bid what percent of its annual freight revenues will be derived from preference cargoes. Finally, the commenter argued that the abatement mechanism is wholly unwarranted in light of the decision of the Court of Appeals.

The court in *Aeron Marine Shipping*, n. 36 at 579, specifically did not reach this issue. It is, nonetheless, clear that just as the abatement mechanism properly applied to the subsidized operations of liner vessels engaged in the carriage of preference cargo, the same mechanism properly applies to the subsidized operations of dry bulk vessels. *States Marine International, Inc. v. Peterson*, 518 F.2d 1070 (D.C. Cir. 1975). Approval of an ODS contract and continued payment of subsidy under the contract in each case requires a determination that the subsidy is required to meet substantial foreign-flag competition. The abatement mechanism is designed to ensure that the subsidy meets that purpose but is not excessive.

MARAD acknowledges that in most instances neither the subsidized operator nor MARAD is able to decide at the time of bidding whether the bid will be subject to the abatement mechanism, and if so, to what extent. It is noted that the subsidized operator nonetheless receives full ODS for the preference voyage and any abatement occurs in the next year at the earliest. Therefore, in consideration of fairness to subsidized operators, MARAD will review the gross freight revenues received by them for the carriage of preference and nonpreference cargoes after the close of the year such cargoes were carried. In the event the subsidized operator earned more than 50 percent of its annual gross freight revenue from the carriage of preference cargo in the prior calendar year, necessitating the abatement of subsidy, MARAD will adjust the amount of subsidy used to augment bids for voyages in the following year, as appropriate.

The commenter also argued that the interim final rule is inconsistent with USDA's regulation which provides that the ocean freight rate eligible for financing by the Commodity Credit Corporation shall not, in the case of certain commodities carried on liners, dry bulk carriers, or tankers, exceed "the market rate . . . but in any event not in excess of rates charged other shippers . . . for like commodities on the voyage concerned." There is no conflict with USDA's regulation. The rate charged by a subsidized vessel operator under MARAD's regulation will be the same to the government as to other shippers since the rate charged does not include ODS. To the extent of any conflict between MARAD's regulations and USDA's regulations, and none is apparent, MARAD's regulations supersede those of USDA because of MARAD's authority, under section 901(b)(2) of the Cargo Preference Act of

1954 (46 U.S.C. 1241(b)), to promulgate procedures governing the administration of programs and issuance of regulations by every department or agency with responsibilities under that Act.

Finally, this commenter argued that ODS should not be added to the bids of subsidized operators any more than should other government obligations that are incurred, regardless of the type of cargo that is carried. To illustrate this point, the commenter cited such "costs" to the government as construction-differential subsidy (CDS), government advances for debt service, and income tax lost when certain ships are rebuilt abroad. In this regard, it should be noted that two other commenters stated that the augmented bid should include a CDS factor for those bidders whose vessels were constructed with CDS.

The rule deals with the equitable treatment of subsidized and unsubsidized vessels based on direct costs incurred by the government for the carriage of preference cargo. ODS is a cost which is directly related to the carriage of preference cargo. The other costs mentioned by the commenters are not costs for the carriage of cargo on any specific voyage. They are costs incurred for other purposes. Therefore, these other costs would not be relevant in the evaluation of bids from subsidized or unsubsidized operators for the carriage of preference cargoes.

CDS cannot be construed as a cost to the government for the carriage of preference cargo since it was a prior payment made to or for the benefit of U.S. shipyards, for the express purpose of providing additional American-built tonnage for the U.S.-flag fleet and is not an ongoing expense of the government related to the carriage of preference cargo. Furthermore, operators whose vessels were built in foreign countries under section 615 of the Act, with equal or lower capital costs than U.S.-built vessels, are eligible to compete for preference cargoes. A CDS factor, added to the augmented bid, would disadvantage subsidized operators vis-a-vis section 615 vessel operators in the competition for preference cargoes.

Similarly, advances of debt service and income tax lost when vessels are built or rebuilt abroad are not costs for the carriage of cargo. When the government undertakes to advance funds for the payment of an operator's debts, such funds, must be repaid and are not a cost to the government. The question of taxes lost due to foreign vessel construction could not, under any circumstances, be estimated with confident accuracy. Moreover, through foreign construction, new U.S.-flag

vessels provide offsetting benefits to the government including the employment of additional U.S. merchant seamen and an expanded U.S. fleet participating in the foreign commerce of the United States.

Three other commenters raised the possibility that there would be inconsistencies in implementation of the interim final rule by USDA since USDA's budget is not affected by the ODS paid to subsidized operators. Specifically, the commenters suggested that, if the subsidized operator's unaugmented bid is lower than an unsubsidized operator's bid, it is in USDA's parochial interest to award the contract to the subsidized operator, regardless of the costs to the government as a whole, including ODS. These commenters assert that USDA has negotiated lower rates with the subsidized operators in an effort to direct the cargo to those operators. The commenters alleged that USDA has changed the terms of the tenders (particularly the amount of cargo to be shipped); has allowed subsidized operators to negotiate a lower bid based on the changed terms; has not presented the same opportunity to unsubsidized operators; and has rejected supplemental bids submitted by unsubsidized operators. Since the amount of ODS per ton varies with the amount of cargo carried, an incorrect evaluation of bids could occur if the ODS amount is not adjusted accordingly.

In consideration of these comments (and without in any manner suggesting any prior impropriety), MARAD is modifying the rule to assure that it is applied in a manner that is equitable to both subsidized and unsubsidized operators: (1) MARAD will be advised of the actual amount of cargo tonnage used by the agency to compare bids for a preference voyage and if the amount of cargo to be shipped is changed at any time prior to award, the agency must request that MARAD provide new ODS amounts applicable to the carriage and the agency shall redetermine the augmented bids before determining the apparent low bidder; and (2) the agency, or its contractors, may not unfairly favor either a subsidized or unsubsidized operator in any negotiations.

In this connection, it should be noted that MARAD does not object if the agencies wish to negotiate with the low bidder to further reduce its bid. MARAD would consider negotiating with higher bidders an example of unfair favoritism. However, if the low responsive bidder will not carry the cargo at or below the guideline rate, the agency may disqualify that bidder and negotiate

with the next lowest bidder or resolicit bids. This is consistent with fair procurement practices for competitive biddings.

A commenter suggested that the ODS computed by MARAD for evaluation purposes should be the "operating subsidy that will be paid for that voyage regardless of the actual number of voyage days or expenses." In other words, the ODS computation should be, according to the commenter, based on the most extreme circumstances for maximizing the subsidy calculation. This would not be appropriate since such calculation would have no basis in expected reality. The ODS computed is a *pro forma* estimate reflecting reasonable voyage charter terms and other relevant terms. To calculate the subsidy as the commenter suggests would needlessly disadvantage subsidized bidders.

The same commenter also suggested that the ODS amount computed by MARAD be made available to all bidders before completion of the award process. MARAD is not adopting this suggestion because the bids are confidential, and there is no good reason why the ODS amount, which in the case of a subsidized operator is an integral part of the sealed bid process, should be made public prior to award. The disclosure of the ODS amount could unfairly interfere with the bid process. It should be noted that, after the award process is completed, MARAD will, on request, make the ODS amount used in the evaluation available to interested parties.

Two commenters encouraged MARAD to expand the coverage of the interim final rule to include subsidized liner vessels engaging in the carriage of preference cargo. One of these commenters was specifically concerned with subsidized liner vessels carrying bulk commodities while the other advocated the use of an augmented bid procedure to be applied to all preference cargoes carried by subsidized liner vessels. Presently, subsidized liner vessels do not receive ODS for the carriage of full shipload lots of preference cargoes, thus making the bid augmentation procedure unnecessary for that carriage. However, subsidized liner vessels do receive ODS for the carriage of parcel lots of preference cargoes. MARAD is considering the possibility of a separate rulemaking applicable to the carriage of preference cargo by these subsidized liner vessels, with opportunity for public comment.

d. Combined Bids

During the implementation of the interim final rule, one problem that has

been encountered is the submission of a combined bid for two vessels, one subsidized and one unsubsidized, at a single rate. The submission of such bids is inappropriate since it could result in a subsidy amount being added to a bid for a vessel that is unsubsidized. Furthermore, even if both vessels in question were subsidized, it would not be possible to derive a single "augmented bid" since the subsidy amount generally varies for each vessel. To provide a fair evaluation of bids under the rule, MARAD is clarifying the rule to provide that a bid, whether submitted for a subsidized or unsubsidized vessel, must apply only to that vessel. Combined bids submitted for more than one vessel will not be considered. This will not represent a substantial change from current practice before USDA.

e. Executive Order 12291, Statutory, and DOT Requirements

One commenter stated that the interim final rule violated Executive Order (EO) 12291 and DOT's regulatory policies and procedures. In its view, the rule should be classified as major under the criteria of EO 12291 in that it will have "an annual effect on the economy of \$100 million or more" or will have "significant adverse effects on competition, employment, investment, . . . or on the ability of United States-based enterprises to compete with foreign-based enterprises" as stated in EO 12291. The commenter stated that classification as a major rule required MARAD to conduct a regulatory impact analysis to ascertain information concerning the need for and consequences of the rule, the condition of the industry affected, and whether the rule will result in the lowest costs to the government. The analysis is also claimed to be necessary to determine whether the conclusions upon which the rule is based have substantial support in the agency record with full attention to comments received. The commenter further contended that, since the rule affects a substantial number of small entities, the Regulatory Flexibility Act is applicable.

The commenter, in making its claim that the rule would have a \$100 million plus annual effect on the economy, envisioned that unsubsidized operators would be unable to operate in the preference trades which would result in Title XI defaults, loss of maritime-related jobs and vessel scrappings. In fact, the intent of the rule is to ensure equitable competition between subsidized and unsubsidized vessel operators thus eliminating, to the extent

possible, the adverse effects on the economy and competition that the commenter envisioned. Consequently, MARAD does not believe that this final rule will have an annual effect on the economy of \$100 million or more, nor that it will have an adverse effect on competition, employment, and investment.

Therefore, this final rule is considered to be non-major under Executive Order 12291 and significant under DOT's regulatory policies and procedures (44 FR 11034; February 26, 1979). The final rule is significant because it is of substantial interest to certain other governmental agencies and to the maritime industry since the shipment of preference cargoes represents a major source of business for that industry.

In order to conduct further economic analysis, MARAD would need information on the economic impact of such variables as the number of subsidized and unsubsidized vessels that would actually compete, the particular preference trade involved, the number of voyages made, the efficiencies of the vessels, and the amount of cargo. Despite our request, no comments were received from the public with regard to the impact of these variables. The information needed is not historical in nature, and it is not possible for MARAD to predict which operators and agencies would benefit since the rule is dependent on competition through the bidding process. Although no comments specifically addressed the economic impact of the variables, the comments that were received on the Tentative Order and on the interim final rule have been carefully considered and constitute the basis for the revisions made in the promulgation of this final rule. However, although MARAD does not have complete information on the economic impact of the rule, it believes that the impact will be minimal and that a full regulatory evaluation is not necessary.

Finally, MARAD sees no evidence that this rule affects a substantial number of small entities pursuant to the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), since the rule will affect only large ship operators which do not meet the criteria for small business in the Small Business Administration regulations (13 CFR Part 121). The Maritime Administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 46 CFR Part 381

Freight, Maritime carriers, Reporting requirements

PART 381—[AMENDED]

Accordingly, 46 CFR Part 381 is amended by adding a new § 381.8 to read as follows:

381.8 Subsidized Bulk Cargo Vessel Participation.

(a) For the purpose of approving subsidized U.S.-flag bulk cargo vessels competing for the carriage of dry bulk preference cargoes, each department or agency having responsibility under the Cargo Preference Act of 1954 (46 U.S.C. 1241(b)), shall evaluate bids received from such vessels in the manner described in this section.

(b) When a subsidized bulk cargo vessel operator is the apparent low U.S.-flag responsive bidder for a dry bulk preference cargo, the responsible department or agency shall evaluate the subsidized operator's bid by (1) requesting from MARAD an amount for the operating-differential subsidy (ODS) likely to be paid for the carriage of such cargo expressed as a cost per ton for performing the voyage by the apparent low responsive subsidized bidder and any other responsive subsidized bidders; (2) deriving "augmented bids" for the subsidized operators by adding the ODS amount to each subsidized operator's bid; (3) comparing the augmented bids of the subsidized operators and the bids of unsubsidized operators to determine the apparent low responsive bidder; (4) requesting from MARAD a fair and reasonable guideline rate for the apparent low responsive bidder which shall be based on MARAD's calculation of the anticipated costs (less ODS in the case of a subsidized vessel) for the voyage plus a reasonable amount for profit for the voyage; and (5) determining whether the subsidized operator's unaugmented bid or the unsubsidized operator's bid, whichever was determined to be the lowest responsive bid, is at or below the guideline rate. The contract shall be awarded to the low responsive bidder provided its bid is at or below the guideline rate. If the low responsive bidder will not carry the cargo at or below the guideline rate, the department or agency may disqualify that bidder and negotiate with the next lowest bidder or resolicit bids. The Department or agency or any of their contractors may only negotiate with the actual low bidder and may not unfairly favor either a subsidized or unsubsidized operator in any negotiations.

(c) If the amount of cargo to be shipped is changed at any time prior to award, the department or agency shall request that MARAD provide new ODS amounts applicable to the carriage and

that department or agency shall redetermine the augmented bids, before determining the lowest responsive bid and requesting from MARAD a revised guideline rate in accordance with the provisions of paragraph (b) above.

(d) Whenever a bid is submitted for a bulk cargo vessel for the transportation of dry bulk preference cargo, the responsible department or agency shall only approve bids that apply to an individual vessel, and may not accept combined bids submitted for more than one vessel.

(e) The requirements of this section shall apply only to those departments or agencies that directly pay or finance all or part of U.S.-flag ocean freight transportation costs for the carriage of dry bulk preference cargoes, in accordance with this part. The requirements of this section shall not apply to departments or agencies that provide foreign aid by direct cash transfer payments unless specific agreements between the departments or agencies and the recipient country concerning the expenditure of such funds provide for U.S.-flag vessels.

(Sec. 204(b), 901(b)(2), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)(2)); Pub. L. 97-31 (August 6, 1981))

By order of the Maritime Administrator.

Dated: October 5, 1984.

Georgia P. Stamas,

Secretary, Maritime Administration.

[FR Doc. 84-26850 Filed 10-10-84; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Civil Procedures; Permit Sanctions and Denials; Correction

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

ACTION: Interim rule; correction.

SUMMARY: This document corrects a typographical error contained in an interim rule consolidating NOAA's procedural regulations for sanctioning permits issued under many of the statutes for which it has enforcement responsibility. The rule was published in the Federal Register of Friday, January 6, 1984 (49 FR 1037).

FOR FURTHER INFORMATION CONTACT: Linda Marks, (202) 254-8350, NOAA Office of General Counsel, Room 533,

Page 2 Building, 3300 Whitehaven Street,
NW., Washington, D.C. 20235.

Dated: October 5, 1984.

William G. Gordon,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

PART 2—[CORRECTED]

The following correction is made in
FR Doc. 84-14 appearing on 1037 in the
issue of January 6, 1984:

1. On page 1043, column one, item 23.
"§ 285.22" is corrected to read
"§ 285.28"

[FR Doc. 84-26838 Filed 10-10-84; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 49, No. 198

Thursday, October 11, 1984

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 84-051]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would update the present regulations by correcting the name of the official laboratory responsible for preparation of testing aids and for conducting official tests from Veterinary Services Laboratories to National Veterinary Services Laboratories. This proposed rule would also improve the precision of test report results by licensees, permittees and National Veterinary Services Laboratories by establishing the use of test code numbers. Obsolete references in the present regulations to sample selection by persons under contract with the Department would be deleted. The number of samples specified in the regulations for submission to National Veterinary Services Laboratories would be adjusted to meet current needs. This would result in an overall reduction in the number of samples required for testing. The current requirement that selection of reserve samples be only from finished product would be deleted. This would permit selection of final container samples of completed product for this purpose. These proposed changes would update these regulations to reflect current program procedures and needs.

DATE: Comments must be received on or before December 10, 1984.

ADDRESSES: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Thomas O. Gessel,

Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. David F. Long, Chief Staff Veterinarian, Veterinary Biologics Staff, VS, APHIS, USDA, Room 834, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8674.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this proposed rulemaking have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned the OMB control number 0579-0059.

Executive Order 12291

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 to implement Executive Order 12291 and has been classified as a "Nonmajor Rule."

The proposed rule would not have a significant effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets. These revisions would reduce regulatory requirements.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not result in an adverse economic impact on a substantial number of small entities. Small entities are defined as independently owned firms not dominant in the field of veterinary biologics manufacturing. This action would delete obsolete references, would permit use of more precise methods for

reporting test results for serial release, and would permit less restrictive selection of reserve samples.

Background

Standard Requirements consist of test methods, procedures, and criteria established by Veterinary Services for evaluating veterinary biological products for purity, safety, potency, and efficacy.

In order to ensure that consistent and reproducible test results are obtained, the Standard Requirements contain provisions for testing aids. Procedures and requirements for selection and submission of samples for testing at National Veterinary Services Laboratories to confirm results obtained by licensees and permittees are also prescribed.

In 1977, the name of Veterinary Services Laboratories was changed to National Veterinary Services Laboratories. This proposed rule would update 9 CFR 113.2 and 113.3 to specify the new name.

During the period from January 1, 1972, to July 1, 1980, all samples for tests conducted at National Veterinary Services Laboratories were selected and authenticated either by employees of the Department or by persons under contract with the Department. This procedure was changed in July 1980, to discontinue the regular use of Department employees and to eliminate all contractual agreements for this purpose. This proposed rule would delete the obsolete references to contractors in 9 CFR 103.3 (a) and (c).

Revision of test methods and assignments in National Veterinary Services Laboratories have resulted in changes in the number of samples needed to conduct tests to confirm the results reported by licensees and permittees. This proposed revision of 9 CFR 103.3 would provide for the correct number of test samples required. There would be an overall reduction in the number of samples required, resulting in savings to the producers and to the Department.

Certain tests conducted in support of requests for release of serials or subserials contain provisions for optional or required variations in methods. Examples are stated in 9 CFR 113.26(a)(3) and 9 CFR 113.33(b)(1). In order to be more precise in reporting test results, Veterinary Services has devised

a series of test code numbers. These numbers are designed to be specific for each test, whether prescribed in Standard Requirements or filed Outlines of Production, and are correlated with 9 CFR references describing the criteria for each test. These test code numbers have been used to supplement the Standard Requirement test references in reports of National Veterinary Services Laboratories test results. In order to make this information available to the public, this proposed revision would add a definition of test code numbers to 9 CFR 113.2. This would also have the effect of establishing a uniform, simplified, and precise format for licensees or permittees to use in reporting test results as required in 9 CFR 113.5(e) and 116.7.

Currently, the requirements in 9 CFR 113.3(a)(1) permit selection of samples of each serial or subserial for submission to Veterinary Services before labeling and packaging. The reserve samples specified in 9 CFR 113.3(c) are required to be selected after labeling and packaging. This special requirement for reserve samples frequently entails a second sampling effort for each serial and subserial. The only advantage in obtaining finished product for retention is to identify the labeling used on the serial or subserial. This is not considered sufficient justification for the extra effort involved. Identity of all labels used for each serial or subserial is maintained as part of the records required in 9 CFR 116.3(b). This proposed rule would permit selection of reserve samples from completed product at the same time that samples are selected for Veterinary Services tests.

List of Subjects in 9 CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

Section 113.2 is amended by revising the introductory text, paragraph (a) and paragraph (e) to read:

§ 113.2 Testing aids.

To better ensure consistent and reproducible test results when Standard Requirement tests prescribed in the regulations are conducted, National Veterinary Services Laboratories, U.S. Department of Agriculture, may provide testing aids, when available, to licensees, permittees, and applicants for licenses and permits. Such aids shall be as follows:

(a) Supplemental Assay Method (SAM) is a technical bulletin containing detailed instructions for conducting a test. Such instructions shall be in

accordance with the procedures currently being followed at National Veterinary Services Laboratories and as improved, proven procedures are developed, shall be revised and reissued prior to application.

* * * * *

(e) Test code number is a number assigned by Veterinary Services to each test procedure specified in the Standard Requirements and in each filed Outline of Production where such test is conducted to support a request for release of a serial or subserial.

Section 113.3 is amended by revising paragraphs (a), (b) (1), (2), (4), (5), (8) and (9) and by revising paragraph (c) introductory text to read:

§ 113.3 Sampling of biological products.

* * * * *

(a) Either an employee of the Department of Agriculture, of the licensee, or of the permittee, as designated by the Deputy Administrator shall select prerelease samples of biological product in the number prescribed in paragraph (b) of this section. Each sample shall be marked for identification by the person making the selection after which they shall be packaged by the licensee or permittee, as the case may be, and forwarded to National Veterinary Services Laboratories; except that an employee of the Department may forward or deliver the samples to National Veterinary Services Laboratories if such action is deemed advisable by the Deputy Administrator.

* * * * *

(b) Unless otherwise prescribed by the Deputy Administrator, the number of final container samples to be selected from each serial and subserial shall be:

- (1) *Vaccines*:
 - (i) Six multiple—dose samples of Brucella Abortus Vaccine;
 - (ii) Twelve samples of all other live bacterial vaccines;
 - (iii) Two samples of Coccidiosis Vaccine;
 - (iv) Eighteen samples of Rabies Vaccine, Modified Live Virus;
 - (v) Sixteen samples of all other vaccines consisting of live microorganisms;
 - (vi) Thirty single-dose or 14 multiple-dose samples of Equine Encephalomyelitis Vaccine, Killed Virus;
 - (vii) Twenty-two single-dose or 14 multiple-dose samples of Rabies Vaccine, Killed Virus;
 - (viii) Sixteen single-doses or 12 multiple-dose samples of all other vaccines consisting of killed microorganisms.

(2) *Bacterins and bacterin-toxoids*:

(i) Twelve samples of single-fraction products;

(ii) Thirteen samples of two-fraction products;

(iii) Fourteen samples of products consisting of 3 or more fractions.

(3) * * *

(4) *Antitoxins*:

(i) Fourteen single-dose or 12 multiple dose samples of Tetanus Antitoxin;

(ii) Twelve samples of all other antitoxins.

(5) *Toxoids*:

(i) Eighteen single-dose or 12 multiple dose samples of all toxoids.

(6) * * *

(7) * * *

(8) *Prelicensing and Outline of Production changes*. Samples needed to support a license application or a change in the Outline of Production for a licensed product shall be submitted only on request from Veterinary Services. Except for miscellaneous products specified in paragraph (b)(7) of this section, the number of such samples shall be at least one and one-half times the number prescribed in this section for such product.

(9) *Sterile Diluent*. A sample of Sterile Diluent shall accompany each sample of product, other than Marek's Disease vaccine, if such diluent is required to rehydrate or dilute the product before use. Samples of sterile Diluent prepared for use with Marek's Disease Vaccine shall be submitted on request from Veterinary Services.

* * * * *

(c) Reserve samples shall be selected from each serial and subserial of every biological product. Such samples shall be selected at random from final containers of completed product by an employee of the Department, of the licensee, or of the permittee, as designated by the Deputy Administrator.

* * * * *

(37 Stat. 832-833 (21 U.S.C. 151-158))

Done at Washington, D.C., this 3rd day of October 1984.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-26891 Filed 10-10-84; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

Customs Standards for Cargo Security

AGENCY: Customs Service, Treasury.

ACTION: Solicitation of comments.

SUMMARY: This document invites public comments concerning possible changes in Customs standards for the security of cargo in international trade. Customs believes that the current standards, which have been in effect for 12 years, should be updated to provide for more effective, modern security for cargo. All comments submitted will be considered by Customs before updating the existing standards.

DATES: Written comments must be received on or before December 10, 1984.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: John Holl, Office of Cargo Enforcement and Facilitation, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8151).

SUPPLEMENTARY INFORMATION:**Background**

By T.D. 72-56, published in the *Federal Register* on February 16, 1972 (37 FR 3455), Customs recommended physical and procedural standards for the public to follow to ensure the security of cargo in international trade. These standards were subsequently printed in the Customs booklet "Standards for Cargo Security," thousands of copies of which have been distributed throughout the United States and to foreign countries, and are available to the public free of charge from any Customs district director.

The voluntary use of the standards by private industry and commerce has resulted in millions of dollars worth of physical and procedural security improvements, testifying to the wide use of the standards. Customs, pursuant to its regulations, conducts an inquiry into cargo security of facilities as a condition of approval of applications for bonded warehouses (19 CFR 19.2(f)), and container stations (19 CFR 19.47). Under proposed amendments to Part 146, Customs Regulation (19 CFR Part 146), Customs would conduct cargo security inquiries as a condition of approval of applications to activate foreign trade zones. The cargo security standards are used by Customs in making a judgment as to whether the security, as found in the inquiry, is sufficient to protect merchandise in the facility from the threat of theft and smuggling. It is not necessary that all of the standards be

applied to every bonded warehouse, container station, and foreign-trade zone so long as overall security at each facility is sufficient.

Although the existing standards have proved successful for the 12 years they have been in effect, Customs believes that in light of changes in security technology, violator techniques, and theft targets, the standards should be updated in order to maintain their effectiveness. In addition, the standards do not cover such areas of current interest as intrusion detection systems or internal conspiracies, the latter being of special recent interest to Customs because of the widespread attempts to disguise narcotics smuggling as cargo theft.

Accordingly, Customs is considering updating its standards for cargo security, as found in T.D. 72-56, and requests public comments on possible additions, deletions, and changes in the standards. If, after reviewing all comments submitted, it is clear to Customs that there is general agreement as to what changes should be adopted, revised standards will be published in the *Federal Register* in final form.

However, if there is no agreement as to what changes should be made, Customs will publish a proposed set of standards and will invite the public to comment further before any final changes are adopted. When a final set of revised standards are published, Customs will also determine their applicability to cargo facilities approved under the original standards.

Executive Order 12291 and Regulatory Flexibility Act

Because specific changes in the standards for cargo security have not been developed, it has not been determined whether any changes will result in a regulation which would be a "major" rule as defined by section 1(b) of E.O. 12291, and thus require a regulatory impact analysis.

For the same reason, it has not been determined whether the changes will have a significant economic impact on a substantial number of small entities and thus require a regulatory flexibility analysis under the provisions of the Regulatory Flexibility Act (5 U.S.C. 603). These determinations will be made and the notice of proposed rulemaking or final rule document will either contain the analysis or a statement and certification that they are not required.

Comments

Before making any changes in the security standards, consideration will be given to any written comments (preferably in triplicate) that are

submitted timely to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), and § 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Customs Headquarters, 1301 Constitution Avenue, NW., Washington D.C. 20229.

Drafting Information

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

William von Raab,

Commissioner of Customs.

Approved: September 12, 1984.

Edward T. Stevenson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 84-26843 Filed 10-10-84; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Assistant Secretary for Housing—Federal Housing Commissioner****24 CFR Part 200**

[Docket No. R-84-1183; FR-1655]

Revision of Minimum Property Standards (MPS) for One and Two Family Dwellings

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

ACTION: Proposed rule.

SUMMARY: This rule proposes a change in the basic structure of HUD's Minimum Property Standards (MPS) for one and two family dwellings. The handbook which presently contains the MPS for such structures would be eliminated. Instead of the handbook, the Department would rely upon the provisions of national model building codes or state and local codes that the HUD Field Office has verified as being comparable to one of the national model codes. Necessary requirements which are unlikely to be contained in state or local codes would be set forth in the Department's regulations, as proposed today.

These revisions would preserve the quality of one and two family dwellings

and protect the Department's insurance fund while simplifying the MPS.

DATES: Comments Due: December 10, 1984.

ADDRESS: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commenter's name and address and must refer to the docket number indicated in the heading of this document. A copy of each comment will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mark W. Holman, Manufactured Housing and Construction Standards Division, Room 9156, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5690. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The National Housing Act, 12 U.S.C. 1710-1749 authorizes the Secretary of Housing and Urban Development (Secretary) to prescribe standards for determining the acceptability of one and two family residential structures for purposes of mortgage insurance. *See, e.g.,* 12 U.S.C. 17151(f). Some general statutory guidelines govern the nature of these standards. For example, the standards are "to establish the acceptability of * * * properties—for mortgage insurance * * *." 12 U.S.C. 17151(f). In addition, the standards must be consistent with the declared national housing policy of realizing "the goal of a decent and suitable living environment for every American family * * *." *See* 42 U.S.C. 1441.

The Department has prescribed these standards by using the Minimum Property Standards (MPS) for One and Two Family Dwellings. The MPS for One and Two Family Dwellings are currently published as HUD Handbook 4900.1, and incorporated by reference into the Department's regulations by authority of 24 CFR 200.927. Changes in the structure of the MPS are being proposed to further the indicated statutory purposes.

On August 6, 1982, the Department published a final rule which revised the MPS (47 FR 34334). That rule incorporated into the MPS certain provisions from the current Council of American Building Officials (CABO) One and Two Family Dwelling Code in lieu of similar or equivalent provisions of the MPS. The final rule also eliminated provisions of the MPS no

longer deemed necessary. In the preamble to that rule, the Department announced that it was preparing a proposed rule by which the MPS contained in the handbook would be replaced by the requirements of acceptable local codes. This is the proposed rule that would accomplish that objective. It is similar in many respects to the final rule amending the MPS for Multifamily Housing which was published on May 1, 1984 (49 FR 18690).

The Department also has evaluated these proposed revisions to the MPS in light of the recent amendment of Section 526 of the National Housing Act, 12 U.S.C. 1735f-4. *See* Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, section 405, 97 Stat. 1153 (1983). As amended, section 526(b) of the National Housing Act, 12 U.S.C. 1735f-4(b), permits the Secretary to require, with respect to health and safety, that properties other than manufactured homes comply "with one of the nationally recognized model building codes, or with a state or local building code based on one of the nationally recognized model building codes or their equivalent." The Secretary is "responsible for determining the comparability of the state and local codes to such model codes * * *."

I. The Proposed Rule

A. General

The Department is proposing revisions to the MPS for One and Two Family Dwellings in order to simplify them. Generally, HUD would rely upon state or local building codes or nationally recognized model building codes to provide most of the criteria for its one and two family construction standards. The Department would rely upon a state or local code only after it has been accepted by the Department as being comparable to one of the nationally recognized model building codes or its equivalent. In some jurisdictions, the Department may partially accept a state or local code. In such areas, the Department would rely upon the state or local code, plus those provisions of one of the nationally recognized model codes identified by the local HUD Field Office in accordance with the table set forth in 24 CFR 200.926c. In jurisdictions where a state or local code has not been accepted or partially accepted by the Department, or where no state or local code exists, the Department would require compliance with one of the nationally recognized model codes identified in 24 CFR 200.926b(a)(1).

In those instances where the Department would require compliance with a model code, the dwelling would

comply not only with a model code, but also with the codes or standards referenced in the applicable model code.

The Department has found it necessary to supplement the model codes by requiring compliance with certain additional codes and standards not referenced therein. Therefore, where compliance with a model code is required, not only is compliance with the standards incorporated by reference therein necessary, but compliance with the other codes or standards identified in § 200.926b(c) (1), (2), (3) or (4) is necessary as well.

In all instances, the Department would require compliance with the standards set forth in § 200.926d. This section contains standards relating to energy and certain other matters.

Section 521 of the National Housing Act, 12 U.S.C. 1735e, requires the Secretary to "adopt a uniform procedure for the acceptance of materials and products to be used in structures approved for mortgages or loans insured under [the National Housing] Act." The Secretary has established such procedures in Handbook 4950.1 and in 24 CFR 200.935. The proposed rule would not affect these procedures.

Section 100-2 of the current MPS for One and Two Family Dwellings, HUD Handbook 4900.1, provides that "[e]xisting construction shall comply with the Requirements for Existing Housing—One- to Four-Family Living Units, HUD Handbook 4905.1." Under the proposed rule, this handbook would not be referenced in the Code of Federal Regulations. This handbook would, however, be maintained by the Department as a single family program handbook.

B. Standard for Determining Comparability of State or Local Codes

The Department would determine whether a state or local code is comparable to one of the nationally recognized model codes by conducting an analysis of the comprehensiveness of the state or local code. For use in performing this analysis, the Department has prepared a list of construction related areas. *See* § 200.926a. This list is based upon the provisions of the nationally recognized model building codes and is made up of major areas and subareas. Each major area has been made a separate paragraph of § 200.926a. For example, Fire Safety is paragraph (a) and Light and Ventilation is paragraph (b). With one exception (materials standards), each major area has been further divided into subareas. For example, the Light and Ventilation paragraph has been divided into two

subareas: (1) Habitable rooms and (2) Bath and Toilet rooms.

A state or local code would be found comparable, and therefore acceptable, if it regulates every area set forth in § 200.926a. A state or local code would be found partially acceptable if it fails to regulate up to eight subareas; however, no code would be found partially acceptable if its fails to regulate subareas in more than one of the major areas.

If a local code is not found to be partially acceptable, one and two family residential structures would have to comply, for HUD purposes, with one of the model codes identified in § 200.926b, as well as with the requirements set forth in § 200.926d.

Consequently, every state or local code which is partially accepted would be deficient in one major area. The local HUD Field Office would remedy the deficiency by designating those provisions of a model code which regulate the entire major area found deficient. Such designation would be made in accordance with the table set forth in § 200.926c. The Field Office would choose the model code from which the provisions are selected.

For example, a jurisdiction's code may be deficient in the Plumbing major area because it fails to regulate the Vents and Venting and Cleanouts subareas. In such a case, the code would be found to be partially acceptable. The Field Office would remedy the deficiency in the Plumbing major area by designating either the Uniform Plumbing Code; the Standard Plumbing Code; the BOCA/Basic/National Plumbing Code; or Part V of the CABO One and Two Family Dwelling Code. Then, in that jurisdiction, properties would be required to comply with one of the indicated codes as designated by the HUD Field Office plus the entire local code.

As another example, a jurisdiction's code may not be acceptable because it fails to regulate the Footings subarea in the Foundation Systems major area. In this instance, the HUD Field Office would remedy the deficiency by designating either Chapters 23, 24, 25, 26, 27 and 29 of the Uniform Building Code; Chapter 13 of the Standard Building Code; Article 10 and Section 1807 of the BOCA Basic/National Building Code; or Chapter 3 of the CABO One and Two Family Dwelling Code. Then, in that jurisdiction, properties would have to comply with the indicated provisions from the code designated by HUD Field Office plus the entire local code.

To determine whether this method of evaluating comparability would protect the Department's interests and satisfy

all statutory requirements, the Department conducted a study of representative local codes. Codes from nine jurisdictions were evaluated. Three of the jurisdictions were large cities, three were medium sized cities, and three were small cities. One city of each size was selected from geographically diverse areas of the nation. As a result of this evaluation, it was found that seven of the codes regulated the areas identified in § 200.926a.

These seven codes were then subjected to a more detailed evaluation. This detailed analysis was performed to determine whether such local codes were in fact comparable to one of the nationally recognized model codes. In each case where the Department subjected a code to detailed analysis, it determined that it was comparable to one of the model codes.

C. Review Process

Before a local code could be relied upon to provide the health and safety requirements of the MPS, it would have to be accepted or partially accepted by the Department. The Department would review a state or local code when it receives a request from a lender or other interested party. The person requesting review would have to submit to the HUD Field Office a copy of the state or local building code and a copy of the statute, ordinance, order or regulation establishing the code, if any. The submitting party would not be required to submit copies of any part of the code already in the possession of the particular HUD Field Office. If the Department accepts the state or local code, it would issue a letter stating that the code is acceptable. If the Department declines to accept a state or local code, the submitting party would be notified, and would be given an opportunity to present its views as to why the local code should be accepted.

By the time of application for mortgage insurance or other benefits, the lender or other interested party would have to submit the material described in the preceding paragraph if the local code had been neither previously accepted nor partially accepted and if that lender wished to have it accepted. If a local code had been previously accepted or partially accepted, then a lender or other interested party would only have to submit either a certificate stating that the local code has not been changed since the date of its acceptance or partial acceptance by the Department, or a copy of all changes that had been made since the date of the Department's acceptance or partial acceptance, as well as a copy of the statute, ordinance,

regulation or order making such changes.

Each Regional and Field Office would have to maintain a current list of jurisdictions with accepted or partially accepted codes, including the dates of such acceptances.

D. Selection of Model Code

In those jurisdictions without acceptable local codes, one and two family dwelling would have to comply, for HUD purposes, with one of the model codes identified in 24 CFR 200.926b(c), as well as with the requirements set forth in § 20.926d. The lender or other interested party would have to notify the HUD Field Office of which model code will be used. See § 200.926(d)(1)(i)(A).

In those jurisdictions with a partially acceptable local code, one and two family dwellings would have to comply, for HUD purposes, with certain portions of the model codes identified in 24 CFR 200.926b(c). The HUD Field Office would designate the model code from which these portions will be selected. In addition, the HUD Field Office would identify, in the written notice of partial acceptance, those portions of the code with which the dwelling must comply. These portions would be chosen in accordance with the table set forth in § 200.926c.

The requirement to comply with all or any part of a model code applies only to the particular one or two family dwelling in question and has no applicability to other buildings in the community.

E. Energy

Section 526 of the National Housing Act, 12 U.S.C. 1735f-4, states that the Secretary of Housing and Urban Development shall establish energy performance requirements for housing subject to mortgages insured under the Act. These requirements are to achieve a "significant increase" in the energy efficiency of these structures. In order to comply with the requirements of this section, the Department issued a final rule on September 11, 1980, 45 FR 59557, as amended, 45 FR 62795. That rule established energy performance requirements which achieved a significant increase in the energy efficiency of one and two family dwellings.

Section 405(a) of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, 97 Stat. 1153 (1983) (amending Section 526 of the National Housing Act, 12 U.S.C. 1735f-4) also states that:

The energy performance requirements developed and established by the Secretary

under this subsection for newly constructed residential housing, other than manufactured homes, shall be at least as effective in performance as the energy performance requirements incorporated in the minimum property standards that were in effect under this subsection on September 30, 1982.

At this time, the Department is not proposing any substantive change with respect to the energy requirements contained in the present MPS. However, those requirements would be removed from the MPS handbook and incorporated into the Code of Federal Regulations at § 200.926d.

II. Solicitation of Comment

1. The Department is considering making changes to the energy requirements discussed above. In particular, the Department is considering whether to adopt the energy standards contained in the January 29, 1984 Addenda to ANSI/ASHRAE/IES 90A-1980 or the standards contained in the 1983 edition of the Model Energy Code. The Department seeks comment on these alternatives and on the availability and the propriety of other options.

2. An important objective of this proposed rule is to reduce burdens on small homebuilders, who often find it especially difficult to comply with two different sets of construction standards. The Department particularly solicits comment from small homebuilders, or their representatives, on whether this objective has been achieved. The Department also seeks comment as to whether the proposed arrangements will lead to any particular difficulties for small builders in learning of the standards to which they must comply, and as to what additional measures the Department might adopt to alleviate the disadvantages inherent in small operations.

3. Under the current proposal, if a local code fails to regulate a single sub-area (e.g., allowable height) within a particular area (e.g., fire safety), properties in that jurisdiction would be required to comply with designated model code provisions covering the entire area (in this example, fire safety) containing the omitted sub-area. They also would be required to comply with the entire local code. The rationale for this is that where a sub-area within a particular area is omitted, there are likely to be deficiencies in other sub-areas within that area. Does this approach impose any serious burdens upon builders and, if so, is there an alternative, less burdensome approach that is consistent with the Department's mandate?

4. For jurisdictions with previously accepted or partially accepted building codes the proposed regulations require each developer to submit a certificate of "no change" or submit all changes made and a copy of the statute, ordinance or regulation establishing the changes. This provision is identical to the provision contained in the recently published MPS for multifamily dwellings. See 49 FR 18690, 18965. HUD has chosen this method of change notification because it ensures that dwellings will be built in accordance with these proposed regulations and because it believes this is the least burdensome alternative consistent with the Department's mandate. Comments are solicited, particularly from small builders, as to whether there are alternatives to this approach that are less burdensome and meet HUD's objectives.

5. The Department is also soliciting comments at this time as to areas in which its procedures for acceptance of materials and products under section 521 of the National Housing Act could be streamlined so that the Department would not duplicate functions and analyses performed by technical adjuncts to the nationally recognized model code organizations, such as the National Evaluation System (NES, formerly the National Research Board) or by materials acceptance processes of the code bodies themselves.

In this regard we would like information on the following:

a. What other means are available to HUD at the present time, without duplicating the functions of the private code organizations, which:

1. Ensure that we meet our statutory requirements under section 521; and
2. Ensure that new products are acceptable for the purpose of mortgage insurance.

b. What are the requirements, criteria and procedures for material analysis and acceptance used by the NES or the model codes?

c. How do the requirements of the NES or the model codes duplicate HUD procedures and requirements?

d. How do the NES or the model code organizations ensure the long-term durability of products, materials and housing systems necessary to provide protection for the mortgage insurance fund and consumer interests?

6. The proposed rule would delete design criteria for housing for the elderly. Should any of these requirements be maintained? Are there other requirements which should be incorporated in place of the ones which would be deleted?

III. Miscellaneous Information

The collection of information requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Please send any comments regarding the collection of information requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Office for HUD.

No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when it is assigned, will be announced by a separate notice in the *Federal Register*.

This proposed rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. The rule does not: (1) Have an annual effect on the economy of one hundred million dollars or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies or geographic regions; or (3) have significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Consistent with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Secretary hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. In all cases, one and two family residential structures must be built in compliance with local codes. Upon the effective date of this rule, the Department generally will accept such compliance as satisfying the Department's concerns relating to the health and safety aspects of those structures. Further, this rule will generally reduce the burden on compliance which already exists for both small and large entities.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of Rules Docket Clerk at Room

10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule is listed as item 19 in the Department's Semiannual Agenda of Regulations published at 49 FR 15902, 15914 on April 19, 1984 under Executive Order 12291 and the Regulatory Flexibility Act.

The catalog of Federal Domestic Assistance does not apply to this Rule.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: Housing and community development, Mortgage insurance, Organization and functions (government agencies), Reporting and recordkeeping requirements, Minimum property standards, Incorporation by reference.

Accordingly, HUD proposes to amend 24 CFR Part 200 as follows:

PART 200—INTRODUCTION

Subpart S—Minimum Property Standards

1. § 200.927 is proposed to be revised as follows:

§ 200.927 Incorporation by reference of minimum property standards.

The Minimum Property Standards as contained in the handbooks identified in § 200.929(b) are incorporated by reference into this section as though set forth in full in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51.

2. § 200.929 is proposed to be amended by revising the introductory text of paragraph (b) and paragraph (b)(1) as follows:

§ 200.929 [Amended]

(b) *Identification.* The Minimum Property Standards have been published as described below:

(1) MPS for One and Two Family Dwellings. See §§ 200.926, 200.926a-d.

3. 24 CFR Part 200 is proposed to be amended by adding §§ 200.926, 200.926a, 200.926b, 200.926c and 200.926d as follows:

§ 200.926 Minimum property standards for one and two family dwellings.

(a) *Construction standards—(1) Applicable structures.* The standards identified or contained in §§ 200.926; 200.926a-d shall apply to single family detached homes, duplexes and to living units in a structure where the units are located side by side in rowhouse

fashion. However, these standards do not apply to units in a structure of three or more units where any unit has a common front or rear wall or where any unit or part of a unit is located above or below any other unit.

(2) *Standards for new construction.* New construction, to be eligible for mortgage insurance or other benefits shall, for the Department's purposes, comply with:

(i) The applicable state and local building code, if the property is located within a jurisdiction which has a building code accepted by the Secretary under § 200.926(d); or

(ii) (A) The applicable state or local building code, and

(B) Those portions of the codes identified in § 200.926b which are designated by the HUD Field Office serving the jurisdiction in which the property is to be located, if the property is located in a jurisdiction which has a building code partially accepted by the Secretary; or

(iii) The appropriate codes, as identified in § 200.926(c), if the property is located within a jurisdiction without a building code accepted by the Secretary.

(3) *Applicability of standards for new construction.* These standards are applicable to: (i) Structures approved for insurance or other benefits prior to the start of construction; (ii) structures which are approved for insurance or other benefits based upon participation in an insured warranty program; (iii) structures which are insured as new construction based upon a Certificate of Reasonable Value issued by the Veterans Administration; and (iv) proposed construction insured under the Direct Endorsement program.

(b) *Conflicting standards.* The requirements contained in § 200.926d do not preempt state or local standards, nor do they alter or affect a builder's obligation to comply with any state or local requirements. However, a property shall be eligible for benefits only if it complies with the requirements of this subpart, including any referenced standards.

(c) *Standard for evaluating local building codes.* The Secretary shall compare a state or local building code submitted under § 200.926(d) to the list of construction related areas contained in § 200.926a.

(1) A state or local code will be accepted if it regulates each area and subarea on the list.

(2) A state or local building code will be partially accepted if it regulates most of the areas on the list. Provided, however, that no code may be partially accepted if it fails to regulate subareas in more than one of the major areas: fire

safety, light and ventilation, structural loads, foundation systems, materials standards, construction components, glass, mechanical, plumbing and electrical. See § 200.926a.

(3) For purposes of this paragraph, a state or local code regulates an area if it establishes a standards concerning that area.

(d) *Review process and acceptance—(1) Jurisdictions without previously accepted building codes.* The following submission requirements apply to lenders and other interested parties in jurisdictions without building codes, jurisdictions with building codes which have never been submitted for acceptance, and jurisdictions with building codes which have been submitted for acceptance and neither accepted nor partially accepted by the Secretary.

(i) Lenders or other interested parties must comply with one of the following by the time of application for insurance or other benefits:

(A) The lender or other interested party may choose to finance or construct a property to be built in accordance with the appropriate codes as identified in § 200.926b. If the lender or other interested party so chooses, then the dwelling shall be constructed in accordance with one of the model codes designated in paragraph (c) (1), (2), (3) or (4) of § 200.926b and with any other code or codes identified in the same paragraph. In such instances, the lender or other interested party shall notify the Department of the code or group of codes with which it intends to comply by the time of application for insurance or other benefits; or

(B) The lender or other interested party may choose to comply with the state or local building code, if such code is acceptable to the Secretary. To obtain the Secretary's acceptance, the lender or other interested party shall submit the material specified in § 200.926(d)(1)(ii) to the HUD Field Office serving the jurisdiction in which the property is to be constructed. Such material may be submitted at any time; provided, however, that it must be submitted no later than the time of application for mortgage insurance or other benefits.

(ii) If, under § 200.926(d)(1)(i)(B), the lender or other interested party chooses to comply with the state or local building code as prescribed in § 200.926(a)(2)(i), it shall submit the following material to the HUD Field Office serving the jurisdiction in which the property is to be constructed:

(A) A copy of the jurisdiction's building code, including all applicable service codes and appendices; and

(B) A copy of the statute, ordinance, regulation, or order establishing the code, if such statute, ordinance, regulation or order is not contained in the building code itself.

However, the lender or other interested party need not submit any document already on file in the Field Office.

(2) *Jurisdictions with previously accepted or partially accepted building codes.* The following submission requirements apply to lenders or other interested parties in any jurisdiction with a building code which has been accepted or partially accepted by the Secretary:

(i) At the time of application for mortgage insurance or other benefits, the lender or other interested party shall submit to the HUD Field Office serving the jurisdiction in which the property is to be constructed:

(A) A certificate stating that, since its acceptance or partial acceptance by the Secretary, the jurisdiction's building code has not been changed; or

(B)(1) A copy of all changes to the jurisdiction's building code, including all applicable service codes and appendices, which have been made since the date of the code's acceptance by the Secretary. However, the developer or other interested party need not submit any part already in the possession of the Field Office; and

(2) A copy of the statute, ordinance, regulation, or order making such changes in the code.

(3) *Notification of decision.* The Secretary shall review the material submitted under §§ 200.926(d)(1)(ii) and 200.926(d)(2). Following that review, the Secretary shall issue a written notice (except in the case of a previously accepted code which has not been changed) to the submitting party stating whether the state or local building code has been accepted, partially accepted, or whether the Secretary's previous acceptance or partial acceptance has been continued; the basis for the Secretary's decision; and a notification of the submitting party's right to present its views concerning the denial of acceptance if the code is neither accepted nor partially accepted. The Secretary may, in his discretion, permit either an oral or written presentation of views.

(i) If a lender or other interested party is notified that a state or local building code has not been accepted, then the one and two family dwellings eligible for HUD benefits in that jurisdiction shall be constructed in accordance with § 200.929d and the appropriate codes indicated in § 200.926b(c). In such instances, the lender or other interested

party shall notify the HUD Field Office of the code or codes with which it chooses to comply, in accordance with § 200.926(d)(1)(i)(A).

(ii) If lender or other interested party is notified that a state or local building code has been partially accepted, then the one and two family dwellings eligible for HUD benefits in that jurisdiction shall be constructed in accordance with § 200.929d, the applicable state or local building code, plus those additional requirements identified in the written notice issued by the Secretary under § 200.926(d)(3). The written notice shall identify, in accordance with § 200.926c, those portions of the codes listed at § 200.926b(a) with which the property must comply.

(iii) Each Regional and Field Office will maintain a current list of jurisdictions with accepted building codes and a current list of jurisdictions with partially accepted building codes. The lists will state the most recent date of each code's acceptance or partial acceptance and will be available to any interested party upon request. In addition, the list of jurisdictions whose codes have been partially accepted shall identify those portions of the codes listed at 200.926b(a) with which the property must comply.

§ 200.926a Residential Building Code Comparison Items.

HUD will review each local code submitted under this subpart to determine whether it regulates all of the following areas and subareas:

- (a) *Fire Safety*—
 - (1) Allowable height.
 - (2) Fire separations.
 - (3) Fire resistance requirements.
 - (4) Egress doors and windows.
 - (5) Unit smoke detectors.
 - (6) Flame spread.
- (b) *Light and ventilation*—
 - (1) Habitable rooms.
 - (2) Bath and toilet rooms.
- (c) *Structural loads*—
 - (1) Design live loads.
 - (2) Design dead loads.
 - (3) Snow loads.
 - (4) Wind loads.
 - (5) Earthquake loads.
- (d) *Foundation systems*—
 - (1) Foundation depths.
 - (2) Footings.
 - (3) Foundation materials criteria.
- (e) *Materials standards*—
- (f) *Construction components*—
 - (1) Steel.
 - (2) Masonry.
 - (3) Concrete.
 - (4) Gypsum.
 - (5) Lumber.
 - (6) Roof construction and covering.

(7) Chimneys and fireplaces.

(g) *Glass*—

(1) Thickness area requirements.

(2) Safety glazing.

(h) *Mechanical*—

(1) Heating, cooling and ventilation systems.

(2) Boilers and pressure vessels.

(3) Gas, liquid and solid fuel piping and equipment.

(4) Chimneys and vents.

(5) Ventilation (air changes).

(i) *Plumbing*—

(1) Materials standards.

(2) Sizing and installing drainage systems.

(3) Vents and venting.

(4) Traps.

(5) Cleanouts

(6) Plumbing fixtures.

(7) Water supply and distribution.

(8) Sewage disposal systems.

(j) *Electrical*—

(1) Branch circuits.

(2) Services.

(3) Grounding.

(4) Wiring methods.

(5) Cable.

(6) Conduit.

(7) Outlets, switches and junction boxes.

(8) Panelboards.

§ 200.926a Model Codes.

(a) *Incorporation by reference.* The following publications are incorporated by in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. The incorporation by reference of these publications has been approved by the Director of the Federal Register. The locations where copies of these publications are available are set forth below.

(1) *Model Building Codes*—(i) *The BOCA Basic/National Building Code/1984*, excluding Article 1, Administration and Enforcement, but including Appendices A, C, D and E of the Code. Available from Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, County Club Hills, Illinois 60477.

(ii) *Standard Building Code, 1982 Edition*, excluding Chapter 1—Administration, but including appendices A, C, E and M of the Code, and including *Amendments to the Standard Building Code, 1983 and 1984 Revisions to the 1982 Edition of the Code*. Available from Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

(iii) *Uniform Building Code, 1982 Edition*, excluding Part I—Administrative, but including the appendix of the Code. *Uniform Plumbing Code, Uniform Mechanical*

Code, 1982 Edition. Available from International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

(iv) *CABO One and Two Family Dwelling Code*, 1983 edition, excluding Chapter 1—Administrative; Part VI—Electrical; and Part VII—Energy Conservation, but including Appendices A and B of the Code. Available from Council of American Building Officials, 5205 Leesburg Pike, Falls Church, VA 22041.

(2) *Electrical Code for One and Two Family Dwellings*, NFPA 70A, 1984 Edition, including appendices. Available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(b) *Model code compliance requirements.* (1) When a one or two family dwelling is to comply with one of the model building codes set forth in § 200.926b(a)(1), the following requirements of those model codes shall not apply to those properties:

(i) Those provisions of the model codes that do not pertain to residential buildings;

(ii) Those provisions of the model codes that establish energy requirements for one and two family dwellings; and

(iii) Those provisions of the model codes that require or allow the issuance of permits of any sort.

(2) Where the model codes set forth in § 200.926b(a)(1) designate a building, fire, mechanical, plumbing or other official, the Secretary's designee in the HUD Field Office serving the jurisdiction in which the dwelling is to be constructed shall act as such official.

(c) *Designation of model codes.* When a one- or two-family dwelling is to comply with a model code, it shall comply with one of the model codes designated in paragraph (c)(1), (c)(2), (c)(3), or (c)(4) of this section and with any other codes identified in the same paragraph. In addition, such property shall comply with all of the standards which are referenced in such code or codes. The lender or other interested party shall notify the Department of the code or group of codes with which it intends to comply by the time of application for insurance or other benefits.

(1) *The BOCA Basic/National Building Code/1984* and the *Electrical Code for One and Two Family Dwellings*, NFPA, 70A, 1984 edition.

(2) *Standard Building Code/1982* with 1983 and 1984 revisions and the *Electrical Code for One and Two Family Dwellings*, NFPA 70A, 1984 Edition.

(3) *Uniform Buildings, Plumbing and Mechanical Codes/1982* and the

Electrical Code for One and Two Family Dwellings, NFPA 70A, 1984 edition.

(4) *CABO One and Two Family Dwelling Code/1983* and the *Electrical Code for One and Two Family Dwellings*, NFPA 70A, 1984 edition.

§ 200.926c Model code provisions for use in partially accepted code jurisdictions.

If a lender or other interested party is notified that a state or local building code has been partially accepted, then the properties eligible for HUD benefits in that jurisdiction shall be constructed in accordance with the applicable state or local building code, plus those additional requirements identified in the written notice issued by the Secretary under 24 CFR 200.926(d)(3).

Depending upon the major area which is not regulated by the local code, the HUD Field Office will designate, in accordance with the schedule below, those portions of one of the model codes with which the property must comply. The HUD Field Office is responsible for selecting the particular model code from which the portions are taken.

§ 200.926d Construction requirements.

These requirements are applicable to one- and two-family dwellings in all jurisdictions. In areas where the Department has found the local code acceptable, these requirements are applicable in conjunction with the local code. In areas where the Department has not accepted the local building code, these requirements are applicable in conjunction with one of the nationally recognized model building codes in accordance with 24 CFR 200.926b(c). In areas where the Department has partially accepted the local building code, these requirements are to be used in conjunction with the local building code, plus those portions of a nationally recognized model code designated by the Department.

(a) *Application*—(1) *General.* These standards cover the actual site, the immediate site environment for the dwellings, including streets, storm water disposal, and other services and facilities for the site.

(2) *Requirements for accessibility to physically handicapped people.* The HUD Field Office will advise multifamily project sponsors as to the extent accessibility will be required for new construction of one- and two-family dwellings on a project-by-project basis.

(i) *Technical standards.* See HUD, Minimum Property Standards, 4910.1 Sections 100-1.3b and 100-1.3c.

(3) *Variations to standards*—(i) *New materials and technologies.* See § 200.926d(d). Alternatives, nonconventional or innovative methods

and materials shall be equivalent to these standards in the areas of structural soundness, durability, economy of maintenance or operation and usability.

(ii) *Variation procedures.* Variations from the requirements of any standard with which the Department requires compliance shall be made in the following ways:

(A) For a particular design or construction method to be used on single case or project, the decision is the responsibility of the Field Office. Headquarters concurrence is not required.

(B) Where a variation is intended to be on a repetitive basis, a recommendation for a Local Acceptable Standard, substantiating data, and background information shall be submitted by the Field Office to the Director, Office of Manufactured Housing and Regulatory Functions.

(iii) *Variances* which require individual analysis and decision in each instance are not considered as repetitive variances even though one particular standard is repeatedly the subject of variation. Such variances are the subject of § 200.926d(a)(3)(ii)(A).

(b) *General acceptability criteria*—(1) *Real estate entity.* The property shall comprise a single plot except that a primary plot with a secondary plot for an appurtenant garage or for other use contributing to the marketability of the property will be acceptable provided the two plots are in such proximity as to comprise a readily marketable real estate entity.

(2) *Service and facilities.* (i) *Trespass.* Each living unit shall be one that can be used and maintained individually without trespass upon adjoining properties, except as provided in § 200.926d(c)(3)(i).

(ii) *Utilities.* Utility services shall be independent for each living unit, except that common services such as water, sewer, gas and electricity may be provided for living units under a single mortgage or ownership. Separate utility service shut-off for each unit shall be provided. For living units under separate ownership, common utility services may be provided from the main to the building line when protected by an easement or covenant and maintenance agreement acceptable to HUD, but shall not pass over, under or through any other living unit. Individual utilities serving a living unit may not pass over, under or through another living unit under the same mortgage unless provision is made for repair and maintenance of utilities without trespass or when protected by an easement of

covenant providing permanent access for maintenance and repair of the utilities. Building drain cleanouts shall be accessible from the exterior where a single drain line within the building serves more than one unit.

(3) *Site conditions.* (i) The property shall be free of those foreseeable hazards and adverse conditions which may affect the health and safety of the occupants or the structural soundness of the improvements, or which may impair the customary use and enjoyment of the property. The hazards include toxic chemicals, radioactive materials, other pollution, hazardous activities, potential damage from soil or other differential ground movements, ground water, inadequate surface drainage, flood, erosion, or others located on or off site. The site must meet the standards set forth at 24 CFR Part 51.

(ii) When special conditions exist or arise during construction which were unforeseen and which necessitate precautionary or hazard mitigation measures, the HUD Field Offices shall require corrective work to mitigate potential adverse effects from the special conditions as may be necessary. Special conditions include rock formations, unstable soils or slopes, high ground water levels, springs, or other conditions which may adversely affect a property. It shall be the builder's responsibility to assure proper design, construction and satisfactory performance where they are present.

(4) *Access.* (i) Each property shall be provided with vehicular or pedestrian access by a public or private streets. Private streets shall be protected by permanent easement.

(ii) Each living unit shall have a means of access such that it is unnecessary to pass through any other living unit.

(iii) The rear yard shall be accessible without passing through any other living unit.

(iv) For a row type dwelling, the access may be by means of alley, easement, passage through the dwelling, or other means acceptable to the HUD Field Office.

(c) *Site Design*—(1) *General.* A site design shall be provided which includes

an arrangement of all site facilities necessary to create a safe, functional, healthful, durable and energy efficient living environment for residents. These site design standards are applicable only in communities which have not adopted criteria for site development applicable to one and two family dwellings. Single family detached houses situated on individual lots located on existing streets with utilities need not comply with the requirements of § 200.926d(c) (3), (4) and (5)(ii).

(2) *Streets.* (i) Existing or proposed streets on the site shall connect to private or public streets and shall provide all weather access to all buildings for essential and emergency use, including access needed for deliveries, service, maintenance and fire equipment.

(ii) Streets shall be designed for dedication for public use and maintenance or, when approved by the HUD Field Office, may be retained as private streets where protected by permanent easements.

(3) *Dedication.* Utilities shall be located to permit dedication to the local government or appropriate public body.

(4) *Drainage and flood hazard exposure.* (i) The minimum grades at buildings and at openings into basements shall be at elevations which prevent adverse effect by water or water entering basements from flood levels equivalent to a 50 year return frequency after full development. The floor elevations of all habitable space shall be above runoff and flood levels equivalent to a 100 year return frequency after full development.

(ii) Streets shall be usable during runoff equivalent to a 10 year return frequency. Where drainage outfall is inadequate to prevent runoff equivalent to a 10 year return frequency from ponding over 6 in. deep, streets shall be made passable for commonly used emergency vehicles during runoff equivalent to a 25 year return frequency, except where an alternate access street not subject to such ponding is available.

(iii) Crawl spaces shall not pond water or be subject to prolonged dampness.

(d) *Special construction*—(1) *Factory produced (modular panelized) housing*—

(i) *Structural features.*

(A) For Factory Fabricated Systems or Components not covered, see HUD Handbook 4950.1, Technical Suitability of Products Program Technical and Processing Procedures.

(B) The requirements of this Part shall apply to structural features consisting of factory fabricated systems or components assembled either at the factory or at the construction site if the total construction is covered by these standards and can be inspected on-site for determination of compliance.

(ii) *Non-structural features.* These features include methods of construction, systems, sub-systems, components, materials and processes which are not covered by these requirements. See HUD Handbook 4950.1 for procedures to be followed in order to obtain acceptance of non-structural components or materials.

(e) *Thermal requirements*—(1) *Building insulation.*

(i) *General.* Buildings shall be insulated so as to ensure conservation of energy, economy of operation and comfort to the occupants.

(ii) *Overall coefficient of heat transmission.* (A) All buildings which are heated or cooled mechanically shall be constructed to comply with the U values shown in the table at § 200.926a(e)(1)(iii). The U values shown do not include adjustments for framing in walls, ceilings or floors, nor for the sash frame in windows or glass doors.

(B) Where the stated U value of any one component of roof deck, ceiling, wall or floor cannot be practically obtained, such U value may be increased to the minimum figure attainable and the U value for other components decreased until the overall heat gain or heat loss does not exceed the total attained by conformance to the stated U values. (See Note 2 of the table at § 200.926d(e)(1)(iii)).

(iii) *Component coefficient values.* For ceilings, walls, floors and openings, U values shall not exceed those shown in the following table.

MAXIMUM U VALUES FOR CEILING, WALL AND FLOOR SECTIONS FOR ELECTRIC RESISTANCE HEAT (E.R.) AND HEAT PUMP OR FOSSIL FUEL HEAT (F.F.) (1)

Heating degree days (65 °F base)	Ceilings (2, 3)		Walls (2)		Floors (4)		Windows (5)		Sliding glass doors (5)		Storm doors (5)	
	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.
0 to 1,000	.05	.05	.08	.08			1.13	1.13	1.13	1.13	No.	No.
1,001 to 2,500	.04	.05	.07	.08			.89	1.13	.89	1.13	No (7)	No.
2,501 to 3,500	.03	.04	.05	.08	.07		.89	1.13	.89	1.13	No (7)	No.
3,501 to 4,500	.03	.03	.05	.07	.05	.07	.89	.89	.89	.89	No (7)	No.
4,501 to 6,000	.03	.03	.05	.07	.05	.07	.47	.89	.89	.89	Yes	No (7)

MAXIMUM U VALUES FOR CEILING, WALL AND FLOOR SECTIONS FOR ELECTRIC RESISTANCE HEAT (E.R.) AND HEAT PUMP OR FOSSIL FUEL HEAT (F.F.) (7)—Continued

Heating degree days (65 °F base)	Ceilings (2, 3)		Walls (2)		Floors (4)		Windows (5)		Sliding glass doors (5)		Storm doors (6)	
	E.R.	F.F.	E.R.	F.F.	E.F.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.
6,001 to 7,000.....	.026	.03	.05	.07	.05	.07	.47	.69	.69	.69	Yes	No. (7)
7,001 +	.026	.026	.05	.05	.05	.47	.47	.47	.69	.69	Yes	Yes

Notes.—(1) For areas of 5000 heating degree days (HDD) or less, houses using heat pumps may be insulated to levels required for fossil fuels. In areas above 5000 HDD, houses using air-to-air heat pumps shall be insulated to levels required for electric resistance (ER) heating, except where the following are used:

- (a) Water source heat pumps.
- (b) Fossil fuel supplement heat.
- (c) Units with multiple capacity.
- (i) Dual compressors.
- (ii) Modulating compressor speed.
- (iii) Dual speed compressor.
- (d) Uni-directional heat pumps (such as annual cycle energy systems, (ACES)).
- (e) Units with balanced heating and cooling load.

(2) The following combinations of wall and ceiling values are considered to provide annual heating and cooling consumption comparable to that predicted for values in the above Table and may be substituted accordingly. Other components shall conform to the values shown below for the specific heating degree day (HDD):

HDD (65 °F)	ER		FF	
	CLG	Wall	CLG	Wall
0 to 1,000.....	.04	.14	.04	.14
	.03	.15	.03	.15
	.026	.16	.026	.16
1,001 to 1,500.....	(¹)	(¹)	.04	.13
	.03	.13	.03	.14
	.026	.14	.026	.16
1,501 to 2,500.....	(¹)	(¹)	.04	.12
	.03	.11	.03	.13
	.026	.12	.026	.14
2,501 to 3,000.....	(¹)	(¹)	.03	.12
	.026	.07	.026	.13

¹ See Table at § 200.962d(e)(1)(iii).

(3) Includes roof/ceiling assemblies, in which the finished ceiling is the underside of the roof deck.

(4) For floors of heated spaces over unheated basements, unheated garages or unheated crawl spaces. A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply sufficient to maintain a minimum temperature of 50 °F. A positive heat supply is defined as heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space. Where the walls of an unheated basement or crawl space are insulated in lieu of floor insulation, the total heat loss attributed to the floor from the heated area shall not exceed the heat loss calculated for floors with required insulation.

(5) Maximum glass area shall not exceed 15 percent of the gross area of all exterior walls enclosing heated spaces, except when it can be demonstrated that the winter daily solar heat gain exceeds the 24 hour heat loss and the glass area is properly screened from summer solar heat gain. In areas where cooling is the predominant load and the heating load is insignificant (as an example, 2000 or more cooling hours and 2000 or less heating degree days), the maximum glazing area stated above may be waived when glass area is properly screened from solar heat gain. Any additional glass area shall have a significant portion of operable sash in order to provide natural ventilation.

(6) A 1¾ inch metal faced door system with an insulated core and durable weatherstripping providing a U value equal or better than 0.32, and an infiltration rate no greater than .50 cfm per foot of crack length, tested according to ASTM E 283 at 1.567 psf of air pressure, may be substituted for a conventional door and storm door. All exterior doors shall be weatherstripped.

(7) In areas with 1501 or more heating degree days, a storm door is required when

the primary door is a hollow core door or is over 25% glass.

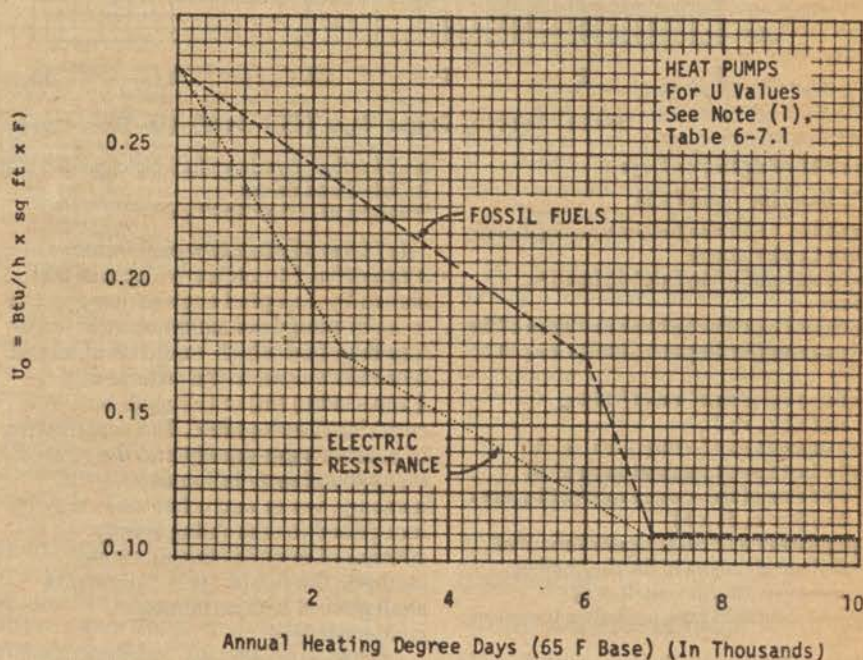
(iv) *Alternate performance criteria.*

(A) As an alternative to conformance with the table at § 200.962d(e)(1)(iii), dwellings which conform to the performance criteria of this section shall be considered acceptable.

(B) U_o (gross wall)—Total exterior wall area (opaque wall and window and door) shall have a combined thermal transmittance value (U_o value) not to exceed the values shown in Figure 1. Equation 1 shall be used to determine acceptable combinations to meet the requirements of Figure 1.

(C) U_o (gross ceiling)—Total ceiling area (opaque ceiling and skylights) shall have a combined thermal transmittance value (U_o value) not to exceed the values shown in Figure 2. Equation 2 shall be used to determine acceptable combinations to meet the requirements of Figure 2.

GROSS WALLS - FIGURE 1



Annual Heating Degree Days

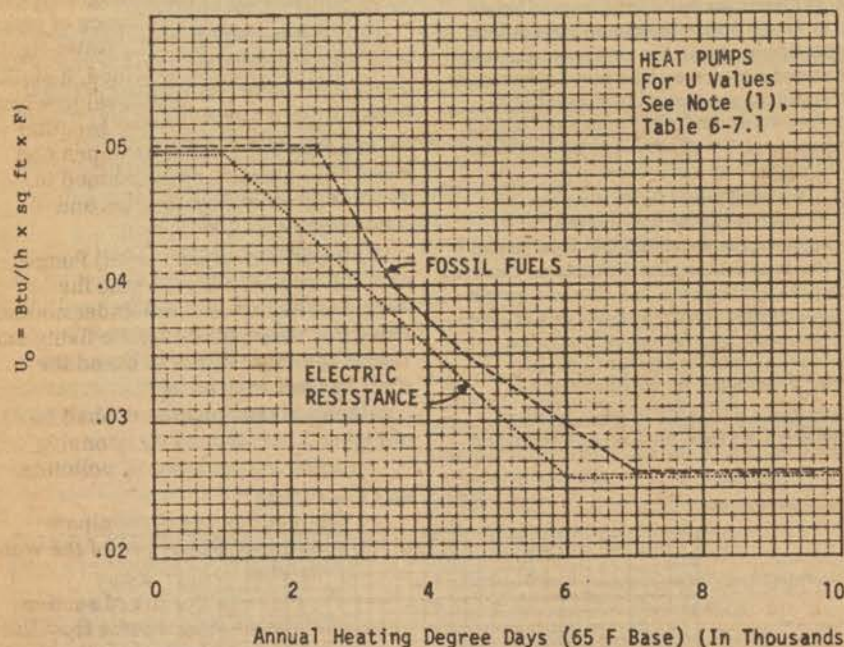
(65 °F Base) (In Thousands)

Equation 1 Formula for Determining Combinations (See Figure 1):

$$U_o = (U_{\text{wall}} A_{\text{wall}} + U_{\text{window}} A_{\text{window}} + U_{\text{door}} A_{\text{door}}) / A_o$$

Where: U_o = the average thermal transmittance of the gross wall area, Btu/(h × sq. ft. × F) A_o = the gross area of all exterior walls enclosing heated spaces, sq. ft. U_{wall} = the thermal transmittance of all elements of the opaque wall area, Btu/(h × sq. ft. × F) A_{wall} = opaque wall area enclosing heated spaces, sq. ft. U_{window} = the thermal transmittance of the window area, Btu/(h × sq. ft. × F) A_{window} = window area (including sash), sq. ft. U_{door} = the thermal transmittance of the door area, Btu/(h × sq. ft. × F) A_{door} = door area (including sash), sq. ft.Note.—Where more than one type of wall, window and/or door is used, the $U \times A$ term for that exposure shall be expanded into its sub-elements, as follows: $U_{\text{wall}_1} A_{\text{wall}_1} + U_{\text{wall}_2} A_{\text{wall}_2}$, etc.

GROSS CEILING - FIGURE 2*



(B) The methodology shall not adversely affect the structural capacity, durability, or safety aspects of the structure.

(C) All data and calculating must show valid performance comparison between the proposed option and a structure comparable in size, configuration, orientation and occupant usage designed in accordance with § 200.926d(e) (iii) or (iv).

(vi) *Basement or crawl space foundation walls.* Insulation may be omitted from floors over heated basement areas or heated crawl spaces if foundation walls are insulated. Foundation walls of heated areas below grade need not be insulated except where recreation or similar use rooms or habitable rooms are provided, or where more than 50 percent of the wall is exposed to outside air. The U value of foundation wall sections shall not exceed the value shown in the following table except where the alternative methods shown in § 200.926d(e) (iv) or (v) are employed and foundation walls are included in the determination of the average thermal transmittance of the gross wall area.

MAXIMUM U VALUES OF THE FOUNDATION WALL SECTIONS OF HEATED BASEMENT OR HEATED CRAWL SPACE

Heating degree days (65°F Base)	Maximum U value
2500 or Less	No requirement
2501 to 4500	0.17
4501 or more	0.10

(vii) *Crawl space plenum walls.* When a crawl space is used as a supply or return plenum, the crawl space perimeter wall shall be insulated to provide a maximum heat loss of 35 Btu/h per lineal foot of perimeter wall, assuming a crawl space air temperature of 70 °F for return plenums and 110 °F for supply plenums.

(viii) *Slab-on-grade floors.* For slab-on-grade floors of heated or mechanically cooled spaces, the thermal resistance of the insulation around the perimeter of the floor shall be not less than shown in the following table. Insulation shall extend downward from the top of the slab for not less than 24 in. or downward to the bottom of the slab and horizontally beneath the slab for a minimum total distance of 24 in.

Annual Heating Degree Days

(65 °F Base) (In Thousands)

Equation 2 Formula for Determining Roof/Ceiling Combinations:

$$U_o = (U_{\text{roof}} A_{\text{roof}} + U_{\text{skylight}} A_{\text{skylight}}) / A_o$$

where:

 U_o = the average thermal transmittance of the gross roof/ceiling area, Btu/(h × sq. ft. × F) A_o = the gross area of a roof/ceiling assembly, sq. ft. A_{roof} = opaque roof/ceiling area, sq. ft. U_{roof} = the thermal transmittance of all elements of the opaque roof/ceiling area, Btu/(h × sq. ft. × F) U_{skylight} = the thermal transmittance of all skylight elements in the roof/ceiling assembly, Btu/(h × sq. ft. × F) A_{skylight} = skylight area (including frame), sq. ft.Note.—Where more than one type of roof/ceiling and/or skylight is used, the $U \times A$

term for that exposure shall be expanded into its sub-elements, as:

 $U_{\text{roof}_1} A_{\text{roof}_1} + U_{\text{roof}_2} A_{\text{roof}_2}$, etc.

(v) *Overall structure performance alternative.* Structures which can be shown by accepted engineering practice to have energy consumption equal to or less than that which would be obtained by conformance to the criteria of § 200.926d(e) (iii) or (iv) shall be considered acceptable. The contribution of passive solar energy and the related storage and reradiation capacity of masonry, water and other mass may be recognized in computing energy consumption under this alternate method. The following requirements shall govern in determining comparability:

(A) The methodology shall be cost effective to the energy consumer.

MINIMUM R VALUES OF PERIMETER INSULATION
FOR SLABS-ON-GRADE

Heating degree days (65° F base)	Minimum R values ¹	
	Heated slab	Unheated slab
500 or less	2.8	
1000	3.5	
2000	4.0	
2500	4.4	2.5
3000	4.8	2.8
4000	5.5	3.5
5000	6.3	4.2
6000	7.0	4.8
7000	7.8	5.5
8000	8.5	6.2
9000	9.2	6.8
10000 or greater	10.0	7.5

¹ For increments between degree days shown, U values may be interpolated, or the values shown in Figure 2 of ASHRAE 90-75 may be substituted.

(f) Water supply systems—(1)

General. (i) Each living unit shall be provided with a continuing and sufficient supply of safe water under adequate pressure and of appropriate quality for all household uses. This system shall not impair the function or durability of the plumbing system or attachments.

(ii) The chemical and bacteriological standards of the local health authority shall apply. In the absence of such standards, the maximum contaminant levels of EPA shall apply. A water analysis may be required by either the health authority or the HUD Field Office.

(iii) Whenever feasible, connection shall be made to a public water system. When a public system is not available, if feasible, connection shall be made to a community system which shall comply with HUD Handbook 4940.2.

(2) *Individual water systems.* (i) The system should be capable of delivering a flow of 5 gpm over at least a 4 hour period.

(ii) Water that requires continuing or repetitive treatment to be safe bacterially or chemically is not acceptable. Individual dwelling water purification units are not an acceptable alternative but may be used to improve acceptable water.

(iii) After installation, the system shall be disinfected in accordance with the recommendations or requirements of the local health authority. In the absence of a health authority, system cleaning and disinfection shall conform to the current EPA Manual of Individual Water Supply Systems.

(iv) Bacteriological or chemical examination of a water sample collected by a representative of the local or state health authority shall be made when required by that authority or the HUD Field Office.

(3) *Location of wells.* (i) A well located within the foundation walls of a

dwelling is not acceptable except in arctic or subarctic regions.

(ii) Water which comes from any soil formation which may be polluted, contaminated, fissured, creviced or less than 20 ft. below the natural ground surface is not acceptable, unless acceptable to the local health authority.

(iii) Individual water supply systems are not acceptable for individual lots in areas where chemical soil poisoning has been or is practiced if the overburden of soil between the ground surface and the water bearing strata is coarsegrained sand, gravel, or porous rock, or is creviced in a manner which will permit the recharge water to carry the toxicants into the zone of saturation.

(iv) The following table shall be used in establishing the minimum acceptable distances between wells and sources of pollution located on either the same or adjoining lots. These distances may be increased by either the health authority having jurisdiction or the HUD Field Office.

DISTANCE FROM SOURCE OF POLLUTION

Source of pollution	Minimum horizontal distance (ft.)
Property line	10
Septic tank	50
Absorption field	¹ 100
Seepage pit	¹ 100
Absorption bed	¹ 100
Sewer lines w/permanent watertight joints	10
Other sewer lines	50
Chemically poisoned soil	² 25
Dry well	50
Other	(²)

¹ This clearance may be increased on decreased depending upon soil and rock penetrated by the well and aquifer conditions. The clearance may be increased in creviced limestone and permeable strata of gravel and sand. The clearance may be reduced to 50 ft. only where the ground surface is effectively separated from the water bearing formation by an extensive, continuous impervious strata of clay, hardpan, or rock. The well shall be constructed so as to prevent the entrance of surface water and contaminants.

² The recommendations or requirements of the local health authority shall apply.

³ This clearance may be reduced to 15 feet only where the ground surface is effectively separated from the water bearing formation by an extensive, continuous impervious strata of clay, hardpan, or rock.

(4) *Well construction.* (i) The well shall be constructed so as to allow the pump to be easily placed and to function properly.

(ii)(A) All drilled wells shall be provided with a sound, durable and watertight casing capable of sustaining the loads imposed.

(B) The casing shall extend from a point several feet below the water level at drawdown or from an impervious strata above the water level to 12 in. above either the ground surface or the pump room floor. The casing shall be sealed at the upper opening to a depth of at least 15 feet.

(iii) Bored wells shall be lined with concrete, vitrified clay or equivalent materials.

(iv) The space between the casing or liner and the wall of the well hole shall be sealed with cement grout.

(v) The well casing shall not be used to convey water except under positive pressure. A separate drop pipe shall be used for the suction line.

(vi) When sand or silt is encountered in the water-bearing formation, the well shall either be compacted and gravel packed, or a removable strainer or screen shall be installed.

(vii) The surface of the ground above and around the well shall be compacted and graded to drain surface water away from the well.

(viii) Openings in the casing, cap, or concrete cover for the entrance of pipes, pump or manholes shall be water-tight.

(ix) If a breather is provided, it shall extend above the highest level to which surface water may rise. The breather shall be watertight, and the open end shall be screened and positioned to prevent entry of dust, insects and foreign objects.

(5) *Pump and equipment.* (i) Pumps shall be capable of delivering the volume of water required under normal operating pressure within the living unit. Pump capacity shall not exceed the output of the well.

(ii) Pumps and equipment shall be mounted to be free of objectionable noises, vibrations, flooding, pollution, and freezing.

(iii) Suction lines shall terminate below maximum drawdown of the water level in the well.

(iv) Horizontal segments of suction line shall be placed below the frost line in a sealed casing pipe or in at least 4 in. of concrete. The distance from suction line to sources of pollution shall be not less than shown in the table at § 200.926d(f)(3)(iv).

(6) *Storage tanks.* (i) A pressure tank having a minimum capacity of 42 gallons shall be provided. However, prepressure tanks and other pressurizing devices are acceptable provided that delivery between pump cycles equals or exceeds that of a 42 gallon tank.

(ii) Tanks shall be equipped with a clean-out plug at the lowest point, and a suitable pressure relief valve.

(12 U.S.C 1735f-4; sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: September 18, 1984.

Shirley M. Wiseman,

General Deputy Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 84-26750 Filed 10-10-84; 8:45 am]

BILLING CODE 4210-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL-2691-3]

Approval and Promulgation of State Implementation Plan; Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this Notice is to invite public comment on EPA's proposal to approve amendments to TITLE 1 Chapter 1 RULES AND REGULATIONS FOR THE CONTROL OF AIR POLLUTION IN IDAHO which will be submitted by the State of Idaho Department of Health and Welfare (IDHW) as revisions to the State Implementation Plan (SIP). The primary changes involve the addition of a consolidated permit and emissions trading program which: (1) Establishes requirements for a permit to construct for new and modified stationary sources and facilities, including provisions for nonattainment areas, prevention of significant deterioration, and visibility protection and (2) establishes requirements for operating permits, including provisions for emissions offsets, alternative emission limits (bubbles), and banking emissions reduction credits. EPA is proposing to give full approval to these revisions except as they relate to bubbles and the use of banked emission reduction credits in bubbles. EPA's approval of those provisions would still require case-by-case EPA approval of bubbles and the use of banked credits in bubbles as SIP revisions. EPA's action is based on proposed rules which were submitted by IDHW to EPA in September and December 1983. Upon adoption by IDHW and final approval by EPA, the rules will become a federally enforceable part of the SIP as required by the Act. The intended effect of this action is to establish a SIP permitting and emissions trading program that will allow IDHW to issue all the Act's required permits and to issue operating permits, including the approval of certain emissions trading transactions (e.g., emission offsets) without the need for case-by-case Federal approval.

DATE: Comments will be accepted until November 13, 1984.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Idaho, Department of Health and Welfare, 450 West State Street, Boise, Idaho 83720

Comments should be addressed to: Laurie M. Kral Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-1980, (FTS) 399-1980.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Background
- III. Plan Revisions
- IV. Proposed Rulemaking Action

I. Introduction

As a result of the many revisions to EPA's new source review regulations during the past several years, IDHW is currently revising the provisions of TITLE 1 Chapter 1 RULES AND REGULATIONS FOR THE CONTROL OF AIR POLLUTION IN IDAHO which pertain to the permitting of new, modified, and existing stationary sources and facilities. EPA is today proposing to approve these revisions based on the proposed rules which were submitted to EPA on September 19, 1983 and January 11, 1984. This Federal Register action is being processed in parallel with action at the State level to adopt and submit a revision to the currently approved SIP. It is an attempt to accelerate the EPA rulemaking process by proposing approval based on an acceptable draft SIP revision, rather than postponing action until a final adopted and submitted SIP revision is received. The key to this shortened process is the incorporation of EPA comments in the early stages of SIP development so that the SIP revision, when submitted, is approvable without additional corrections. This process also assumes that no major changes will be made to the proposed SIP rules as a result of the State's public participation process. Such changes could necessitate a reproposal of affected portions of the rules.

The section entitled "Background" outlines the requirements of the Act regarding new source review, PSD, visibility, and emissions trading programs. The section entitled "Plan Revisions" describes the draft IDHW rules which are proposed for approval herein. The section entitled "Proposed Rulemaking Action" summarizes the action which EPA is today proposing,

describes the intended effects of this action, and calls for comments.

II. Background

The Act requires in section 110(a)(2)(D) that each SIP regulate the modification, construction and operation of any stationary source, including a permit program as required by parts C and D and a permit or equivalent program for any major emitting facility, within such region as necessary to assure (i) that national ambient air quality standards are achieved and maintained, and (ii) a procedure, meeting the requirements of paragraph (4), for review (prior to construction or modification) of the location of new sources to which a standard of performance will apply.

The specific requirements for these programs are contained in sections 110(a)(4), 165, 169, 171, 172(b)(6) and 173 of the Act and 40 CFR 51.18 and 51.24 of EPA regulations and will not be reiterated herein.

In addition to a permit program, Part C of the Act requires in Section 161 that each SIP contain emission limitations and such other measures as may be necessary to prevent significant deterioration of air quality. The specific requirements for these portions of the PSD program are contained in sections 162, 163 and 164 of the Act and 40 CFR 51.24 of EPA regulations.

Section 169A of the Act establishes requirements for preventing future impairment of visibility in mandatory class I federal areas, including the review of new and modified major stationary sources. The specific requirements pertaining to the permitting of new and modified major stationary sources are contained in 40 CFR 51.301 and 51.307 of EPA regulations.

Emissions trading is a regulatory reform measure which is allowed by the Act within the context of the Federally-approved SIP. It currently consists of four programs: (1) Emission offsets for new and modified sources (e.g., as required by section 173(l) of the Act); (2) netting of emissions to determine what constitutes a modified major stationary source or major emitting facility (as required by sections 110(a)(2)(D)(i), 165(a), 169(l)(C), and 172(b)(6) of the Act); (3) alternative emission limits (bubbles) for SIP emission limitations established pursuant to sections 110(a)(2)(B), 161 and 172(b)(8) of the Act; and (4) banking (saving for future use) emission reductions in excess of that otherwise required by the SIP (i.e., emission reduction credits). The requirements for emission offsets are contained in 40 CFR 51.18 and for netting in 40 CFR 51.18 and 51.24 of EPA

regulations. On April 7, 1982 (47 FR 15076), EPA published a proposed Emissions Trading Policy Statement which substantially revises its earlier policies on alternative emission limits and emissions banking programs. This policy statement constitutes interim criteria for evaluating state emissions trading rules.

III. Plan Revisions

The primary changes to the existing IDHW rules involve the addition of a consolidated permit and emissions trading program. This program: (1) Establishes requirements for a permit to construct for new and modified stationary sources and facilities, including provisions for nonattainment areas, prevention of significant deterioration, and visibility protection; and (2) establishes requirements for operating permits, including provisions for emissions offsets, alternative emission limits (bubbles), and banking emission reduction credits. To accommodate these new provisions, changes are being made to the following sections of the existing rules:

1-1002 DEFINITIONS

1-1003 REGISTRATION AND PERMIT PROCEDURES FOR STATIONARY SOURCES

1-1012 (RESERVED)

1-1013 (RESERVED)

1-1014 (RESERVED)

1-1101 to 1-1112 AMBIENT AIR QUALITY STANDARDS

1-1900 SOURCE SPECIFIC LIMITATIONS

1-1901 to 1-1904 RULES FOR AIR POLLUTION SOURCE PERMITS

1-1905 PERMIT TO CONSTRUCT REQUIREMENTS

1-1906 PERMIT REQUIREMENTS IN NONATTAINMENT AREAS

The following paragraphs describe the proposed changes to the existing IDHW rules.

Sections 1-1002 DEFINITIONS is being amended by adding definitions of "actual emissions," "adverse effects on visibility," "complete," "designated facility," "emissions unit," "federal class I area," "federal land manager," "fugitive emissions," "hazardous pollutant," "Indian governing body," "Indian reservation," "innovative control technology," "integral vista," "mandatory federal class I area," "net emissions increase," "operating permit," "permit to construct," "reasonable further progress," "secondary emissions," "significant," "significant contribution," and "visibility impairment"; by revising definitions of "air contaminant," "allowable emissions," "ambient air," "baseline concentration," "best available control technology," "BTU," "commence

construction of modification," "construction," "criteria pollutant," "emission," "emission standard," "emission standard violation," "existing source," "facility," "fugitive dust," "industrial process," "lowest achievable emission rate," "major facility," "major modification," "modification," "new source," "nonattainment area," "opacity," "person," "portable hot-mix asphalt plant," "process or process equipment," "process weight," "process weight rate," "source," "standard conditions," "stationary source," and "time intervals," "uncontrolled emission"; and by deleting definitions of "air pollution source permit," "area source," "ASTM," "certificate of registration," "Commission," "pilot plant," "Ringlemann smoke chart," "settleable particulates," and "show cause order".

Section 1-1003 REGISTRATION AND PERMIT PROCEDURES FOR STATIONARY SOURCES is being repealed, with the permit procedures relocated to the new Section 1-1012 and the registration requirements revised so that they only apply to portable sources and relocated to a new section 1-1013 "REGISTRATION PROCEDURES AND REQUIREMENTS FOR PORTABLE EQUIPMENT".

Section 1-1012 (RESERVED) is being amended by titling it "PROCEDURES AND REQUIREMENTS FOR PERMITS TO CONSTRUCT AND OPERATING PERMITS" and by relocating all of the amended permit requirements of the existing Sections 1-1003 and 1-1900 through 1-1906 to this new section. The new section will include applicability provisions for permits to construct (1-1012.02), applicability provisions for operating permits (1-1012.03), permit application procedures (1-1012.04), requirements for all new and modified stationary sources (1-1012.05), requirements for new and modified major stationary sources in nonattainment areas (1-1012.06), requirements for new and modified major stationary sources in attainment and unclassifiable areas (1-1012.07), visibility protection provisions (1-1012.06 and 1-1012.07), provisions for emission offsets for any permit to construct (1-1012.08), requirements for alternative emission limits (1-1012.09), provisions for banking emission reduction credits (1-1012.10), requirements for crediting emission reductions (1-1012.11), requirements for demonstrating net air quality benefit and ambient equivalence (1-1012.12), procedures for issuing, modifying, and renewing permits (1-1012.13), conditions which may be imposed upon permits to construct and operating permits (1-

1012.14), and provisions establishing the responsibility to comply with applicable local, state and federal regulations (1-1012.15).

Section 1-1014 (RESERVED) is being amended by titling it STACK HEIGHTS AND DISPERSION TECHNIQUES and adding provisions which restrict the use of stack heights and dispersion techniques when determining emission control requirements (1-1014.02).

The existing ambient air quality standard for photochemical oxidants (Section 1-1105) is being replaced with an ozone standard equivalent to the National Ambient Air Quality Standard for ozone. The existing ambient air quality standards for hydrocarbons (Section 1-1106), settleable particulate (1-1109), sulfuric acid mist (1-1110) and beryllium (1-1112) are being deleted. The remaining ambient air quality standards in Sections 1-1101 through 1-1112 are being renumbered and included in the new Section 1-1101 AMBIENT AIR QUALITY STANDARDS AND AREA CLASSIFICATION as Section 1-1101.01 Ambient Air Quality Standards.

The new Section 1-1101 also includes procedures for designating attainment, unclassifiable, and nonattainment areas (1-1101.02), the baselines for the PSD program (1-1101.03), the initial classification and redesignation procedures for PSD areas (1-1101.04), and the PSD increments for Class I, II, and III areas and concentrations which can be excluded from increment consumption (1-1101.05).

The existing Section 1-1900 is being amended by revising and relocating the provisions of Section 1-1900.01 Alternative Emission Limits to the new Section 1-1012 and amending and relocating the provisions of Section 1-1900.02 Compliance Schedules to the new Section 1-1012.03.

The existing provisions of Sections 1-1901 through 1-1904 RULES FOR AIR POLLUTION SOURCE PERMITS, Section 1-1905 PERMIT TO CONSTRUCT REQUIREMENTS, and Section 1-1906 PERMIT REQUIREMENTS IN NONATTAINMENT AREAS are being amended and relocated to the new Section 1-1012.

IV. Proposed Rulemaking Action

The IDHW regulations are substantially different in structure and organization than the EPA regulations they are designed to meet. However, with two exceptions, EPA has determined that the proposed revisions satisfy the requirements of the Act and EPA regulations with regard to: (1) The permitting of new and modified

stationary sources, including the requirements for nonattainment areas, PSD, visibility, and offsets; and (2) ambient air quality standards, PSD increments, and area designations.

The provisions of Sections 1-1002 DEFINITIONS, 1-1012 PROCEDURES AND REQUIREMENTS FOR PERMITS TO CONSTRUCT AND OPERATING PERMITS, 1-1014 STACK HEIGHTS AND DISPERSION TECHNIQUES and 1-1101 AMBIENT AIR QUALITY STANDARDS AND AREA CLASSIFICATIONS, taken together, satisfy EPA's permit requirements in 40 CFR 51.18, 51.24, and 51.307, with two exceptions. Those exceptions involve a restriction in EPA's regulations (40 CFR 51.18(j)(3)(ii)(c)) on the use of permanent source shutdowns and curtailments as offsets for new or modified stationary sources in nonattainment areas, and a requirement that all limitations used to determine allowable emissions be federally enforceable (40 CFR 51.18(j)(1)(xi) and 51.24(b)(16)). The proposed IDHW regulations do not contain such provisions. However, EPA has recently proposed to rescind these restrictions (48 FR 38742, August 25, 1983), and final rescission would make the IDHW regulation approvable. As such, EPA is proposing to approve the IDHW regulation with the understanding that (1) if, after EPA rulemaking is completed the restrictions have not been rescinded, IDHW will submit, within one year, revisions to its regulation to impose such restrictions, and (2) until such time as the EPA restriction is rescinded, IDHW will make an enforceable commitment to refrain from using past source shutdowns or curtailments as emission offsets and will submit operating permits which are not already federally-enforceable to EPA for inclusion in the SIP before EPA takes final action on the PSD and NSR programs.

Under these regulations, IDHW will be issuing permits and establishing emission limitations that may be affected by the current judicial review of stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). For this reason, EPA has requested that IDHW include the following caveat in all potentially affected permit approvals until the judicial process is completed and the stack height regulations either upheld by the court or revised by EPA:

In approving this permit, IDHW has determined that the application complies with the applicable provisions of the stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). Portions of those regulations have been overturned by a panel of the U.S. Court of Appeals for the D.C. Circuit, *Sierra Club v. EPA*, 719 F. 2d

436 (D.C. Cir. 1983). That court decision has been appealed to the U.S. Supreme Court by a group of affected industries. Consequently, this permit may be subject to modification when the judicial process is completed and any regulations revised in response. This may result in revised emission limitations or may affect other actions taken by the source owners or operators.

IDHW will make an enforceable commitment to include this caveat in all affected permits before EPA will take final action approving the PSD program.

The provisions of Sections 1-1002 DEFINITIONS and 1-1101 AMBIENT AIR QUALITY STANDARDS AND AREA CLASSIFICATIONS, taken together, satisfy EPA's requirements in 40 CFR Part 50, 40 CFR 51.24, and 40 CFR Part 81.

The proposed revisions pertaining to emissions trading (the provisions for alternative emission limits and banking emission reduction credits in Sections 1-1002 DEFINITIONS and 1-1012 PROCEDURES AND REQUIREMENTS FOR PERMITS TO CONSTRUCT AND OPERATING PERMITS) are generally consistent with EPA's Emissions Trading Policy Statement. However, IDHW has decided not to develop a "generic" bubble rule as envisioned by EPA's policy at this time but rather to submit alternative emission limits (including any banked emission reduction credits used in a "bubble") to EPA as SIP revisions in order to change the applicable provisions of the Federally-approved SIP. When EPA's final policy statement on emissions trading, specifically the scope and requirements for state generic rules, is published, IDHW will evaluate the feasibility of developing a generic rule.

In summary, EPA today proposes to approve revisions to TITLE 1 Chapter 1 RULES AND REGULATIONS FOR THE CONTROL OF AIR POLLUTION IN IDAHO, based on proposed rules submitted by IDHW to EPA on September 19, 1983 and January 11, 1984 and with the understandings discussed above. Final EPA approval will be contingent upon the receipt of State-adopted rules which are substantially consistent with the draft rules.

There are two intended effects of this proposed action: (1) To recognize that only Permits to Construct, issued by IDHW in accordance with the EPA-approved rules, are necessary for the construction or modification of stationary sources as required by Sections 110, Part C (PSD), Section 169A (pertaining to visibility), and Part D (pertaining to nonattainment areas) of the Act; and (2) to recognize that

Operating Permits, including those with netting, offset or banking actions, approved by IDHW in accordance with the EPA-approved rules, are revisions to the Federally-approved SIP at the time of permit issuance and do not require case-by-case EPA approvals. However, any alternative emission limit (bubble), including any involving the use of banked emission reduction credits, approved by IDHW in accordance with these rules will need to be approved by EPA as a SIP revision (meeting all applicable requirements) in order to change the applicable provisions of the Federally-approved SIP. (IDHW-approved variances must also be approved by EPA as SIP revisions in order to change the applicable SIP provisions.)

Any EPA approval or disapproval of existing source bubbles as SIP revisions will be based upon the Act, EPA regulations, policy, and guidelines applicable at that time. Sources and IDHW should not rely on EPA's limited approval of this rule as assurance that a bubble which meets all the requirements of this rule will necessarily be approvable by EPA. The current SIP contains the emission limits EPA will enforce until such time as an individual bubble is approved by EPA as a SIP revision. Thus, EPA today is merely proposing to approve a bubble rule which allows IDHW to approve bubbles that would then be submitted as SIP revisions to EPA for case-by-case approval. Similarly, EPA is not necessarily proposing to approve the future use in existing source bubbles of any emission reduction credits in the bank. Through this limited approval, EPA would merely be approving a banking rule which provides a mechanism for sources to bank emission reductions. Any use of banked emission reductions in bubbles must be consistent with the Act, EPA regulations, policy, and guidelines at the time of EPA action on those bubbles as SIP revisions.

Interested parties are invited to comment on all aspects of these proposed revisions to the Idaho SIP. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by (30 days after publication) will be considered in any final action EPA takes on this proposal.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110, 161, 169A, and 172 of the Act will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirements of regulatory impact analysis. This regulation is not judged to be major since it merely approves actions taken by the State and does not establish any new requirements.

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

(Secs. 110(a), 160 to 169, 169A, 171 to 173 and 301(a) of the Clean Air Act (42 U.S.C. 7410(a), 7470 to 7479, 7480, 7501 to 7503 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.

Dated: July 10, 1984.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 84-26823 Filed 10-10-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-S-FRL 2691-6]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing for public comment to disapprove Indiana's regulation 325 IAC 6-5, Fugitive Particulate Matter Emission Limitations. Indiana submitted this regulation as a revision to the Indiana State Implementation Plan (SIP) for total suspended particulates (TSP) in response to both the requirements to Part D of the Clean Air Act (CAA) and the condition of EPA's July 16, 1982 (47 FR 30972) approval of portions of Indiana's TSP plan. EPA is proposing to disapprove Indiana's fugitive dust strategy because the regulation does not meet the requirements of Part D of the Clean Air Act (CAA) in that: (1) It does not require reasonably available control technology (RACT) for all sources in nonattainment areas and (2) it is not enforceable.

EPA is also proposing that, if it ultimately disapproves these regulations, it will: (1) Find that, by virtue of Indiana's failure to submit an approvable fugitive dust control strategy, the State has failed to fulfill a condition that is germane to meeting Part D requirements; (2) withdraw the Agency's July 16, 1982 decision to

approve the plan conditionally as meeting the requirements of Part D, but retain EPA's approval of the regulations that became part of the SIP as a result of that conditional approval; (3) determine that the State has failed to implement the section 110(a)(2)(H)(ii) provision in its SIP requiring the State to revise the SIP to fulfill the condition; and (4) impose on the basis of these findings the growth sanctions of section 110(a)(2)(I) in the primary nonattainment areas in Clark, Dearborn, Dubois, and Vigo Counties and of Section 173(4) in the primary nonattainment areas of Clark, Dearborn, Dubois, Marion, and Vigo Counties.

DATE: Comments on this revision and on the proposed EPA action must be received by December 10, 1984.

ADDRESSES: Copies of the proposed SIP revision and EPA's comments on it are available at the following addresses for review. (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V office).

Environmental Protection Agency, Air and Radiation Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air and Radiation Branch (5AR-26), Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: Under section 107 of the CAA, EPA designated certain areas in Indiana as not attaining the NAAQS for TSP. See 40 CFR 81.315 (1983).¹ For these areas, Part D of the CAA requires that the State revise its SIP to provide for attaining the primary NAAQS by December 31, 1982. These SIP revisions must also provide for attaining the secondary NAAQS as soon as practicable. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemakings published at 44 FR 20372 (April 4, 1979), 44 FR 38583 (July 2, 1979).

¹ The United States Court of Appeals for the Seventh Circuit vacated EPA's August 18, 1982 (47 FR 35965) designation under Section 107 of a portion of Porter County as nonattainment for TSP. See *Bethlehem Steel Corporation v. USEPA*, 726 F.2d 1303 (1983).

44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

In response to Part D, Indiana submitted revisions to its TSP SIP, including plans for the designated nonattainment areas within Clark, Dearborn, Dubois, Howard, Marion, St. Joseph, Vanderburgh, Vigo, and Wayne Counties. The plans for these Counties were based on the strategy of applying RACT to traditional stationary sources² of particulate emissions and then studying the nature and extent of the nontraditional sources³ in the areas. At the time of these Indiana TSP Part D submittals, however, the State had not adopted an industrial fugitive dust regulation. Therefore, EPA approved the plan for these Counties on July 16, 1982 (1) on the condition that Indiana submit an approvable industrial fugitive dust regulation and (2) on the understanding that Indiana would continue studying the nontraditional sources and would adopt and submit as revisions to the SIP enforceable strategies to control nontraditional sources as necessary to provide for the attainment of the NAAQS in these nonattainment areas (47 FR 30972).⁴

In partial response to this rulemaking,⁵ on November 29, 1982 and December 9, 1982, Indiana submitted as a revision to its SIP new regulation 325 IAC 6-5, Fugitive Particulate Matter Emission Limitations. This regulation supplements but does not supersede the applicable SIP opacity and mass emission regulations. 325 IAC 6-5 requires the control of fugitive emissions from existing sources⁶ in nonattainment

² Traditional stationary sources are industrial point (stack) sources and industrial fugitive emissions, e.g., emissions from blast furnaces, materials storage and handling, and industrial roads and parking lots.

³ Nontraditional source emissions include emissions from such sources as agricultural operations, unpaved public roads, re-entrained road dust, and construction activities.

⁴ The area in Wayne County formerly designated nonattainment was redesignated unclassifiable on November 2, 1981 (46 FR 54340). The area in Howard County formerly designated nonattainment was redesignated attainment on September 3, 1982 (47 FR 38988). Therefore, nontraditional studies are not required for these Counties. EPA conditionally approved the Marion County strategy on July 16, 1982 except for certain coke battery requirements. The Section 110(a)(2)(I) growth restrictions are currently in effect in Marion County.

⁵ Indiana has additionally submitted plans concerning nontraditional fugitive dust sources in Marion, Vanderburgh, and Vigo Counties.

⁶ A source is defined as an aggregation of one or more facilities which are located on one piece of property or on contiguous or adjacent properties, and which are owned or operated by the same person (or by persons under common control). (325 IAC 1.1-1-76)

areas [other than Lake County]⁷ which potentially emit ⁸ 100 tons or more of fugitive particulate matter.⁹ It also requires fugitive particulate matter controls throughout the State on all new sources which are required by Indiana law to obtain a permit under Indiana's permit regulation, 325 IAC Article 2.¹⁰

Controls are required on:

Source Categories and Codification

Paved Roads, Unpaved Roads, and Parking Lots—325 IAC 6-5-4(a)
Open Aggregate Piles—325 IAC 6-5-4(b)
Conveying—325 IAC 6-5-4(c)
Transferring—325 IAC 6-5-4(d)
Transportation of Aggregate Material by Motor Vehicle—325 IAC 6-5-4(e)
Loading and Unloading—325 IAC 6-5-4(d)¹¹
Waste Disposal Sites—325 IAC 6-5-4(g)
Material Handling Operations—325 IAC 6-5-4(h)
Building Openings—325 IAC 6-5-4(i)

EPA reviewed this regulation and has found that it is disapprovable for at least four reasons. These are:

1. The regulation requires controls on only those existing sources which have the potential to emit 100 tons or more of fugitive particulate matter per year. Indiana presently believes that this regulation will apply to only one source.¹² If the cut-off were 25 tons of fugitive emissions, approximately 100 sources would be affected. To be approvable, the 100 ton cut-off must be consistent with RACT for TSP sources. Indiana stated ¹³ that the 100 ton cut-off is appropriate based on the cost, emission rates, efficiency, and other applicable data concerning the various affected Indiana sources. Also, the 100 ton cut-off is equivalent to other cut-offs in the Indiana air regulations.

⁷ Industrial fugitive dust emission limitations for Lake County are contained in 325 IAC 6-1-11, which EPA will rulemake on in a future Federal Register notice.

⁸ Potential [fugitive] emissions are defined as fugitive particulate matter emissions calculated after the application of air pollution control measures or air pollution control equipment. (325 IAC 6-5-2-(d))

⁹ Fugitive particulate matter emissions are defined as particulate matter which is emitted from any source by means other than a stack. (325 IAC 6-5-2-(b))

¹⁰ Indiana's permit regulation, 325 IAC Article 2, requires a permit for all sources which emit 25 tons per year or more of at least one pollutant.

¹¹ The source categories Loading and Unloading were incorrectly codified as 325 IAC 6-5-4(d). Indiana has verbally committed to correcting this codification to 325 IAC 6-5-4(f).

¹² February 16, 1984, Letter from E.F. Stresino, Chief, Enforcement Branch Indiana Air Pollution Control Division to Gary Victorine, Region V's Air Compliance Branch.

¹³ Findings of Fact and Recommendation of Hearing Officer C. Dan Hartman, Dated April 7, 1982.

EPA has reviewed the State submittal and finds that the State has not made an adequate showing that it is unreasonable to require controls on sources of less than 100 tons of fugitive emissions.¹⁴ Section 172(b) of the CAA requires RACT on all existing sources as necessary to assure timely attainment and maintenance of the NAAQS. This requirement does not distinguish between major and minor sources. Because Indiana's regulation does not require RACT level of controls on all sources in nonattainment areas on all sources for which such controls are reasonable, EPA is proposing to disapprove 325 IAC 6-5.

2. The regulation does not require subject sources to submit control plans unless requested to by the Indiana Air Pollution Control Board. In addition, there is no affirmative requirement on the Board to request plans. EPA understands that the Board has to date requested no plans under the regulation—despite the rule's compliance date of December 31, 1982. If the Board requests a plan and it is not submitted, there is no affirmative requirement on the Board to prepare and adopt a plan meeting the requirements of the regulation. EPA is thus proposing to disapprove 325 IAC 6-5 because subject sources may never be required to meet the emissions control measures contained or referenced in 325 IAC 6-5-4. See also the April 4, 1979 Federal Register notice which discusses the "enforceability" requirement of an approvable SIP. (44 FR 20373).

3. It is not clear which fugitive emission factors are to be used to determine applicability. The State's technical support document references five documents containing fugitive emission factors. It also lists one or more emission factors, a range of factors, or several alternative emission factor equations for various types of sources. The regulation itself does not reference which emission factors to use. Therefore, it can be debated which emission factor(s) to use and whether the regulation is applicable to a given source. This deficiency could be rectified if the State either changes the regulation to make it explicit which emission factors should be used in determining the regulation's applicability or officially clarifies the emission factors to be used.

¹⁴ The technical support document which Indiana used when it proposed 325 IAC 6-5 for public comment suggested the feasibility of controls for sources of less than 100 tons/year. Also, Illinois, Michigan, Minnesota, and Wisconsin in Region V all require industrial fugitive dust controls on sources less than 100 tons/year.

4. The regulation provides insufficient details or criteria to assure that the measures listed in Section 4 of the rule constitute RACT. The description of these measures is quite general. For example, Section 4(a)(1) says that sources may use "cleaning by vacuum sweeping" or "flushing" to control emissions from paved roads and parking lots. Without a detailed description of the frequency that these control methods would be applied, the rule does not assure the level of control required by the RACT provision in section 172 of the Clean Air Act. EPA will provide the State guidance on how to remedy this deficiency.

Other significant deficiencies with the regulation are:

1. If the CAA's "major source" definition was intended as the basis for the regulation's 100 ton/yr applicability cut-off, the State misconstrued this definition when it failed to include emissions from stacks, along with fugitive emissions, under its "potential emissions" definition in 325 IAC 6-5.

2. The regulation's 100 ton cut-off is based on potential tons, i.e., emissions after control. Therefore, if an owner adds controls to a source sufficient to bring its fugitive emissions below 100 tons, the remaining fugitive emission points within the source then need not be controlled. This allows a source to opt out of full RACT controls if it adds only some of the controls which otherwise would be required.

3. It is possible that an owner might put on fugitive emission controls temporarily,¹⁵ while applicability of 325 IAC 6-5 is being determined, and then remove these controls without notifying the State and EPA. To ensure that necessary emission controls remain in place, EPA recommends that these controls be included as a requirement of the operating permit for the source. (See Concern 2, above.) If EPA ultimately approves 325 IAC 6-5 (or any modification thereof), all such requirements would have to be submitted as source specific revisions to the SIP.

4. The definition of unpaved road in 325 IAC 6-5-2(e) was inadvertently truncated during the State's promulgation process. The definition intended by the State is:
Unpaved Roads—any surfaced thoroughfare or right-of-way other than a paved road as defined in subsection 2(c) of this Rule, which is designed or used for vehicular traffic lying

¹⁵ Examples of controls which could be added at the time of regulation applicability determination and then easily discontinued are street sweeping and treating fugitive emission sources with water or dust suppressant.

[on the property of, or owned by an individual or company].

The State's air division's staff have verbally informed EPA that the State is currently correcting this definition, and EPA finds that the above definition would be approvable.

5. 325 IAC 6-5-6 requires a source in a TSP primary nonattainment area to be in compliance with the source's approved fugitive dust plan by December 31, 1982, or as otherwise specified in the [State] approved plan, but in no case earlier than the date by which the Indiana Air Pollution Control Board approves the source specific control plan. The above time frame would allow certain TSP sources to have final compliance dates beyond December 31, 1982, the attainment deadline specified in section 172 of the CAA. Under EPA policy (see 48 FR 50685, November 2, 1983), post-1982 compliance dates are acceptable if they would serve to attain the standards as expeditiously as is now practicable. However, 325 IAC 6-5-6 does not provide any assurance that the compliance dates the Board approves for sources subject to its provisions will in fact represent the most expeditious schedule that is practicable for those sources. For this reason, if EPA ultimately approves this regulation, all discretionary schedules extending final compliance beyond the date that the Board approves a given plan must be submitted to EPA. See 325 IAC 6-5-9.

6. The regulation gives broad discretionary power to the Indiana Air Pollution Control Board to approve alternate control measures. 325 IAC 6-5-9 requires all such actions to be submitted to EPA as site-specific revisions to the Indiana SIP. For federal purposes, an industrial fugitive dust plan for a specific source can be considered approved when either of two sets of circumstances are met. The plan will be approved when either (1) all provisions within the plan are those contained in the control measures specified in an EPA-approved industrial fugitive dust regulation and none involve Board discretion or (2) when EPA approves as a site-specific SIP revision all provisions within the plan which involve Board discretion.

Additional comments on the plan are contained in the EPA technical support document which is available at the addresses listed at the front of this notice.

EPA is proposing to disapprove 325 IAC 6-5 because it does not require RACT on all traditional fugitive emission sources in nonattainment areas and is not enforceable. EPA is also

proposing to apply the Agency's policy for correction of Part D SIPs, outlined in the Federal Register notice of November 21, 1983 (48 FR 50686).¹⁶ Consistent with that policy, EPA is proposing that, if it ultimately disapproves the State's fugitive dust regulations, it will (1) find that, by virtue of Indiana's failure to submit an approvable fugitive dust control strategy, the State has failed to fulfill a condition that is germane to meeting Part D requirements; (2) withdraw the Agency's previous decision to approve the plan conditionally as meeting the requirements of Part D for Clark, Dearborn, Dubois, and Vigo Counties;¹⁷ (3) determine that the State has failed to implement the Section 110(a)(2)(H)(ii) provision in its SIP requiring the State to revise the Clark, Dearborn, Dubois, Marion,¹⁸ and Vigo Counties' EPA to fulfill the condition; and (4) impose on the basis of these findings the growth sanctions of section 110(a)(2)(I) in the primary nonattainment areas in Clark, Dearborn, Dubois, and Vigo Counties.¹⁹ and of section 173(4) in the primary nonattainment areas in Clark, Dearborn, Dubois, Marion and Vigo Counties.²⁰

EPA does not intend, however, to revoke its approval of the emission limits that became part of the SIP for sources in these counties as a result of EPA's July 16, 1982 conditional approval, i.e., the emission limits in 325 IAC 6-1 and other approved particulate regulations. EPA is retaining its approval of these regulations because,

¹⁶ On January 27, 1984, EPA published supplementary guidance on its policy for correction of Part D SIPs.

¹⁷ In EPA's July 16, 1982 rulemaking, which conditionally approved the Indiana Part D TSP plan, EPA also described its procedures where a condition of its approval is not satisfactorily met. For more detail on conditional approvals see 44 FR 38583 (July 2, 1979) and 44 FR 38583 (November 23, 1979).

¹⁸ Marion County's SIP strategy is also based on requiring RACT on all traditional TSP sources, including fugitive. Although EPA did not approve the Marion County plan on July 16, 1982 because the plan did not include RACT regulations for coke batteries, EPA did approve most elements in the plan on the condition that Indiana submit approvable industrial fugitive dust regulations. Therefore, the Marion County plan too will be deficient if EPA ultimately disapproves 325 IAC 6-5.

¹⁹ The section 110(a)(2)(I) growth sanctions came into effect in the primary nonattainment area of Marion County on July 1, 1979 and are still in effect there. In addition to approving RACT coke battery requirements in Marion County, EPA must approve an industrial fugitive dust plan for Marion County before the section 110(a)(2)(I) sanctions are lifted there.

²⁰ EPA solicits comments on whether it should extend its conditional approval (and thereby postpone imposition of the sanctions) upon a commitment and demonstration by the State that it will satisfy the condition on a rapid schedule with concrete milestone. EPA has not yet received such a commitment and demonstration.

although they may not be adequate in and of themselves to assure attainment and maintenance of the NAAQS, they do require a RACT level of controls on traditional stack sources in these counties, and deleting them from the EPA approved SIP would constitute a relaxation that is impermissible under Part D in the absence of a full attainment demonstration.

Under 5 U.S.C. 605(b), the Agency must assess the impact of proposed or final rules on small entities. If EPA takes final action to disapprove the Indiana Part D plan for particulate, a moratorium on the construction and modification of major stationary sources of particulate will go into effect in certain portions of the State. EPA does not have sufficient information to determine the impacts a moratorium may have on small entities because it is difficult to obtain reliable information on future plans for business growth. However, because EPA cannot be certain of the potential impact on small entities, the Agency invites comments on this issue. Even if this action, when promulgated, were to have a significant impact on a substantial number of small entities, the Agency could not modify the action. Under the Clean Air Act the imposition of a construction moratorium is automatic and mandatory whenever the Agency determines that a plan for a nonattainment area fails to meet the requirements of Part D of the Act.

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 EPA response, are available for public inspection at the EPA Region V office listed above.

(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.

Dated: June 22, 1984.

Dale S. Bryson,

Acting Regional Administrator.

[FR Doc. 84-26824 Filed 10-10-84; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

[GSAR Notice No. 5-57]

General Services Acquisition Regulations System

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) which will add Section 501.105 to list the OMB approval numbers, obtained in accordance with the Paperwork Reduction Act, for the information collection requirements in the GSAR and Section 501.675 to provide guidance on the ratification of unauthorized contractual commitments. Miscellaneous changes are also proposed in Section 501.104-2, Arrangement of regulation; 501.171-2, Acquisition Letters; 501.404, Class deviations; 501.603, Contracting Officer Warrant Program; 501.670, Legal review and assistance; 501.671-3, Types of contracts subject to audit; 515.106-1, Examination of records by GSA clause; 522.402-3, Contract Work Hours and Safety Standards Act; 552.205-70, Examination of Records by GSA; and 552.319, Small Purchases. The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system.

DATES: Comments are due in writing on or before November 13, 1984.

ADDRESS: Requests for a copy of the proposal and your comments should be addressed to Ms. Carol A. Farrell, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW., Room 4027, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations (VP), (202) 523-4754.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB), by memorandum dated December 15, 1983, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore, no regulatory flexibility

analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 501, 515, 522, and 552

Government procurement.

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

Dated: October 1, 1984.

Richard H. Hopf, III,

Director, GSA Acquisition Policy and Regulations.

[FR Doc. 84-26835 Filed 10-10-84; 8:45 am]

BILLING CODE 6820-61-M

48 CFR Ch. 5

[GSAR Notice No. 5-74]

Pricelist Method of Award; Formal Advertising

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to Chapter 5 of the General Services Administration Acquisition Regulation (GSAR) which will add Section 514.272 in order to provide procedures regarding the pricelist method of award for supply, service, and repair and alteration contracts. The intended effect is to provide policy and procedures to contracting activities within the regulatory system.

DATES: Comments are due in writing on or before November 13, 1984.

ADDRESS: Requests for a copy of the proposal and your comments should be addressed to Ms. Carol A. Farrell, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW., Room 4027, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: L. Gaye Hirz-Kester, Office of GSA Acquisition Policy and Regulations, (202) 532-4763.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 15, 1983, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain

information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 514

Government procurement.

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

Dated: October 1, 1984.

Richard H. Hopf, III,

Director, GSA Acquisition Policy and Regulations.

[FR Doc. 84-26835 Filed 10-10-84; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by Chrysler Corporation, requesting the agency to amend Federal Motor Vehicle Safety Standard No. 108 so that vehicles manufactured after September 1, 1985 and intended for phase-out by the end of that year would not have to be equipped with center high-mounted stop lamps. The petition alleged that compliance costs for a limited run would be excessive. The petition was denied primarily because the requirement's effective date affords ample leadtime and can be met by industry in general.

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2153).

SUPPLEMENTARY INFORMATION: Each passenger car manufactured on or after September 1, 1985, must be equipped with a center high mounted stop lamp. Chrysler Corporation filed a petition for rulemaking with NHTSA "to amend the rule so that it will not apply to car models that will be built after August 31, 1985, but which will go out of production on or before December 31, 1985".

Specifically, Chrysler intends to discontinue certain Plymouth Horizon/Turismo and Dodge Omni/Charger models by December 31, 1985, though

intending to build 73,000 of them after August 31, 1985. Because of the small number being produced, engineering special lamps for these vehicles is, in Chrysler's view, "excessively expensive", and it estimates that it would cost it \$2.6 million to do so. It asks the agency for relief from "this unnecessary expense and extra cost to consumers".

The agency determined that an effective date of September 1, 1985, was practicable for the industry as a whole, and no cause has been shown that a delay of it until January 1, 1986, would be in the public interest. Indeed, NHTSA has amended the standard to allow immediate installation of the device for any manufacturer who wishes to do so. In the agency's view, the safety benefits to be derived through equipping all new cars with the device after September 1, 1985, were well-documented and discussed in the final rule. In setting the effective date, the agency considered thoroughly the costs that would be imposed by this rule on individual manufacturers. Specifically, the agency noted in the final rule that the effective date "represents an appropriate balance between minimizing the period in which center high-mounted stop lamps will have to be added to existing models instead of designed into new models and beginning implementation of a very cost-effective requirement that will reduce accidents and injuries." The petitioner has not provided the agency with any cause to alter this conclusion.

At the conclusion of the technical review the agency determined that there was not a reasonable possibility that at the end of the rulemaking proceeding Standard No. 108 would be amended to delay the effective date of requirements for center high mounted stop lamps and the petition was denied.

The program official and attorney principally responsible for the development of this agency position are Kevin Cavey and Taylor Vinson, respectively.

(Secs. 103, 119, and 124, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, and 1410a); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued: October 3, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-28818 Filed 10-10-84; 3:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Solidago Shortii* (Short's Goldenrod)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (the Service) proposes to list *Solidago shortii* (Short's goldenrod), a plant endemic to the Commonwealth of Kentucky, as an endangered species under the authority contained in the Endangered Species Act of 1973, as amended. *Solidago shortii* is threatened by potential recreational activities, natural and man-induced habitat alterations, and development of its habitat. This proposal, if made final, would implement Federal protection provided by the Endangered Species Act of 1973, as amended, for *Solidago shortii*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by December 10, 1984. Public hearing requests must be received by November 26, 1984.

ADDRESS: Comments and materials concerning this proposal should be sent to Mr. Warren T. Parker, Field Supervisor, Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Currie at the above address (704/259-0321 or FTS 8/672-0321).

SUPPLEMENTARY INFORMATION:

Background

Solidago shortii, a member of the Aster family, was first collected by C. W. Short at Falls of the Ohio, Jefferson County, Kentucky. In 1842 the species was described and named in honor of its discoverer by Torrey and Gray. The original site, which was apparently Rock Island, adjacent to Falls of the Ohio on the Ohio River, was inundated by dam construction. This is the only known Jefferson County location, and the species is considered to be extirpated from the county (Medley, 1980). In 1939, Braun (1941) discovered *Solidago shortii*

growing in the vicinity of Blue Licks, Kentucky. She reported that at that time there were numerous populations growing on rocky slopes and in pastures in Nicholas and Fleming Counties, Kentucky. In 1980, Medley conducted a status survey for *Solidago shortii* with funds provided by the Service. Despite extensive searches in the area in 1978, 1979, and 1980, only one population of the species was found during this survey. This population is located within Blue Licks Battlefield State Park, Robertson County. Medley reported that a major segment of the Park's population was almost completely destroyed by campground construction in the middle 1970s. Medley (1980) further stated that the overgrazed pastures which, according to Braun (1941) provided habitat for *Solidago shortii*, are still numerous in the Blue Licks area. However, after thorough searches of potential sites over the three-year period mentioned above, he concluded that the only remaining site was within Blue Licks Battlefield State Park.

Whether the loss of the numerous populations reported by Braun was caused by more intensive grazing pressures during the intervening years or is the result of some other factor or factors is not known. In 1983, Baskin and Baskin (in press) discovered three additional populations of *Solidago shortii*. One of these was just outside the Park's boundary—0.1 mile into adjacent Nicholas County. The other two—one in Nicholas County and one in Fleming County—were within a two-mile radius of the Park. The historic distribution of *Solidago shortii* may have been correlated with disturbance caused by bison. The largest remaining population is adjacent to the old Buffalo Trace, which passes through Blue Licks Battlefield State Park (Medley, 1980). It was also suggested by Braun (1941) that fire may have been a factor in creating openings within wooded areas which provided habitat for the species.

Short's goldenrod is usually less than one meter tall and bears yellow flowers between mid-August and early November. The light brown fruits (achenes) mature several weeks after the flowers wither. The alternately arranged narrow leaves are usually 5 to 10 centimeters long and 0.6 to 1.5 centimeters wide. *Solidago shortii* is found growing in cedar glades and openings in oak and hickory forests (Kral, 1983; Medley, 1980), in areas adjacent to the Old Buffalo Trace (Medley, 1980), and in pastures and areas adjacent to roads (Braun, 1941; Baskin and Baskin, in press).

Federal Government actions on this species began with Section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the *Federal Register* (40 FR 27823) of its acceptance of the Smithsonian Institution report as a petition within the context of Section 4(c)(2) [now Section 4(b)(3)] of the Act, and of its intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the *Federal Register* (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, *Federal Register* publication. *Solidago shortii* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal. General comments received in relation to the 1976 proposal were summarized in the *Federal Register* on April 26, 1978 (43 FR 17909). On December 10, 1979, the Service published a notice (44 FR 70796) withdrawing the June 16, 1976, proposal along with four other proposals that had expired due to a procedural requirement of the 1978 Amendments. On December 15, 1980, the Service published a revised notice of review for native plants in the *Federal Register* (45 FR 82479); *Solidago shortii* was included in that notice as a category-1 species. Category-1 species are those for which data in the Service's possession indicate that listing is warranted.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Solidago shortii* because of the acceptance of the 1975 Smithsonian report a petition. On October 13, 1983, the Service found that the petitioned listing of *Solidago shortii* was warranted, and that although other pending proposals has precluded its proposal, expeditious progress was being made to add this and other species to the list. Notice of this findings

was published in the *Federal Register* on January 20, 1984 (49 FR 2485). Publication of this proposal constitutes the next one-year finding requirement, which must be made by October 13, 1984.

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 the 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983), 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 *Solidago shortii* Torrey and Gray (Short's goldenrod) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* *Solidago shortii* occurs at four locations in an extremely limited portion of Robertson, Nicholas, and Fleming Counties, Kentucky. One of these populations is within Blue Licks Battlefield State Park. In the middle 1970's a major segment of the Park's population was lost during construction of a new campground. Most of the remaining plants (about 2,000 individuals) are within a 1.5-acre area which has been dedicated by the Kentucky Nature Preserves Commission as a nature preserve. Research is needed to determine proper management techniques for maintenance of the species at this site. Additional protection from accidental trampling or inadvertent destruction is also needed. The remaining three sites are located on private property. No plans to develop these sites are known at this time; however, they could be lost to building and other construction activities in the future. Changes in land use, such as more intensive agricultural activities, could further reduce or eliminate *Solidago shortii* from these sites. Kral (1983) states that fire could adversely affect *Solidago shortii*. The populations on private land are susceptible to fires originating at the roadsides which are immediately adjacent to the sites. Although no known highway alterations are planned at this time, alterations which were not designed in a manner to minimize impacts to *Solidago shortii* could adversely affect the species.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The largest population (80 to

90 percent of the plants) occurs within a park administered by the Commonwealth of Kentucky. Increased recreational use at the park, if it is not carefully directed to areas away from the small *Solidago shortii* population, could adversely impact the species. The remaining individuals in the population segment that were almost completely destroyed by campground construction are vulnerable to accidental trampling by park visitors. The small number of individuals (2,000 to 2,500) in existence (Medley, 1980; Baskin and Baskin, in press) makes the species vulnerable to overcollecting for scientific purposes. The plants within the park cannot be collected without a permit from the Department of Parks and the Kentucky Nature Preserves Commission. However, the much smaller and consequently more vulnerable populations on private land are not protected from this potential threat.

C. *Disease or predation.* No diseases are known to be adversely impacting *Solidago shortii*. Kral (1983) states that grazing will adversely impact the species.

D. *The inadequacy of existing regulatory mechanisms.* The Blue Licks Battlefield State Park Nature Preserves population of *Solidago shortii* is afforded protection from unauthorized by Park and Kentucky Nature Preserves Commission regulations. Taking is authorized through a permit system administered by the Department of Parks and the Kentucky Nature Preserve System. Permits are only issued for valid scientific purposes. Currently there are no other forms of protection provided to the species. The Endangered Species Act would afford additional protection to *Solidago shortii*.

E. *Other natural or manmade factors affecting its continued existence.* *Solidago shortii* has been reduced to a small number of populations with a limited number of individuals in each population. It is therefore particularly vulnerable to any natural or man-induced factors, such as fire, that might reduce population size. Although fire may have been important historically in maintaining suitable habitat for this species, fire in its currently remnant habitat could destroy whole populations.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based upon this evaluation, the preferred action is to list *Solidago shortii* as an endangered species. Only four populations of this species are known to

exist. Three of the four populations are on privately owned property and currently receive no protection or management designed to enhance their continued existence. The fourth population is on property administered by the Kentucky Department of Parks and the Kentucky Nature Preserves Commission. Although this population is within a state park and is a dedicated nature preserve, it could still be lost through inadvertent man-induced alterations of its habitat, through natural fluctuations in the population, or through perturbations of human or natural origin, such as fire. Endangered status is appropriate because of the vulnerability of the species to extinction. Critical habitat is not being designated for reasons discussed in the next section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Solidago shortii* at this time. The species has a very limited distribution and small number of individuals present in only four populations. Increased visitation, inadvertent trampling and destruction, and taking may result if the location of this extremely rare plant is disseminated by means of critical habitat designation. The 1.5-acre site in Blue Licks Battlefield State Park, which contains the largest remaining population of *Solidago shortii*, has been registered as a nature preserve. Both the Kentucky Department of Parks and the Kentucky Nature Preserves Commission believe that any publicity about the preserve and the extremely rare species that it contains would be disadvantageous to the continued existence of *Solidago shortii*. Although taking without a State permit is prohibited, this prohibition is difficult to enforce. Taking is not prohibited by the Endangered Species Act with respect to plants, except for a prohibition against removal and reduction to possession of endangered plants from lands under Federal jurisdiction. Publication of critical habitat descriptions and maps would increase the vulnerability of *Solidago shortii*, and would create additional enforcement problems for the Kentucky Department of Parks. Critical habitat designation may stimulate increased visitation to the sites with consequent problems of trampling and

deleterious habitat alterations. The Commonwealth of Kentucky, Department of Parks, and the private landowners on whose property the other populations of *Solidago shortii* occur are aware of the locations of the species and the importance of protecting them. No additional benefits from a determination of critical habitat would result. Therefore, it would not be prudent or beneficial to determine critical habitat for *Solidago shortii* at this time.

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 possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking 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 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to informally confer 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. If a Federal action may affect a listed species, the responsible Federal agency must enter into consultation with the Service. No Federal involvement is expected for *Solidago shortii* since the species is not known to occur on Federal lands.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Solidago shortii* all

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

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. The new prohibition will apply to *Solidago shortii* if it ever is discovered on federal lands. Permits for exceptions to this prohibition are available through Section 10(a) of the Act, until revised regulations are promulgated to incorporate the 1982 Amendments. Proposed regulations implementing this new prohibition were published on July 8, 1983 (48 FR 31417), and it is anticipated that these will be made final following public comment. *Solidago shortii* is not known to occur on Federal lands, and therefore no requests for permits are anticipated.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Solidago shortii*;
- (2) The location of any additional populations of *Solidago shortii* and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;
- (3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on *Solidago shortii*.

Final promulgation of the regulation on *Solidago shortii* 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 Service's Asheville Field Supervisor (see ADDRESSES section).

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).

Literature Cited

- Baskin, J.M., and C.C. Baskin. In press. Note on the rediscovery of the rare Kentucky endemic *Solidago shortii* Gray in Fleming and Nicholas Counties. Transactions of the Kentucky Academy of Science.
- Braun, E.L. 1941. A new locality for *Solidago shortii*. Rhodora 43:484.
- Kral, R. 1983. A report on some rare, threatened, or endangered forest-related vascular plants of the South. USDA, Forest Service, Southern Region, Technical Publication R8-TP2.
- Medley, M.E. 1980. Status of *Solidago shortii*. Unpublished report produced under contract to the U.S. Fish and Wildlife Service, Atlanta, GA.
- Torrey, J., and A. Gray. 1842. A flora of North America. New York Botanical Garden, New York. p. 222.

Author

The primary author of this proposed rule is Mr. Robert R. Currie, Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259-0321 or FTS 8/672-0321).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

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

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

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order, under the family Asteraceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Scientific name	Species	Common name	Historic range	Status	When listed	Critical habitat	Special rules
ASTERACEAE—Aster family							
<i>Solidago shortii</i>	*	Short's goldenrod	U.S.A. (KY)	E	*	NA	NA

Dated: September 28, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-26786 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 49, No. 198

Thursday, October 11, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92-463), notice is hereby given of two meetings of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 9:30 a.m. on Thursday, October 25, 1984, at 2120 L Street, NW., FTC Hearing Room 540, and 2 p.m. on Wednesday, November 7, 1984, at Cadwalader, Wickersham & Taft, 7th floor conference room, 1333 New Hampshire Avenue, NW., Washington, D.C.

The committee will meet to discuss a draft recommendation based on Professor Robert Anthony's study of International Trade Commission release of confidential information under protective order in antidumping and countervailing duty proceedings.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the committee before, during or after the meeting.

For further information concerning this meeting contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202-254-7065.) Minutes of the meeting will be available on request.

Dated: October 5, 1984.

Richard K. Berg,
General Counsel.

[FR Doc. 84-26914 Filed 10-10-84; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

October 5, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Revision

- Food and Nutrition Service
State Coupon Issuance and Participation
Estimates
FNS 388

Recordkeeping, Monthly
State or local governments; 636
responses, 4,542 hours, not applicable
under 3504(h)
Paul Jones (703) 756-3439
• Rural Electrification Administration
Financial and Statistical Report
REA Form 479
Annually
Small businesses or organizations; 1,000
responses, 14,000 hours; not
applicable under 3504(h)
David B. Cohen (202) 382-8549.

Jane A. Benoit,

Acting Departmental Clearance Officer.

[FR Doc. 84-26887 Filed 10-10-84; 8:45 am]

BILLING CODE 3410-01-M

Food and Nutrition Service

Food Stamp Program; Thrifty Food Plan and Deductions

AGENCY: Food and Nutrition Service,
USDA.

ACTION: General notice.

SUMMARY: The Department is updating: (1) the Thrifty Food Plan which determines the maximum amount of food stamps which participating households receive, (2) the amount of the standard deduction which is available to all households, and (3) the maximum amounts for the excess shelter and dependent care deductions available to certain households. The adjustments, required by law, take into account changes in the cost of living.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Virgil L. Conrad, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756-3026. Copies of the Regulatory Impact Analysis, which is summarized in the preamble, are also available from Mr. Conrad.

SUPPLEMENTARY INFORMATION:

Publication

State agencies implemented this action on October 1, 1984. They were provided with adequate advance notice of the new amounts to meet the implementation deadline. Based on regulations published at 47 FR 46485-46487 (October 19, 1982) annual statutory adjustments to the Thrifty Food Plan and deductions are issued by General Notices published in the

Federal Register and not through rulemaking proceedings.

Classification

Executive Order 12291. This action has been reviewed under Executive Order 12291 and Secretary's Memorandum 1521-1. The Department considers it a major action because it will increase the Food Stamp Program's cost by more than \$100 million. It will not result in a major increase in costs or prices except to the Federal Government, nor will it affect competition, productivity, employment, investment, or innovation.

Regulatory Flexibility Act. Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The action will increase the amount of money spent on food through food stamps. However, this money will be distributed among the nation's food vendors, so the effect on any one vendor will not be significant.

Paperwork Reduction Act. This action does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Regulatory Impact Analysis

Need for Action. This action is required by Sections 3(o) and 5(e) of the Food Stamp Act of 1977, as amended. Section 3(o) requires that the October 1, 1984 change in food stamp allotments be based upon the June 1984 cost of the Thrifty Food Plan for a family of four persons consisting of a man and woman ages 20-54 and children 6-8 and 9-11. Adjustments are made to take into account household size, economies of scale, and legislatively-mandated one percent reduction, and a requirement to round the final results down to the nearest dollar increments. Section 5(e) requires that the standard deduction and excess shelter and dependent care deductions be adjusted on October 1, 1984 to the nearest lower dollar increments to reflect certain changes for the fifteen months ending June 30, 1984.

According to the Food Stamp Act, the adjustment to the standard deduction must reflect changes in the Consumer Price Index for all urban consumers (CPI-U), published by the Bureau of Labor Statistics (BLS), for items other than food and the homeownership component of shelter costs. At the time this provision was included in the Act, BLS developed a discrete homeownership component of shelter costs for the CPI-U. However, BLS subsequently made a change and there is no longer a homeownership

component. In effect, the former homeownership component has been split out into two new components; homeowners' costs and maintenance and repairs.

In light of this development, the Department has consulted with BLS to determine the appropriate course of action. (Such consultation is required by section 5(e) of the Act.) BLS advises that excluding the new homeowners and maintenance and repairs components of the CPI-U would be equivalent to excluding the former homeownership component of the CPI-U. The Department followed this guidance. Thus, the update of the standard deduction contained in this Notice, which went into effect on October 1, 1984, was based on the CPI-U for June 1984, for items other than food, homeowner's costs, and maintenance and repairs.

A similar situation arose with regard to the excess shelter and dependent care deductions. The excess shelter/dependent care deduction was to be updated to reflect changes in the shelter component of the CPI-U, exclusive of homeownership costs, and the fuel and utilities components of the CPI-U. Following the same guidance from BLS, the Department based the October 1, 1984, update on the changes in the fuel and utilities components and the shelter component of the CPI-U, exclusive of the homeowner's and maintenance and repairs' components.

Benefits. This action increases the food purchasing power of food stamp recipients based on the rising cost of living.

Costs. It is estimated that this action will increase the cost of the Food Stamp Program by approximately \$643 million in Fiscal Year 1985.

Background

Thrifty Food Plan (TFP)

The TFP is a plan for the consumption of foods of different types (food groups) that families might use to provide nutritious meals and snacks for family members. The plan suggests amounts of food for men, women, and children of different ages, and it meets all dietary standards. The cost of the TFP is adjusted annually to reflect changes in the costs of the food groups. This update is based on the TFP revision outlined in

the Federal Register notice published July 29, 1983 (48 FR 34700). The comment analysis concerning the TFP revision was submitted to the Federal Register with this notice.

The TFP also constitutes the basis for allotments for food stamp households. As such, the cost of the TFP is the maximum benefit level payable to a household of a particular size. The maximum benefit is paid to households which have no net income. For households which have some income, their allotment is determined by reducing the TFP for their household size by 30 percent of the household's net income. As prescribed by the statute, these maximum benefit amounts are based on the TFP for a particular four-person household, and adjusted to take into account household size, economies of scale, statutory reductions and rounding.

The cost of the TFP is adjusted periodically to reflect changes in cost levels. Section 3(o) of the Food Stamp Act of 1977, as amended, provides that the next adjustment that took place on October 1, 1984, be based upon June 1984 TFP costs for a family of four persons consisting of a man and woman ages 20-54 and children 6-8 and 9-11. In June 1984, these TFP values were \$264.40 in the 48 States and D.C.; \$346.40 in Alaska; \$405.80 in Hawaii; \$389.70 in Guam; and \$339.90 in the Virgin Islands.

To obtain the maximum food stamp benefit for each household size, the TFP costs for the four-person household in each area were divided by four, reduced by one percent, per the legislative mandate, multiplied by the appropriate household size and economy of scale factor, and the final result was rounded down to the nearest dollar. In Alaska, where the TFP is based on Anchorage prices, the urban allotment was computed by adding an additional 6.4 percent to take into account food prices in other urban areas of the State. The rural Alaska allotment was computed by adding 50.7 percent to take into account significantly higher food prices in rural areas. Maximum food stamp benefits for Guam and the Virgin Islands cannot exceed those in the 50 States and D.C.

The following table shows the new allotments for the 48 States and D.C., urban and rural Alaska, Hawaii, Guam, and the Virgin Islands.

THRIFTY FOOD PLAN AMOUNTS¹—OCTOBER 1984, ADJUSTED

Household size	48 States and District of Columbia	Urban Alaska ²	Rural Alaska ³	Hawaii	Guam ⁴	Virgin Islands ⁵
1.....	\$78	\$109	\$155	\$120	\$115	\$100
2.....	143	200	284	220	212	185

THRIFTY FOOD PLAN AMOUNTS¹—OCTOBER 1984, ADJUSTED—Continued

Household size	48 States and District of Columbia	Urban Alaska ²	Rural Alaska ³	Hawaii	Guam ⁴	Virgin Islands ⁴
3	206	287	406	316	303	264
4	261	364	516	401	385	336
5	310	433	613	477	458	399
6	373	519	736	572	549	479
7	412	574	813	632	607	529
8	471	656	930	723	694	605
Each additional member	+59	+82	+116	+90	+87	+76

¹ Adjusted to reflect the cost of food in June, adjustments for each household size economies of scale, 1 percent reduction, and rounding.

² Increased by 6.4 percent to account for higher food prices in urban cities and towns.

³ Increased by 50.7 percent to account for significantly higher food prices in rural areas.

⁴ Adjusted to reflect changes in the cost of food in the 48 States and D.C., which correlate with price changes in these areas. TFP costs in these areas cannot exceed costs in rural Alaska.

Deductions

Food stamp benefits are calculated on the basis of an individual household's net income. Deductions serve to lower household net income. The standard deduction is available to all households. The combined excess shelter expense/dependent care deduction is available to those with extremely high shelter costs and/or dependent care expenses.

Adjustment of the Standard Deduction

Section 5(e) of the Food Stamp Act of 1977, as amended, provides that in computing household income, households in the 48 States and D.C. shall be allowed a standard deduction of \$85. The standard deductions specified for Alaska, Hawaii, Guam, and the Virgin Islands are \$145, \$120, \$170, and \$75, respectively. The law also provides for periodic adjustments in the level of the standard deduction to take into account changes in the CPI-U published by the BLS, for items other than food and the homeownership component of shelter costs. These deductions were adjusted upward effective October 1, 1983, based upon a procedure recommended by BLS (see table). The additional adjustments in the table below took effect October 1, 1984, and reflected changes for the fifteen month period ending June 30, 1984. The adjustments are, by law, rounded to the nearest lower dollar. Since the homeownership component is no longer available, BLS recommended that the Department use "homeowners' costs" and "maintenance and repairs" to achieve a comparable deduction adjustment.

Standard deductions	Previous deductions (effective 10-1-83)	Unrounded numbers (10-1-84)	Deductions effective 10-1-84
48 States and DC	\$89	\$95.14	\$95
Alaska	152	162.30	162
Hawaii	126	134.32	134
Guam	178	190.28	190
Virgin Islands	78	83.95	83

Adjustment of the Shelter Deductions

Section 5(e) of the Food Stamp Act of 1977, as amended, also provides that in computing household income, households shall be allowed a deduction for certain dependent care and excess shelter expenses. The maximum excess shelter/dependent care deduction specified in the Act for the 48 States and D.C. is \$115. The maximum excess shelter/dependent care deductions specified for Alaska, Hawaii, Guam, and the Virgin Islands are \$200, \$165, \$140, and \$85, respectively. The law provides for periodic adjustments in the level of the excess shelter/dependent care deduction to take into account changes in the shelter (exclusive of homeownership costs), rule, and utilities components of housing costs in the CPI-U published by the BLS. These deductions were adjusted upward effective October 1, 1983 (see table). The next adjustments provided for in the law took effect October 1, 1984 to reflect changes for the fifteen month period ending June 30, 1984 (also shown in the table). The adjustments are, by law, rounded to the nearest lower dollar. As with the standard deduction, the procedure for the shelter/dependent care deduction substituted the homeowners and maintenance and repairs components of the CPI-U for the homeownership component.

Shelter deductions	Previous deductions (effective 10-1-83)	Unrounded numbers (10-1-84)	Deductions effective 10-1-84
48 States and DC	\$125	\$134.29	\$134
Alaska	218	233.54	233
Hawaii	180	192.68	192
Guam	152	163.48	163
Virgin Islands	92	99.26	99

(91 Stat. 958 [7 U.S.C. 2011-2029])

(Catalogue of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: October 1, 1984.

John W. Bode,

Deputy Assistant Secretary.

[FR Doc. 84-26804 Filed 10-10-84; 8:45 am]

BILLING CODE 3410-30-M

Food Stamp Program; Thrifty Food Plan

AGENCY: Food and Nutrition Service, USDA.

ACTION: General notice—analysis of comments.

SUMMARY: On July 29, 1983, the Department announced that it had revised the Thrifty Food Plan (TFP) upon which food stamp allotments are based. The revision makes the "market basket" of foods in the TFP more up-to-date.

Comments were solicited on this revision through September 27, 1983. The Thrifty Food Plan remains as announced in July 1983. This action addresses the comments received and explains the Department's analysis of those comments.

EFFECTIVE DATE: The costs of the revised TFP for June 1984, as prescribed in Section 3(o) of the Food Stamp Act, will be used to adjust food stamp allotments effective October 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Questions about the technical aspects of, or the components of, the TFP, should be addressed to Betty Peterkin at Human Nutrition Information Service, USDA, Hyattsville, Maryland 20782, (301) 436-7725. Questions about the TFP's use in the Food Stamp Program, should be addressed to Virgil L. Conrad, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756-3026.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291. The Department has reviewed this action under Executive Order 12291 and Secretary's memorandum No. 1512-1. There is no cost involved in this action. It would not result in an annual effect on the economy of \$100 million or more, and 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. Therefore, the Department has classified this action as "not major".

Regulatory Flexibility Act

The Administrator of the Food and Nutrition Service (FNS) has certified

that this action will not have a significant economic impact on a substantial number of small entities. The action simply results in a change in the "market basket" of foods which comprise the TFP. Total cost of the market basket is not changed, so it will not have an economic impact upon food stamp recipients, State and local agencies, and other users of the TFP.

Paperwork Reduction Act

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget.

Introduction

On July 29, 1983, the Department issued a Notice of Proposed Revision of the TFP. This revision was part of the Department's ongoing responsibility to develop food plans to help households obtain nutritious diets at varying cost levels.

A full explanation of the rationale and purposes of this revision was provided in the Notice published at 48 FR 34700-7 on July 29, 1983. Therefore, this Notice concerns only the Department's response to public comments on the revision. All comments were carefully considered to determine the continued applicability of the TFP as originally presented and the merits of the suggestions for change. This action contains a thorough examination of comments received and an analysis of the Department's response. Unless otherwise stated, the rationale contained in the Notice of Proposed Revision should be regarded as a basis for the pertinent final action. Thus, a thorough understanding of the grounds for the final action may require reference to the Notice of Proposed Revision.

Twelve comment letters were received on the revised TFP. Five were from State agencies, two from FNS regional offices, two from producer organizations, two from nutrition groups, and one from a university. The majority of the comments concerned the standards used in plan development or the foods in the plan. Other comments concerned the need for nutrition education, the cost level, the relationship to the Food Stamp Program (FSP), and the Department's authority to revise the plan at all. A number of commenters supported the plan overall but had concerns about certain aspects of the plan.

Dietary Standards

Comments on the dietary standards involved two areas: (1) Standards for fat, cholesterol, caloric sweeteners or

sodium, for which no Recommended Dietary Allowances (RDA) exist; and (2) standards for folacin, vitamin E, and zinc, for which USDA used 80% or more of the RDA. All of the Department's family food plans have the same dietary standards.

Four groups specifically supported: (1) Limitations on fat, cholesterol, sodium and added sweeteners; or (2) the inclusion of standards for folacin, vitamin E, and zinc in the revision of the TFP. Three groups wanted these standards to be even more stringent, with one group wanting the standards for folacin, vitamin E, and zinc to be increased and two groups believing that the plan still allowed too much fat, cholesterol, or sodium. However, two groups wanted less stringent limitations on fat, cholesterol, or sodium.

The groups which supported further limitations on fat, cholesterol, caloric sweeteners, or sodium did so, in part, because of the increased risk of hypertension and obesity among the poor. The groups which objected to the limitations did so because they considered them arbitrary, stating that while there was no scientific basis for these limitations, there was scientific evidence that they should not be established. One of the groups stated that adoption of these limitations was not appropriate because the dietary guidelines upon which they were based had not yet been agreed upon by the scientific community. This group also requested USDA to provide justification for the 350 milligram (mg.) per day limitation on cholesterol and requested USDA to develop a plan without the 350 mg. a day cholesterol limitation. They felt this placed an arbitrary limitation on the number of eggs in the plan.

The standards and limitations used in the plans were not arbitrary. They were established by Human Nutrition Information Service (HNIS) nutritionists in consultation with an interagency task force for the development of the TFP. Whenever possible, the RDA were used. Only when: (1) NO authoritative standard, such as the RDA, was available, or (2) the use of proposed standards resulted in (a) considerable disruption of food consumption patterns and (b) nutrient content in foods was questionable, were the implications of alternative standards studied. Results of these studies have been presented at meetings of the American Dietetic Association and the Society for Nutrition Education and published in professional journals as a means of eliciting comments.

The RDA are the nutritional goals for protein, vitamins and minerals in the TFP. USDA has used the RDA in

developing food guides and food plans since the RDA were first presented in the 1940's. The objective for the revised food plans, as for earlier food plans, was to meet the RDA for all nutrients despite the fact that most individuals do not require amounts as high as the RDA and the generally healthy population consistently fails to meet the RDA for several nutrients. For three nutrients—zinc, folacin, and vitamin E—80 percent or more of the RDA was used as the standard in developing the plans because the full RDA could not be met for all sex-age categories without extreme distortion of usual food consumption patterns. (See Cleveland et al., *Journal of Nutrition Education* 15:8-14, 1983). This distortion was not considered to be justified for two reasons: (1) It would make the food plans less acceptable, and (2) the information on the zinc, folacin and vitamin E content of foods is insufficient to be sure that the calculated levels for the food plans are as estimated. Therefore, the food plans were developed using the best nutrient data available and a percentage of the RDA had to be used to provide zinc, folacin and vitamin E in amounts which resulted in reasonable and acceptable plans compared to the consumption patterns, but still came as close as possible to the RDA. This type of procedure has been used in developing past food plans.

USDA introduced limitations on fat, sodium, cholesterol and caloric sweeteners into the four family food plans because scientific evidence increasingly points to the need for moderation. While there may be no consensus on desirable levels of cholesterol and fat in diets, most scientific groups find levels in U.S. diets to be unacceptably high and suggest levels as low or lower than the standard selected.

The limitation on cholesterol, like those for fat, sweeteners, and sodium is considered to be "moderate" in that it is lower than average intakes in the United States and higher than the 300 mg. or less per day recommended by some groups advocating dietary change.

In accordance with the request by the group representing the egg industry, USDA developed other food plans, using the same computer model with the same consumption patterns and cost and nutrient specifications, but with no cholesterol limitation. This food plan for the man contains 440 mg. of cholesterol. The woman's food plan contains over 500 mg. of cholesterol. Thus, without imposition of limitations, the amount of cholesterol in the plan would have been

unacceptably high to many groups. Another set of plans was developed to show the effect of imposing no fat or cholesterol limitations. The results illustrated the necessity for USDA to specify an upper limit (standard) for fat and cholesterol in developing the food plans. For example, the man's food plan without limitations on fat and cholesterol contained 43 percent of energy from fat and 465 mg. of cholesterol.

Foods

Overall, in comparing the revised TFP with the TFP developed in 1975, commenters were pleased with the revised TFP, as well as the specific food groups in the plan. The increase in dry beans, fruits and vegetables, meats, cereal, and flour were cited in particular. Several groups commented on the quantities of particular foods in the plan without realizing, apparently, that the specific food groups are a result of a complex variety of factors, including application of the RDA and other dietary standards to the food consumption patterns and cost level. Thus, four groups opposed the reduction of eggs in the plan, and only one of these groups had objected to the limitation on cholesterol. The others had supported the limitation. Two groups objected to the slight reduction in the milk group, one commenter each objected to the reduction of cheese and potatoes, and one commenter stated that the plan assumed an ongoing supply of staples and availability of discount shopping.

As addressed in greater detail in the July 29, 1983 notice, USDA used a computerized mathematical model to help minimize the changes that households eligible for food stamps needed to make in their consumption patterns to meet the goal of obtaining a nutritious diet at the cost level of the TFP. The TFP was systematically and objectively developed, using the computerized model, to include all types of foods and beverages, except alcohol. The parameters for plan design were the RDA and other dietary standards, already addressed, the nutrient content of foods, and food consumption patterns of surveyed households. The model then computed the nutritious diet which most closely resembled what low-income households actually consumed and which was at the TFP cost level. Adjustments from consumption patterns were made only to meet constraints imposed by these factors.

Thus, the amount of any one of the 31 food groups included in the plan depended on its price, nutrient content, and the quantity consumed on the average by survey households. For

example, cheese is a good source of many nutrients; yet the amount of cheese in the food plan is lower than the amount in food consumption patterns. The reason for this is that there are other foods that provide the same nutrients as cheese does at a lower price, or with less fat and sodium. (See *Journal of the American Dietetic Association* 78(5):453, 1981). The fact that the amount of cheese—and of eggs and meat and certain other food groups—is less in the food plan than in the consumption pattern does not imply that these are not good foods or that they are to be excluded from low-cost nutritious diets. They are important components of the TFP and all diets. Amounts are somewhat restricted in the TFP for nutritional and/or cost reasons.

In summary, the foods in the plan reflect a balance between what low income households actually eat and a diet they might eat to attain nutritional standards. The food plan in objectively developed to conform to the nutritional and cost constraints while requiring the least possible change from average food consumption. The TFP includes all foods required for a week and does not assume that supplies of staples are on hand. As previously stated, the TFP is only one of many ways foods can be combined to meet nutritional and cost criteria. The plan specifies amounts of food in 31 food groups, but economical selections of foods within the groups can be made to meet the preferences of the family.

Cost of TFP and Relationship to FSP

One group stated that the entire process of arriving at the cost of the TFP is heavily biased so that the cost is kept to a minimum. Example cited were the use of food consumption patterns of low-income households, rather than those of the general population, and disruption of this pattern as little as necessary to meet nutritional goals. Another commenter questioned the particular four-person household chosen in the Act and stated that it could not be determined whether this household reflected the composition of the average family of four.

The food selections and food prices reported in surveys of low-income households are used as the starting point in developing the TFP, not so much to save money but as way of being realistic about what foods such households can and do select and the prices that are available in stores where they shop.

Some commenters questioned the composition of the household used to determine the TFP diet for the Food Stamp Program. Section 3(o) of the Food

Stamp Act of 1977 prescribes the composition of the household.

The Congress did consider, in 1977, the possibility of keying food stamp allotments to individual household circumstances so that families, such as one with teenage boys, would receive more. However, it did not, because of the enormous complexity associated with doing so. Furthermore, in eliminating the purchase requirement for food stamps, the Congress reaffirmed the FSP's purpose as a *supplement* to household food expenditures, to help meet a household's total needs. Depending on a household's income, the amount of the supplement would vary, although households with the lowest incomes would receive the maximum allotment.

Need for Education

Five groups stressed the need for nutrition and food money management education for food stamp recipients. One specified a need for increased resource for nutrition education in the Expanded Food and Nutrition Education Program, Extension Service, Special Supplemental Food Program for Women, Infants and Children (WIC) and the FSP. Others requested that nutrition education materials be developed and made available to States or to recipients free of charge.

Since the revision of the TFP was first proposed, the Department of Agriculture has undertaken efforts to increase levels of nutrition awareness among food stamp recipients and to improve their ability to shop for and prepare food. Although there has always been some material on food shopping and nutrition at the Federal level, the Department has learned that these materials have not always been well used, particularly when local staff did not have the time or the means to use them and to train people in their use. To this end, USDA has undertaken a nutrition awareness project entitled, *Make Your Food Dollars Count*. This project encourages local food stamp offices to conduct *Make Your Food Dollars Count* activities and to coordinate these activities with community groups that help support the needs of low-income populations. USDA will be making workshop kits available to a variety of offices including local food stamp certification offices, State food stamp offices, State Cooperative Extension Service offices, and food stamp field offices. These kits include guides for presentation as well as pamphlets for food stamp recipients. They include basic nutrition information; information on meal planning, shopping strategies,

and selecting nutritious snacks; and posters for display in food stamp offices, which reinforce the theme of buying better and eating better. In addition, USDA will be making available free slide/audio cassette presentations for use in certification offices or in conducting workshops on television by community groups. Public Service Announcements that contain food buying tips will be sent to 7,600 radio stations. We believe that this effort will meet the needs addressed by the commenters.

Regional differences

One commenter felt that the TFP diet allowed relatively too much in warm climates and relatively too little in cold. TFP costs represent an average of the cost of purchasing the plan throughout the country, so that States with warm climates and States with cold climates are included. Since food stamp allotments are based on TFP costs, they also represent an average. The law allows only one food stamp allotment level in the 48 States and D.C., and the allotment is based on average TFP costs.

Use of Revised TFP

One commenter stated that the Department did not have authority to revise the TFP as extensively as it did, because Congress gave the USDA authority to revise the plan only based on new research. The same commenter felt that the TFP should not be implemented and that all of the Department's family food plans—the liberal, the moderate cost, and the low cost, as well as the thrifty plan—should be placed in the **Federal Register**.

The Department has, for a long time, been engaged in the process of food plan development and revision. Authority to do this did not come with passage of the 1977 Food Stamp Act. The "authority" referred to by the commenter was Congressional recognition that the nature of, or components of, the TFP might change as new research results came available. This is indeed the basis upon which the TFP and the other family food plans have been revised.

The TFP was placed in the **Federal Register** because of its relationship to the Food Stamp Program and the Department's sense of the continuing public interest in matters affecting that Program. The procedures for developing the other family food plans were essentially the same as the procedures for developing the TFP, so most comments can apply to all four plans. To allow for public input prior to revision of the plans, the Department described procedures to, and parameters for, developing the food plans at

professional meetings and at the Agricultural Outlook Conference. Further information is available from HNIS.

The revised TFP takes into account scientific information on food consumption, food prices, nutritive value of foods and human nutritional requirements that has been developed since 1975 when the last TFP was released. This new information cannot be overlooked by the Department and must be incorporated into a revised TFP. All comments received on the technical aspects of the revision of TFP have been considered. Most of the concerns noted by the twelve groups submitting comments also have been the major concerns of USDA staff as they designed the food plans. These concerns have been discussed openly and procedures for addressing them have been made in a systematic and objective manner using the scientific information and advice available.

Therefore, the Department hereby adopts the revised TFP presented in the **Federal Register** on July 29, 1983 for use in establishing future benefits for the FSP. The food plan developed in 1975 is hereby terminated.

(91 Stat. 958 (7 U.S.C. 2011-2029), Catalogue of Federal Domestic Assistance No. 10-551, Food Stamps)

Dated: October 4, 1984.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 84-26805 Filed 10-10-84; 8:45 am]

BILLING CODE 3410-30-M

Foreign Agricultural Service

White or Irish Potato Production

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of estimates with respect to 1984 white or Irish potato production.

SUMMARY: Headnote 2 of Subpart A of Part 8 Schedule 1 of the Tariff Schedules of the United States (TSUS) provides that, if for any calendar year the production in the United States of white or Irish potatoes, including seed potatoes, according to the estimate of the Department of Agriculture made as of September 1, is less than 21 billion pounds, an additional quantity of potatoes equal to the amount by which such estimated production is less than 21 billion pounds shall be added to the 45 million pounds provided for in TSUS item 137.25 for the 12-month period beginning September 15.

Notice

The estimate of the Department of Agriculture, made as of September 1, 1984, is that for the calendar year 1984 the production in the United States of white or Irish potatoes, including seed potatoes, will exceed 21 billion pounds.

Issued at Washington, D.C. this 3d day of October, 1984.

Leo V. Mayer,

Administrator, Foreign Agricultural Service.

[FR Doc. 84-26834 Filed 10-5-84; 1:29 am]

BILLING CODE 3410-10-M

Forest Service

Tonto National Forest Grazing Advisory Board; Meeting

The Tonto National Forest Grazing Advisory Board will meet November 28, 1984, at 1:00 p.m. at the Tonto National Forest Supervisor's Office, 102 S. 28th Street, Phoenix, Arizona. The purpose of this meeting is to cover the following agenda items:

1. Review the proposed allotment management plan and other management alternatives under consideration, for the Chrysotile Allotment.
2. Review proposed expenditure of Range Betterment Funds for the Chrysotile Allotment.
3. Receive advice and recommendations from the Board relative to the proposed plan of management for Chrysotile Allotment.

The meeting will be open to the public. Persons who wish to attend should notify James L. Kimball, Forest Supervisor, Tonto National Forest, 102 S. 28th Street, P.O. Box 29070, Phoenix, Arizona 85038, telephone: (602) 261-3205. Written statements may be filed with the Board, before or after the meeting.

Dated: October 2, 1984.

James L. Kimball,
Forest Supervisor.

[FR Doc. 84-26794 Filed 10-10-84; 8:45 am]

BILLING CODE 3410-11-M

Los Padres National Forest Grazing Advisory Board; Meeting

The Los Padres National Forest Grazing Advisory Board will meet from 9:30 a.m. to 12:30 p.m. on November 14, 1984, at the Santa Lucia District Ranger Station, 1616 Carlotti Drive, Santa Maria, California, which is immediately northeast of the Donovan exit off 101. The purpose of this meeting is to consider (1) priorities for use of range

betterment funds, and (2) allotment management plans.

The meeting will be open to the public. Public members will be given an opportunity to speak. Persons who wish to attend should notify DeLoy Esplin, Forest Supervisor's Office, 6144 Calle Real, Goleta, California (805) 683-6711. Written statements may be filed with the committee before or after the meeting.

Dated: October 2, 1984.

Frederik G. deHoll,
Forest Supervisor.

[FR Doc. 84-26799 Filed 10-10-84; 8:45 am]
BILLING CODE 3410-11-M

Joint Interchange Order Between Department of the Army and Department of Agriculture, Interchange of Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

Correction

In FR Doc. 84-24419 beginning on page 36118 in the issue of Friday, September 14, 1984, make the following corrections in the tract descriptions on page 36119:

1. In Segments 13 and 15, insert a period at the end of each description.
2. In Segment 26, insert a comma after "2601C-2".
3. In Segment 34, insert a comma after "3400".
4. In Segment 37, "3802" should read "3702".
5. In Segment 38, remove the second reference to "3814".
6. In Segment 46, "4603:" should read "4603,".
7. In Segment 48, "4800 4801: 4802" should read "4800, 4801, 4802," and insert a comma after "4805".
8. In Segment 49, insert "4902," after "4901".
9. Segment 57 was omitted and reads as follows: "Segment 57: 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707."

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census

Title: Current Industrial Reports
Program Mandatory Surveys (Wave III)
Form No.: Agency—Various OMB—Various
Type of Request: Revision of a currently approved collection
Burden: 19,724 respondents; 21,831 reporting hours
Needs and Uses: The Current Industrial Reports (CIR) program is a series of monthly, quarterly, annual, and biennial surveys which provide key measures of production, shipments, and/or inventories on a national basis for selected manufactured products. Primary users of the data are government agencies, business firms, trade associations, and private research and consulting organizations. The Federal Reserve Board uses CIR data in its index of industrial production and the Bureau of Industrial Economics uses many of the CIR tables in its *U.S. Industrial Outlook*.

Affected Public: Businesses or other for-profit institutions
Frequency: Annual
Respondent's Obligation: Mandatory
OMB Desk Officer: Timothy Sprehe 395-4814

Agency: Bureau of Census
Title: Current Industrial Reports
Program Voluntary Surveys (Wave III)
Form Numbers: Agency—Various, OMB—Various
Type of Request: Revision of a currently approved collection
Burden: 1,817 respondents; 6,362 reporting hours
Needs and Uses: The Current Industrial Reports (CIR) program is a series of monthly, quarterly, annual, and biennial surveys which provide key measures of production, shipments, and/or inventories on a national basis for selected manufactured products. Primary users of the data are government agencies, business firms, trade associations, and private research and consulting organizations. The Federal Reserve Board uses CIR data in its index of industrial production and the Bureau of Industrial Economics uses many of the CIR tables in its *U.S. Industrial Outlook*.

Affected Public: Businesses or other for-profit institutions
Frequency: Quarterly, Annually
Respondent's Obligation: Voluntary
OMB Desk Officer: Timothy Sprehe, 395-4814.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217,

Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: October 4, 1984.

Edward Michals,
Department Clearance Officer.

[FR Doc. 84-26825 Filed 10-10-84; 8:45 am]
BILLING CODE 3510-CW-M

International Trade Administration

[A-401-061]

Animal Glue and Inedible Gelatin From Sweden; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On July 25, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on animal glue and inedible gelatin from Sweden. The review covers the one known exporter of this merchandise to the United States and three consecutive periods from December 1, 1980, through November 30, 1983.

We gave interested parties an opportunity to comment on the preliminary results. No comments were received within the 30 day period prescribed in the preliminary results of review. One importer, Olympic Adhesives, Inc., submitted comments after the close of the comment period. We did not consider these comments because they were untimely. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: John M. Andersen or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2923/1130.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (49 FR

27963) the preliminary results of its administrative review of the antidumping finding on animal glue and inedible gelatin from Sweden (42 FR 64116, December 22, 1977). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of animal glue and inedible gelatin of which there are two principal types, hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of Swedish animal glue and inedible gelatin to the United States, Extraco Geltec AB, and three consecutive periods from December 1, 1980, through November 30, 1983. The one known third-country reseller, Marcuse Glues & Chemicals (formerly Marcuse, Dorme & Co., Ltd.), will be covered in a subsequent review.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing within the period prescribed in the preliminary results of review. One importer, Olympic adhesives, Inc., submitted comments after the close of the comment period. We did not consider these comments because they were untimely. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review and we determine that the following margins exist for Extraco Geltec AB:

Time Period	Margin (%)
December 1, 1980, to November 30, 1981.....	3.01
December 1, 1981, to November 30, 1982.....	¹ 3.01
December 1, 1982, to November 30, 1983.....	¹ 3.01

¹ No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess,

dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above.

Further, as provided for by section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 3.01 percent shall be required on all shipments of Swedish animal glue and inedible gelatin entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

October 4, 1984.

[FR Doc. 84-26819 Filed 10-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-058]

Metal-Walled Above Ground Swimming Pools From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On July 9, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on metal-walled above ground swimming pools from Japan. The review covers the three known Japanese manufacturer and/or exporters and one known third-country reseller of this merchandise to the United States and the period September 1, 1982, through August 31, 1983. There were no known shipments of this merchandise to the United States during the period and there are no known liquidated entries.

We gave interested parties an opportunity to submit oral or written

comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT:

Laurie A. Lucksinger or Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-1130.

SUPPLEMENTARY INFORMATION:

Background

On July 9, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (49 FR 27966) the preliminary results of its administrative review of the antidumping finding on metal-walled above ground swimming pools from Japan (42 FR 44811, September 7, 1977). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of metal-walled above ground swimming pools. This merchandise is currently classifiable under items 657.2590 and 774.5595 of the Tariff Schedules of the United States Annotated.

Metal-walled above ground swimming pools exported from third countries which contain walls, frames, and vinyl liner manufactured in Japan are within the scope of the finding.

The review covers the three known Japanese manufacturers and/or exporters and one known third-country (Canada) reseller of Japanese metal-walled above ground swimming pools to the United States and the period September 1, 1982, through August 31, 1983. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review remain unchanged from the preliminary results of review, and we determine that, as provided for in section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties equal to the following percentages of the

entered value shall be required for these firms.

Manufacturer/exporter	Cash deposit (percent)
Asahi Chemical Industry Co., Ltd.	'20.40
Sowa Sangyo Co., Ltd.	'72.00
Hakuyo Sangyo	'72.00
Third-Country Reseller (Country): Irwin Toy, Ltd. (Canada)	'20.40

¹No shipments during review period.

For any future entries from a new exporter not covered in this or prior reviews, whose first shipments occurred after August 31, 1983, and who is unrelated to any reviewed firm, a cash deposit of 20.40 percent shall be required. These deposit requirements are effective for all shipments of Japanese swimming pools entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

The Department intends to begin immediately its next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-26820 Filed 10-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-401-040]

Stainless Steel Plate From Sweden; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On January 16, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on stainless steel plate from Sweden. The review covers the two known manufacturers and/or exporters and one known third-country reseller of this merchandise to the United States and

generally two consecutive periods from June 1, 1980, through May 31, 1982.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results. As a result of our review of the comments received, we have adjusted the margins for two firms. The final results are the same as the preliminary results for the remaining firm.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-1130.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (49 FR 1922-3) the preliminary results of its administrative review of the antidumping finding on stainless steel plate from Sweden (38 FR 15079, June 8, 1973). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of stainless steel plate which is commonly used in scientific and industrial equipment because of its resistance to staining, rusting and pitting. Such merchandise is currently classifiable under item 607.9005 of the Tariff Schedules of the United States Annotated.

The review covers the two known manufacturers and/or exporters and one known third-country reseller of Swedish stainless steel plate to the United States and generally two consecutive periods from June 1, 1980 through May 31, 1982.

Analysis of Comments Received

We gave interested parties an opportunity to present oral or written comments on the preliminary results. We received the following comments from Uddeholm, an exporter, and from the petitioners.

Comment 1: Uddeholm contends that the claimed adjustment for a 5 percent clean-cut discount on home market sales of non-clean-cut plate was adequately quantified and should be allowed. The petitioners contend that it is the domestic industry's experience that a maximum discount of 2-3 percent for clean-cut plate is what would be available in the U.S. market.

Department's Position: Based on the domestic industry's experience of cost

savings for clean-cut plate, and because Uddeholm's claim regarding the size of the discount was not adequately quantified, we have allowed a 3 percent clean-cut discount on home market sales of non-clean-cut plate.

Comment 2: Uddeholm contends that submissions of production cost information for U.S. sales of grades 316L, 317L and 725LN after publication of the preliminary results of review have adequately quantified these costs and therefore, the Department should allow the requested adjustment for differences in physical characteristics between those grades and the similar comparison merchandise sold in the home market.

Department's Position: We have denied the claimed adjustment for difference in physical characteristics since the submissions of cost of production data were untimely.

Comment 3: Uddeholm contends that the Department should not have included foreign inland freight on some home market sales since all home market sales were f.o.b. factory.

Department's Position: We agree and have corrected our calculations accordingly.

Comment 4: Uddeholm contends that, based on Treasury's and the Department's acceptance of price lists and variances to determine home market price for prior periods, it would be improper and arbitrary for the Department to disregard Uddeholm's 1979 home market price list and reported variances for comparisons to U.S. sales during the period June 1980 through September 1980.

Department's Position: The fact that the Department relied on price lists in the past to determine home market price is not dispositive. We specifically requested a listing of all home market sales on a sale-by-sale basis for the period September 1, 1979, through May 31, 1982. Uddeholm was unable to provide such information for the year 1979, and in accordance with section 776 of the Tariff Act, we have turned to the best information available.

Comment 5: Uddeholm contends that the Department erred in not making an allowance for selling expenses incurred in the home market for advertising, catalogues, service engineers, central sales office, and financing and retail distribution systems. While citing to the Court of International Trade's decision in *Silver Reed America Inc. v. United States* (U.S.C.I.T., Slip Op. 84-8, February 1, 1984) regarding the ESP offset cap on indirect selling expenses, Uddeholm takes issue with our considering the above selling expenses as indirect.

Department's Position: Uddeholm's home market selling expenses were insufficiently detailed to determine if they were directly related to the sales in question. Section 353.15 of the Commerce Regulations generally requires that claimed differences in circumstances of sale must be directly related to the sales under consideration. Accordingly, we have not made a circumstance of sale adjustment for direct selling expenses.

Comment 6: Uddeholm claims that the Department incorrectly included such items as sales to Canada, sales of non-Swedish plate, burning charges, credit memos, and scrap sales in our listing of U.S. sales.

Department's Position: We agree, with the exception of scrap sales, and have removed those items from our listing of U.S. sales. Despite Uddeholm's argument that the scrap sales were of small odd shaped and sized pieces, we regard such scrap sales as sales of of stainless steel plate and have therefore included them in our calculations.

Comment 7: Uddeholm contends that a number of home market sales of stainless steel sheet were incorrectly reported as plate. In addition, the company claims that any item less than 5 millimeters in thickness is not stainless steel plate. The petitioners note that the Tariff Schedules of the United States define plate as 0.1875 inches or 4.7625 millimeters and thicker.

Department's Position: We have followed the Tariff Schedules' definition of plate. We clarified Uddeholm's claim and included all home market sales of 4.7625 millimeter plate and thicker.

Comment 8: Uddeholm points out various errors in our computer print-out such as the dimension classification.

Department's Position: We have corrected the highlighted errors in the computer print-out.

Comment 9: Uddeholm questions the Department's use of best evidence when the thickness of plate sold in the home market was not identical to that sold in the U.S. The firm contends that there should be three groupings of thicknesses for accurate comparisons.

Department's Position: We agree that there should be a more flexible range of thicknesses of plate being compared in the home market and the U.S. We have adopted Uddeholm's three classification groupings and have adjusted our comparisons accordingly.

Comment 10: The petitioners contend that all information submitted during the administrative review should be verified. They cite the Court of International Trade ruling in *Al Tech Specialty Steel Corporation*

v. United States (Slip Op. 83-119) that verifications must be conducted in all section 751 reviews despite the burden and time constraints placed on the Department.

Department's Position:

In conducting section 751 reviews the Department believes it has the discretion to determine on a case-by-case and company-by-company basis whether verification is warranted. In this case, as the review had been delayed, we determined that only verification of the submission for the U.S. subsidiary (see Comment 11) and of the home market cost of production information would be needed. However, because we denied the adjustments for differences in merchandise as untimely (See Comment 2), verification of the home market data is a moot point. As to the *Al Tech* ruling the Department is appealing that decision.

Comment 11: The petitioners question the absence of ESP selling expense deductions from Uddeholm's U.S. price for inventory carrying costs.

Department's Position: We have now verified the data supplied by Uddeholm's U.S. subsidiary and have recalculated the direct and indirect selling expenses based on information supplied during the verification. The deducted selling expenses now include interest for accounts receivable, inventory and fixed assets.

Final Results of Review

As a result of adjustments made based on the comments received, we have revised the margins for Uddeholm/Nyby Uddeholm, and we determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (per cent)
Uddeholm/Nyby Uddeholm	6/1/80-5/31/81 6/1/81-5/31/82	6.21 4.46
Avesta Jernverks Aktiebolag	9/22/73-9/31/76 6/1/80-5/31/81 6/1/81-5/31/82	6.21 0 1.0
Third-Country Reseller: Axel Johnson Industries Ltd. (Canada)	6/1/80-5/31/81 6/1/81-5/31/82	6.21 16.21

¹ No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash

deposit of estimated antidumping duties based on the most recent of the above margins shall be required on all shipments of Swedish stainless steel plate from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any future shipments from a new exporter not covered in this or prior reviews, whose first shipments occurred after May 31, 1982, and who is unrelated to any covered firm, a cash deposit of 4.46 percent shall be required. These deposit requirements shall become effective on the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,
Deputy Assistant Secretary Import Administration.

October 4, 1984.

[FR Doc. 84-26821 Filed 10-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-357-048]

Certain Textiles and Textile Products From Argentina; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain textiles and textile products from Argentina, specifically men's and boys' woolen apparel. The review covers the period January 1, 1983, through December 31, 1983.

As a result of the review, the Department has preliminarily determined that there was no bounty or grant conferred during the period of

review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Richard W. Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 21, 1983, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 43071) the final results of its last administrative review of the countervailing duty order on certain textiles and textile products from Argentina (47 FR 53421, November 16, 1978) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of Argentine men's and boys' woolen apparel. Such merchandise is currently classifiable under the items of the Tariff Schedules of the United States Annotated ("TSUSA") listed in the Appendix to this notice.

The review covers the period January 1, 1983, through December 31, 1983, and two programs: (1) The reembolso, a cash rebate of indirect taxes; and (2) a preferential pre-export financing program.

Analysis of Programs

(1) Reembolso

The reembolso is a cash rebate of taxes, paid upon exportation of merchandise, as a percentage of the f.o.b. invoice price. Although the Government of Argentina rebates upon exportation all indirect taxes borne by the exported product, the Tariff Act and the Commerce Regulations allow the rebate of only the following: (1) Indirect taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of part 355 of the Commerce Regulations) and (2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Commerce Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Based on our analysis of the most recent tax incidence study conducted by the Argentine government, we found

that indirect taxes on physically incorporated inputs and final stage indirect taxes on men's and boys' woolen apparel amount to 19.33 percent *ad valorem*.

To calculate the net subsidy on men's and boys' woolen apparel, we allowed the rebate of indirect taxes on raw materials, which constitute the bulk of the taxes. In addition we allowed the rebate of final stage indirect taxes, such as excise taxes. We disallowed taxes on labor, on "indirect expenditures" and on other items not physically incorporated.

During the period of review, the reembolso rate for men's and boys' woolen garments was five percent (Resolution No. 8 of the Ministry of Commerce, July 5, 1982). Because the reembolso does not exceed the total allowable indirect taxes of 19.33 percent, we preliminarily find that there was no overrebate of indirect taxes in 1983.

(2) Preferential Financing

The preferential financing program makes pre-export loans, in pesos indexed to U.S. dollars, available to exporters at an interest rate of one percent. Such funds are available for a period of up to 180 days, and are to be repaid no later than 60 days after the export date. The funds are provided by the Central Bank of Argentina and disbursed by private commercial banks to individual borrowers.

For men's and boys' woolen apparel, the Central Bank limited potential loan amounts to 60 percent of the contracted f.o.b. price. However, because the Government of Argentina has informed us that this program was not used during 1983 for men's and boys' woolen apparel exports to the United States, we preliminarily determine that there was no benefit conferred under the preferential financing program during the period of review.

Preliminary Results of Review

As a result of the review, we preliminarily determine the total bounty or grant conferred during the period of review to be zero percent. The Department intends to instruct the Customs Service to liquidate entries of this merchandise exported on or after January 1, 1983, and on or before December 31, 1983, without regard to countervailing duties.

Further, the Department intends to instruct the Customs Service not to collect a cash deposit of estimated countervailing duties, as provided for by section 751(a)(1) of the Tariff Act, on any shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of

publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: October 4, 1984.

Alan F. Holmer,
Deputy Assistant Secretary, Import
Administration.

Appendix

Wearing Apparel

372.0800 (b)
372.1020 (a)(b)
372.1050 (a)(b)
372.2500 (for male infants)
372.3000 (b)
372.3500 (b)
372.4000 (b)
372.4500 (b)
373.0500 of wool
373.1500
376.0800 (b)
378.3510 (b)
378.4000 (b)
378.4500 (b)
379.1100
379.1300
379.1510 through 379.1530
379.1710 through 379.1750
379.2010
379.2020
379.3520 (a)
379.6615 (a)
379.6934 through 379.6958 (a)
379.7100
379.7240 through 379.7295
379.7400
379.7510
379.7530
379.7605 through 379.7650
379.7810 through 379.7850
379.7900
379.8100
379.8311 through 379.8360

379.8410
379.8420
379.8615 (a)
379.8715 (a)
379.9815 (a)

(a) Wool articles classified under this TSUSA item number are covered by this notice if they are included in the textile category system used by the United States to monitor and administer the U.S. textile trade agreements made pursuant to the Arrangement Regarding International Trade in Textiles, December 20, 1973, 25 U.S.T. 1001, TIAS 7840.

(b) If the item is for men and boys, it is included in this notice. The term "men and boys" should be interpreted in accordance with the applicable headnotes to the schedule part and subpart in which the TSUSA number falls. Where the phrase is not covered by such headnotes, items, classified under TSUSA number which can be used by either sex are covered by this notice. Items under TSUSA numbers identifiable as being intended exclusively for women and/or girls are not covered by this notice.

[FR Doc. 84-26893 Filed 10-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-239-006]

Cordage From Cuba; Final Results of Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review and Revocation of Countervailing Duty Order.

SUMMARY: On August 13, 1984, the Department of Commerce published in the *Federal Register* the preliminary results of its administrative review of and tentative determination to revoke the countervailing duty order on cordage from Cuba. The review covers the period January 1, 1983, through December 31, 1983. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. We also determined that there were no shipments of this merchandise to the United States during the period January 1, 1984, through August 13, 1984, the date of the tentative determination to revoke. We advised all interested parties that there were no

shipments and we provided an additional opportunity to comment. Again we received no comments. Accordingly these final results cover up to August 13, 1984, and we revoke the countervailing duty order on cordage from Cuba.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: Alan Long or Susan Silver, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On August 13, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 32247) the preliminary results of its administrative review and tentative determination to revoke the countervailing duty order on cordage from Cuba (19 FR 4560, July 23, 1954). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The merchandise covered by the review is cordage which the Cuban government considered "Binder twine and baler twine," but which does not meet the definition contained in the Tariff Schedules of the United States Annotated (TSUSA). Normally, binder twine and baler twine, as defined by the TSUSA, enter under items 315.2020 and 315.2040 of the TSUSA. The merchandise under consideration here is currently classifiable under item 315.2500 of the TSUSA.

The review covers the period January 1, 1983, through December 31, 1983. The Department has also determined that there were no shipments of this merchandise to the United States during the period January 1, 1984, through August 13, 1984, the date of the tentative determination to revoke.

Final Results of Review and Revocation

We invited interested parties to comment on the preliminary results and tentative determination to revoke. We received no comments or requests for a hearing. The Department provided to all interested parties further preliminary results for the period up to the date of the tentative determination to revoke, and gave interested parties an additional opportunity to comment. Again we received no comments. Based on our analysis, the final results are the same as the preliminary results. Further, we determine that the merchandise has

not been imported into the United States since 1962. There are no known unliquidated entries of this merchandise and there is no likelihood of resumption of imports of this merchandise to the United States. This merchandise is covered by the embargo on trade with Cuba, in effect since February 7, 1962 (27 FR 1085). In accordance with § 355.42(c) of the Commerce Regulations, the Department revokes the countervailing duty order concerning cordage from Cuba (19 FR 4560, July 23, 1954) effective August 13, 1984.

This revocation, administrative review, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: October 4, 1984.

Alan F. Holmer,
Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-26896 Filed 10-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-791-005]

Deformed Steel Bars for Concrete Reinforcement From South Africa; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on deformed steel bars for concrete reinforcement from South Africa. The review covers the period January 1, 1983, through June 30, 1983.

As a result of the review, the Department has preliminarily determined the total bounty or grant to be zero percent *ad valorem*. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: Barbara Williams or Philip Otterness, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On April 13, 1984, the Department of Commerce ("the Department")

published in the **Federal Register** (49 FR 14777) the final results of its last administrative review of the countervailing duty order on deformed steel bars for concrete reinforcement ("rebars") from South Africa (47 FR 47900, October 28, 1982) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of South African rebars. Such merchandise is currently classifiable under items 606.7900 and 606.8100 of the Tariff Schedules of the United States Annotated. During the period of review, Cape Town Iron and Steel Works Limited ("CISCO") was the only known exporter of South African rebars to the United States.

The review covers the period January 1, 1983, through June 30, 1983, and two programs: (1) Preferential rail rates, and (2) Export Incentive Program—Categories A, B, and D.

Analysis of Programs

(1) Preferential Rail Rates

The South African Transport Services ("SATS") has maintained a rate schedule that provided lower rates for export shipments that met certain loading and point-to-point criteria. Because CISCO has not been able to meet the full-trainload conditions needed for the lower rates, it has always paid the higher rates. We preliminarily determined that CISCO did not receive preferential rail rates during the period of review.

(2) Export Incentive Program

In 1980, the South African Department of Industries, Commerce, and Tourism expanded and restructured its Export Incentive Program into four categories. Category C of this program was eliminated on April 1, 1982.

Category A is a tax credit equal to 50 percent of the value of import duties on raw materials that are re-exported after further processing. Category B is a tax credit equal to 10 percent of the value added by a company to merchandise it exports if there is a South African import duty on such merchandise. CISCO did not pay taxes during the review period and therefore could not receive either of these tax credits.

Category D consists of a deduction from taxable income of up to 200 percent of export market development expenses. CISCO handles all its exports through

agents and has no export market development expenses. Therefore, CISCO did not receive any benefit under Category D during the review period.

Preliminary Results of the Review

As a result of the review, we preliminarily determine the total bounty or grant to be zero percent *ad valorem* for the period of review. The Department intends to instruct the Customs Service not to assess countervailing duties on any shipments of this merchandise exported on or after January 1, 1983, and on or before June 30, 1983.

The Department intends to instruct the Customs Service not to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on any shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: October 4, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-28894 Filed 10-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-052]

Non-Rubber Footwear From Argentina; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On May 30, 1984, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on non-rubber footwear from Argentina. The review covers the period January 1, 1982, through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. After review of all comments received, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On May 30, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 22521) the preliminary results of its administrative review of the countervailing duty order on non-rubber footwear from Argentina (44 FR 3474, January 17, 1979). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Argentine non-rubber footwear described in Part IA of Schedule 7 of the Tariff Schedules of the United States Annotated, excluding items 700.5100 through 700.5400, 700.5700 through 700.7100, and 700.9000.

The review covers the period January 1, 1982, through December 31, 1982, and two programs: The reembolso, a cash rebate of taxes, and pre-export financing.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received written comments from the petitioner, Footwear Industries of America Inc.

Comment 1: The petitioner argues that the Department's conclusion that preferential pre-export financing did not confer a benefit on producers of non-rubber footwear was based on unverified information, and is therefore incorrect. The Department must verify information regarding use of the

program. In support of its argument, the petitioner cites a decision of the Court of International Trade which would require that the Department verify in every administrative review (*Al Tech Specialty Steel v. United States*, Slip Ops. 83-119 and 83-120 (November 21, 1983)).

Department's Position: The Department maintains that neither section 751 of the Tariff Act nor the Commerce Regulations require verification of information submitted in the course of an administrative review. We have long held that verification in section 751 administrative reviews is discretionary. See *e.g.*, "Final Results of Administrative Review of Countervailing Duty Order" on bicycle tires and tubes from Korea (48 FR 32205, July 14, 1983). The Department has appealed the *Al Tech* decision.

Comment 2: The petitioner contends that, should the Department not conduct a verification, it must rely on the best information available, which the petitioner states is the information obtained during the verification of the Argentine government's 1981 annual review questionnaire response concerning non-rubber footwear.

Department's Position: Although we found that footwear producers received some pre-export financing during 1981, we have no reason to believe that the same is true during 1982. We have accepted the government's 1982 questionnaire response, and need not rely on other information.

Final Results of the Review

After consideration of the comments received, the final results of the review are the same as the preliminary results. We determine the total bounty or grant conferred to be zero percent *ad valorem* for the period January 1, 1982, through December 31, 1982.

The Department will instruct the Customs Service to liquidate entries of Argentine non-rubber footwear exported on or after January 1, 1982, and exported on or before December 31, 1982, without regard to countervailing duties.

The Department will instruct the Customs Service not to collect a cash deposit of estimated countervailing duties, as provided for by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: October 4, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-25895 Filed 10-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-008]

Yarns of Polypropylene Fibers From Mexico; Preliminary Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Suspension Agreement.

SUMMARY: The Department of Commerce has conducted an administrative review of the agreement suspending the countervailing duty investigation on yarns of polypropylene fibers from Mexico. The review covers the period February 7, 1983, through June 30, 1983.

As a result of the review, the Department has preliminarily determined that the signatory, Industrias Polifil, S.A. de C.V., the only known exporter of yarns of polypropylene fibers to the United States, has complied with the terms of the suspension agreement. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: Stephen Nyschot, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On February 7, 1983, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 5581) a notice of suspension of countervailing duty investigation regarding yarns of polypropylene fibers from Mexico, and announced its intent to conduct an administrative review. The petitioner requested that the

investigation be continued and on April 4, 1983, the Department published in the *Federal Register* (48 FR 14427) a notice of final affirmative countervailing duty determination. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted the administrative review.

Scope of the Review

Imports covered by the review are shipments of Mexican yarns of polypropylene fibers. Such merchandise is currently classifiable under items 310.0214, 310.1114, 310.5015, 310.5051, 310.6029, 310.6038, and 310.8000 of the Tariff Schedules of the United States Annotated. Yarns of polypropylene fibers are used primarily in the manufacture of fabrics, particularly those for upholstery.

The review covers the period February 7, 1983, through June 30, 1983, and eight programs: (1) CEDI, (2) FOMEX, (3) CEPFOFI, (4) FONEL, (5) FOGAIN, (6) state tax incentives, (7) import duty reductions and exemptions, and (8) NIDP preferential price discounts. Industrias Polifil, S.A. de C.V., is the only known manufacturer and exporter of Mexican yarns of polypropylene fibers to the United States.

Analysis of Programs

(1) CEDI

The Certificado de Devolucion de Impuesto ("CEDI") is a certificate issued by the Government of Mexico in an amount equal to a percentage of the value of exported goods. The CEDI certificates may be used to pay a wide range of federal tax liabilities (including payroll taxes, value added taxes, federal income taxes, and import duties). The CEDI rate was 15 percent for the period January 1, 1982, through August 25, 1982, and zero after the Mexican government suspended the CEDI program for all exports on or after August 26, 1982. Polifil, therefore, could not receive CEDI benefits during the period of review.

(2) FOMEX

The Fund for Promotion of Exports of Mexican Manufactured Products ("FOMEX") is a trust of the Mexican Treasury Department, with the National Bank of Foreign Trade acting as trustee for the program since August 1, 1983. The National Bank of Foreign Trade, through financial institutions, makes FOMEX loans available at preferential rates to manufacturers and exporters of goods for two purposes: pre-export (production) financing and export financing. We consider both export and pre-export FOMEX Loans export

subsidies since these loans are given only on merchandise destined for export. Polifil had no such loans during the period of review.

(3) CEPROFI

Certificates of Fiscal Promotion ("CEPROFI") are tax certificates which are used to promote the goals of the National Industrial Development Plan and are granted in conjunction with investments in designated industrial activities and geographic regions. CEPROFI certificates can be used to pay a wide range of federal tax liabilities. Polifil received no benefits under this program during the period of review.

(4) Other Programs

We also examined the following programs and preliminarily find that Polifil did not use them during the period of review:

- A) State tax incentives.
- B) Fund for Industrial Development ("FONEI").
- C) Guarantee and Development Fund for Medium and Small Industries (FOGAIN).
- D) Import duty reductions and exemptions.
- E) National Industrial Development Plan ("NIDP") preferential discounts.

Preliminary Results of Review

As a result of the review, we preliminarily determine that Polifil has complied with the terms of the suspension agreement for the period February 7, 1983, through June 30, 1983.

The agreement can remain in force only so long as shipments covered by the agreement account for at least 85 percent of exports of yarns of polypropylene fibers to the United States. Our information indicates that Polifil accounted for 100 percent of United States imports of Mexican yarns of polypropylene fibers during the review period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for and administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1)

of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: October 4, 1984.

Alan F. Holmer,
Deputy Assistant Secretary, Import
Administration.

[FR Doc. 84-26897 Filed 10-10-84; 8:45am]

BILLING CODE 3510-DS-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Retirement Board of Actuaries; Meeting

AGENCY: Department of Defense
Retirement Board of Actuaries.

ACTION: Notice of Meeting.

SUMMARY: A meeting of the Board has been scheduled to execute the provisions of chapter 74, title 10, United States Code (10 USC 1461 et. seq.). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of the military retirement system. Notice of this meeting is required under the National Advisory Committee Act.

DATE: November 14, 1984, 9:30 a.m. to 4:30 p.m.; November 15, 9:30 a.m. to 4:30 p.m.

ADDRESS: Defense Manpower Data Center, 4th floor, 1600 N. Wilson Blvd., Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT: Toni Hustead, Executive Secretary, Defense Manpower Data Center, 4th floor, 1600 N. Wilson Blvd., Arlington, Virginia 22209 (202/696-5869).

Dated: October 5, 1984.

Patricia H. Means,
OSD Federal Liaison Officer, Department of
Defense.

[FR Doc. 84-26898 Filed 10-10-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meetings

October 2, 1984.

The USAF Scientific Advisory Board Ad Hoc Committee on Options for Attack of Strategic Relocatable Targets will meet on October 30 and 31, and November 1, 1984 at HQ Strategic Air Command Offutt AFB, Nebraska. The meetings will begin at 9:00 a.m. and adjourn at 5:00 p.m. each day. The Signatures and Sensor Subpanel of the above-mentioned ad hoc committee will meet in the Pentagon on October 23, November 20, and December 17, 1984

from 8:30 a.m. to 5:00 p.m. each day; the C³ Subpanel of the above-mentioned ad hoc committee will meet in the Pentagon on November 9, 1984 from 8:30 a.m. to 5:00 p.m. The purpose of the ad hoc committee meeting and the subpanel meetings will be to receive classified briefings and hold classified discussions on ways in which existing and programmed systems may be effectively applied to attack of mobile ballistic missiles. The meetings concern matters listed in section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof and will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-26792 Filed 10-10-84; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

October 2, 1984.

The USAF Scientific Advisory Board will hold its Fall General Membership Meeting on November 8 and 9, 1984 at Fort McNair, Washington, D.C. The meeting on November 8 will begin at 9:30 a.m. and adjourn at 4:30 p.m. and on November 9 will begin at 8:15 a.m. and adjourn at 4:00 p.m. The purpose of the meeting will be to hear classified results of recent Scientific Advisory Board studies including role of engineering and services in the employment of air power, orbital debris, effects of high altitude electromagnetic pulse on military C³, prophylactic antidote drugs for use against chemical agents, and space defense initiatives. The meeting concerns matters listed in section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof and will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-26793 Filed 10-10-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Names of the Committee: Army Science Board (ASB)

Dates of Meeting: Monday-Thursday, 29 October thru 1 November 1984

Times of Meeting: 0830-1645 hours, 29 October (Open); 0830-1200 hours (Closed) and 1300-1730 hours (Open), 30 October; 0830-1600 hours (Open), 31 October; 0830-1145 hours (Open), 1 November 1984

Place: Fort Rucker, Alabama

Agenda: The Army Science Board will hold its Fall General Membership Meeting to present and receive briefings as follows:

Monday, 29 October 1984

Morning Session—Briefings on Selected U.S. Army Aviation Center Programs and Initiatives: Aviation Center Briefing (includes information on Mission, Organization, Training and Facilities); Briefing on Aviation Branch Implementation Plans; Briefing on Aviation Officer and Basic Courses; Unit and Simulation Training

Afternoon Session—(attendees divide into groups) Round Robin Tour (briefing and walk-through tour) of Flight Simulators; Aircraft Static Display; Briefing and Tour of U.S. Army Aeromedical Research Laboratory

Tuesday, 30 October 1984

Morning Session (Closed)—Briefings of Army Science Board Ad Hoc Subgroup studies: Army Utilization of Space Assets; Light Equipment; Equipment Upgrade; Ballistic Missile Defense Update; and a Security Update Briefing

Afternoon Session—Briefings of ASB studies: Technology to Improve Logistics and Weapon Support for Army 21, a 1984 Summer Study; Army's LHX Program; Intelligent Robotics; plus a tour of the Aviation Museum

Wednesday, 31 October 1984

Morning Session—Briefings of ASB studies: Leading and Manning Army 21, a 1984 Summer Study; Combat Medical Support Update; Emerging Human Technologies; Chief of Staff Task Force on Soldiers and Families Update; plus, Executive Review Board Meeting

Afternoon Session—Briefings of ASB studies: Decontamination Report; Processing Requirements Documents Update; plus, Army Materials Command (AMC) Laboratory Improvement Program Briefing

Thursday, 1 November 1984

Morning Session—AMC Laboratory Reviews Briefings/Discussion: AVRADA (Avionics Research and Development Activity) and TACOM (U.S. Army Tank Automotive Command) Research and Development Centers; ASB Business; Functional Subgroups; Other Service Boards; Ad Hoc Subgroups; Executive Review Board; and a Wrap Up Discussion.

The open portion of the meeting is open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The closed portion of the meeting is closed to the public in accordance with section 552(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed in this portion of the meeting

are so inextricably intertwined so as to preclude opening them to the public. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-26772 Filed 10-10-84; 8:45 am]

BILLING CODE 3710-08-M

Intent To Tentatively Select the Sam Rayburn Municipal Power Agency as the Financial Sponsor and Preference Customer of the Proposed Town Bluff Hydropower Project in Texas

AGENCY: US Army Corps of Engineers, DOD, Fort Worth District.

ACTION: Notice.

SUMMARY: 1. The existing Town Bluff Dam on the Neches River was authorized by the Rivers and Harbors Act, approved March 2, 1945 (Pub. L. 14-79-1) for the purposes of flood control, hydroelectric power and water conservation. The dam and lake (known as B.A. Steinhagen Lake) are located in Jasper and Tyler Counties in eastern Texas. Installation of the hydroelectric power plant was deferred in the original construction of the project. An assessment of the present and future energy needs and costs indicates that the addition of hydroelectric generating facilities to Town Bluff Dam is economically feasible and environmentally acceptable. The Lower Neches Valley Authority, an agency of the State of Texas, has been designated as the local cooperating agency for all Federal water resource projects on the lower Neches and Angelina Rivers. The Authority provided the local funds required for the construction of Town Bluff Dam.

2. The proposed addition of hydroelectric generating facilities to the existing dam is generally described in the U.S. Army Corps of Engineers Fort Worth District document entitled "Town Bluff Dam Design Analysis Report, Addition of Hydropower," dated April 1982 and approved by the Chief of Engineers on October 13, 1983. The proposed project would have 6,000 kW of installed capacity and produce an average of 35,900,000 kWh of energy annually. The estimated cost of the project is \$20 million, which includes an allowance for inflation through the construction period. The annual operation, maintenance, major replacement cost, and administrative costs are estimated at \$260,000.

3. President Reagan, in his letter to Senator Laxalt in January 1984, expressed a policy which requires each agency to negotiate reasonable non-

Federal financing for each proposed water resource project. The Sam Rayburn Municipal Power Agency, a public body in the State of Texas, has proposed to finance the proposed Town Bluff Hydropower Project during the period of construction and to pay the annual operation, maintenance and major replacement costs and administrative costs. The project would be Federally-owned, constructed, and operated by the Corps of Engineers. The operation of the project for the benefit of the Lower Neches Valley Authority would not change except that most of the water now discharged through the outlet works would be discharged through the hydropower turbines.

4. The Corps of Engineers and the Southwestern Power Administration, jointly, have tentatively selected the Sam Rayburn Municipal Power Agency to provide the financing for the proposed Town Bluff Hydropower Project, based on the proposal submitted by that Agency. Subsequent proposals received prior to November 13, 1984 will be considered in the final selection.

5. The Sam Rayburn Municipal Power Agency has expressed an interest in receiving the power and energy from the proposed project. The Southwestern Power Administration has determined that the Sam Rayburn Municipal Power Agency qualifies for preference, in accordance with Section 5 of the Flood Control Act of 1944, and has tentatively selected that Agency to receive the power and energy produced at the proposed project. Subsequent applications for that power and energy received prior to November 13, 1984 will be considered in the final selection.

ADDRESSES:

Proposals for project financing should be forwarded to: Theodore G. Stroup, Colonel, CE, District Engineer, Fort Worth District, PO Box 17300, Fort Worth, Texas 76102, Telephone (817) 334-2300.

For further information about the proposed project financing, contact: James L. Hair, Chief, Project Operations Branch, Fort Worth District, Corps of Engineers, PO Box 17300, Fort Worth, Texas 76102, Telephone (817) 334-2301

For further information about the proposed marketing of the power and energy from the proposed project, contact: Walter M. Bowers, Director, Power Marketing, Southwestern Power Administration, PO Box 1619,

Tulsa, Oklahoma 74101, Telephone (918) 581-7529.

Theodore G. Stroup,
Colonel, CE, District Engineer.

[FR Doc. 84-28769 Filed 10-10-84; 8:45 am]

BILLING CODE 3710-20-M

DEPARTMENT OF ENERGY

National Petroleum Council; Committee on the Strategic Petroleum Reserve

Notice of Meeting

Notice is hereby given that the Committee on the Strategic Petroleum Reserve will meet in November 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on the Strategic Petroleum Reserve will address various aspects of the Strategic Petroleum Reserve and the long-term availability and movement patterns of tankers worldwide. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Committee will hold its second meeting on Tuesday, November 13, 1984, starting at 1:30 p.m., in the Oak Alley Room of the New Orleans Hilton Hotel, Poydras Street at the Mississippi River, New Orleans, Louisiana.

The tentative agenda for the Committee meeting follows:

1. Review the draft report on the Strategic Petroleum Reserve.
2. Review the schedule for completion of the Committee's assignment.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Carolyn Klym, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353/2709, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the

hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on October 2, 1984.

William A. Vaughan,
Assistant Secretary, Fossil Energy.

[FR Doc. 84-26869 Filed 10-10-84; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Notice is hereby given of the following meeting:

Name: Materials Facilities Ad Hoc Review of the Energy Research Advisory Board (ERAB).

Date and time: October 30, 1984 from 9 a.m. to 5 p.m.

Place: U.S. Department of Energy, Office of Energy Research, 1000 Independence Avenue, SW, Room 4E-069, Washington, DC 20585.

Contact: Charles E. Cathey, U.S. Department of Energy, Office of Energy Research, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-5444.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

- Discussion of DOE priorities relative to National Research Council report "Major Facilities for Materials Research and Related Disciplines".
- Organization and Orientation of the Review.
- Public Comment (10 minute rule).

Public participation: The meeting is open to the public. Written statements may be filed either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles Cathey at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Review is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC between 8 a.m. and 4 p.m., Monday through Friday, except Federal holiday.

Issued at Washington, DC on October 1, 1984.

Charles E. Cathey,
Deputy Director, Science and Technology Affairs Staff, Office of Energy Research.

[FR Doc. 84-26870 Filed 10-10-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 6055-001, et al.]

Hydroelectric Applications; Malcolm Brown, 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:

1. a. Type of Application: Exemption (5MW or Less).
- b. Project No: 6055-001.
- c. Date Filed: February 29, 1984.
- d. Applicant: Malcolm Brown.
- e. Name of Project: Lake Jefferson Project.
- f. Location: On the East Branch Callicoon Creek, in Sullivan County, New York.
- 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: Malcolm Brown, P.O. Box 82, Hortonville, NY 12745.
- i. Comment Date: December 7, 1984.
- j. Description of Project: The proposed project would consist of: (1) An existing 22-foot-high, 130-foot-long concrete gravity dam; (2) a reservoir having a surface area of 40 acres, a storage capacity of 425 acre-feet, and a normal water surface elevation of 92.2 feet m.s.l.; (3) an existing 2.5-foot-diameter, 120-foot long iron penstock; (4) a powerhouse with two new generating units with a total installed capacity of 70 kW; (5) a new tailrace; (6) a new 250-foot-long 7.2-kV transmission line; and (7) appurtenant facilities. The Applicant estimates the annual generation would be 302,000 kWh.

k. Purpose of Project: All project energy generated would be sold to the New York State Electric and Gas 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 exemption from licensing, and protects the Exemptee from permit or

license applicants that would seek to take or develop the project.

2. a. Type of Application: Exemption from Licensing.

b. Project No: 6096-001.

c. Date Filed: February 29, 1984.

d. Applicant: Mini-Watt Electric Company.

e. Name of Project: New Home Dam Project.

f. Location: On the Millers River in Franklin County, Massachusetts.

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: Bruce J. Dexter, Mini-Watt Electric Company, P.O. Box 237, 18 Chase Court, Orange, Massachusetts 01364.

i. Comment Date: November 14, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 8.5-foot-high, 87-foot-long concrete and masonry dam; (2) a reservoir having a surface area of 106 acres, a storage capacity of 530 acre-feet, and a normal water surface elevation of 502.8 feet m.s.l.; and (3) the North Bank and South Bank Developments.

The North Bank Development would consist of: (1) An existing 10-foot-wide, 108-foot-long intake flume; (2) an existing powerhouse containing 1 new generating unit with a capacity of 187 kW; (3) an existing 16 to 30-foot-wide, 120-foot-long tailrace; (4) an existing 200-foot-long, 24-kV transmission line; and (5) appurtenant facilities.

The South Bank Development would consist of: (1) An existing 40-foot wide, 100-foot-long intake channel; (2) an existing concrete gated intake structure; (3) a new powerhouse with three generating units with a total capacity of 490 kW; (4) a new 40-foot-wide, 200-foot-long tailrace; (5) a new 250-foot-long, 4.16-dV transmission line; and (6) appurtenant facilities. The applicant estimates the annual generation would be 2,820,000 kWh.

Applicant owns all existing facilities.

k. Purpose of Project: Project energy would be sold to Massachusetts Electric Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, 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 exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

3. a. Type of Application: Exemption (5 MW or Less).

b. Project No: 6280-001.

c. Date Filed: July 9, 1984.

d. Applicant: Edward W. Kelly.

e. Name of Project: Croton Falls.

f. Location: East Branch of the Croton River in Putnam County, New York.

g. Filed Pursuant to: Energy Security Act of 1980, section 408, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Robert A. Olsen, ELI Corporation, 21 Green Street, Concord, New Hampshire 03301.

i. Comment Date: November 16, 1984.

j. Description of Project: The proposed run-of-river project would consist of: (1) The existing 23.5 foot-high and 100-foot-long Croton Falls Dam with a crest elevation of 272.7 feet U.S.G.S.; (2) a small reservoir; (3) an existing intake structure at the east side of the dam; (4) a new powerhouse with 1 turbine-generator unit with an installed capacity of 100 kW; (5) a new 4.16-kV and 350-foot-long transmission line; and (6) other appurtenances. Applicant estimates an average annual generation of 700,000 kWh. The application was filed during the Applicant's preliminary permit term of Project No. 6280. Applicant owns the existing facilities.

k. Purpose of Project: Project energy would be sold to the New York State Electric and Gas.

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.

4. a. Type of Application: Preliminary Permit.

b. Project No: 8593-000.

c. Date Filed: September 10, 1984.

d. Applicant: Chimney Rock Hydro Ltd.

e. Name of Project: Chimney Rock.

f. Location: On Cold Creek, near Elk Creek, in Glenn County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Dr. Roy McDonald, 1121 L. Street, Suite 1000, Sacramento, California 95814.

i. Comment Date: December 6, 1984.

j. Description of Project: The proposed run-of-river project would consist of: (1) A 5-foot-high, 146-foot-long diversion weir located across Cold Creek at elevation 4,980 feet msl; (2) a 65-inch-diameter, 10,600-foot-long pipeline; (3) a 40-inch-diameter, 1,050-foot-long penstock; (4) a powerhouse with an installed capacity of 8.0 MW located at elevation 3,800 feet msl and producing an estimated average annual generation of 31.8 GWh; and (5) 3.0 miles of 12.5-kV

transmission lines to interconnect the project with an existing Pacific Gas and Electric Company (PG&E) line. Project power would be sold to PG&E. The project would occupy Medocino National Forest lands.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies at \$70,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

5. a. Type of Application: Preliminary Permit.

b. Project No: P-8558-000.

c. Date Filed: August 29, 1984.

d. Applicant: Harden Hydro Associates.

e. Name of Project: Harden Dam.

f. Location: Big Raccoon Creek in Parke County, Indiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. David Coombe, Synergics, Inc., 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403.

i. Comment Date: December 7, 1984.

j. Description of Project: The proposed project would utilize the existing Harden Dam and Reservoir owned by the U.S. Army Corps of Engineers and would consist of: (1) A proposed penstock 150 feet long and 7 feet in diameter; (2) a proposed reinforced concrete powerhouse 60 feet wide and 85 feet long containing one new generator unit rated at 1000 kW; (3) a proposed 60 foot wide and 200 foot long tailrace; (4) a transmission line; and (5) appurtenant facilities. The estimated average annual energy production would be 6,400,000 kWh with a hydraulic head of 62 feet.

k. Purpose of Project: Project power would be sold to the Indiana & Michigan Electric Company and/or to other private industries on the project area.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction an 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 \$30,000.

6. a. Type of Application: 5MW Exemption.

b. Project No: 7679-001.

c. Date Filed: July 30, 1984.

d. Applicant: Clearwater Hydro Company.

e. Name of Project: Second Broad River Power Project.

f. Location: On the Second Broad River in Rutherford County, North Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Charles G. Gresham, Route 1 Box 555, Hiawatha Road, Morristown, Tennessee 37814 and Mr. Richard R. Gresham, P.O. Box 205, La Port, California 95981.

i. Comment Date: November 16, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing granite and mortar dam. The dam is approximately 349 feet-long and 26 feet high, which includes a 120-foot-long primary spillway and a 79-foot-long secondary spillway; (2) an existing reservoir with a surface area of 2 acres and a storage capacity of 4.5 acre-feet at power pool elevation of 773.5 feet m.s.l.; (3) 3 proposed 50-foot-long and 54-inch-diameter, syphon penstocks; (4) a proposed powerhouse containing 3 generating units rated at 96 kW each for a total installed capacity of 288 kW. The powerhouse would be located near the center and on top of the dam, (5) a proposed tailrace; (6) a proposed 580-foot-long, 460 volt transmission line; and (7) appurtenant facilities. The estimated average annual energy output for the project is 1,816,500-kWh.

The existing dam is owned by the Clearwater Hydro Company.

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.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

7. a. Type of Application: Preliminary Permit.

b. Project No.: 8559-000.

c. Date Filed: August 29, 1984.

d. Applicant: Patoka Hydro Associates.

e. Name of Project: Patoka Dam.

f. Location: On Patoka River in DuBois County, Indiana.

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: December 6, 1984.

j. Description of Project: The proposed project would utilize the existing Patoka Dam and Reservoir owned by the U.S. Army Corps of Engineers and would consist of: (1) Two proposed penstocks 80 feet long and 6 feet in diameter; (2) a proposed reinforced concrete powerhouse 75 feet wide and 75 feet long containing two generating units rated at 425 kW; (3) a proposed 20 foot wide and 75 foot long tailrace; (4) a transmission line; and (5) appurtenant facilities. The estimated average annual energy production would be 5,100,000 kWh with a hydraulic head of 54 feet.

k. Purpose of Project: Power would be sold to the Indiana & Michigan Electric Company and/or to other private industries in the project area.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$30,000.

8. a. Type of Application: Major License (5 MW or less).

b. Project No.: 7941-000.

c. Date Filed: December 30, 1983.

d. Applicant: Enviro Hydro, Incorporated.

e. Name of Project: Wallace Canyon Creek Water Power Project.

f. Location: On Wallace Canyon Creek, near Michigan Bluff, within Eldorado National Forest, in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. H.L. Pete Childers, President, Enviro Hydro, Inc., 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: December 7, 1984.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 30-foot-long diversion dam at elevation 4,000 feet; (2) a 42-inch-diameter, 15,500-foot-long diversion pipeline; (3) a 42-inch-diameter, 2,300-foot-long penstock; (4) a powerhouse containing one generating unit with a rated capacity of 5,000 kW operating under a head of 1,200 feet; and (5) a 1.5-mile-long, 12.5-kV transmission line to

connect to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 10.0 GWh to be sold to PG&E. The project cost has been estimated to be about \$4.89 million. Due to the remote location and inaccessibility of the proposed project, the Applicant does not propose any recreational facilities as part of the project.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

9. a. Type of Application: Exemption (5MW or Less).

b. Project No.: 8209-001.

c. Date Filed: March 28, 1984.

d. Applicant: Boys' Home, Inc.

e. Name of Project: Dunlap Creek Hydroelectric Project.

f. Location: On the Dunlap Creek in Allegheny County, Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. John K. Pollock, General Manager, Rockfish Corporation Inc., Route 1, Box 413, Afton, Virginia 22920.

i. Comment Date: November 14, 1984.

j. Description of Project: The Dunlap Creek Dam is owned by Boys' Home, Incorporated. The proposed project would consist of: (1) An existing concrete gravity dam, which is approximately 150 feet long and 10 feet high; (2) an existing reservoir with a surface area of 7 acres and a storage capacity of 25 acre-feet at power pool elevation of 1,290 feet m.s.l.; (3) a proposed intake structure will be constructed at the right abutment of the dam to accommodate the proposed new 200-foot-long, 5-foot-diameter penstock; (4) an existing reinforced concrete powerhouse, which would be rebuilt because of its deteriorating condition. The powerhouse will contain 2 proposed generating units rated at 90 kW each; (5) an existing 15-foot-deep tailrace located approximately 200 feet downstream of the dam; (6) an existing 7.2-kV transmission line located approximately 1,000 feet from the powerhouse would be upgraded and extended to the powerhouse. The existing line is owned and operated by the Virginia Electric and Power Company; and (7) appurtenant facilities. The estimated average annual energy output for the project is 771,00 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.

10. a. Type of Application: License (Over 5MW).

b. Project No.: 8315-000.

c. Date Filed: May 18, 1984 and supplemented July 9, 1984.

d. Applicant: St. Regis Corporation.

e. Name of Project: Sartell Dam Hydro Project.

f. Location: On the Mississippi River near Sartell, Stearns and Benton Counties, Minnesota.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Asselin, Resident Manager, St. Regis Corporation, 100 East Sartell Street, Sartell, Minnesota 56377.

i. Comment Date: December 7, 1984.

j. Description of Project: The proposed run-of-river project would consist of: (1) An existing reservoir with a maximum surface area of 2,400 acres and a maximum storage capacity of approximately 15,500 acre-feet at elevation 1,014.5 m.s.l.; (2) an existing 46-foot-high and 388-foot-long concrete dam with two Bascule gates and three Taintor gates; (3) an existing concrete powerhouse containing 11 generating units with a total generating capacity of 9,500 kW; (4) a proposed upgraded floodwall in the west abutment of the dam approximately 500 feet long and aligned parallel to the river; (5) an existing 13.8-kV transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual generation would be 39,900 MWh. All project will be used by St. Regis Corporation in its papermaking operation.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

11a. Type of Application: Preliminary Permit.

b. Project No.: P-8560-000.

c. Date Filed: August 29, 1984.

d. Applicant: Huntington Hydro Associates.

e. Name of Project: Huntington Dam.

f. Location: Wabash River in Huntington County, Indiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. David Coombe, Synergics, Inc., 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403.

i. Comment Date: December 6, 1984.

j. Description of Project: The proposed project would utilize the existing Huntington Dam and Reservoir owned by the U.S. Army Corps of Engineers and would consist of: (1) A proposed

penstock 250 feet long and 9 feet in diameter; (2) a proposed reinforced concrete powerhouse 50 feet wide and 75 feet long containing two new generator units rated at 1550 kW; (3) a proposed tailrace 100 feet long and 100 feet wide; (4) a transmission line; and (5) appurtenant facilities. The estimated average annual energy production would be 9,500,000 kWh under a hydraulic head of 43 feet.

k. Purpose of Project: Power would be sold to the Indiana & Michigan Electric Company and/or to other private industries on the project area.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$300,000.

12. a. Type of Application: Preliminary Permit.

b. Project No.: 8379-000.

c. Date Filed: June 21, 1984.

d. Applicant: Larry J. Hellhake.

e. Name of Project: Louie Creek.

f. Location: On Louie Creek in Payette National Forest, near the Town of McCall in Valley County, Idaho.

g. Filed Pursuant to: Federal Power Act U.S.C. 791(a)-825(r).

h. Contact Person: Larry J. Hellhake, 809 No. Liberty Road, Boise, Idaho 83704.

i. Comment Date: December 5, 1984.

j. Description of Project: The proposed project would consist of: (1) A 2-foot-high check dam at elevation 6,120 feet; (2) an 18,000-foot-long, 36-inch-diameter buried penstock; (3) a powerhouse containing a single generating unit with a capacity of 3,600 kW and an average annual generation of 15,768 MWh; and (4) a 2-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of \$10,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: The project power would be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.

13. a. Type of Application: Preliminary Permit.

b. Project No.: 8581-000.

c. Date Filed: September 4, 1984.

d. Applicant: Sunshine Mining Company.

e. Name of Project: Little Grass Valley Dam.

f. Location: On South Fork Feather River, near La Porte, in Plumas County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Richard R. Gresham, Sunshine Mining Company, P.O. Box 205, La Porte, California 95981, (916) 875-2535.

i. Comment Date: December 10, 1984.

j. Description of Project: The proposed project would consist of: (1) Oroville-Wyandotte Irrigation District's 202-foot-high, 93,000 acre-foot Little Grass Valley Dam and Reservoir; (2) a 275-foot-long penstock installed in the existing 11-foot horseshoe tunnel downstream of the dam's valve chamber; (3) a powerhouse containing a single Francis turbine-generator unit with an installed capacity of 2.5 MW and producing an estimated average annual generation of 8.3 GWh; and (4) 2 miles of 12.2-kV transmission line to interconnect to the Challenge Ranger Station line. The project would affect Plumas National Forest lands.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies at \$15,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

14. a. Type of Application: Major License (under 5MW).

b. Project No.: 8404-000.

c. Date filed: July 2, 1984.

d. Applicant: Windsor Locks Canal Company/Windsor Locks Hydro-electric Limited Partnership.

e. Name of Project: Windsor Locks Project.

f. Location: On the Windsor Canal of the Connecticut River in Hartford County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: William F. Fitzpatrick, Windsor Locks Canal Company, Two Elm Street, Windsor Locks, Connecticut 06096.

i. Comment Date: December 6, 1984.

j. Description of Project: The proposed project would consist of: (1) The existing 10-foot-high, 1,642-foot-long stone-filled timber crib and concrete gravity dam; (2) a reservoir with a surface area of 2,470 acres, negligible storage, and normal water surface elevation of 38.86 feet NGVD; (3) an existing intake structure; (4) an existing 8- to 12-foot-deep, 90-foot-wide, and 3.8-mile long power canal; (5) a proposed powerhouse containing one generating unit with an installing capacity of 2800 kW; (6) a proposed 30-foot-wide, 60-foot-long tailrace; (7) a proposed 1300-foot-long, 23-kV transmission line; and (8) appurtenant facilities. The Applicant estimates the annual generation would be 22,000 MWh. The existing dam and project facilities are owned by the C.H. Dexter Company.

k. Purpose of Project: All project energy would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

15. a. Type of Application: Preliminary Permit.

b. Project No.: 8405-001.

c. Date Filed: August 1, 1984.

d. Applicant: Glen Hydro, Inc.

e. Name of Project: Lower Mascoma.

f. Location: On the Mascoma River in Grafton County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: F. David Dean, Dufresne-Henry, Inc., Precision Park, North Springfield, Vermont 05150.

i. Comment Date: December 7, 1984.

j. Description of Project: The proposed run-of-river project would consist of, from upstream to downstream, the Granite State Electric Dam #1, the Granite State Electric Dam #2, and the Granite State Electric Dam #3 Developments.

The Granite State Electric Dam #1 Development would consist of: (1) An existing 18-foot-high and 130-foot-long concrete and timber dam; (2) a small reservoir with normal surface elevation of 488 feet NGVD; (3) an existing intake structure at the north side of the dam; (4) a new 7-foot-diameter and 300-foot-long steel penstock; (5) a new powerhouse with 2 turbine-generator units with a total installed capacity of 470 kW; (4) an existing 150-foot-long tailrace; (5) a 20-foot-long transmission line; and (6) other appurtenances.

The Granite State Electric Dam #2 Development would consist of (1) a 23-foot-high and 120-foot-long concrete gravity dam to replace the existing breached timber crib dam; (2) a small reservoir with normal surface elevation

of 459 feet NGVD; (3) a new intake structure at the south side of the dam; (4) a new powerhouse with 2 turbine-generator units with a total installed capacity of 500 kW; (5) an existing 200-foot-long tailrace; (6) a new 100-foot-long transmission line; and (7) other appurtenances.

The Granite State Electric Dam #3 Development would consist of: (1) A 25-foot-high and 175-foot-long timber crib dam to replace the existing breached one; (2) a small reservoir with a normal surface elevation of 415 feet NGVD; (3) a new intake structure at the west side of the dam; (4) a new 8-foot-diameter and 3,600-foot-long concrete penstock; (5) a new powerhouse with 3 turbine-generator units with a total installed capacity of 1,700 kW; (6) a new 30-foot-long tailrace; (7) a new 400-foot-long transmission line; and (8) other appurtenances.

The total installed capacity would be 2,670 kW. The Applicant estimates an average annual generation of 10,800,000 kWh. The existing facilities are owned by the City of Lebanon, New Hampshire.

k. Purpose of Project: Project energy would be sold to the Granite State Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$70,000.

16. a. Type of Application: Preliminary Permit.

b. Project No.: 8465-000.

c. Date Filed: July 25, 1984.

d. Applicant: Warrior Hydro Associates.

e. Name of Project: Warrior Hydro Project.

f. Location: On the Black Warrior River in Hale and Greene Counties, Alabama.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: David M. Coombe, Synergics, Inc., 410 Severn Avenue, Suite 409, Annapolis, MD 21403.

i. Comment Date: December 10, 1984.

j. Description of Project: The proposed

project would utilize the existing U.S. Army Corps of Engineers' Warrior Lock and Dam and an existing 4,000-foot-long and 400-foot-wide diversion channel, and would consist of: (1) A new powerhouse in the existing diversion channel immediately below the dam; (2) a proposed 44-kV transmission line approximately 5 miles long interconnecting with the Alabama Power Company's transmission system; and (3) appurtenant facilities. The Applicant estimates the total installed plant capacity to be 18 MW with an annual power generation of approximately 44.8 GWh. All power generated would be sold to Alabama Power Company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, & D2.

1. 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, 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 \$50,000.

17. a. Type of Application: Preliminary Permit.

b. Project No.: 8488-000.

c. Date Filed: August 2, 1984.

d. Applicant: Cosumnes River Water and Power Authority.

e. Name of Project: Cosumnes River Water and Power Project.

f. Location: On North, South and Middle Forks and main stem of Cosumnes River and Antelope and Mill Creeks in Amador and El Dorado Counties, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. George L. Barber, Chairman of the Board of Directors, Cosumnes River Water and Power Authority, 222 E. Weber Ave., Stockton, CA 95202.

i. Comment Date: December 7, 1984.

j. Description of Project: The proposed project would consist of eight dams and reservoirs, about 13 miles of 84-inch-diameter tunnels and 16 miles of 14 to 78-inch-diameter penstocks, eight powerplants and appurtenant facilities. The major features of the project are listed below.

Name of dam	On (stream)	Height of dam (feet)	Storage capacity of res. (acre-feet)	Normal water surface elev. (feet)
Cape Cod	Middle Fork Cos.	290	186,000	700
Bakers Ford	Middle Fork Cos.	310	218,000	1,845
Aukum	South Fork Cos.	40	1,000	2,010
Sopiggo	Middle Fork Cos.	170	5,000	4,000
Clear Creek	North Fork Cos.	205	11,000	3,535
Dogtown	Middle Fork Cos.	212	6,000	4,022
Big Canyon	North Fork Cos.	227	13,000	3,577
Antelope-Mill Creek	Mill Creek	47	250	3,493

Name of powerplant	Proposed installed capacity (kW)	Head (feet)	Transmission lines	
			Length (miles)	Voltage (kV)
Cape Cod	10,000	275	17	60
Bakers Ford	400	295	9	60
Nashville	13,600	1,100	5	60
Dry Creek	18,000	1,200	7	60
Sopiggo	200	160	3	12.5
Clear Creek	400	185	8	12.5
Dogtown	400	200	4	12.5
Big Canyon	900	215	5	12.5

k. Purpose of Project: The estimated annual generation of 147.6 million KWh of energy would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2

18. a. Type of Application: Preliminary Permit.

b. Project No.: 8492-000.

c. Date Filed: August 3, 1984.

d. Applicant: Prodek, Inc.

e. Name of Project: McGee Creek Dam.

f. Location: On the McGee Creek in Atoka County, Oklahoma.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Flake H. Wells, III, Vice President, Prodek, Inc. P.O. Box 12608, El Paso, Texas 79912, and Mr. James Hamersley, Esquire, 1825 I Street, NW., Suite 300, Washington, D.C. 20006

i. Comment Date: December 10, 1984.

j. Description of Project: The Applicant would utilize a dam and lands under the jurisdiction of the Bureau of Reclamation (BR). The dam is currently under construction and is scheduled for completion in 1986. The proposed project would consist of: (1) A proposed 14-inch diameter, 200-foot-long branch pipe which would be used to convey water to the powerhouse. The branch pipe would be connected to the BR's existing steel by-pass pipe, which is designed to transport water to the municipal and industrial intake structure; (2) a proposed powerhouse containing generating units with a total rated capacity of 175 kW; (3) a proposed tailrace, which would consist of a 24-inch diameter, reinforced concrete pipe that discharges into a stilling basin; (4) A proposed 180-foot-long, 25-kV transmission line; and (5) appurtenant

facilities. The estimated average annual energy output for the project is 500,000 kWh.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license.

Applicant estimates that the cost of the studies under permit would be \$25,000.

l. This notice also consists of the following standard paragraphs: A5, A6, A9, B, C and D2.

19. a. Type of Application: Preliminary Permit.

b. Project No.: 8497-000.

c. Date Filed: August 6, 1984.

d. Applicant: Mesa II, Inc.

e. Name of Project: Mesa II Hydroelectric.

f. Location: Partially in the Payette National Forest and partially on lands managed by the Bureau of Land Management, on the Middle Fork Weiser River, near Mesa, in Adams County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Verne G. Long, President of Mesa II, Inc., 1411 Sandlewood Drive, Meridian, Idaho 83642.

i. Comment Date: December 10, 1984.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high concrete diversion dam with a

water surface elevation of 3,745 feet; (2) a penstock forebay structure with trash racks and a fish screen; (3) a fish ladder; (4) a 4.3-mile-long, 60-inch-diameter buried steel penstock; (5) a powerhouse containing two generators with a combined rated capacity of 5.0 MW and an annual energy production of 23.3 GWh at elevation 3,200 feet; (6) a tailrace; (7) a 4.4-mile-long, 35-kV transmission line; and (8) a substation at an interconnection with a 69-kV Idaho Power Company transmission line.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 30-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. The estimated cost of permit activities is \$56,200.

k. Purpose of Project: Power may be marketed to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

20. a. Type of Application: Preliminary Permit.

b. Project No.: 8501-000.

c. Date Filed: August 9, 1984.

d. Applicant: Trinity Canyon Hydro Ltd.

e. Name of Project: Trinity Canyon Hydroelectric Project.

f. Location: On Canyon Creek, near Junction City, within the Shasta-Trinity National Forest, in Trinity County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Roy McDonald, 1121 L Street, Suite 1000, Sacramento, California 95814.

i. Comment Date: December 10, 1984.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 99-foot-long diversion dam on Canyon Creek at elevation 3,000 feet; (2) a 52-inch-diameter, 25,000-foot-long diversion pipeline; (3) a 40-inch-diameter, 2,000-foot-long steel penstock; (4) a powerhouse with a total installed capacity of 4,300 kW operating under a head of 610 feet; and (5) a 200-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 the average annual energy generation at 17.1 million KWh to be sold to PG&E.

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 \$70,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

21. a. Type of Application: Preliminary Permit.

b. Project No.: 8502-000.

c. Dated Filed: August 9, 1984.

d. Applicant: Trinity Bar Hydro Ltd.

e. Name of Project: Trinity Bar Hydroelectric Project.

f. Location: On Big Bar Creek, near Big Bar, within the Shasta-Trinity National Forest, in Trinity County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Roy McDonald, 1121 L Street, Suite 1000, Sacramento, California 95814.

i. Comment Date: December 10, 1984.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 59-foot-long diversion dam on Big Bar Creek at elevation 1,780 feet; (2) a 42-inch-diameter, 9,500-foot-long diversion pipeline; (3) a 33-inch-diameter, 900-foot-long steel penstock; (4) a powerhouse with a total installed capacity of 1,400 kW operating under a head of 340 feet; and (5) a 2,600-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 the average annual energy generation at 5.7 million kWh to be sold to PG&E.

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 \$70,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

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 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, 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, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the 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 filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory 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. 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 or 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 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 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: October 5, 1984.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-26826 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-707-000]

**Arkansas Louisiana Gas Company, a
Division of Arkla, Inc.; Request Under
Blanket Authorization**

October 5, 1984.

Take notice that on September 13, 1984, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP84-707-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon certain facilities, with no abandonment of service, under the abandonment authorization issued in Docket No. CP82-384-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that approximately 4,960 feet of 2-inch transmission line (Arkla's Line 636-2) are proposed to be abandoned in the area of Stonewall, Oklahoma, where Arkla owns and operates a local distribution system. Arkla states that the relocation of Line 636-2 is required as a result of construction involving Oklahoma State Highway 3. It is further stated that only three customers are served from Line 636-2. Because of the age and deterioration of the line, and the proximity of Arkla's Stonewall area-distribution system, Arkla asserts that it would be more economical and feasible to abandon Line 636-2 and extend the Stonewall area-distribution line the distance necessary to connect the affected customers. It is indicated by Arkla that the old transmission pipeline

would not be abandoned until the new distribution line is in place and, therefore, no discontinuance of gas service would occur.

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 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-26800 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-48-000 and TA85-1-48-001]

**ANR Pipeline Co.; PGA Rate Change
Filing**

October 4, 1984.

Take notice that on October 1, 1984, ANR Pipeline Company (ANR) pursuant to Section 15 of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1, tendered for filing with the Federal Energy Regulatory Commission (Commission) Twenty-Third Revised Sheet No. 7 and Eleventh Revised Sheet No. 7a to Original Volume No. 1 of its Tariff to be effective November 1, 1984.

Twenty-Third Revised Sheet No. 7 reflects an increase in ANR's one-part rates applicable to Rate Schedule SGS-1 and LVS-1 of 20.49¢ and 20.48¢, respectively, per dekatherm (dth), a 20.46¢ per dth increase in the gas cost component of the commodity rate of its CD-1 and MC-1 Rate Schedule and, a .3¢ increase in the monthly demand rate applicable to the CD-1 and MC-1 Rate Schedules.

ANR states that the reason for the increase in its rates results from producer price increases associated with the Natural Gas Policy Act of 1978, the replacement of older lower cost sources of supply with new, higher cost sources, a decrease in the negative surcharge reflected in the May 1, 1984 PGA, and the inclusion of synthetic gas produced by coal gasification. These

increases were partially offset by credits resulting from operation of the provisions in the Stipulation and Agreement in ANR Pipeline Company, Docket Nos. RP82-80, et al., minor refunds resulting from the Commission's Order No. 399 in Docket No. RM84-6 (Refunds Resulting From Btu Measurement Adjustments) and a credit associated with the prior removal of Northern Border/Gas Arctic expenditures from rate base.

ANR states that copies of the filing were served upon all of its 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 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 October 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-26915 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-144-000]

**Bayou Interstate Pipeline Corp.,
Compliance Filing**

October 4, 1984.

Take notice that on September 28, 1984, Bayou Interstate Pipeline Corp. (Bayou) tendered for filing the following tariff sheets to be a part of its FERC Gas Tariff, Original Volume No. 1:

Second Substitute Original Sheet No. 4
Third Substitute Original Sheet No. 4A
First Revised Sheet No. 8
First Revised Sheet No. 9

Bayou indicates that these sheets were revised to conform to 18 CFR 154.111 which requires that pipeline rate schedules and tariffs governing the sale of natural gas in effect on July 31, 1984 be restated to state purchased gas costs separately.

Bayou states that copies of this filing have been served upon Bayou's jurisdictional customer, the Public Service Commission of the State of Louisiana and the Department of

Natural Resources Office of Conservation of the State of Louisiana.

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 October 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-26916 Filed 10-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-695-000]

Detroit Edison Co.; Filing

October 5, 1984.

The filing Company submits the following:

Take notice that September 21, 1984, Detroit Edison Company (Detroit Edison) tendered for filing a Power Supply Agreement between Detroit Edison and the Municipal Cooperative Power Pool. This Agreement supersedes and replaces in their entirety (a) the Electricity Supply Agreement between the Michigan Municipal Electric Cooperative Power Pool and the Detroit Edison Company dated September 1, 1984, as amended, (b) the Electric Supply Agreement between the Michigan Municipal Electric Cooperative Power Pool and the Detroit Edison Company dated September 21, 1977, as amended, and (c) the Power Supply Agreement between the Municipal Cooperative Power Pool and the Detroit Edison Company dated November 1, 1983.

Detroit Edison requests an effective date of November 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North 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 October 17,

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. 84-26901 Filed 10-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TC84-24-000]

El Paso Natural Gas Co.; Request for Waiver From Filing Requirements

October 5, 1984.

Take notice that on September 21, 1984, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. TC84-24-000 a request for waiver of the requirement that El Paso comply with the reporting deadline reflected in Section 11.5(a) *Annual Supply Allocation Forecast Report*, of the Service Rules contained in its FERC Gas Tariff, First Revised Volume No. 1 (Tariff), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

El Paso states that pursuant to Section 11.5(a) of its tariff is required each year, on or before October 1, to submit to each of its customers and the Commission the *Annual Supply Allocation Forecast Report* (Forecast Report) which forecasts El Paso's annual supply of natural gas available for sale for each year of the succeeding ten-year period. El Paso states that it would soon have updated supply data which would enable it to use the most current data for the Forecast Report, but that these data would not be available prior to the upcoming October 1, 1984, deadline. El Paso states that it expects to obtain the updated supply data, however, in time to provide the Forecast Report to its customers and the Commission no later than October 25, 1984.

Additionally El Paso states Section 11 of its Tariff, including Section 11.5(a), was established pursuant to the term of the *Stipulation and Agreement Settling Proceedings and Establishing Permanent Allocation Plan* (Settlement) approved by the Commission on March 26, 1981, in Docket Nos. RP72-6, *et al.* El Paso also states that in accordance with Section 6.1(e) of the Settlement it has obtained the unanimous consent of the parties to the Settlement and the Commission Staff to permit it to request an extension of the filing deadline of the

Forecast Report for this year to October 25, 1984.

Any person desiring to be heard or to make any protest with reference to said request should on or before

October 19, 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). 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. 84-26902 Filed 10-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA85-1-45-000 and TA85-1-45-001]

Inter-City Minnesota Pipelines Ltd., Inc.; Purchased Gas Adjustment Filing

October 4, 1984.

Take notice that on October 1, 1984, Inter-City Minnesota Pipelines Ltd., Inc. (Minnesota Pipelines) tendered for filing Twenty-First Revised Sheet No. 4 to Original Volume No. 1 of Minnesota Pipelines' FERC Gas Tariff. Minnesota Pipelines has requested that the sheet be suspended only for such time as is necessary to allow an effective date of November 1, 1984 for the rates set out therein.

Minnesota Pipelines represents that it purchases its entire gas supply from another pipeline, ICG Transmission Holdings Ltd., a Canadian company, at the U.S.-Canadian border and the prices it pays are determined by the National Energy Board of Canada and approved for payment by the Economic Regulatory Administration of the U.S. Department of Energy. The current filing reflects two changes in the Company's rates effective November 1, 1984. The first change is a new Surcharge Adjustment to reflect the unrecovered gas costs from the period August 1, 1983 through July 31, 1984. The second change takes place in the Cumulative Adjustment to again reflect the Incentive Border Pricing on imported gas based upon the volumes forecast from November 1, 1984 through October 31, 1985. Because of the nature of Minnesota Pipelines' purchases, the

format prescribed by the Commission's Orders 349, 349-A and 349-B and the accompanying FERC Form No. 542-PGA is of little relevance. Accordingly, Minnesota Pipelines submits with this filing exhibits 1 through 5.2 which provide data on pipeline supplies, prices and volumes, and detail the calculation of the PGA surcharge for each zone. Minnesota Pipelines requests waiver of all applicable Commission regulations requiring use of the Form 542-PGA format and filing of a magnetic tape bearing the Form 542-PGA format data in machine-readable form.

Minnesota Pipelines requests that the tariff sheet become effective on November 1, 1984, waiving the 30-day notice period.

Any person desiring to be heard or to make any protest with reference to said PGA filing should on or before October 12, 1984, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR Part 385). 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 therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-26917 Filed 10-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-699-000]

Iowa Power and Light Co.; Filing

October 5, 1984.

The filing Company submits the following:

Take notice that on September 24, 1984, Iowa Power and Light Company (Iowa Power) tendered for filing Service Schedule A dated May 9, 1984 ("Schedule A"), and Service Schedule B ("Schedule B") dated May 9, 1984, between Iowa Power and Montezuma Municipal Light & Power ("Montezuma").

Schedule A provides for facilities and points of delivery between Iowa Power and Montezuma. Schedule B provides for the sale of base-load power and energy from Iowa Power to Montezuma between October 13, 1983 and April 30, 1986.

Iowa requests that the Commission waive its prior notice requirements and accept Schedule A with an effective

date of May 9, 1984 and Schedule B with an effective date of October 13, 1983.

Copies of this filing were served upon each affected party and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 October 17, 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. 84-26903 Filed 10-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-714-000]

Lone Star Gas Company, a Division of ENSEARCH Corp.; Request Under Blanket Authorization

October 5, 1984.

Take notice that on September 17, 1984, Lone Star Gas Company, a Division of ENSEARCH Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP84-714-000 a request pursuant to §157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap to sell up to 200 Mcf of natural gas annually to one residential customer in Murray County, Oklahoma, under the certificate issued in Docket No. CP83-59-000, as amended in Docket No. CP83-59-002, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that Applicant would make the proposed sale to Mel Allen on Line GD-1 at Station 365 + 10 of Applicant's system. It is averred that the proposed sale would be at Applicant's residential rate, a rate approved by the Oklahoma Corporation Commission. It is further averred that the proposal is not expected to have any significant impact on Applicant's peak day or annual system operations.

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. 84-26904 Filed 10-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-344-004]

Maine Yankee Atomic Power Co.; Compliance Filing

October 5, 1984.

Take notice that on September 13, 1984, Maine Yankee Atomic Power Company (Maine Yankee) submitted for filing Amendment No. 3 to its Power Contract and certain revised cost of service statements for substitution in its rate application, pursuant to the Commission's August 14, 1984 order in this proceeding.

The amendment to the Power Contract provides that Maine Yankee's treatment of construction work in progress (CWIP), nuclear fuel in progress (NFIP), and accumulated deferred income taxes (ADIT), for purposes of billings under the Power Contract will conform to this Commission's regulations respecting those items, as such regulations may be amended from time to time.

Amendment No. 3 has been approved by Maine Yankee's Board of Directors which includes representatives of each of the sponsors purchasing under the Power Contract.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 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. 84-26905 Filed 10-10-84; 8:45 am]

BILLING CODE 5717-01-M

[Docket No. G-7642-009, et al.]

Mobil Oil Corp., et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates¹
October 5, 1984.

Take notice that each of the Applicants listed herein has filed an

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

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 October 22, 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, 385.214). 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.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price Per Mcf	Pressure base
G-7642-009, D, September 28, 1984	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, Hugoton Field, Stevens and Morton Counties, Kansas.	(¹)	
G-7643-004, D, September 28, 1984	do	Northern Natural Gas Company, Hugoton Field, Stevens County, Kansas.	(¹)	
G-7645-007, D, September 28, 1984	do	Northwest Central Pipeline Corporation, Texas County, Oklahoma.	(¹)	
G-8341-001, September 24, 1984	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	El Paso Natural Gas Company, Phillips Fullerton Plant Outlet, Section 17, Block A-32, PSL, Andrews County, Texas.	(²)	
G-11742-002, D, September 28, 1984	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northwest Central Pipeline Corporation, Hugoton Field, Stevens County, Kansas.	(¹)	
G-12235-000, D, September 19, 1984	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Southern Natural Gas Company, Breton Sound 20-32 (State Lease 1977), Offshore Louisiana.	(³)	
G-17012-001, D, September 28, 1984	Sohio Petroleum Company, P.O. Box 4587, Houston, Texas 77210.	El Paso Natural Gas Company, Spraberry Field, Upton County, Texas.	(⁴)	
CI60-502-002, D, September 24, 1984	Shell Western E&P Inc., P.O. Box 4684, Houston, Texas 77210.	Northern Natural Gas Company, Wilburton Field, Morton County, Kansas.	(⁵)	
CI64-573-001, D, August 13, 1984	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	Columbia Gas Transmission Corporation, Deep Lake Field, Cameron Parish, Louisiana.	(⁶)	
CI65-426-000, CI66-338-000, E, March 7, 1984	El Paso Exploration Company (Successor in Interest To Pecos Company), Post Office Box 1492, El Paso, Texas 79978.	Northwest Central Pipeline Corporation, Hemphill County, Texas.	(⁷)	
CI65-739-005, D, September 26, 1984	Shell Western E&P Inc., P.O. Box 4684, Houston, Texas 77210.	ANR Pipeline Company, Kings Bayou Field, Cameron Parish, Louisiana.	(⁸)	
CI65-1190-000, D, September 2, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77522	Michigan Wisconsin Pipe Line Company, Woodward Area, Woodward & Dewey Counties, Oklahoma.	(⁹)	
CI69-884-001, D, September 27, 1984	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Transcontinental Gas Pipe Line Corporation, Kerr-McGee's "A" Platform on Ship Shoal, Block 230 (Ship Shoal Blocks 217, 218, 229, 230, 242), Offshore Terrebonne Parish, Louisiana.	(¹⁰)	
CI75-122-002, September 20, 1984	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Trunkline Gas Company, South Marsh Island Block 281, Offshore Louisiana.	(¹¹)	
CI77-365-001, E, September 19, 1984	Phillips Petroleum Company, (Successor in Interest To Phillips Oil Company), 336 HS&L Building, Bartlesville, Oklahoma 74004.	Transcontinental Gas Pipe Line Corporation, South Marsh Island Blocks 243 & 244, Offshore Louisiana.	(¹²)	
CI81-29-003, E, September 19, 1984	do	United Gas Pipe Line Company and Southern Natural Gas Company, West Cameron, Block 537, Offshore Louisiana.	(¹³)	
CI84-593-000, A, September 13, 1984	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Amoco Gas Company, Matagorda Island Block 624, (OCS-G-3306), Offshore Texas.	(¹⁴)	
CI84-594-000, E, September 18, 1984	Proven Properties Inc. (Successor in Interest To Corinne Grace), P.O. Box 2049, Houston, Texas 77252-2049.	El Paso Natural Gas Company, White City Field, Eddy County, New Mexico.	(¹⁵)	
CI84-595-000, (CI76-430), B, September 14, 1984	Napco Inc., P.O. Box 283, Houston, Texas 77001	Natural Gas Pipeline Company of America, Angelton N. E. (Frio 2-B) Field, Brazoria County, Texas.	(¹⁶)	
CI84-596-000, B, September 17, 1984	Damson Oil Corporation P.O. Box 4391, Houston, Texas 77210.	Transcontinental Gas Pipe Line Corporation, Brazos Block A-1, Offshore Texas.	(¹⁷)	
CI84-597-000, (CI73-60), B, September 17, 1984	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Transcontinental Gas Pipe Line Corporation, Brazos Block A-1, Offshore Texas.	(¹⁸)	
CI84-598-000, A, September 20, 1984	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	ANR Pipeline Company, Eugene Island Block 208, Offshore Louisiana.	(¹⁹)	
CI84-599-000, A, September 21, 1984	The Superior Oil Company, Post Office Box 1521, Houston, Texas 77001.	ANR Pipeline Company, West Cameron 71 Field, Offshore Louisiana.	(²⁰)	
CI84-600-000, B, September 19, 1984	Highland Resources, Inc., San Jacinto Building, Suite 800, Houston, Texas 77002-6266.	Transcontinental Gas Pipe Line Corporation, Brazos Area Block A-1 Field, Offshore Matagorda County, Texas.	(²¹)	
CI84-601-000, B	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Gas Gathering Corporation, Bayou Des Glaives Field, St. Martin Parish, Louisiana.	(²²)	
CI84-602-000, B, September 24, 1984	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77522.	Getty Oil Company, A. M. Drinkard "A" Tubb Gas Unit, Lea County, New Mexico.	(²³)	

¹ To release gas for irrigation fuel.

² Applicant is filing under Amended agreement dated December 30, 1983, for an alternate delivery point.

³ Applicant no longer has the right to explore or develop the acreage.

⁴ Sohio Petroleum Company assigned their interest to the acreage to Jackson Exploration, Inc.

⁵ Leases have been sold to Cities Service Oil and Gas Corporation effective July 1, 1984.

⁶ Gulf conveys to the Superior Oil Company a portion of its interest in Oil and Gas Lease (State 2353) dated June 17, 1953, between the State Mineral Board of the State of Louisiana, as Sublessor, and F. A. Blanche, as Sublessee.

* The properties subject to Pecos's FERC Gas Rate Schedule were conveyed to Applicant by instruments of assignment executed on various dates in 1981, all to be effective January 1, 1981.

Leases released to lessors effective September 11, 1984.

All except three of the leases have been assigned or surrendered to the lessor(s).

Commercial quantities of gas are no longer available for sale from Kern-McGee's "A" Platform on Ship Shoal Block 230.

Applicant is filing under Amended Agreements dated August 10, 1984.

Effective December 1, 1983, Phillips Oil Company assigned to Applicant, its working interest in South Marsh Island Area, Blocks 243 and 244, Offshore Louisiana.

Effective December 31, 1983, Phillips Oil Company assigned to Applicant, its working interest in West Cameron Block 537, Offshore Louisiana.

Applicant is filing under Gas Purchase Contract dated August 28, 1984.

On August 1, 1984, Corinne Grace assigned its leasehold rights in all of Section 16, T24S, R26E, Eddy County, New Mexico, to Proven Properties, Inc.

The well operator has determined that no economically producible gas reserves remain in the W. M. Stephens No. 1 Well.

The reserves have depleted and the lease has been released.

All wells have watered out and lease has been surrendered.

Applicant is filing under Gas Purchase Contract Dated August 3, 1984.

Applicant is filing under Gas Purchase Contract Dated September 1, 1984.

The reserves have been exhausted.

Production from the Nodosa "B" Sand has ceased. The E. L. Guidry No. 1 Well has been plugged and abandoned.

The pooling and operator agreement for this unit has been dissolved and Applicant no longer owns an interest in production from the A. M. Drinkard "A" Well No. 1.

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. 84-28906 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-49-000 and TA85-1-49-001]

Montana-Dakota Utilities Co.; Tariff Filing

October 4, 1984.

Take notice that on September 28, 1984, Montana-Dakota Utilities Co. (MDU) tendered for filing as part of its FERC Gas Tariff the following tariff sheets:

Original Volume No. 4

Twenty-Ninth Revised Sheet No. 3A

Fourth Revised Sheet No. 3B

First Revised Volume No. 2

Twenty-Second Revised Sheet No. 10

Second Revised Sheet No. 10.1

Fourth Revised Sheet No. 10A

The proposed effective date of MDU's PGA filing is November 1, 1984.

MDU states that this tariff filing is being made pursuant to the Purchased Gas Cost Adjustment Provisions of its FERC Gas Tariff. The proposed changes include a cumulative gas cost adjustment of 79.417 cents per Mcf for Rate Schedules G-1, PR-1, I-1, and X-1 and a surcharge adjustment of 47.647 cents per Mcf applicable to Rate Schedules G-1, PR-1, and I-1. These changes represent a net increase in rates for Rate Schedules G-1, PR-1, and I-1 of 54.236 cents per Mcf, and an increase for Rate Schedule X-1 of 14.970 cents per Mcf, over the rates currently in effect.

Rate Schedule X-4 shows a cumulative gas cost adjustment of 60.168 cents per Mcf and no surcharge adjustment for this filing. This change reflects an increase of 9.595 cents per Mcf.

In addition, MDU states that Second Revised Sheet No. 10.1 reflects a cumulative gas cost adjustment for the sales under Rate Schedule X-5 of 56.730 cents per Mcf, an increase of 22.605 cents.

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 October 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-28918 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-697-000]

Niagara Mohawk Power Corp., Filing

October 5, 1984.

The filing company submits the following:

Take notice that on September 24, 1984, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a rate schedule, an agreement between Niagara and the Rochester Gas & Electric Corporation (Rochester) dated May 22, 1984.

Niagara presently has on file an agreement with Rochester dated April 12, 1973 as amended on July 20, 1982. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 76. This new agreement is being transmitted as a supplement to the existing agreement.

The original April 12, 1973 agreement states that Niagara will provide for the transmission of power and energy to and from the Power Authority of the State of New York at the Blenheim-Gilboa Pumped Storage Plant for Rochester. This Supplement revises the

rate to be paid by Rochester for the use of Niagara's facilities. The monthly charge will be updated on October 1, of each succeeding year using Niagara's most recent annual fixed charges.

Niagara requests an effective date of October 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Rochester and the Public Service Commission of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 17, 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. 84-28907 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-698-000]

Niagara Mohawk Power Corp., Filing

October 5, 1984.

The filing company submits the following:

Take notice that on September 24, 1984, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a rate schedule, an agreement between Niagara and Rochester Gas and Electric Corporation (Rochester) dated May 22, 1984.

Niagara presently has on file an agreement with Rochester dated

December 26, 1968. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 58. This new agreement is being transmitted as a supplement to the existing agreement, and supersedes Supplement No. 4.

The December 26, 1968, agreement is for the use of Niagara's transmission facilities by Rochester for the purpose of connecting Rochester's Gina Nuclear Plant into the New York Cross-State transmission system. The May 22, 1984, agreement revises the rate to be paid by Rochester for the use of Niagara's facilities.

Niagara requests an effective date of October 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Rochester and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 17, 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. 84-26908 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-690-000]

**Northern States Power Co.;
(Minnesota), et al.; Filing**

October 5, 1984.

The filing Company submits the following:

Take notice that on September 20, 1984, Northern States Power Company (Minnesota) ("NSP (Minn.)") and Northern States Power Company (Wisconsin) ("NSP (Wisc.)") and Lake Superior District Power Company ("LSDP") jointly tendered for filing an Interchange Agreement dated September 17, 1984. The Interchange Agreement provides for greater specificity in the formula rates under which the sales among the Companies are made and perfects and refines the

cost of service procedures contained in the formula rates.

The Interchange Agreement revises and supersedes and 1982 Coordinating Agreement between NSP (Minn.), NSP (Wisc.) and LSDP which provides for coordination on the NSP electric system.

The purpose of the filing is fourfold: (1) To define transmission facilities on a functional rather than a voltage basis; (2) to allocate demand costs on an average of the twelve monthly peak basis; (3) to introduced time differentiation into the development of energy charges; and (4) to introduce greater specificity in the formula type procedures for development of charges under the Agreement.

The parties request an effective date of December 31, 1984.

Copies of this filing have been served upon the wholesale customers of the three affiliates, the state commissions of Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.

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 October 17, 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. 84-26909 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-56-000]

**Northwest Central Pipeline Corp.
(Formerly Cities Service Gas
Company); Petition for Declaratory
Order**

Issued: October 5, 1984.

Take notice that on September 21, 1984, Northwest Central Pipeline Corporation (Northwest Central), filed a petition for declaratory order with the Federal Energy Regulatory Commission, (Commission), pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (1983), and in accordance with Article XII, Section 2, of the Stipulation and

Agreement approved by the Commission on June 21, 1984, in Docket Nos. RP82-114, et al.

Under the procedures established in the Docket No. RP82-114 Stipulation and Agreement, Northwest Central Seeks a declaratory order regarding the legality and enforceability under Title I of the Natural Gas Policy Act of 1978 (NGPA) of certain contract amendments executed March 17, 1981, between Northwest Central and Amoco Production Company, the Wamsutter Limited Partnership, and the Moxa Limited Partnership (Amoco, et al.). Northwest Central proposes that said contract amendments authorize Northwest Central to pay, and Amoco, et al. to receive, the NGPA section 107(c)(5) tight formations price, and that these March 17, 1981 contract amendments are legal and enforceable under Title I of the NGPA.

Article XII, Section 3 of the subject Stipulation and Agreement provides for responses, answers, and objections to the instant petition for declaratory order and to a complaint filed by Midwest Gas Users (Midwest) on January 24, 1983, as amended on November 2, 1983, in Docket No. RP83-42-000, as consolidated, to be filed by all parties, including Commission Staff, thirty (30) days after the filing by Northwest Central of its instant petition for declaratory order. Article XII, Section 4 provides that twenty (20) days after the filing of responses, answers and objections to both Midwest's complaint, as amended, and Northwest Central's petition for declaratory order, all parties, including Commission Staff, shall file with the Commission all replies thereto.

Other persons desiring to be heard or to protest Northwest's petition 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 the Rules of Practice and Procedure (18 CFR 385.211, 385.214) (1983)). All such petitions to intervene or protests should be filed within 15 days after publication of this notice in the Federal Register. 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-26910 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA85-2-37-000, TA85-2-37-001 and RP85-1-000]

Northwest Pipeline Corp.; Rate Change

October 4, 1984.

Take notice that on October 1, 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 which reflect separately the addition of the Canadian Demand Charge to the existing demand charge under Rate Schedules PL-1 and ODL-1.

Substitute Sixteenth Revised Sheet No. 10
Alternate Substitute Sixteenth Revised Sheet No. 10
Third Revised Sheet No. 124
Fifth Revised Sheet No. 126
Original Sheet No. 126-A

The purpose of the revised tariff sheets filed herewith is to adjust Northwest's Rate Schedules PL-1 and ODL-1 demand and commodity rates to reflect a new agreement, between Northwest and its Canadian Supplier Westcoast Transmission Company LTD. (Westcoast). Such agreement will result in Northwest purchasing gas from Westcoast under a two-part demand/commodity rate structure rather than the single commodity rate currently in effect. This filing has not impact on revenues in total but reflects a reallocation of costs between demand and commodity rates in accordance with the proposed Canadian contract.

Northwest requests waiver of the Commission's Regulations and Section 16.8 of Northwest's General Terms and Conditions contained in First Revised Volume No. 1 of its FERC Gas Tariff to permit an effective date of November 1, 1984 to correspond to the proposed effective date of its PGA filing at Docket No. TA85-1-37-001 and the proposed Canadian contract amendment.

A copy of this filing is being served on all jurisdictional customers and interested state regulatory commissions.

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 Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-28919 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-679-004]

Pacific Gas and Electric Co.; Preliminary Compliance Filing

October 5, 1985.

Take notice that on October 1, 1984, Pacific Gas and Electric Company (PGandE), submitted for filing its preliminary compliance report pursuant to the settlement in this docket approved by the Commission on August 26, 1982.

PGandE states that a final Compliance report could not be submitted because several members of the Northern California Power Agency and PGandE are litigating the issue of the quantity of energy sold during the period May through September, 1982, and thus the billing determinants for this portion of the refund period are in dispute.

PGandE states that because this litigation is still ongoing, it is submitting this preliminary compliance report. PGandE further states that the tables included in the filing details computation of the base rate refunds, due to interim rates being higher than final settlement rates.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 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. 84-28911 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-2-000]

Pacific Gas Transmission Co.; Changes to Executed Service Agreement Modifying and Reducing the Minimum Purchase Obligations of Pacific Gas and Electric Co. and Request for Expedited Consideration

October 4, 1984.

Take notice that on October 1, 1984, Pacific Gas Transmission Company tendered for filing a "Notice of Changes to Executed Service Agreement Modifying and Reducing the Minimum

Purchase Obligations of Pacific Gas and Electric Company and Request for Expedited Consideration", pursuant to section 4 of the Natural Gas Act, 15 U.S.C. 717c, and § 154.63 of the Commission's Regulations, 18 CFR 154.63.

PGT states that it has agreed with its customer, Pacific Gas and Electric Company, to changes in the executed service agreement between the two companies. PGT states that these changes will significantly increase PGandE's flexibility in determining the level of purchases that it makes from PGT with respect to its purchases of Canadian gas imports from PGT and facilitates the implementation of a new, competitive pricing structure with PGT and PGandE have negotiated with their Canadian gas supplier, Alberta and Southern Gas Co. Ltd. (Alberta and Southern).

The changes to the minimum purchase provisions eliminate the minimum physical take obligations of PGandE with respect to its purchase of Canadian gas imports, substitute an equitable purchase clause based on achieving and maintaining a competitive price for the Canadian supply, reduce the annual take-or-pay level from 60 percent of the daily contract quantity to 50 percent of the daily contract quantity, and alter the make-up rights for previously incurred take-or-pay, with such changes to be effective November 1, 1984, assuming receipt of necessary regulatory approvals. The amendments to the Gas Sale Contract, as amended, between PGT and Alberta and Southern, under which PGT imports Canadian gas for resale to PGandE. More specifically, such changes are linked to the new gas export policy announced by the Canadian Government on July 13, 1984.

Beginning November 1, 1984, the new Canadian export policy permits a negotiated price for Canadian gas which conforms to certain stated criteria established by the Canadian Government. This policy, which follows extensive discussions between the Canadian and U.S. Governments, gives U.S. importers the ability to purchase Canadian gas on a competitive basis with domestic U.S. supplies. The amendments to the Alberta and Southern/PGT Gas Sale Contract would replace the present \$4.40/3.40 per MMBtu Volume-Related Incentive Price with an export price at the international border consisting of a commodity rate of \$2.99 (U.S.) per MMBtu, and a demand charge based on the actually incurred costs of transporting and shipping the gas within Canada to the export point. On an annualized basis, it is estimated

that the proposal will reduce PG and E's gas purchase costs from PGT by about \$180 million.

The instant amendments to the executed service agreement will supersede reduced minimum purchase obligations placed into effect in January 1984, in Docket No. RP84-39. The January 1984, reductions contemplated a second-phase reduction in PGandE's minimum purchase obligations that would be placed into effect for the period on and after July 1, 1985, following further negotiations between Alberta and Southern and its producer-suppliers in the Province of Alberta. The instant amendments to the executed service agreement may be viewed as an acceleration to November 1, 1984 of the second-phase reduction contemplated in Docket No. RP84-39. These amendments—and this acceleration of the previously contemplated reductions—have been made possible by the Canadian Government's new natural gas export policy.

The minimum purchase and take-or-pay changes to the executed service agreement are part of, and necessary to implement, an overall revision to PGT's gas import arrangements with Alberta and Southern, which includes not only corresponding amendments to the minimum purchase provisions, but also, as mentioned, a proposed negotiated and significantly reduced gas export price. Because of the flowthrough nature of PGT's cost of service tariff with PGandE, it is not necessary to incorporate all of the proposed changes into the PGT tariff in order for PGandE to benefit from the reduced price and modified minimum purchase provisions.

The instant service agreement changes are proposed to be implemented through a superseding Service Agreement dated November 1, 1984 between PGT and PGandE. PGT's filing includes this document and Second Revised Sheet Nos. 51, 52, 53, 54, and 55, and First Revised Sheet Nos. 55A and 55B to PGT's FERC Gas Tariff, First Revised Volume No. 1, all of which substitute a new Form of Service Agreement, applicable to service under Rate Schedule PL-1, consistent with the superseding Service Agreement, dated November 1, 1984.

PGT has requested that its filing receive expedited consideration, and that if and to the extent necessary, the Commission waive its Regulations, 18 CFR Part 154, to allow the service agreement changes to be placed into effect, without suspension, on November 1, 1984.

PGT states that corresponding changes to the Gas Sale Contract with

Alberta and Southern have been submitted to the Economic Regulatory Administration and the National Energy Board of Canada for the necessary authorizations.

PGT advises that copies of its filing have been mailed to its customers and to 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 Section 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, and 385.211). All such petitions or protests should be filed on or before October 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-26920 Filed 10-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-695-000]

**Panhandle Eastern Pipe Line Co.;
Request Under Blanket Authorization**

October 4, 1984

Take notice that on September 6, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-695-000 a request pursuant to § 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas for an end-user under the certificate issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle proposes to transport up to 15,000 Mcf of natural gas per day, on an interruptible basis, on behalf of General Motors Corporation (General Motors), an existing direct industrial sales customer of Panhandle. It is stated that Panhandle would receive the gas at existing points of interconnection between Panhandle and Union Texas Products Corporation in Major County, Oklahoma, and between Panhandle and Oklahoma Natural Gas in Dewey County, Oklahoma. Panhandle states it

would then transport and redeliver an equivalent amount of gas, less four percent for fuel, to General Motors at existing points of interconnection in Vermilion County, Illinois, and Defiance County, Ohio, for its end-use at General Motors' Central Foundry Defiance and Danville plants. It is explained that the end-use of the gas would be for boiler fuel, cupola melting, core making, air make-up units, processing, and miscellaneous. It is asserted that Panhandle would charge General Motors, in accordance to Panhandle's currently effective OST tariff, a rate of 85.24 cents per million Btu for the transportation service.

It is explained that the term of the transportation service would be from the date of initial transportation under this authorization and would remain in full force and effect for a primary term of six months and successive terms of one month each thereafter until the earlier of 18 months from the date of initial delivery or termination of authorization for service hereunder pursuant to Subpart F of 18 Part 157 of the Commission's Regulations, provided that either party may terminate the agreement at the end of any such term by giving 30 days prior written notice of such termination to the other party. Further, it is submitted that termination would also be subject to final adjustment between the parties in accordance with the provisions of the transportation agreement.

Panhandle also requests flexible authority to add or delete sources of supply or receipt/delivery points, if such altered service is on behalf of the same end-user, at the same end-user location, within the maximum daily and annual volumes authorized in this docket, and under the same terms and conditions authorized for the basic service.

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. 84-26921 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-28-004]

**Panhandle Eastern Pipe Line Co.;
Change in Tariff**

October 4, 1984.

Take notice that on October 1, 1984 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Forty-Ninth Revised Sheet
No. 3-A

First Substitute Twenty-Sixth Revised Sheet
No. 3-B

An effective date of September 1, 1984 is proposed.

Panhandle states that these revised tariff sheets reflect a reduced PGA rate adjustment of (4.92¢) per Dt in Panhandle's applicable commodity and one-part rates.

Panhandle states that this proposed rate reduction represents a downward revision of the PGA rate adjustment which became effective September 1, 1984 in Docket No. TA84-2-28-001, *et al.*, and is being filed at this time in compliance with the Commission's Order in the subject proceeding dated August 31, 1984. Ordering Paragraph (B) of the Commission's *Order Accepting For Filing and Suspending Tariff Sheets Subject To Refund And Conditions And Establishing Proceedings*, dated August 31, 1984, conditioned acceptance of the previously filed tariff sheets effective September 1, 1984, upon Panhandle filing revised tariff sheets to reflect the removal of all estimated costs for deregulated gas and reflection instead of historical costs. This adjustment represents a (4.92¢) per Dt reduction in the System Cost of Purchased Gas, and is reflected in the instant filing, in compliance with the Commission's August 31, 1984 Order.

The proposed rate reduction of (4.92¢) per Dt also includes reduced gas purchased costs from Panhandle's pipeline supplier, Trunkline Gas Company (Trunkline). Trunkline is filing concurrently herewith a (2.15¢) per Dt reduction to its rates in compliance with Commission Order dated August 31, 1984 in Docket Nos. TA84-2-30-000, *et al.*, to be effective September 1, 1984.

Concurrently with this compliance filing, Panhandle is filing an Application for Rehearing of the Commission's Order dated August 31, 1984. Panhandle is

submitting these revised tariff sheets in the instant filing as required by Ordering Paragraph (B), without prejudice to Panhandle's claims stated in its Application for Rehearing.

Copies of the the filing were served on the Company's jurisdictional customers and applicable state regulatory agencies.

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 and 385.214). All such petitions or protests should be filed on or before October 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-26922 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-712-000]

**Panhandle Eastern Pipe Line Co.;
Request Under Blanket Authorization**

October 5, 1984.

Take notice that on September 17, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-712-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon a natural gas sales tap in Jacksonville, Illinois, under the abandonment authorization issued in Docket No. CP83-83-000 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.

The sales tap is Panhandle's #2095F measuring and regulating station located in Morgan County, Illinois.

Panhandle states that the subject measuring station was used to make deliveries of up to 1000 Mcf of gas per day to Illinois Power Company (Illinois Power) for use in its power plant. Panhandle states that Illinois Power informed Panhandle by letter dated December 13, 1983, that it no longer required deliveries through the #2095F station.

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. 84-26912 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-696-000]

Portland General Electric Co.; Filing

October 5, 1984.

The filing Company submits the following:

Take notice that on September 24, 1984, Portland General Electric Company (PGE) tendered for filing its revised Average System Cost (ASC) which reflects PGE's based rate change effective with meter readings on and after May 1, 1984 and its Power Cost Adjustment (PCA) rate change which was also effective May 1, 1984. The filing includes a revised Appendix 1, Exhibit C, and a revised Schedule 5 to Exhibit 5 of the Residential Purchase and Sale Agreement along with the authorization for this rate change from the Public Utility Commissioner of Oregon.

PGE states that the filing shows PGE's ASC as determined by the Bonneville Power Administration to be 45.60 mills/KWh, and the PCA adjustment to this base of (3.3) mills/kWh for a net ASC rate of 41.77 mills/kWh.

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 October 17, 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. 84-20913 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA 85-1-41-000 and TA85-1-41-001]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

October 4, 1984.

Take notice that Southwest Gas Corporation (Southwest) on October 1, 1984 tendered for filing Twenty-third Revised Sheet No. 10 and Ninth Revised Sheet No. 10A pursuant to Section 9, Purchased Gas Adjustment Clause (PGAC), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a decrease in rates occasioned by a decrease in rates from Southwest's Northern Nevada sole supplier of gas, Northwest Pipeline Corporation, effective November 1, 1984. The proposed effective date for Southwest's proposed decrease in rates is November 1, 1984.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

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 October 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-20913 Filed 10-10-84; 8:45 am]

BILLING CODE 717-01-M

[Docket No. TA84-2-30-003]

Trunkline Gas Co.; Change in Tariff

October 4, 1984.

Take notice that Trunkline Gas Company (Trunkline), on October 1, 1984 tendered for filing the following proposed change in its FERC Gas Tariff, Original Volume No. 1, to be effective September 1, 1984:

First Substitute Forty-Sixth Revised Sheet No. 3-A

Trunkline States that this revised tariff sheet reflects a Commodity rate decrease of (2.15¢) per Dt.

This proposed rate reduction represents a downward revision of the PGA rate adjustment which became effective September 1, 1984 in Docket No. TA84-2-30-000, *et al.*, and is being filed at this time in compliance with Ordering Paragraphs (B)(1) and (B)(2) of the Commission's Order in the subject proceeding dated August 31, 1984. Ordering Paragraph (b)(1) directed Trunkline to file revised tariff sheets eliminating all estimated costs for deregulated gas and reflection instead of historical costs. Ordering Paragraph (b)(2) directed Trunkline to file revised tariff sheets to reflect removal of the interest equivalent deficiency payments from the prepayment tracker.

The instant filing reflecting these revisions results in: (1) A (1.58¢) per Dt decrease in the Current Purchased Gas Cost relating to the removal of all estimated costs for deregulated gas and reflection instead of historical costs, and (2) a (0.57¢) per Dt decrease in the Gas Purchase Prepayments tracking adjustment which reflects the removal of the interest equivalent deficiency payments from the prepayments tracking adjustment.

Concurrently with this compliance filing, Trunkline is filing an Application for Rehearing of the Commission's Order dated August 31, 1984. Trunkline is submitting this revised tariff sheet in the instant filing as required by Ordering Paragraphs (B)(1) and (B)(2), without prejudice to Trunkline's claims stated in its Application for Rehearing.

Copies of the filing were served on the Company's jurisdictional Customers and applicable state regulatory agencies.

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 and 385.214). All such petitions or protests should be filed on or before

October 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-20924 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-50-000 and TA85-1-50-001]

Valley Gas Transmission, Inc.; Proposed Changes in FERC Gas Tariff October 4, 1984.

Take notice that on September 28, 1984, Valley Gas Transmission, Inc. (Valley) tendered for filing Twenty-ninth Revised Sheet No. 2A to Original Volume No. 1, and Second Revised Sheet No. 10 to Original Volume No. 2, of its FERC Gas Tariff. Valley states that these tariff changes, which are proposed to become effective on November 1, 1984, are being filed pursuant to the purchased gas cost adjustment provisions of its tariff.

Primarily because of the heavy burden of administrative duties which have been borne by its small staff as a result of a recent change in ownership of the company, Valley requests waiver of the new PGA filing requirements contained in FERC Form No. 542-PGA.

Valley states that it has served copies of this filing on its 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 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 October 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-26925 Filed 10-10-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OW-R5-FRL-2691-7]

Direct Implementation of the Underground Injection Control Program for the State of Tennessee; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed Aquifer Exemption, Notice of Extension of Comment Period.

SUMMARY: The Environmental Protection Agency (EPA) is giving notice that the comment period for the notice of proposed aquifer exemption published July 12, 1984 (49 FR 28453) has been extended to November 2, 1984. The EPA is taking this action because an extension was requested by many citizens and public officials.

DATE: Comments are due on or before November 2, 1984.

ADDRESS: Comments should be sent to Mr. Donald J. Guinyard, Chief, Water Supply Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, GA 30365.

FOR FURTHER INFORMATION CONTACT: Donald J. Guinyard, Chief, Water Supply Branch, Environmental Protection Agency (404) 881-3866.

The EPA proposed an aquifer exemption for specific portions of the Knox Aquifer System in the State of Tennessee for deep well injection purposes. This notice was published on July 12, 1984 (49 FR 28453), and provided a public comment period until August 20, 1984, and also provided notice of dates for two public hearings on the exemption proposal, i.e., August 7 and August 8, 1984.

The EPA received many requests at the August 8 hearing for extension of the comment period. Extension was granted by the Hearing Officer until September 8, 1984. During the extended comment period, many additional requests for extension of the comment period were received. Based on those requests, EPA is extending the comment period until November 2, 1984. A decision to approve or disapprove the exemption will be made after a complete review of all available information and public comment.

Additional information and descriptions of the proposed exempted portions of the aquifer and their locations is available for review in the EPA Regional Office, 345 Courtland Street, Atlanta, Georgia 30365, (404) 881-3866.

Dated: September 25, 1984.

John A. Little,

Deputy Regional Administrator.

[FR Doc. 84-26811 Filed 10-10-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-40011; FRL-2690-1]

Certain New and Revised Test Guidelines; Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that the Office of Toxic Substances (OTS) is making available, through purchase from the National Technical Information Service (NTIS), several new test guidelines and revisions of certain test guidelines that had been published by NTIS in 1983. These guidelines represent a continuing effort to make available the best state-of-the-art methods that can be cited in chemical-specific test rules promulgated under the Toxic Substances Control Act (TSCA).

ADDRESS: Copies of the new and revised OTS Test Guidelines may be obtained by ordering them from: National Technical Information Service, 5282 Port Royal Drive, Springfield, Virginia 22161 (703-487-4650).

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E543, 401 M Street 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: A first set of revised and new guidelines was published by NTIS in October 1983. Notice of their availability and requests for comments on them were solicited on September 30, 1983 (48 FR 44898). This announcement includes revisions of some of the original test guidelines that were made in response to public comments as well as new guidelines that were developed as a consequence of recent advances in the state-of-the-art. Support documents for new guidelines and, where feasible, support documents for revised test guidelines are part of the package available through NTIS.

Ordering Information

The new and revised test guidelines are separated into two units, Chemical Fate Tests and Health Effects Tests as follows:

Title	Guideline code	Support document code
Chemical Fate Tests—New Guidelines:		
1. Laboratory Determination of the Direct Photolysis Reaction Quantum Yield in Aqueous Solution and Sunlight Photolysis	CG-1510	CS-1510
2. Partition Coefficient (n Octanol/Water)—Estimation by Liquid Chromatography	CG-1410	CS-1410
Chemical Fate Tests—Major Revision:		
Photolysis in Aqueous Solution in Sunlight	CG-6000	CS-6000

Health Effects Tests—New Guidelines:

1. Preliminary Development Toxicity Screen	HG-Organ-Tissue—None, Dev Tox Screen.
2. Inhalation Developmental Toxicity Study	HG-Organ/Tissue—None, Dev Tox Inhal.
3. Developmental Toxicity Study (Formerly Teratogenicity, HG-Organ/Tissue—Terato.)	HG-Organ/Tissue—None, Dev Tox.
Health Effects Tests—Major Revisions:	
1. Dermal Toxicity	HG-Acute-Dermal—None, HG-Acute-Inhal—None, HG-Acute-Oral—None.
2. Inhalation Toxicity	
3. Oral Toxicity	
4. Gene Mutations	
<i>Salmonella typhimurium</i>	HG-Gene Muta-S.—None, typhimurium.

Price Information

Since each unit, Health Effects and Chemical Fate, can be ordered separately, please specify when ordering whether you wish to purchase the complete set or one or more units.

Title	Order Code	Price
New and revised Health Effects test guidelines	PB 84-233295	\$11.50
New and revised Chemical Fate test guidelines	PB 84-233287	25.00
The original test guidelines may be ordered as follows:		
Complete set of test guidelines	PB 82-232976	95.00
Health Effects test guidelines	PB 82-232984	40.00
Environmental Effects test guidelines	PB 82-232992	60.00
Chemical Fate test guidelines	PB 82-233008	40.00

Dated: September 26, 1984.

Don Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-26830 Filed 10-10-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-40012; FRL-2690-2]

Certain New and Revised Test Guidelines for Development of Test Data; Request for Comments**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA requests comments on four new test guidelines and six existing test guidelines that had been accorded major revisions as a consequence of comments received after they were previously published by the National Technical Information Service (NTIS). The test guidelines represent a continuing effort to make available the best state-of-the-art methods that can be cited in chemical-specific test rules promulgated under the Toxic Substances Control Act.

DATE: Written comments must be received on or before January 14, 1985.

DATES: Written comments should be sent 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 bear the identifying control number [OPTS-40012]. The public record regarding this notice is available in Rm. E-107, at the above address from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays.

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

SUPPLEMENTARY INFORMATION: Elsewhere in today's Federal Register is a notice of the availability of new and revised test guidelines that can be purchased from NTIS. These represent the third cycle of the test guideline publication and public review via the process described in the Federal Register of September 22, 1982 (47 FR 41857). Comments, due no later than January 14, 1985, should be directed toward the following test guidelines:

1. Laboratory Determination of the Direct Photolysis Reaction Quantum Yield in Aqueous Solution and Sunlight Photolysis (CG 1610 and CS 1610, new guideline and support document respectively).

2. Partition Coefficient (*n*-Octanol/Water)—Estimation by Liquid Chromatography (CG 1410 and CS 1410, new guideline and support document respectively).

3. Photolysis in Aqueous Solution in Sunlight (CG 6000 and CS 6000, major revision of existing guideline and support document respectively).

4. Preliminary Developmental Toxicity Screen (HG-Organ/Tissue Dev Tox Screen, new guideline).

5. Inhalation Developmental Toxicity Study (HG-Organ/Tissue Dev Tox Inhal, new guideline).

6. Developmental Toxicity Study (HG-Organ/Tissue Dev Tox, modification of an existing guideline).

7. Gene Mutations—*Salmonella typhimurium* (HG-Gene Muta-S. *typhimurium*, modification of an existing guideline).

8. Dermal Toxicity (HG-Acute-Dermal, major revision of existing guideline).

9. Inhalation Toxicity (HG-Acute-Inhal, major revision of existing guideline).

10. Oral Toxicity (HG-Acute-Oral, major revision of existing guideline).

The revisions to the guidelines, numbers 8 through 10, constitute an attempt to more clearly articulate OTS's philosophy regarding the need for, and approaches to the determination of acute toxicity of chemical substances. Although few changes have been made in the technical content of these guidelines, the revisions are important additions to foster the development of useful information on potential acute effects of chemicals with a minimum expenditure of animal life.

Dated: September 26, 1984.

Don Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-26831 Filed 10-10-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140052; FRL-2691-4]

ICF, INC., SRI International, and PEDCO Environmental, Inc.; Transfer of Data to Contractor and Subcontractors**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA will transfer to its contractor, ICF, Inc., and its subcontractors, SRI International, and PEDCO Environmental, Inc., information which has been or will be submitted to EPA under sections 4, 5, 6, and 8 of the Toxic Substances Control Act (TSCA). Working under Contract No. 68-02-3976, these firms (either individually or as a team) will review this information and use it to perform analyses of new and existing chemicals. Some of the information to be transferred may contain data claimed to be confidential.

DATE: The transfer of data submitted to EPA and claimed to be confidential will occur no sooner than October 22, 1984.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Office of Toxic Substances (OTS) is responsible for the evaluation of chemical substances under the Toxic Substances Control Act (TSCA). Under section 5 of this Act, EPA may evaluate new (i.e., not listed on the TSCA Inventory of Chemicals) chemical substances for their stated uses, their potential new uses, and the potential risks associated with these new uses. Existing chemicals evaluated under sections 4, 6, and 8 of TSCA may also be evaluated for the potential risks associated with their various uses. In some cases, EPA may develop regulatory controls to protect humans and the environment from injury due to existing and new uses of existing or new chemical substances, or the manufacture or processing of those substances.

In the evaluation process, EPA considers various factors (e.g., exposure levels, engineering controls to control exposure, the uses and substitutes of the various chemicals, toxicity profiles) before deciding to proceed with a regulatory action. When a regulatory action for a specific chemical is warranted and developed, the Agency considers the potential economic impact of the control requirements (e.g., engineering controls or personal protection equipment) and other regulatory options. ICF, Inc., and its subcontractors, SRI International and PEDCO Environmental, Inc., are currently providing support (under Contract No. 68-02-3976) to EPA in performing these technical and economic evaluations in connection with the OTS Existing Chemicals Programs, the Follow-up Program, and the Premanufacture Review Program. The analyses are based on data, such as current exposure levels, manufacturing processes, production levels or sales, and uses and substitutes, that are in the public domain or submitted by chemical manufacturers, processors or users. In some cases, this information is claimed confidential and available for review only to EPA employees and contractors that have been authorized for access to such data. In accordance with 40 CFR

2.306(j), EPA has determined that it will be necessary to transfer to ICF, Inc., and its subcontractors confidential business information submitted to EPA under sections 4, 5, 6, and 8 of TSCA to perform work under the above-noted contract. Since these firms will review information that in some cases is confidential, EPA is issuing this notice to inform all submitters of data under sections 4, 5, 6, and 8 of TSCA that these firms (either individually or working together) may receive from EPA, on a need-to-know basis, confidential business information on specific chemicals that are under review or are subjects of regulatory actions. After completing their economic and technical analyses for a specific chemical, the firms receiving confidential business information will return all such information to EPA.

ICF, Inc., and its subcontractors, SRI International and PEDCO Environmental, Inc., have been given authorization for access to TSCA confidential business information under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" manual. EPA has approved the security plans of these three firms and has conducted the required inspections of the contractors' facilities and found them to be in compliance with the provisions of the manual. In accordance with the "TSCA Confidential Business Information Security Manual" and the Contractor Requirements manual, personnel from these three firms will be briefed on appropriate security procedures and will be required to sign a non-disclosure agreement before they are permitted access to confidential information.

Dated: September 26, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-26832 Filed 10-10-84; 8:45 am]

BILLING CODE 6560-50-M

[FRL #2691-1]

Pesticide Emergency Exemption Rulemaking Advisory Committee; Meeting

As required by the Federal Advisory Committee Act (Pub. L. 94-463), we are giving notice of the next meeting of the Pesticide Emergency Exemption Rulemaking Advisory Committee.

It will be held in Arlington, Virginia, on Friday, October 26th, from 9:00 a.m. to 3:30 p.m., in Room 1112 of Crystal Mall Building #2. The purpose of the meeting is to begin to fashion consensus

on the issues identified by the Committee for resolution.

If interested in attending, or in receiving more information, please contact Chris Kirtz at (202) 382-7565.

Milton Russell,

Assistant Administrator for Policy, Planning and Evaluation.

[FR Doc. 84-26828 Filed 10-10-84; 8:45 am]

BILLING CODE 6560-50-M

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 849; Revocation of FCA Order No. 843]

Authority Delegations; Officers To Act as Governor

The Governor of the Farm Credit Administration has issued Order No. 849 authorizing certain officers of the Farm Credit Administration to act as Governor in the event the Governor is absent or unable to perform the duties of the office. The text of the Order is as follows:

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of the office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the Office of Governor of the Farm Credit Administration:

- (a) Senior Deputy Governor;
- (b) Deputy Governor and Chief of Staff;
- (c) Deputy Governor, Office of Examination and Supervision and Chief Examiner;
- (d) Deputy Governor, Office of Administration;
- (e) General Counsel;
- (f) Any other officer of the Farm Credit Administration designated by the Governor.

2. This Order shall be effective on October 1, 1984, and supersedes Farm Credit Administration Order No. 843 dated May 26, 1983 (48 FR 23906, 5/27/83).

Donald E. Wilkinson,
Governor.

[FR Doc. 84-26856 Filed 10-10-84; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL HOME LOAN BANK BOARD

[84-556]

Application To Amend Association Charter

Dated: October 5, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

The public is advised that the Federal Home Loan Bank Board has submitted a request for extension without revision, of its information collection request, "Application to Amend Association Charter", to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Board has asked OMB for expedited approval of the collection of information. It also has indicated that it will defer implementation of a portion of an approved sample monthly survey until the end of requested extension period for the existing monthly report. Comments on the proposal should be directed promptly to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503. Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Dea, Office of District Banks—Phone: 202-377-6789.

By the Federal Home Loan Bank Board.

J.J. Finn,

Secretary.

[FR Doc. 84-26847 Filed 10-10-84; 8:45 am]

BILLING CODE 6720-01-M

[84-554]

Application To Amend Association Bylaws

Dated: October 5, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

The public is advised that the Federal Home Loan Bank Board has submitted a

request for extension, without revision, of its information collection request, "Application to Amend Association Bylaws" to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Comments on the information collection request are welcome and should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503. Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Kathleen V. O'Dea, Office of District Banks, Phone: 202-377-6789.

By the Federal Home Loan Bank Board.
J.J. Finn,
Secretary.

[FR Doc. 84-26845 Filed 10-10-84; 8:45 am]
BILLING CODE 6720-01-M

[84-555]

Request for Service Corporation Activity

October 5, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

The public is advised that the Federal Home Loan Bank Board has submitted a request for extension, without revision, of its information collection request, "Request for Service Corporation Activity", to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Board has asked OMB for expedited approval of the collection of information. It also has indicated that it will defer implementation of a portion of an approved sample monthly survey until the end of requested extension period for the existing monthly report. Comments on the proposal should be directed promptly to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503. Attention: Desk

Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Kathleen V. O'Dea, Office of District Banks, Phone: 202-377-6789.

By the Federal Home Loan Bank Board.
J.J. Finn,
Secretary.

[FR Doc. 84-26846 Filed 10-10-84; 8:45 am]
BILLING CODE 6720-01-M

[84-553]

Public Information Request

October 5, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

The public is advised that the Federal Home Loan Bank Board has submitted a request for extension without revision, of its information collection request, "Public Information Requests", to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Board has asked OMB for expedited approval of the collection of information. It also has indicated that it will defer implementation of a portion of an approved sample monthly survey until the end of requested extension period for the existing monthly report. Comments of the proposal should be directed promptly to: Office of the Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503. Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Roberta White, Office of Secretariat, Phone: 202-377-6933.

By the Federal Home Loan Bank Board.
J.J. Finn,
Secretary.

[FR Doc. 84-26844 Filed 10-10-84; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[No. 84-33]

Section 19 Inquiry; United States/Argentina and United States/Brazil Trades; Procedural Order

October 5, 1984.

The purpose of this proceeding is to determine whether conditions unfavorable to shipping within the meaning of section 19(1)(b) of the Merchant Marine Act, 1920, exist in the U.S./Argentine trade and the U.S./Brazil trade. In its Order of Investigation, the Commission vested in me the discretion of fashion a procedure most appropriate to the achievement of the purposes of the proceeding. This order establishes those procedures.

Past experience makes it probable that any remedy found necessary or appropriate as a result of this proceeding will take the form of rules or regulations. Therefore, the basic concept embodied in the procedures adopted herein is that of rulemaking, and an evidentiary or trial type hearing will not be held unless circumstances render one necessary (not desirable but necessary). The first phase of the proceeding is restricted to the filing of written statements of fact and memoranda of law by those persons whose position is that conditions unfavorable to shipping do exist and replies to those statements and memoranda by those persons who are of the opposite view.

The proponent's statement of fact shall be restricted to those facts which it is urged create conditions unfavorable to shipping and the accompanying memorandum shall clearly define the condition created by the facts and set forth the reasons why those conditions are proscribed by section 19. Finally, the proponent shall also set forth a proposed remedy for the conditions said to exist. The respondent's statement of fact shall be restricted to only those facts which specifically refute or nullify the facts set forth in a proponent's statement. If a respondent deems it necessary to include other facts, each such fact shall be accompanied by an explanation of their relevance to the basic issue or purpose of this

proceeding. The memorandum accompanying the statement shall address the specific arguments made by the proponents. All statements of fact, whether filed by a proponent or respondent, shall be accompanied by the name of a person who is competent to testify on the matters covered by the statement and who will be available for the purpose of cross-examination at the hearing scheduled below if it become necessary.

Respondents' request for a hearing shall accompany their statement of fact. Requests by a respondent for an evidentiary hearing will be granted only upon a clear showing by a respondent that there is a genuinely disputed issue of fact and that the dispute is over a fact relied upon by one or more of the proponents to establish a condition or conditions unfavorable to shipping within the meaning of section 19(1)(b). Provision for requests by proponents for a hearing is made in the schedule below. A proponent's request will be granted only if it is based upon a genuine issue of fact which concerns a respondent's assertion of fact which refutes or nullifies a factual assertion upon which the proponent relies.

The Commission's Order of Investigation herein provides for the filing of petitions for leave to participate in the proceeding. In view of the Commission's direction that the initial decision be issued by April 4, 1985, I am dispensing with the requirement that participation in the proceeding must await the filing of a petition and an order granting the petition. Any person desiring to participate in the case may do so by filing a notice of intent to participate with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by October 19, 1984, and then by simply following the schedule set forth below. For the purposes of this proceeding, all persons who are urging that conditions unfavorable to shipping do exist in either of the trades under investigation are deemed proponents of a remedy and will be designated proponents in all future pleadings and orders. All persons who argue that such conditions do not exist are designated respondents.

1. Proponent's Statement of Fact and Memorandum of Law shall be filed by November 19, 1984.¹

¹ Hearing Counsel may file its statement and memorandum with either proponents or respondents. If Hearing Counsel wishes me to issue any orders under section 15 of the Shipping Act, 1984, the request must be filed by October 19, 1984.

2. Respondent's Statement of Fact and Memorandum of Law shall be filed by December 7, 1984.

3. Requests for hearing for the purposes of cross-examination shall be filed by December 14, 1984.

4. Hearing—If a hearing is required, it will be held on December 19, 1984.

5. (a) If a hearing is held, a schedule for the filing of briefs, etc., will be established at the close of the hearing.

(b) Finally submissions—If no hearing is held, all parties shall submit a final memorandum of argument by February 15, 1985.

Service lists will be maintained in both the Office of the Secretary and the Office of Administrative Law Judges. It is the responsibility of all parties to make service of all pleadings and papers on everyone on the service list.

John E. Cogrove,

Administrative Law Judge.

[FR Doc. 84-26809 Filed 10-10-84; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 217-009718-010.

Title: Kawasaki Kisen Kaisha and Mitsui O.S.K. Lines/Japan Line and Yamashita-Shinnihon Space Charter Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd., Japan Line, Ltd., Mitsui O.S.K. Lines, Ltd., Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would permit operations by the parties under the terms of the agreement during a transitional period prior to the effectiveness of two newly filed chartering agreements involving the parties.

Agreement No.: 217-010651.

Title: Seal-Land Service, Inc./Hapag Lloyd AG Transpacific Reciprocal Space Charter and Sailing Agreement.

Parties: Seal-Land Service, Inc., Hapag Lloyd AG.

Synopsis: The proposed amendment would permit the parties to charter space on each other's vessels operating in the trade and rationalize their sailings between the ports of Long Beach, Oakland and Seattle on the one hand and the ports of Hong Kong, Kaohsiung, Kobe and Yokohama on the other.

Agreement No.: 217-010652.

Title: Kawasaki Kisen Kaisha, Ltd. and Mitsui O.S.K. Lines, Ltd. Slot Purchase Agreement in the Far East-U.S. Pacific Coast Trades (Exclusive of Japan).

Parties: Kawasaki Kisen Kaisha, Ltd. (K Lines), Mitsui O.S.K. Lines, Ltd. (Mitsui).

Synopsis: The proposed amendment would permit Mitsui to charter space for up to 9,900 TEU's per annum on vessels operated by K Lines in the trades.

Agreement No.: 223-010653.

Title: Long Beach, Oakland, Seattle Terminal Services Agreement.

Parties: Sea-Land Service, Inc. (Sea-Land), Hapag-Lloyd Transpacific Service (HLTPS).

Synopsis: Under Agreement No. 223-010653, Sea-Land will provide terminal services to HLTPS in the transpacific trade between the ports of Long Beach, and Oakland, Seattle, on the one hand, and the ports of Hong Kong, Kaohsiung, Kobe and Yokohama, on the other.

Agreement No.: 213-010654.

Title: Japan Line, Ltd. and Yamashita-Shinnihon Steamship Co., Ltd. Space Charter and Sailing Agreement in the Far East-California Trades.

Parties: Japan Line, Ltd., Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed agreement would permit the parties to rationalize individual containership services through space chartering and vessel coordination with direct vessel service (and service via transshipment) in the Far East-California trades.

Agreement No.: 213-010655.

Title: Kawasaki Kisen Kaisha, Ltd. and Mitsui O.S.K. Lines, Ltd. Space Chartering and Sailing Agreement in the Far East-California Trades.

Parties: Kawasaki Kisen Kaisha, Ltd. and Mitsui O.S.K. Lines, Ltd.

Synopsis: The proposed agreement would permit the parties to rationalize individual containership services through space chartering and vessel coordination with direct vessel service (and service via transshipment) in the Far East-California trades.

By Order of the Federal Maritime Commission.

Dated: October 5, 1984.

Francis C. Hurney,
Secretary.

[FR Doc. 84-26084 Filed 10-10-84; 8:45 am]

BILLING CODE 6730-01-M

Euro-Con International, Inc. and Transmarcon (USA), Inc.; Ocean Freight Forwarder License; Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License No., name and address, and date revoked

1865—Euro-Con International, Inc., 3169 Norbrook Drive, Memphis, TN 38118; October 2, 1984

2289—Transmarcon (USA) Inc., 3D International Tower, Suite 1170, 1900 West Loop South, Houston, TX 77027; September 20, 1984

Robert G. Drew,
Director, Bureau of Tariffs.

[FR Doc. 84-26072 Filed 10-10-84; 8:45 am]

BILLING CODE 6730-01-M

Mercury International, Inc., et al.; Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act, 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

Mercury International, Incorporated, d.b.a. Mercury International, Inc., 16402 Lee Road, Humble, TX 77396.

Officers: Robert Allen Condit, President/Director; Joan M. Condit, Secretary/Treasurer/Director

Maria Theresa V. Ilagan, 4-09 121st Street, College Point, NY 11356

Rudolph Miles & Sons, Incorporated, 4950 Gateway East, El Paso, TX 79905.

Officers: Daniel A. Miles, President/Director; Rudolph M. Miles, Vice President/Director; Michael M. Miles

Executive Vice President/Director; Edgar P. Miles, Secretary/Treasurer/Director

Yung Chul Kim, 100 Oceangate, Suite 620, Long Beach, CA 90802

Dated: October 5, 1984.

Francis C. Hurney,
Secretary.

[FR Doc. 84-26071 Filed 10-10-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First Railroad & Banking Co. of Georgia, et al.; 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 (12 CFR 225.23 (a)(2) or (f)) 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 (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflict of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 25, 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, through its wholly owned subsidiary CMC Group, Inc., Charlotte, North Carolina; to acquire EZ Loan Company, Inc., Chattanooga, Tennessee and thereby engage in making consumer installment loans secured by note, household goods and first and second mortgages on real estate up to \$15,000; purchase installment sales contracts up to \$3,500; sales of credit life, accident and health and property insurance in connection with credit transactions; and sale of American Express Money Orders. Applicant asserts sale of credit property insurance is permissible under section 601(D) of the Garn-St. Germain Depository Institutions Act of 1982, as CMC Group was engaged in such insurance activities at the time of its acquisition by Applicant in 1979.*

Board of Governors of the Federal Reserve System, October 4, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-26079 Filed 10-10-84; 8:45 am]

BILLING CODE 6210-01-M

Indiana National Corp.; Correction

This notice corrects a previous Federal Register document (FR Doc. No. 84-26034), published at page 38990 of the issue for Tuesday, October 2, 1984. In addition to the previously listed activities, Indiana National Corporation, Indianapolis, Indiana also proposes to engage *de novo* through its subsidiary, Indiana Mortgage Corporation, Indianapolis, Indiana, in the activity of arranging commercial real estate equity financing.

Board of Governors of the Federal Reserve System, October 4, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-26780 Filed 10-10-84; 8:45 am]

BILLING CODE 6210-01-M

Montgomery Bancorp, 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 (12 CFR 225.23(a)(1)) 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 (12 CFR 225.21(a)) 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 application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 30, 1984.

A. Federal Reserve Bank of Richmond
(Lloyd W. Bostian, Jr., Vice President)
701 East Byrd Street, Richmond, Virginia 23261:

1. *Montgomery Bancorp.*, Troy, North Carolina; to engage *de novo* through its subsidiary, *Montgomery Data Services*, Troy, North Carolina, in data processing and data transmission services to other financial institutions. Comments on this application must be received not later than October 24, 1984.

B. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Republic Banking Corporation of Florida*, Miami, Florida; to engage *de novo* through its subsidiary, *Rebank Mortgage Corporation*, Miami, Florida, in arranging mortgage financing, acting as a mortgage broker, servicing mortgage loans, and extending mortgage credit.

Board of Governors of the Federal Reserve System, October 4, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-26781 Filed 10-10-84; 8:45 am]

BILLING CODE 6210-01-M

Ocean National Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) 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 November 1, 1984.

A. Federal Reserve Bank of Boston
(Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Ocean National Corporation*, Kennebunk, Maine; to become a bank holding company by acquiring 100 percent of the voting shares of The Ocean National Bank of Kennebunk, Kennebunk, Maine.

B. Federal Reserve Bank of Cleveland
(Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Cortland Bancorp.*, Cortland, Ohio; to become bank holding company by acquiring 100 percent of the voting shares of Cortland Savings & Banking Company, Cortland, Ohio.

C. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Bank Corporation of Georgia*, Fort Valley, Georgia; to acquire 95.23 percent

of the voting shares of Peoples Bank, St. Marys, Georgia.

2. *Barnett Banks of Florida*, Jacksonville, Florida; to acquire 100 percent of the voting shares of Barnett Bank of St. Augustine, St. Augustine, Florida.

3. *Southern Bank Corp., Inc.*, Tallahassee, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of The Southern Bank of Tallahassee, Tallahassee, Florida.

D. Federal Reserve Bank of St. Louis
(Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Midwest Bancshares, Inc.*, Princeton, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank of Trust Co. of Princeton, Kentucky, Princeton, Kentucky.

2. *P.H. Bancorporation, Inc.*, Pleasant Hope, Missouri; to become a bank holding company by acquiring 80 percent or more of the voting shares of Pleasant Hope Bancshares, Inc., Pleasant Hope, Missouri, thereby indirectly acquiring The Pleasant Hope Bank, Pleasant Hope, Missouri.

E. Federal Reserve Bank of Minneapolis
(Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Towner County Financial Corporation*, Cando, North Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of Towner County State Bank, Cando, North Dakota.

F. Federal Reserve Bank of Kansas City
(Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Financial Services of the Rockies, Inc.*, Colorado Springs, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of the Rockies, N.A., Colorado Springs, Colorado.

G. Federal Reserve Bank of Dallas
(Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Tricorp, Inc.*, San Antonio, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Trinity National Bank, San Antonio, Texas.

H. Federal Reserve Bank of San Francisco
(Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Citizens Western Corporation*, San Diego, California; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Western Bank, San Diego, California.

2. *SafraBan Corporation California*, Los Angeles, California; to become a bank holding company by acquiring 100 percent of the voting shares of *SafraBank* (California), Los Angeles, California.

Board of Governors of the Federal Reserve System, October 4, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-26782 Filed 10-10-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Exception to Regulations To Permit the Use of Travel Warrants by the Selective Service System

AGENCY: Office of Transportation Audits, GSA.

ACTION: Notice.

SUMMARY: This exception authorizes the Selective Service System to utilize travel warrants in time of national emergency. Under the provision of 41 CFR 101-41.003, the Selective Service System is granted an exception to the use of Government Transportation Requests (SF 1169) for the purchase of Government Transportation.

This exception is subject to the following conditions:

(a) All official travel shall be purchased in accordance with 41 CFR 101-41.203 except for the movement of individuals who, in time of national emergency, are ordered to report for induction into the armed forces.

(b) Excepted travel (para. (a)) may be purchased through the use of a Selective Service System National Emergency Travel Warrant.

(c) Documentation, payment and audit of Travel Warrants will be governed by policies and procedures contained in the Federal Property Management Regulations (41 CFR) 101-41.

(d) Travel Warrants must contain, as a minimum, the following information: Origin and destination city and state, traveler's name, carrier's name, serial number for both the Travel Warrant and applicable ticket, ticket issue date, carrier agent validation, and ticket value.

(e) Each Travel Warrant must contain statements as to the penalty for fraudulent or private use, that expired or altered Travel Warrants should not be honored and that they are nontransferable.

Effective date. This exception is effective immediately.

Expiration date. This document expires on January 1, 1988.

Dated: September 14, 1984.

Raymond A. Fontaine,
Comptroller.

[FR Doc. 84-26837 Filed 10-10-84; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Availability; Final Resources Management Plan; Hollister Planning Area, et al., CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given of the availability of the Final Resource Management Plan (RMP) and Record of Decision (ROD) for 328,378 acres of BLM-administered public lands within the Hollister Planning Area, encompassing Fresno, San Benito, Monterey, Madera, Merced, Stanislaus, Santa Clara, San Joaquin, Alameda, Contra Costa, San Mateo, and Santa Cruz counties in California.

SUPPLEMENTARY INFORMATION: The issues and concerns addressed in the RMP are (1) livestock grazing; (2) oil, gas, and minerals; (3) fire management; (4) recreation (including access to public lands); (5) land tenure adjustments; (disposal, lease, and/or exchange of public lands); (6) sensitive, rare, threatened or endangered species; (7) soil, air, and water (watershed); (8) wildlife habitat; (9) cultural resources; and (10) visual resources.

The Final Plan concerns multiple-use management on 328-378 acres of BLM-administered public lands in 16 Management Areas.

1. *Livestock Grazing*—Limit livestock forage allocations to suitable and potentially suitable areas only. Develop seven new Allotment Management Plans; improve forage conditions through prescribed burning on 22,400 acres.

2. *Oil, Gas, and Minerals*—Reduce mineral segregations to 7,749 acres in the Squaw Leap Area, Clear Creek Canyon, Pinnacles Watershed, and San Benito Mountain Natural Area. The remainder of the Planning Area (320,629 acres) would remain open to mineral entry. Designate the Panoche Hills Area (18,000 acres) as an Area of Critical Environmental Concern for protection of paleontological resources.

3. *Fire Management*—Reduce wildfire hazard by prescribed burning of 78,000 acres.

4. *Recreation*—Provide recreation opportunities on 175,000 acres, including

the Clear Creek-Condon Peak, Ciervo Hills-Joaquin Rocks, Sierra de Salinas, Ortigalita Peak, Pinnacles, and Tumej Hills areas.

5. *Land Tenure*—Dispose of several hundred parcels ranging from 2 to 600 acres each, and totalling 15,108 acres; consolidate major public land holdings through exchange.

6. *Sensitive, Rare, Threatened, or Endangered Species*—Designate two Areas of Critical Environmental Concern: the Panoche Hills and Coalinga areas (12,500 acres) for endangered animals, and the Clear Creek Area (30,000 acres) for sensitive and unique plants.

7. *Soil, Air, and Water*—Designate the Clear Creek Area (30,000 acres) as an Area of Critical Environmental Concern for asbestos hazards, critical watershed concerns, unique soils, and hobby gem and mineral values.

8. *Wildlife Habitat*—Develop four new Habitat Management Plans for Coalinga Mineral Springs, New Idria, Williams Hill, and Sierra de Salinas areas; manage for uneven-aged brushfields on 25,000 acres through prescribed burning.

9. *Cultural Resources*—Develop five new Cultural Resource Management Plans for the White Creek District, Ciervo Hills/Cantua Creek Area, Mine Mountain, Fresno River, and Squaw Leap areas.

10. *Visual Resources*—Protection of visual resources would be increased in the Sierra de Salinas Area, Ventana Wilderness Viewshed, and the Monterey County portion of the Pinnacles Management Area.

The RMP is now in effect and will be used to guide future land use decisions within the Hollister Planning Area. The RMP is the culmination of two years of intensive work by the Hollister Resource Area Staff and is based on information from the Bureau of Land Management and other sources, including Federal, State, and local agencies, and interested private organizations and citizens who also put considerable time and effort into this plan.

FOR FURTHER INFORMATION CONTACT: David E. Howell, Hollister Resource Area Manager, P.O. Box 365, Hollister, California 95024-0365; (408) 637-8183.

Copies of the RMP are available for review at the following BLM offices and public libraries:

U.S. Bureau of Land Management,
Hollister Resource Area Office, P.O.
Box 365, Hollister, California 95024-
0365, (408) 637-8183

U.S. Bureau of Land Management,
Bakersfield District Office, 800

Truxtun Avenue, Room 311,
Bakersfield, California 93301, (805)
861-4191

San Jose City Library, Main Branch, 180
West San Carlos, San Jose, California
95113, (408) 277-4000

Fresno County Library, 2420 Mariposa,
Fresno, California 93703, (209) 488-
3191

King City Public Library, 212 South
Vanderhurst Avenue, King City,
California 93930, (408) 385-3677

John Steinbeck Library, 110 West San
Luis, Salinas, California 93901, (408)
758-7311

Coalinga District Library, 305 North 4th,
Coalinga, California 93210, (209) 935-
1676

Because of printing costs, copies of
the complete RMP/ROD will be sent
only to directly affected local
organizations, agencies, and individuals.
Detailed summaries will be sent to all
persons who have expressed an interest
in the Hollister planning process. Copies
are available upon request to the
Hollister Resource Area Manager.

Dated: October 2, 1984.

Robert D. Rheiner, Jr.,
District Manager.

[FR Doc. 84-26796 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-40-M

[AA-6653-B]

Alaska Native Claims Selection; Chitina Native Corp.

In accordance with Departmental
regulation 43 CFR 2650.7(d), notice is
hereby given that a decision to issue
conveyance (DIC) under the provisions
of section 12(a) of the Alaska Native
Claims Settlement Act of December 18,
1971 (ANCSA), 43 U.S.C. 1601, 1611, will
be issued to Chitina Native Corporation,
for approximately 3,180 acres. The lands
involved are within T. 3 S., R. 6 E.,
Copper River Meridian, Alaska;

Upon issuance, the DIC will be
published once a week, for four (4)
consecutive weeks, in the Copper Valley
News. For information on how to obtain
copies, contact the Bureau of Land
Management, Alaska State Office, 701 C
Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest
which is adversely affected by the
decision shall have until November 13,
1984, to file an appeal. However, parties
receiving service by certified mail shall
have 30 days from the date of receipt to
file an appeal. Appeals must be filed in
the Bureau of Land Management,
Division of Conveyance Management
(960), address identified above, where
the requirements for filing an appeal can
be obtained. Parties who do not file an

appeal in accordance with the
requirements in 43 CFR Part 4, Subpart E
(1983) (as amended, 49 FR 6371,
February 21, 1984) shall be deemed to
have waived their rights.

Ruth Stockie,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 84-26813 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-21901-52]

Alaska Native Claims Selection; Doyon Limited

In accordance with Departmental
regulation 43 CFR 2650.7(d), notice is
hereby given that the decision to issue
conveyance (DIC) to Doyon, Limited,
notice of which was published in the
Federal Register (49 FR 32805-32806) on
August 16, 1984, is modified by
amending easements E1N 12 C5, D9 and
E1N 13 C5, D1, D9.

Upon issuance, the modified DIC will
be published once a week, for four (4)
consecutive weeks, in the Tundra Times.
Copies of the modified DIC can be
obtained by contacting the Bureau of
Land Management, Alaska State Office,
701 C Street, Box 13, Anchorage, Alaska
99513.

Any party claiming a property interest
which is adversely affected by the
decision shall have until November 13,
1984, to file an appeal on the issue in the
modified DIC. However, parties
receiving service by certified mail shall
have 30 days from the date of receipt to
file an appeal. Appeals must be filed in
the Bureau of Land Management,
Division of Conveyance Management
(960), address identified above, where
the requirements for filing an appeal can
be obtained. Parties who do not file an
appeal in accordance with the
requirements in 43 CFR Part 4, Subpart E
(1983) (as amended, 49 FR 6371,
February 21, 1984) shall be deemed to
have waived their rights.

Except as modified, the decision,
notice of which was given August 16,
1984, is final.

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 84-26814 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-JA-M

Cedar City District Grazing Advisory Board; Meeting

Notice is hereby given in accordance
with Pub. L. 92-463 that a meeting of the

¹ F-21901-54 F-21901-55 F-21901-76 F-21901-80
F-21901-81 F-21901-84 F-21901-99 F-21901-00 F-
21901-03

Cedar City District Grazing Advisory
Board will be held on Monday and
Tuesday, November 5-6, 1984. The
meeting will begin at 9:30 a.m. in the
Bureau of Land Management Cedar City
District Office located at 1579 North
Main Street, Cedar City, Utah.

A brief meeting will be held in the
District Office to hear public comments
and to discuss the location and route of
the range tour. The remainder of the two
day meeting will be a field tour in the
Beaver River Resource Area to view and
evaluate (1) critical wildlife habitat (2)
proposed range improvement projects
for FY-85 and (3) allotments where
future AMPs are proposed. Those
planning to accompany the field tour
will need to provide their own meals
and lodging.

Grazing Advisory Board meetings are
open to the public. Interested persons
may make oral statements or file written
statements for the Board's
consideration. Oral statements will be
received at 9:30 a.m. Anyone wishing to
make an oral statement must notify the
District Manager, Bureau of Land
Management, 1579 North Main Street,
Cedar City, Utah, 84720, (801) 586-2401,
by October 21, 1984. Depending on the
number of persons wishing to make
statements, a per person time limit may
be established by the District Manager.

Summary minutes of the Board
meetings 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: October 2, 1984.

Morgan S. Jensen,
District Manager.

[FR Doc. 84-26800 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-DO-M

Fish and Wildlife Service

Endangered Species Permits Issued for the Months of July, August, September 1984

Notice is hereby given that the U.S.
Fish and Wildlife Service has taken the
following action with regard to permit
applications duly received according to
section 10 of the Endangered Species
Act of 1973, as amended, 16 U.S.C. 1539.
Each permit listed as issued was granted
only after it was determined that it was
applied for in good faith, that by
granting the permit it will not be to the
disadvantage of the endangered species;
and that it will be consistent with the
purposes and policy set forth in the
Endangered Species Act of 1973, as
amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

July 1984

Florida State Museum, X5485AB, July 2
Leonard A. Freed, X0747AB, July 2
Weston Howland, X4470BL, July 2
Paul C. Hammond & David C. McCorkle, X5985AB, July 9
Rare Feline Breeding Center, X152394, July 11
New York Zoological Society, X560318, July 16
State of Alabama Highway Dept., X0904AB, July 17
International Animal Exchange, X152990, July 20
Atlanta Zoological Park, X0671AB, July 23
Baltimore Zoo, X9904BL, July 23
International Animal Exchange, X9670BL, July 23
International Animal Exchange, X6117AB, July 23
International Animal Exchange, X6102AB, July 23
International Animal Exchange, X6118AB, July 23
International Animal Exchange, X0326AB, July 27
National Zoological Park, X5934AB, July 31
Ivan Barac, X5599AB, July 31

August 1984

New York Zoological Society, X1051BM, August 1
Ralph V. Smith, X152604, August 2
Burnett Park Zoo, X0573BM, August 6
Hogle Zoological Gardens, X9415BL, August 6
International Animal Exchange, X152592, August 6
R.T. Dunham, X1280BM, August 13
Zoological Society of Philadelphia, X0304BM, August 14
Lincoln Park Zoological Gardens, X9550BL, August 15
Lincoln Park Zoological Gardens, X9552BL, August 15
Robert G. Travnick, X107506, August 17
Arizona-Sonora Desert Museum, X2075BM, August 24
Sea World, Inc., X4731BM, August 28
Virgil Brack, X9398BL, August 29

September 1984

Matsushima Aquarium, X2248BM, September 4
Sunshine International Aquarium, X2250BM, September 4

Regional Director—Region 5, X3419BM, September 14
Louis Gaker, X2898BM, September 14
Florida Power & Light Co., X2648BM, September 14
Detroit Zoological Park, X2956BM, September 17
Detroit Zoological Park, X2794BM, September 17
David Morafka/Dept. of Biology, California State University, X1281BM, September 21
New York Zoological Society, X584449, September 24
Duke University Primate Center, X1624BM, September 26
Dated: October 5, 1984.

Larry La Rochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 84-26867 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species; Receipt of Applications for Permit

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Joe Hedrick, Nickerson, KS; PRT 683092

The applicant requests a permit to purchase in interstate commerce one female Asian elephant (*Elephas maximus*) from John Cuneo Hawthorn Circus, Grayslake, IL. The elephant is surplus to the needs of Mr. Cuneo and the transfer is necessary to relieve crowding in order to enhance propagation.

Applicant: Natural Gardens, Oak Ridge, TN; PRT 682684

The applicant requests a permit to sell in interstate commerce artificially propagated specimens of the Tennessee purple coneflower (*Echinacea tennesseensis*) for enhancement of propagation.

Applicant: Reuben Dennis Bryant, Nashville, TN; PRT 683151

The applicant requests a permit to sell in interstate commerce and export artificially propagated specimens of the Tennessee purple coneflower (*Echinacea tennesseensis*) for enhancement of propagation.

Applicant: Duke University Primate Center, Durham, NC; PRT 683107

The applicant requests a permit to import one wild caught female black lemur (*Lemur macaco*) from Prof. Yves Rumpler, Université Louis Pasteur Strasbourg, Cedex, France, for enhancement of propagation.

Applicant: Duke University Primate Center, Durham, NC; PRT 683108

The applicant requests a permit to import two captive-born male white fronted lemurs (*Lemur fulvus albifrons*) from Parc Zoologique et Botanique, Ville de Mulhouse, Mulhouse, France for enhancement of propagation.

Applicant: George Miksch Sutton Avian Research Center Inc., Bartlesville, OK; PRT 683271

The applicant requests a permit to collect eggs from bald eagle (*Haliaeetus leucocephalus*) nests in FL. Eggs will be incubated and nestlings will be banded, marked and released for scientific research and enhancement of propagation.

Applicant: Northland Wildlife, Bovey, MN; PRT 684068

The applicant requests a permit to import one male and two female captive-born ruffed lemurs (*Lemur variegatus*) from Assiniboine Park Zoo, Winnipeg, Manitoba, Canada for enhancement of propagation.

Applicant: C.B. Robertson, Richmond, VA; PRT 683326

The applicant requests a permit to import one bontebok (*Damaliscus dorcas dorcas*) trophy culled from the herd of Theo Erasmus, Orange Free State, South Africa, for the purpose of enhancement of propagation and survival of the species.

Applicant: Lincoln Park Zoo, Chicago, IL; PRT 684070

The applicant requests a permit to import frozen semen samples of captive-born Asian lions (*Panthera leo persica*) from India for enhancement of propagation and scientific research.

Applicant: New York Zoological Society, Bronx, NY APP# 5721BM

The applicant requests a permit to reimport one St. Vincent parrot (*Amazona guildingii*) from Jersey Wildlife Preservation Trust, Channel Island, United Kingdom for the purpose of enhancement of propagation.

Applicant: William Green Koller, York, PA; APP# 5716BM

The applicant requests a permit to import one bontebok (*Damaliscus dorcas dorcas*) trophy culled from the captive herd of Francis Bowker, Grahamstown, South Africa for the purpose of enhancement of propagation.

Applicant: New York Zoological Society, Bronx, NY; APP# 5719BM

The applicant requests a permit to import six captive-born white-naped cranes (*Grus vipio*) from Vogelpark Walsrode, West Germany, for enhancement of propagation.

Applicant: Charles K. Maretzky, Dallas, TX; APP# 5710BM

The applicant requests a permit to import one bontebok (*Damaliscus dorcas dorcas*) trophy culled from the herd of V.L. Pringle, Bedford, South Africa for the purpose of enhancement of propagation.

Applicant: Miami Metrozoo, Miami, FL; APP# 5707BM

The applicant requests a permit to export one female spider monkey (*Ateles geoffroyi panamensis*) to Dierenpark Wassenaar, the Netherlands, for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 601, 1000 North Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriated PRT/APP number when submitting comments.

Dated: October 5, 1984.

Larry LaRochelle,
Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 84-26868 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-55-

Minerals Management Service

Outer Continental Shelf; Development Operations Coordination Document; Gulf Oil Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS 0419 and 0420, Blocks 150 and 154, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on October 1, 1984. Comments must be received within 15 days of the

date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 1, 1984.

John L. Rankin,
Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-26802 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 5031 and 5431, Blocks 253 and 252, respectively, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on September 28, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of

the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: September 28, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-25803 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Delaware Water Gap National Recreation Area; Cancellation of the Draft General Management Plan and the Draft Environmental Impact Statement, and the Preparation of a Revised Draft General Management Plan/Environmental Assessment

ACTION: Notice.

SUMMARY: This notice announces the cancellation of the draft General Management Plan (GMP) and the draft Environmental Impact Statement (EIS) which was released in 1980 for the management of the land at Delaware Water Gap National Recreation Area. This notice also announces to the public that a revised combined draft General Management Plan/Environmental Assessment will be prepared to evaluate alternatives for developing the National Recreation Area.

SUPPLEMENTARY INFORMATION: During the evaluation of the original draft General Management Plan and the draft Environmental Impact Statement, the National Park Service made a determination that the proposed development of the land at the Recreation Area is not a major Federal action requiring the preparation of an environmental impact statement. Therefore, based on the above determination, the National Park Service is cancelling the original draft GMP and EIS and replacing it with a revised GMP/EA. In addition, the National Park Service will also seek further input to the scoping process for the GMP/EA. The revised GMP/EA will be available for public review for no less than 60 days.

FOR FURTHER INFORMATION CONTACT: Albert A. Hawkins, Superintendent, Delaware Water Gap National Recreation Area, Bushkill, Pennsylvania 18324, Telephone (717) 588-6637.

Dated: September 26, 1984.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 84-26770 Filed 10-10-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

Agency Form Submitted for OMB Review

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

Purpose of Information Collection

The proposed information collection is for use by the Commission in connection with investigation No. 332-193, Conditions of Competition Between the U.S. and Major Foreign Filbert Industries, instituted under the authority of section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

Summary of Proposals

- (1) Number of forms submitted: two.
- (2) Title of forms:
 - (a) Filberts—Processors' or Handlers' Questionnaire.
 - (b) Filberts—Importers' and Purchasers' Questionnaire.
- (3) Type of request: new.
- (4) Frequency of use: nonrecurring.
- (5) Description of respondents: Firms in the States of Oregon and Washington will receive the Processors' or Handlers' Questionnaire while the Importers' and Purchasers' Questionnaire will be sent to firms throughout the United States, but located primarily in the New York City metropolitan area.
- (6) Estimated number of respondents: 40.
- (7) Estimated total number of hours to complete the forms: 840.
- (8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment

Copies of the proposed form and supporting documents may be obtained

from Alvin Z. Macomber, USITC (tel. no. 202-724-1765). Comments about the proposals should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Francine Picoult, Desk Officer for U.S. International Trade Commission. If you anticipate commenting on a form but find that time to prepare comments will prevent you from submitting them promptly you should advise OMB of your intent as soon as possible. Copies of any comments should be provided to Charles Ervin, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: October 5, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-25803 Filed 10-10-84; 8:45 am]

BILLING CODE 7020-02-M

Agency Form Submitted for OMB Review

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

Purpose of Information Collection

The proposed information collection is for use by the Commission in connection with investigation No. 332-192, The Impact of Rules of Origin on U.S. Imports and Exports, instituted under the authority of section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

Summary of Proposals

- (1) Number of forms submitted: Two.
- (2) Title of forms: The Impact of Rules of Origin on U.S. Imports and Exports—Questionnaire for U.S. Importers; The Impact of Rules of Origin on U.S. Imports and Exports—Questionnaire for U.S. Exporters.
- (3) Type of request: new.
- (4) Frequency of use: Nonrecurring.
- (5) Description of respondents: Importers and Exporters of Products Involving the Application of Rules of Origin.
- (6) Estimated number of respondents: 200.
- (7) Estimated total number of hours to complete the forms: 800.
- (8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and will not be disclosed in

a manner that would reveal the individual operations of a firm.

Additional Information or Comment

Copies of the proposed form and supporting documents may be obtained from Charles Ervin, the USITC agency clearance officer (Tel. No. 202-523-4463). Comments about the proposals should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Francine Picoult, Desk Officer for U.S. International Trade Commission. If you anticipate commenting on a form but find that time to prepare comments will prevent you from submitting them promptly you should advise OMB of your intent as soon as possible. Copies of any comments should be provided to Charles Ervin (United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436).

Issued: October 4, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26884 Filed 10-10-84; 8:45 am]
BILLING CODE 7020-02-M

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26876 Filed 10-10-84; 8:45 am]
BILLING CODE 7020-02-M

Conditions of Competition Between the U.S. and Major Foreign Filbert Industries; Correction

AGENCY: United States International Trade Commission.

Correction

In Federal Register Doc. 84-24124, published in Federal Register on page 35875 in issue of Wednesday, September 12, 1984, the investigation number appeared incorrectly. It should have been 332-193 instead of 332-192. This number appeared in the heading and in the last line of the second column on page 35875.

By order of the Commission.

Issued: October 2, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26885 Filed 10-10-84; 8:45 am]
BILLING CODE 7020-02-M

FOR FURTHER INFORMATION CONTACT:
Stephen L. Sulzer, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0419.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on September 25, 1984, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation into the United States of certain dialyzers using telescoping connectors for fluid lines, or in their sale, by reason of alleged infringement of claims 1, 2, and 3 of U.S. Reexamined Patent B1 4,198,080, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Baxter Travenol Laboratories, Inc., One Baxter Parkway, Deerfield, Illinois 60015.

(b) The respondent is the following company, alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Terumo, 44-1, 2-Chome, Hatagaya, Shibuya-Ku, Tokyo, Japan.

(c) Stephen L. Sulzer, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, D.C. 20436, shall be the Commission investigation attorney, a party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Acting Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondent in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefore is shown.

[Investigation No. 731-TA-149; Final]

Barium Chloride From the People's Republic of China

AGENCY: U.S. International Trade Commission.

ACTION: The Commission hereby gives notice that it will take final action in the above-referenced investigation on or before October 11, 1984.

SUPPLEMENTARY INFORMATION: In conformance with section 735(b)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(2)(B)), the Commission must conclude its investigation no later than 45 days after a final affirmative determination by the Department of Commerce. As Commerce had scheduled its final determination for August 20, 1984 (49 FR 22365, May 29, 1984), the Commission had scheduled its final action in this investigation for no later than October 4, 1984. However, Commerce did not take final action until August 27, 1984. Accordingly, the Commission's statutory deadline for the investigation is October 11, 1984, and the Commission will take final action by that date.

FOR FURTHER INFORMATION CONTACT:
Jack Simmons, Office of the General Counsel, telephone 202-523-0493.

Authority: 19 U.S.C. 1673d(b)(2)(B).

Issued: October 4, 1984.

[Investigation No. 337-TA-205]

Certain Dialyzers Using Telescoping Connectors for Fluid Lines; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 29, 1984, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Baxter Travenol Laboratories, Inc., One Baxter Parkway, Deerfield, Illinois 60015. An amended complaint was filed on September 14, 1984. The complaint as amended alleges unfair methods of competition and unfair acts in the importation into the United States of certain dialyzers using telescoping connectors for fluid lines, or in their sale, by reason of alleged infringement of claims 1, 2 and 3 of U.S. Reexamined Patent B1 4,198,080. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

Issued: October 1, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26873 Filed 10-10-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-206; Preliminary]

Fabric and Expanded-Neoprene Laminate From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731-TA-206 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports from Japan of fabric and expanded-neoprene laminate, provided for in items 355.81, 355.82, 359.50, and 359.60 of the Tariff Schedules of the United States, which are allegedly sold in the United States at less than fair value (LTFV).

EFFECTIVE DATE: September 28, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Tedford Briggs (202-523-4612), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on September 28, 1984, by Rubatex Corp., Bedford, VA. The Commission must make its determination in this investigation within 45 days after the date of the filing of the petition, or by November 13, 1984 (19 CFR 207.17).

Participation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service of documents

The Secretary will compile a service list from the entries of appearance filed in this investigation. Any party submitting a document in connection with this investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

Written submissions

Any person may submit to the Commission on or before October 24, 1984, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on October 22, 1984, at the U.S. International Trade Commission Building, 701 E Street NW., Washington,

DC. Parties wishing to participate in the conference should contact Mr. Tedford Briggs (202-523-4612) not later than 12:00 noon, October 17, 1984, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public inspection

A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207), and Part 201, subparts A through E (19 CFR part 201).

Authority: This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: October 2, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26875 Filed 10-10-84; 8:45 am]

BILLING CODE 7020-02-M

[332-197]

Analysis of the International Competitiveness of the U.S. Commercial Shipbuilding and Repair Industries

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 332(n) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) for the purpose of presenting information on the current competitive factors affecting the U.S. shipbuilding and repair industries.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Debby Ladomirak (telephone 202-523-0131) or Mr. Harold Graves, Machinery and Equipment Division (telephone 202-523-0354), U.S. International Trade Commission, Washington, D.C. 20436.

Background and Scope of Investigation

At the request of the Subcommittee on Trade of the Committee on Ways and Means of the U.S. House of Representatives, the Commission has

instituted investigation No. 332-197 under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) for the purpose of gathering and presenting information on the competitive and economic factors affecting the U.S. shipbuilding and repair industries vis-a-vis that of other countries. Specifically, the Commission has been asked to address and compare the levels of U.S. versus foreign government intervention, including financing incentives and export promotion allowances, for the past 5-year period and examine the resultant impact of such intervention on the commercial shipbuilding industry. In addition, the Commission is to assess the likely impact on the U.S. commercial shipbuilding industry of the revitalization strategy outlined in the recent report of the Congressional Office of Technology Assessment and contained in the draft substitute amendment to H.R. 3399—The Maritime Redevelopment Act—which proposes a long-term strategy for modernizing and revitalizing the commercial shipbuilding and repair industry and supporting maritime infrastructure. The Commission expects to complete its study by April 1, 1985.

Written Submissions

Interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on December 10, 1984. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: October 5, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26881 Filed 10-10-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-148/169]

Certain Processes for the Manufacture of Skinless Sausage Casings and Resulting Product; Decision to Review Part of Initial Determination; Deadline for Filing Written Submissions on the Issue Under Review, and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to review the presiding officer's disposition of Motion No. 148/169-17 in the above-captioned investigation. The Commission has further determined not to review the presiding officer's initial determination that there is a violation of section 337 and 19 U.S.C. 1337a in the investigation.

Authority

The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53-210.56 of the Commission's *Rules of Practice and Procedure* (47 FR 25134 (June 10, 1982) as amended by 48 FR 20225 (May 11, 1983); to be codified at 19 CFR 210.53-210.56).

SUPPLEMENTARY INFORMATION: On August 1, 1984, the presiding officer issued an initial determination that there is a violation of section 337 and 19 U.S.C. 1337a in the importation and sale of certain skinless sausage casings. Respondent and the Commission investigative attorney petitioned for review of various parts of the initial determination pursuant to § 210.54(a) of the Commission's rules. Complainants opposed the petitions for review, and filed contingent petitions for review. No other petitions for review or comments were received.

Having examined the record in this investigation, including the initial determination of the presiding officer, the petitions for review, and the responses thereto, the Commission has determined that this case presents an issue which affects Commission policy, and therefore warrants review. Specifically, the Commission will review the following issue:

Whether the presiding officer erred in denying respondent's motion to redesignate as nonconfidential certain documents and deposition testimony produced by complainant Union Carbide.

The Commission review will be limited to the above issue. No other issues will be considered. Therefore, the remainder of the initial determination has become the Commission

determination on violation of section 337 and 19 U.S.C. 1337a in this investigation.

Commission Hearing

The Commission does not plan to hold a public hearing in connection with final disposition of this investigation.

Written Submissions

The parties to the investigation are requested to file briefs on the issue under review.

Inasmuch as the Commission has found that a violation of section 337 and 19 U.S.C. 1337a has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) cease and desist orders which could result in respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions which address the form of relief, if any, which should be ordered.

If the Commission contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions concerning the effect, if any, that granting relief would have on the public interest.

If the Commission orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond, if any, which should be imposed.

The parties to the investigation and interested Government agencies are requested to file written submissions on the issues of remedy, the public interest, and bonding. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease and desist order for the Commission's consideration. Persons other than the parties and Government

agencies may file written submissions addressing the issues of remedy, the public interest, and bonding. Written submissions on the issue under review and on remedy, the public interest, and bonding must be filed not later than the close of business on the day which is fourteen (14) days from the date this notice appears in the *Federal Register*.

Additional Information

Persons submitting written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadline stated above. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the *Federal Register* of May 25, 1983 (48 FR 23491) (Investigation No. 337-TA-148) and October 26, 1983 (48 FR 49557-49558) (Investigation No. 337-TA-169).

Copies of the nonconfidential version of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-3395.

Issued: October 2, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26874 Filed 10-10-84; 8:45 am]
BILLING CODE 7020-02-M

[332-195]

Effects of Semifinished Steel Imports on the U.S. Iron and Steel Scrap Industry

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 32(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) concerning the effects of semifinished steel imports on the U.S. iron and steel scrap industry, and the scheduling of a hearing in connection therewith.

EFFECTIVE DATE: October 2, 1984.

FOR FURTHER INFORMATION CONTACT: James Lukes (202-523-0279), Minerals and Metals Division, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202-523-0275).

Background and Scope of Investigation

The Commission instituted the investigation, No. 332-195, on its own motion, following receipt on September 12, 1984 of a request therefor from the Chairman of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives. In accordance with the Subcommittee's request, the study will include: (1) A description of the markets for U.S. iron and steel scrap; (2) an analysis of recent trends in imports of semifinished steel, and (3) an assessment of the impact of semifinished steel imports on the U.S. scrap market and the U.S. scrap industry. The Commission will address any regional issues which it finds pertinent. The Commission expects to complete its study by May 10, 1985.

Public Hearing

A public hearing in connection with this investigation will be held at the International Trade Commission in Washington, D.C., on March 12, 1985, at 10 a.m. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, not later than noon, March 5, 1985.

Written Submissions

In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitting party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at

the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be received at the earliest possible date, but no later than March 5, 1985. All submissions should be addressed to the Secretary at the Commission's Office in Washington, D.C.

Issued: October 4, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26882 Filed 10-10-84; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 22-47]

Certain Tobacco

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 22(a) of the Agricultural Adjustment Act (7 U.S.C. 624(a)) and scheduling of a public hearing in connection therewith.

SUMMARY: Following receipt on September 10, 1984, of a request from the President for an investigation under section 22 of the Agricultural Adjustment Act, the Commission instituted investigation No. 22-47 for the purpose of determining whether flue-, fire-, and dark air-cured tobacco and burley tobacco, in unmanufactured form, as provided for in items 170.20, 170.25, 170.32, 170.35, 170.40, 170.45, 170.50, 170.60, and 170.80 of the Tariff Schedules of the United States (TSUS), is being or is practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price support and production adjustment programs for tobacco of the U.S. Department of Agriculture.

EFFECTIVE DATE: September 10, 1984.

FOR FURTHER INFORMATION CONTACT: William Lipovsky (202-724-0097), Agriculture Division, Office of Industries, U.S. International Trade Commission, or David Coombs (202-523-1376), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

The President's letter, which was dated September 7, 1984, stated that "I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that flue-, fire-, and dark air-cured tobacco and burley tobacco, in unmanufactured form, wherever classified in the Tariff Schedules of the United States, are practically certain to be imported under such conditions and in such quantities as to materially interfere with the price support and production adjustment programs for tobacco conducted by the Department of Agriculture." The President directed that the Commission investigate to determine whether such tobacco is "practically certain to be imported under such conditions and in such quantities as to materially interfere with the tobacco price support and production adjustment programs now conducted by the Department of Agriculture, and to report its findings and recommendations at the earliest practicable date."

Participation in the investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11) not later than 21 days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairwoman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c)).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on January 3, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in

writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on December 13, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on December 18, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is December 21, 1984.

Testimony at the public hearing shall be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs. Posthearing briefs shall not exceed ten (10) pages of textual material, double spaced, on stationery measuring 8½ x 11 inches, and must be submitted not later than the close of business on January 10, 1985. In addition, the presiding official may permit persons to file answers to questions or request made by the Commission at the hearing within a specified time. The Secretary shall not accept for filing posthearing briefs or answers which do not comply with the provisions contained in this notice.

Written submissions

As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before January 10, 1985. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and request for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing

procedures and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 204.2 of the Commission's rules (19 CFR 204.2).

Issued: October 5, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-28878 Filed 10-10-84; 8:45 am]

BILLING CODE 7020-02-M

Termination of Countervailing Duty Investigation Concerning Unwrought Zinc From Spain

AGENCY: United States International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 104(b)(1) of the Trade Agreements Act of 1979, with regard to unwrought zinc from Spain.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Vera Libeau, Office of Investigations, telephone number (202) 523-0368.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such an industry would be materially retarded, if the order were to be revoked. On April 23, 1982, the Commission received a request from the Government of Spain for the review of the outstanding countervailing duty order on unwrought zinc from Spain. Notice of the countervailing duty order was published on April 8, 1977, in the Federal Register (41 FR 18587).

On August 3, 1984, the Commission was notified by letter that the Lead-Zinc Producers Committee, the original petitioner for the countervailing duty order, wished to withdraw its request for the imposition of countervailing duties under the above referenced countervailing duty order.

While there is no provision in the Trade Agreements Act of 1979, or in its legislative history, permitting

termination of a transition case investigation, termination of a properly instituted countervailing duty investigation is permitted under section 704(a) of the Tariff Act of 1930. That section directs the Commission to solicit public comment prior to termination and approve such termination only if it is in the public interest. Termination authority is explicit in cases based on newly filed countervailing duty petitions; it is implied with respect to existing countervailing duty orders.

On August 15, 1984 (49 FR 32694) the Commission published a notice in the *Federal Register* requesting public comment by September 14, 1984, on the proposed termination of the Commission investigation on unwrought zinc from Spain. No adverse comments were received in response to the Commission's notice.

The Commission is therefore terminating its investigation on unwrought zinc from Spain (T.D. 77-103). The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of such an industry be materially retarded, if the countervailing duty order were to be revoked.

In addition to publishing this *Federal Register* notice, the Commission is serving a copy of this notice on all persons who have written the agency in connection with this investigation and is also notifying the Department of Commerce of its action in this case.

Issued: October 5, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26877 Filed 10-10-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-174]

Certain Woodworking Machines; Commission Decision Not To Review Initial Determination Terminating Respondent on the Basis of a Consent Order; Issuance of Consent Order

AGENCY: United States International Trade Commission.

ACTION: The Commission has determined not to review the presiding officer's initial determination (I.D.) (Order No. 35) terminating respondent Harbor Freight and Salvage Co. as a respondent in the above-captioned investigation on the basis of a consent order.

SUPPLEMENTARY INFORMATION: On August 17, 1984, complainant Delta International Corp. and respondent Harbor Freight and Salvage Co. jointly moved (Motion No. 174-35) to terminate this investigation as to respondent Harbor Freight and Salvage Co. on the basis of a consent order.

The Commission has received neither a petition for review of the I.D. nor comments from Government agencies or the public.

Termination of the investigation as to respondent Harbor Freight and Salvage Co. on the basis of the consent order furthers the public interest by conserving Commission resources and those of the parties involved.

Copies of the presiding officer's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Hannelore V.M. Hasl, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0359.

Authority: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.51(c) and 210.53(h).

Issued: October 5, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-26879 Filed 10-10-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29745]

Railroads; Duluth, Winnipeg and Pacific Railway Co.; Trackage Rights Exemption; Exemption

October 2, 1984.

On September 17, 1984, the Duluth, Winnipeg and Pacific Railway Company (DWP) filed a notice of exemption for trackage rights over a line of track of the Soo Line Railroad Company (Soo) in Saunders, WI.

The trackage rights are necessary in view of an extension of Interstate Highway 35 in Duluth, MN, and the resulting line relocation project by DWP. Central to the relocation project is a trackage rights agreement with Duluth, Missabe and Iron Range Railway Company (DMIR) which grants DWP the right to operate in perpetuity over 15.95

miles of DMIR trackage. This trackage rights agreement was approved by the Commission in a notice of exemption served October 28, 1981.

Subsequently, DWP discovered that a short segment (3,658.7 feet in Saunders, WI) of the involved trackage was not owned by the DMIR, but rather by the Soo. On August 28, 1984, DWP and Soo executed a trackage rights agreement for this segment of line. The agreement merely substitutes the Soo trackage for that portion of DMIR's line inadvertently included in the prior notice of exemption. Consistent with 49 CFR 1180.4(g), the Soo agreement will go into effect 7 days from DWP's filing of the instant notice.

This joint project involves the relocation of a line or lines of railroad which does not disrupt service to shippers and falls within the class of transactions identified at 49 CFR 1180.2(d) which the Commission has found to be exempt under 49 U.S.C. 10505. See *Railroad Consolidation Procedures*, 366 I.C.C. 75, 94 (1982).

As a condition to the use of this exemption, any employees affected by the trackage rights agreement shall be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.

James H. Bayne,
Secretary.

[FR Doc. 84-26853 Filed 10-10-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-10; Sub-No. 29X]

Railroads; Norfolk and Western Railway Co.; Abandonment Exemption in Belmont County, MI

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Norfolk and Western Railway Company of 9 miles of track between Adrian, (milepost 46.3) and Tecumseh (milepost 55.3), in Belmont County, MI, subject to standard labor protective conditions.

DATES: This exemption will be effective on November 13, 1984. Petitions for reconsideration must be filed by

October 31, 1984. Petitions for stay must be filed by October 22, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB-10 (Sub-No. 29X) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Angelica D. Lloyd, Norfolk Southern Corporation, 204 South Jefferson St., Roanoke, VA 24042

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: October 2, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley, and Strenio.
James H. Bayne,
Secretary.

[FR Doc. 84-26854 Filed 10-10-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12; Sub-No. 77X]

Railroads; Southern Pacific Transportation Co.; Discontinuance Exemption in Fort Bend County, TX

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Southern Pacific

Transportation Company (SPT) filed a petition under 49 U.S.C. 10505 seeking exemption for discontinuance of service over 15.77 miles of railroad known as the Guy Branch in Fort Bend County, TX. Several entities filed in opposition to the discontinuance. The Commission has determined that the notice and comment procedure should be instituted because the impact of the proposed discontinuance cannot be determined from the record.

DATES: Comments may be filed with the Commission and served on SPT's representative and the others listed below by November 13, 1984. Replies to the comments must be filed by December 3, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB-12 (Sub-No. 77X) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's Representative: Gary A. Laakso, Southern Pacific Building,

One Market Plaza, San Francisco, CA 94105

- (3) David Oefinger, South Texas Cotton and Grain Association, Inc., 307 1st Victoria National Bank Building, Victoria, TX 77901-8191
- (4) O. L. Leissner, Needville Cotton Warehouse, Inc., Box 35, Needville, TX 77461
- (5) John W. Courtney, Jr., Texas Department of Agriculture, P.O. Box 12847, Capitol Station, Austin, TX 78711
- (6) Jodie E. Stavinoha, Fort Bend County Commissioners Court, P.O. Box 368, Richmond, TX 77469
- (7) Mayor K. B. Otto, City of Needville, P.O. Box 527, Needville, TX 77461

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: October 2, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley, and Strenio.
James H. Bayne,
Secretary.

[FR Doc. 84-26855 Filed 10-10-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act; Berlin and Farro Liquid Incineration, Inc., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 13, 1984, a proposed consent decree in *United States v. Berlin and Farro Liquid Incineration, Inc., et al.*, Civil Action No. 84-CV-8473-FL was lodged with the United States District Court for the Eastern District of Michigan. The proposed consent decree concerns the cleanup of a hazardous waste dump site operated by Berlin and Farro Liquid Incineration, Inc., located 3½ miles south of the City of Swartz Creek, Michigan. The consent decree provides for a partial surface cleanup of the site. Within the areas of the work to be performed, the decree provides for the removal of all hazardous wastes and

hazardous substances and their containers, all contaminated water, and a quantity of soil sufficient to insure the removal that which is contaminated.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Berlin and Farro Liquid Incineration, et al.*, D.J. Ref. No. 90-11-2-77.

The proposed consent decree may be examined at the Office of the Clerk of the Court, 600 Church Street, Flint, Michigan 48502, and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount \$4.20 payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-26790 Filed 10-10-84; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Final Judgment on Consent Pursuant to Clean Air Act; Glenmore Plastics Industries

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 11, 1984 a proposed Final Judgment (on Consent) in *United States v. Glenmore Plastics Industries*, Civil Action No. CV 83-2725 was lodged with the United States District Court for the Eastern District of New York. The proposed Final Judgment (on Consent) concerns violations of the Clean Air Act and the New York State Implementation Plan by emission of volatile organic compounds. The complaint alleged that Glenmore violated the New York State Implementation Plan, Part 228, by failing to submit a compliance plan by January 1, 1980, and by failing to achieve compliance with the applicable emission limitation, i.e., 3.8 pounds of organic

solvents (minus water) per gallon of coating at application, by July 1, 1980. The proposed Final Judgment (on Consent) requires Glenmore to come into compliance by September 30, 1984 and establishes a stipulated penalty schedule for each day thereafter that Glenmore fails to achieve compliance. In addition, Glenmore would be required to pay civil penalties of \$12,000.00 for its prior violations.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Final Judgment (on Consent). Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Glenmore Plastics Industries*, DJ Ref. 90-5-2-1-598.

The proposed Final Judgment (on Consent) may be examined at the office of the United States Attorney, Eastern District of New York, Federal Building, 225 Cadman Plaza East, Brooklyn, New York 11201 and at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. Copies of the Final Judgment (on Consent) may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed Final Judgment (on Consent) may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-26791 Filed 10-10-84; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 84-19]

Dennis Howard Harris, M.D.; Revocation of Registration

On April 23, 1984, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Dennis Howard Harris, M.D., (Respondent) 7351 E. Osborn Road, Suite 106, Scottsdale, Arizona 85251. The Order to Show Cause proposed to revoke Respondent's DEA Certificate of Registration, AH1259921, and to deny a pending application for renewal of that

registration. The statutory predicate for the Order to Show Cause under 21 U.S.C. 824(a)(2) was Respondent's conviction in the United States District Court for the District of Arizona on November 14, 1983, of attempted manufacture of a Schedule I controlled substance, methylenedioxyphenylamine (MDA). Respondent requested a hearing and the matter was placed on the docket of Administrative Law Judge Francis L. Young.

Both parties were ordered by the Administrative Law Judge to file prehearing statements. The Government's prehearing statement was timely filed. Respondent did not submit a prehearing statement. Subsequently, the Government filed a Motion to Amend the Order to Show Cause and a Motion for Summary Disposition based upon the June 7, 1984, Order of the Board of Medical Examiners of the State of Arizona which suspended Respondent's license to practice medicine in Arizona from July 1, 1984, until November 14, 1988. Receiving no objection from Respondent, the Administrative Law Judge ordered that the Order to Show Cause be amended to include as an additional ground for revocation of Respondent's DEA Certificate of Registration that Respondent lacked the necessary state authorization to prescribe or dispense controlled substances. 21 U.S.C. 824(a)(3). On July 9, 1984, Respondent submitted a letter to Government counsel authorizing the cancellation of his application for renewal of his DEA Certificate of Registration. The Government did not consent to Respondent's withdrawal of his renewal application.

On September 5, 1984, the Administrative Law Judge transmitted the record in this matter, which included Judge Young's Opinion and Recommended Decision, to the Administrator pursuant to 21 CFR 1316.65(c). The Administrator has considered the record in its entirety and pursuant to the provisions of 21 CFR 1316.67 hereby issues his final order in this matter. The Administrative Law Judge in its entirety and further, finds that Respondent's felony conviction constitutes an additional ground for revocation of Respondent's registration.

Judge Young stated in his opinion that there was no lawful basis for DEA to continue to register the Respondent since he was no longer licensed as a practitioner to dispense, administer or otherwise handle controlled substances in Arizona. The Administrator agrees with Judge Young and finds, consistent with previous decisions, that when a registrant is not authorized to handle controlled substances under the laws of

the state in which he practices, DEA is without lawful authority to maintain a registration. See: *Agostino Carlucci, M.D.*, Docket No. 82-20, 49 FR 33184 (1984); *Leonard F. Faymore, D.O., et al.*, Docket No. 82-1, 48 FR 32886 (1983); *Kenneth K. Birchard, M.D.*, 48 FR 33778 (1983) *Thomas E. Woodrow, D.O.*, Docket No. 81-4, 47 FR 1353 (1982).

In addition to the fact that Respondent is not authorized to handle controlled substances in the State of Arizona, the Administrator finds that on November 14, 1983, in the United States District Court for the District of Arizona, Respondent was convicted of attempted manufacture of methylenedioxy-amphetamine (MDA), a Schedule I controlled substance, in violation of 21 U.S.C. 841(a)(1) and 846 and 18 U.S.C. 2. This is a felony offense. Respondent's conviction provides an additional statutory ground for revocation of his DEA Certificate of Registration under 21 U.S.C. 824(a)(2). The Administrator notes that Respondent in concert with other individuals secured laboratory space, and purchased equipment and chemicals in order to manufacture the hallucinogenic substance, MDA. After setting up the laboratory and beginning the manufacture of the precursor chemicals, Respondent was arrested by Agents of the Drug Enforcement Administration. Respondent's criminal activities, although not directly related to his medical practice, clearly show a disregard for the law, and an indifference for his professional responsibility as a registrant for the public health and safety. The Drug Enforcement Administration has consistently held that conviction of a controlled substance-related felony, even though unrelated to medical practice, requires the same sanctions as activities related to a medical practice. See, *Tilman J. Bentley, D.O.*, Docket No. 82-22, 49 FR 35049 (1984); *Raymond H. Wood, Jr., D.D.S.*, Docket No. 82-32, 48 FR 48727 (1983); and *Aaron A. Moss, D.D.S.*, Docket No. 80-2, 45 FR 72850 (1980).

In consideration of the foregoing and having lawful basis for such action, it is the decision of the Administrator that Respondent's DEA Certificate of Registration should be revoked, and his pending application for registration should be denied. Accordingly, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Administrator of the Drug Enforcement Administration hereby orders that DEA Certificate of Registration AH1259921 previously issued to Dennis Howard Harris, M.D. be, and is hereby revoked, effective

immediately. Any pending application for renewal of such registration is hereby denied.

Dated: October 4, 1984.

Francis M. Mullen, Jr.,
Administrator.

[FR Doc. 84-26842 Filed 10-10-84; 8:45 am]
BILLING CODE 4410-09-M

Controlled Substances; Proposed Aggregate Production Quotas for 1985

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Proposed Aggregate Production Quotas for 1985.

SUMMARY: This notice proposes initial 1985 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act.

DATE: Comments or objections should be received on or before November 13, 1984.

ADDRESS: Send comments or objections in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537. Attn: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 633-1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S.C. Section 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

The quotas are to provide adequate supplies of each substance for: (1) The estimated medical, scientific, research, and industrial needs of the United States; (2) lawful export requirements; and (3) the establishment and maintenance of reserve stocks.

In determining the below listed proposed 1985 aggregate production quotas, the Administrator considered the following factors: (1) Total actual 1983 and estimated 1984 and 1985 net disposals of each substance by all manufacturers; (2) projected trends in the national rate of net disposals of each substance; (3) estimates of inventories of each substance and of any substance manufactured from it and trends in accumulation of such inventories; (4) projected demand as indicated by

procurement quota applications which were filed pursuant to § 1303.12 of Title 21 of the Code of Federal Regulations; (5) estimates of change in legitimate medical needs; and (6) documented diversion.

Pursuant to § 1303.23(c) of Title 21 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration will in early 1985 adjust individual manufacturing quotas allocated for the year based upon 1984 year-end inventory and actual 1984 disposition data supplied by quota applicants for each basic class of Schedule I or II controlled substance.

Based upon consideration of the above factors, the Administrator of the Drug Enforcement Administration hereby proposes that aggregate production quotas for 1985 for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Proposed 1985 quotas
Schedule I	
2,5-Dimethoxyamphetamine	10,500,000
Tetrahydrocannabinols	20,000
Schedule II	
Alphaprodine	37,300
Amobarbital	2,180,000
Amphetamine	574,000
Cocaine	904,000
Codeine (for sale)	54,051,000
Codeine (for conversion)	3,534,000
Desoxyephedrine	1,188,000
995,000 grams for the production of levodexyephedrine for use in a noncontrolled, nonprescription product, and 191,000 grams for the production of methamphetamine.	
Dextropropoxyphene	75,795,000
Dihydrocodeine	1,341,000
Diphenoxylate	550,000
Ecgonine (for conversion)	800,000
Fentanyl	3,500
Hydrocodone	1,459,000
Hydromorphone	164,000
Levorphanol	21,750
Meperidine	7,999,000
Methadone	1,383,000
Methadone intermediate (4-Cyano-2-dimethylamino-4,4-diphenylbutane)	1,729,000
Methamphetamine (for conversion)	1,938,000
Methylphenidate	1,260,000
Mixed Alkaloids of Opium	22,300
Morphine (for sale)	1,142,000
Morphine (for conversion)	58,084,000
Opium (tinctures, extracts, etc. expressed in terms of USP powdered opium)	2,068,000
Oxycodone (for sale)	1,966,000
Oxycodone (for conversion)	6,400
Oxymorphone	5,000
Pentobarbital	12,492,000
Pethidine intermediate A	5,112,000
Phenmetrazine	0
Phenylacetone	800,000
Secobarbital	2,657,000
Sufentanil	500
Thebaine	6,890,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the above-mentioned substances without filing

comments or objections regarding the others. Comments and objection should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received on or before November 13, 1984.

If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds warrants a hearing, the Administrator shall cause such hearing to be convened pursuant to the provisions of Title 21 of the Code of Federal Regulations, § 1303.31(a).

Pursuant to section (3)(c)(3) and 3(e)(3)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning of and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international commitments of the United States. Such quotas impact predominately upon major manufacturers of the affected controlled substances.

Dated: September 21, 1984.

Francis M. Mullen, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc. 84-26841 Filed 10-10-84; 8:45 am]

BILLING CODE 4410-09-M

LIBRARY OF CONGRESS

Exhibition of Films

AGENCY: Library of Congress.

ACTION: Notice.

SUMMARY: Notice is issued to inform the public that permission of copyright claimant(s) could not be secured to exhibit the films, "Flight: Typhoon Chaser," "Flight: Derelict," and "Flight: Window in the Sky". These films will be exhibited as part of an exhibit co-sponsored by The National Air and Space Museum and the Library of Congress. The films were made in 1958 by Airborne Productions, Inc., 1040 North Las Palmas Avenue, Hollywood, CA 90038, and were registered in 1958

with the U.S. Copyright Office (Reg. No. LP 13058). The sponsoring agencies have attempted, but were unable, to locate the copyright claimant(s) to secure permission for exhibition of these films. Any individuals or organizations having knowledge of the claimant or its successors in interest, or any individuals or organizations claiming interest in these films are asked to telephone Scott Simon (202) 287-5840, in the Motion Picture, Broadcasting, and Recorded Sound Division, Library of Congress, before October 28, 1984.

Dated: October 4, 1984.

Louis R. Mortimer,

Acting Associate Librarian for Management.

[FR Doc. 84-26783 Filed 10-10-84; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL LABOR RELATIONS BOARD

National Security Information

AGENCY: National Labor Relations Board.

ACTION: Notice.

SUMMARY: The National Labor Relations Board is implementing the provisions of E.O. 12356 and its implementing directive, Information Security Oversight Office Directive No. 1. These orders established procedures and criteria for classifying, declassifying and safeguarding national security information.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: William L. Alcorn, Chief, Security and Safety Branch, National Labor Relations Board, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

SUPPLEMENTARY INFORMATION: Executive Order 12356 provides that all information classified herein or in predecessor orders is subject to a review for declassification upon receipt of a request made by a United States citizen or permanent resident alien, a Federal agency, or a state government. In compliance with this requirement, any mandatory declassification review or request for review of the Agency's regulations relating to classifying, declassifying and safeguarding national security information should be in writing, addressed to the Chief, Security and Safety Branch, National Labor Relations Board, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

Dated: Washington, D.C., October 5, 1984.

By direction of the Board.

John C. Truesdale

Executive Secretary, National Labor Relations Board.

[FR Doc. 84-26851 Filed 10-10-84; 8:45 am]

BILLING CODE 7545-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations and Responses; Availability of

Reports Issued

Aircraft Accident Report—Air Canada Flight 797, McDonnell Douglas DC-9-32, C-FTLU, Greater Cincinnati International Airport, Covington, Kentucky, June 2, 1983 (NTSB/AAR-84/09) (NTIS Order No. PB84-910409).

Marine Accident Report—Collision of the U.S. Passenger Vessel M/V YANKEE and the Liberian Freighter M/V HARBEL TAPPER in the Rhode Island Sound, July 2, 1983 (NTSB/MAR-84/05) (NTIS Order No. PB84-916405).

Aircraft Accident Report—Korean Air Lines McDonnell Douglas DC-10-30, HL7339, South Central Air Piper PA-31-350, N35206, Anchorage, Alaska, December 23, 1983 (NTSB/AAR-84/10) (NTIS Order No. PB84-910410).

Pipeline Accident Report—Washington Gas Light Company Natural Gas Explosion and Fire, Herndon Gate Station, Fairfax County, Virginia, October 13, 1983 (NTSB/PAR-84/03) (NTIS Order No. PB84-916503).

Railroad Accident Report—Derailment of Auto-Train No. 4 on Seaboard Cost Line Railroad, Florence, South Carolina, February 24, 1978 (NTSB/RAR-84/03) (Supersedes—NTSB-RAR-78-6) (NTIS Order No. PB84-916303).

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to reports call 703-487-4630.

Recommendations to

Highway—Department of Transportation: Jun. 15: H-83-35: FRA is working with the FHWA and Amtrak to develop a program in which Amtrak would pay half of the 20 percent State matching funds required to obtain Federal bridge or highway funds to improve traffic safety features on barrier systems of highway bridges over the Northeast Corridor. H-83-36: FHWA notified its Regional Administrators of the Board's recommendations regarding the risks highways may create for people or objects outside the roadway and to consider these risks in setting

priorities and design criteria for highway improvement. H-83-37: In view of the magnitude of the needed repairs of our Nation's bridges, and because of the limited funding available to the States for the Bridge Replacement and Rehabilitation Program, we believe it would not be in the public interest to restrict a certain percentage of those funds for use on traffic barriers over the Northeast Corridor.

Federal Highway Administration: May 7: H-81-4: Has completed its collection and review of data under the Safety Effectiveness Evaluation Report Program. Tailored training materials for the States under the Motor Carrier Safety Assistance Program are being coordinated with the Transportation Safety Institute. H-81-7: Will, if possible, develop explicit criteria for the preparation of enforcement cases under the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations. H-81-2: Accident report forms have not as yet been revised. This delay will delay the validation of the relationship between compliance and preventable accident involvement by mid-1985. May 8: H-81-11: Research underway titled, "Field Evaluation of Grade Severity Rating System," is expected to supply many of the answers on signing for steep grades and brake check areas. H-81-12: The effectiveness of brake check areas has never been determined, and would be very difficult to determine because to conduct an adequate evaluation a large number of grades with brake check areas and before-and-after accident data would be necessary. May 18: H-83-68: Does not believe that revising Federal Motor Carrier Safety Regulation 49 CFR 391.43 to incorporate a provision, similar to that specified in 14 CFR 67.20(a) for airmen medical certification, which will prohibit the falsification or omission of medical information in connection with a medical certification physical examination would make any difference. July 30: H-83-25: Issued a letter to the cargo tank industry recommending that each motor carrier involved in the transportation of corrosive materials or whose cargo tanks have been exposed to corrosive environments should perform an immediate inspection of those cargo tanks.

National Highway Traffic Safety Administration: May 30: H-84-25: Agrees that countermeasures such as sobriety checkpoints and administrative revocation procedures are necessary in order to create a general deterrence effect against drinking and driving. Is conducting a sobriety checkpoint study

in one community to determine the magnitude of problems associated with implementation and the impact that the program may have in raising the general deterrence level within the community. Is conducting studies in five communities to measure the efficacy of "administrative per se" as well as its impact on crashes. *Aug. 20: H-83-53:* Is reviewing requirement for tether anchorages of pre-drilled holes for child restraints in motor vehicles. *H-83-54:* Will consider whether tethered child restraints should be required to meet all the requirements of Federal Motor Vehicle Safety Standard No. 213, Child Restraint Systems, without the tether strap attached. *H-83-55:* Laboratory tests of booster seats occupied by a 3-year-old child test dummy show these restraints to be as effective as other tethered restraints. Believes further research and accident data analyses are required before definitive conclusions can be made on the precise level of effectiveness of lap belts and booster seats for restraining older children. *H-83-56:* Believes that the existing labeling on child seats and other child restraint systems contains all the information needed to get in touch with the manufacturer and that the addition of information for obtaining a replacement copy of the manufacturer's detailed instructions for use may not bring any perceptible improvements on the proper use of child restraints. *H-83-57:* It will take a considerable amount of time and effort to develop abdominal and neck load criteria, anthropomorphic dummies, and test procedures for child safety seats and other child restraint systems. *H-83-58:* Will consider research to examine the potential for other restrained or unrestrained vehicle occupants to sustain injuries during accidents from contact with a child safety seat and to determine whether additional safety requirements may be necessary and practicable to prevent or minimize potential injuries. *H-83-59:* Although police-reported field accident data indicate good safety effectiveness for belts as child restraints, test data indicate belts may produce excessively high loads in higher speed crashes.

Mack Trucks, Inc.: Aug. 15: H-84-30: To the extent that such information does not already appear thereon, Mack is implementing a program to include on engineering drawings for leaf springs information regarding decarburization control.

Ford Motor Company: Jun. 13: H-83-61: Is revising the informational labels intended for permanent attachment to the Ford Infant Carrier and to the Ford Tot-Guard in compliance with section

5.5 of Federal Motor Vehicle Safety Standard No. 213. On the revised labels, we intend to include instructions for the use of the locking clip.

Nissan Motor Corporation in U.S.A.: May 21: H-83-61: Its diagrams for the Nissan Child Safety Seat satisfy both the letter and the spirit of Federal Motor Vehicle Safety Standard No. 213, S5.5.2(e). Does not think that inclusion of verbiage about the locking clip would be beneficial to users of the seat.

New Jersey Transit: May 14: H-84-8: Will modify its bid specifications for 16- and 24-passenger minibuses to state that vehicles must meet not only all Federal Motor Vehicle Safety Standards applicable to buses but also that the vehicles must comply with FMVSS 220, 221, and 222 as applicable to school buses built after April 1977.

State of Alabama: May 25: H-84-8: Legislature considered a bill to expand the scope of the requirements for meeting school bus specifications. Could be expanded to cover all buses which transport in the manner of a school bus. *May 25: H-84-11 through -14:* Will monitor its system for handling drunken driving cases, and if unrealistic delays between arrest and trial are found, will consider administrative license suspension as a possible method to expedite license removals. Has begun to establish community-based comprehensive alcohol programs, and will encourage the use of sobriety checkpoints as an integral part of the overall enforcement effort.

State of Alaska: Jul. 17: H-84-22 through -24: Agrees that sobriety checkpoints are an important tool and provide a positive deterrent. Has administrative license revocations for those who refuse the breath test and those who have a blood alcohol level exceeding the prima facie limit of 0.10 percent.

Arizona Department of Transportation: May 7: H-84-8: Where buses are being used to transport children or mentally and physically handicapped persons, the same safety standards as for pupil transportation should be promoted. *Jun. 1: H-84-15 through -18:* Supports the concept of Administrative Per Se to deter drunken driving. The Department of Public Safety has promoted the use of sobriety checkpoints. *Jul. 31: H-83-46 through -48:* Has recommended that transportation supervisors statewide voluntarily comply with the recommendation to put an additional fire extinguisher at the rear of school buses, post signs on the location and use of emergency equipment, and brief all

passengers on the location and use of emergency equipment.

Department of California Highway Patrol: May: 29: H-83-48: Cannot justify the cost of requiring two fire extinguishers on school buses.

State of California, Superintendent of Public Instruction: Jun. 5: H-83-67: Will change Chapter 392-143 WAC to satisfy the recommendation concerning the retrofitting of all transit-type schoolbuses with FMVSS 222 approved seat and restraining barriers of these schoolbuses are refurbished during their normal service life.

State of California, Department of General Services: Jun. 29: H-84-8: Whenever possible, State buys buses that conform to FMVSS Nos. 220 and 221.

State of Colorado: May 23: H-84-19 through -21: Will begin a test program of sobriety checkpoints. Has changed DUI statutes to provide for an immediate revocation of the licenses of drivers who either refused to take a chemical test for the presence of alcohol or demonstrated a blood/alcohol concentration that exceeded 0.15 percent. Maintains a reporting rate of about 90 percent concerning blood/alcohol concentrations of drivers in fatal crashes. *Jun. 5: H-83-52:* Forwarded copies of materials distributed in connection with the Colorado child passenger safety program. *Jun. 25: H-84-8:* Agrees that an evaluation of any modifications that could affect the safety performance of a bus purchased for special purposes should be conducted.

State of Connecticut: May 14: H-84-8: State agencies responsible for the purchase of buses used to transport mentally and physically handicapped persons have continually reviewed vehicle specifications to ensure the safety of passengers. *Jun. 20: H-83-39 and -40:* Will review the use of seat restraints on non-schoolbus vehicles used in the service of transporting school children. *H-83-46:* The Department of Motor Vehicles requires all repairs of schoolbuses to be made in accordance with the recommendations of the vehicle manufacturer. *H-83-48:* Department of Motor Vehicles will investigate a possible location and a secure mounting of a fire extinguisher in the rear of the school bus.

State of Georgia: Jun. 15: H-84-15 through -18: Law enforcement agencies are authorized to use safety checkpoints for detecting DUI offenses, as well as other traffic violations. Drivers' licenses are suspended at the time of offense, pending conviction and/or administrative hearing. Has a

comprehensive program consisting of public information/education, pre-sentence investigation, referral or treatment and court follow-up.

State of Idaho Transportation Department: May 11: H-84-8: Will attempt to insure that all vehicles ordered for specialized transportation meet Federal standard for school buses built after April 1977.

State of Iowa: May 10: H-84-8: Agree that many of the FMVSS applicable to school buses could be considered when purchasing vehicles used solely for the transportation of adults. However, the seats that meet the school bus standard are very uncomfortable for adults.

Kansas Department of Transportation: Jun. 6: H-83-51: Forwarded materials used to encourage the safe use of child passenger safety devices.

State of Kentucky: May 11: H-84-11 through -14: A new law allows a driver's license to be suspended prior to conviction of certain aggravated circumstances exist. State Police use roadblocks as part of their enforcement efforts. Public information campaigns have been held and are being intensified to educate citizens about revisions in drunk driving laws.

State of Kentucky Transportation Cabinet: Jun. 15: H-84-8: Has added FMVSS 220, 221, and 207 school bus safety requirements to its specifications for buses under the UMTA Section 16(b) (2) Program.

State of Maine Department of Public Safety: Aug. 7: H-84-22 through -24: Uses sobriety checkpoints through State and local law enforcement agencies. Will evaluate the effectiveness of the checkpoints and administrative license revocation procedures.

State of Maryland: May 28: H-84-8: Has distributed the recommendation concerning safety specifications for buses to various departments responsible for procuring vehicles. *Jun. 13: H-82-33:* Has instituted an Operation Lifesaver program in an effort to reduce accidents at railroad/highway grade crossings. *H-80-1:* Considering the many advances Maryland has made in upgrading its laws and programs to deter the drinking driver, the State finds the Board's determination that Maryland's actions regarding the recommendation to enact legislation to redefine the terms "intoxicated" and "impaired by alcohol" to fit current nationally accepted standard definitions as unacceptable are particularly unwarranted. *Jun. 25: H-84-15 through -18:* State police and local law enforcement agencies use sobriety checkpoints. Task Force on the Drinking Driver is considering the issue of

administrative revocations of driver's licenses.

Michigan House of Representatives: May 8: H-83-52: Forwarded a copy of Michigan's Child Passenger Law, Public Act 115 of 1981 and other brochures and materials published by the Office of Highway Safety Planning and the Department of State regarding child passenger safety.

Missouri Department of Public Safety: Jun. 5: H-84-19 through -21: Operation REDDI was implemented over a year ago and has been supported throughout the State. Administrative Suspension/Revocation went into effect in September 1983. Sobriety checkpoints were implemented in December 1982.

State of Nevada: May 23: H-84-22 through -24: Has enacted provisions for administrative revocation of driver's licenses. Highway Patrol is evaluating the feasibility of implementing sobriety checkpoints.

New York State Department of Motor Vehicles: May 2: H-84-9: Will request clarifying language to broaden the scope of the use of safety chains permitted under Section 375(29-a) of the Vehicle and Traffic Law.

State of New York: Jun. 6: H-84-51: Distributes literature on the use of child restraints through child restraint loaner programs, pediatricians, and nurses who teach Lamaze classes. The Governor's Traffic Safety Committee is promoting the message of proper use by distributing public service announcements to radio stations; by encouraging local media to report whether a restraint device was used correctly when covering accident stories; and by demonstrating how to properly install a child restraint for local television evening news segments.

State of New York Department of Transportation: Jun. 6: H-84-5 through -8: Is reviewing the recommendations concerning safety specifications for special purpose buses, labeling of emergency exits on these buses, and placarding of vehicles which carry mentally retarded and physically handicapped persons to alert motorists and rescue personnel.

State of New York: Jun. 27: H-84-15 through -18: State Police conduct sobriety checkpoints. Local law enforcement agencies are encouraged to institute and use sobriety checkpoints. An impact and process evaluation of the entire STOP-DWI effort is underway. Supports concept of administrative license revocation. *Aug. 1: H-83-46 through -48:* The issue of mandating seat belt use in small school buses and vans has been considered by the State legislature. Will review the suggestion of

placing a second fire extinguisher on schoolbuses.

State of North Carolina: Aug. 13: H-84-8: Additional specifications may supplement school bus standards to meet the particular demands of the intended application, but any departure from the minimum standards for school buses is strongly discouraged. *H-84-22 through -24:* Authorizes and encourages roadblocks to check for impaired drivers and provide for automatic revocation of the driving privilege for a number of reasons and in all cases upon conviction.

State of North Dakota: May 25: H-22 through -24: Will consider incorporating sobriety checkpoints into its law enforcement efforts against drunk drivers.

Ohio House of Representatives: Jul. 11: H-83-51: Has distributed several types of informational and educational materials in various public information and retraining usage programs since 1978.

Oregon Traffic Safety Commission: May 8: H-84-19 through -21: Uses sobriety checkpoints, will begin administrative suspension of driver's licenses upon refusal or failure of the intoxilyzer test, has a statewide toll-free REDDI number, and has prohibited plea bargaining in DUI cases.

Pennsylvania Department of Transportation: May 3: H-83-52: Is working with the NHTSA and State Police to develop municipal and State Police occupant restraint training programs. State Police training officers have received copies of a child restraint law enforcement slide show. *May 22: H-82-11 through -14:* Concurs that sobriety checkpoints are an important element of a drunk driving enforcement program. Are not certain of the benefits of an administrative license suspension system.

Commonwealth of Puerto Rico: Jun. 21: H-84-11 through -14: Is studying the use of sobriety checkpoints and administrative license revocation. *H-83-39 through -41:* The legislature did not pass bills submitted on the use of seatbelts on school buses, although they had been approved by the Traffic Safety Commission.

State of South Dakota: Jun. 15: H-84-8: Will continue to carefully evaluate any proposed modifications in current purchasing standards for buses and minibuses which might adversely affect the safety of the intended passengers.

State of Washington: May 16: H-84-19 through -21: An administrative license revocation procedure will be established on Jan. 1, 1986. Has not implemented statewide sobriety checkpoints due to legal questions. The efforts of local law

enforcement agencies to implement and operate random sobriety checkpoints have met with some legal challenges. *Jul. 2: H-83-39*: Forwarded copies of Washington Administrative Code, Chapter 392-145 and the 1983 Washington School Bus Driver Handbook, which relate to use of restraint systems on schoolbuses. *H-83-40*: Is reviewing laws and codes relevant to applying the Federal Motor Vehicle Safety Standards to non-public owned buses carrying more than 10 children and weighing less than 10,000 pounds GVWR. *H-84-8*: All public school buses must be inspected by the Washington State Patrol to ensure that they continue to meet the Federal Motor Vehicle Safety Standards for school buses. Although operators of non-public school buses are encouraged to take advantage of the inspection program, State law or administrative code does not require private users to present their buses for inspection.

Note.—Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 14 cents per page (\$1 minimum charge).

Dated: October 5, 1984.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 84-26827 Filed 10-10-84; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Revised Notice of Meeting

This revised notice provides for a closed session in addition to those included in the Federal Register on September 25, 1984 for the 294th meeting of the NRC Advisory Committee on Reactor Safeguards during the period of October 11-13, 1984. This session will be closed to permit discussion of matters related solely to the internal personnel rules and practices of the NRC [5 U.S.C. 552b(c)(2)] and information the release of which would represent an unwarranted invasion of personal privacy [5 U.S.C. 552b(c)(6)]. It is necessary to discuss these issues during this meeting to resolve matters on which prompt resolution is required because of ongoing activities not controlled by the

NRC which determine the deadline for a decision.

The meeting scheduled on Friday, October 12, 1984 will be revised as follows:

4:30 P.M.-5:45 P.M.: ACRS Subcommittee Activities and Activities of Members (Closed)—The members will hear and discuss the report of its subcommittee on Maintenance Practices and Procedures regarding maintenance policies and practices in Japanese nuclear power plants. The members will also discuss proposed activities of individual members of the ACRS.

Portions of this session will be closed to discuss information provided in confidence by a foreign source, information related solely to the internal rules and practices of the agency, and information the release of which would represent an unwarranted invasion of personal privacy.

5:45 P.M.-8:15 P.M.: Subcommittee Activities (Open)—The members will discuss proposed topics for consideration by its Subcommittee on Committee Activities.

Dated: October 5, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-26860 Filed 10-10-84; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, CE 401-4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 4.10, "Monitoring and Reporting Radioactivity in Releases of Radioactive Materials in Liquid and Gaseous Effluents from Nuclear Fuel Processing and Fabrication Plants and Uranium Hexafluoride Production Plants." The guide is being developed to provide

methods acceptable to the NRC staff for developing effluent programs to be described in license applications and for monitoring monitoring and reporting effluent data by licensees. The guidance is applicable to nuclear fuel processing and fabrication plants and uranium hexafluoride production plants.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by December 14, 1984.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 3rd day of October 1984.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 84-26861 Filed 10-10-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-397]

Washington Public Power Supply System; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-21, issued to Washington Public Power Supply System (the licensee), for operation of the WNP-2 located in Richland, Washington.

The amendment would modify the license condition 2.C.(11) of Facility Operating License NPF-21 which states that, "The licensee shall complete construction of deferred shield walls as identified in Attachment 3 to this license or prior to operation of the permanent solid radioactive waste solidification system, whichever occurs first." The amended license condition will read as follows: "The Licensee shall complete construction of the deferred shield walls and window as identified in Attachment 3, as amended by this license amendment and as dictated by ongoing ALARA reviews identifying the need for additional shielding." The request is in accordance with the licensee's application for amendment dated August 15, 1984, and as supplemented on September 7, 1984.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The basis for this proposed determination is that the original design anticipated radiation sources in the solid radwaste system and condenser tube access areas requiring shielding for protection of personnel in adjacent areas. Since, at present, there is no schedule for installation of the solid radwaste solidification system, the source originally anticipated is non-

existent. Without a source, there is no requirement for construction of the subject shield walls in this area for personnel protection. Additionally, ALARA reviews of the west condenser tub access area indicates that the radiation levels for this area are significantly below the original levels for which the shield wall was designed. As a result, the radiation levels in this area do not represent a hazard to personnel at this time and thus there is no need to provide further shielding. WNP-2 will continue to perform ALARA reviews to evaluate the need for the subject shield walls and window, and will construct this additional shielding as dictated by the findings of these ALARA reviews.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By November 13, 1984, the licensee may file a report for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the

petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of 30-day notice period. However, should circumstances change during the notice period such that failure

to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to A. Schwencer: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Nicholas Reynolds Esquire, Bishop, Cook, Liberman, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent as a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public

Document Room, 1717 H Street, NW., Washington, D.C. and at the Richland City Library, Swift and Northgate Streets, Richland, Washington.

Dated at Bethesda, Maryland this 4th day of October 1984.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 84-26862 Filed 10-10-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

[FPM Supplement 293-35]

Microform Official Personnel Folders

AGENCY: Office of Personnel Management.

ACTION: Notice of proposal to publish procedures providing for the optional use of microfilm for the maintenance of Official Personnel Folders.

SUMMARY: The purpose of this notice is to announce that the Office of Personnel Management has developed draft policies and procedures whereby agencies (at their option) would be authorized to maintain the Official Personnel Folder (OPF) in a microform format, and to solicit comments concerning this draft from agencies, interested members of the public, and from the microfilm industry prior to implementation.

DATE: Requests for copies of the draft must be received by November 13, 1984, to permit reproduction. Comments are due by January 9, 1985.

ADDRESS: Copies of the proposed FPM Supplement may be obtained from, and written comments may be sent or delivered to: Assistant Director for Workforce Information, Compliance and Investigations Group, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Charles S. Wackerman, Workforce Records Management Division (202) 632-4454.

SUPPLEMENTARY INFORMATION: This draft FPM Supplement introduces a recordkeeping media which is generally unfamiliar to the Federal personnel community. Because of that unfamiliarity, and because of the necessity for insuring that Federal personnel records are available and usable for many years, the draft is highly technical and quite voluminous. Therefore, in order to reduce the cost of

reproduction, the draft is available to the public in a microfiche format. Federal agencies are specifically requested to make the draft available to the agency micrographics staff as well as the personnel staff and to forward comments from both staffs. The appropriate audience in the private sector is vendors who can provide equipment for microfilming documents and those providing supplies and service for such equipment.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 84-26765 Filed 10-10-84; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-47]

Initiation of Investigation Under Section 301; the Fertilizer Institute

On August 17, 1984 The Fertilizer Institute (TFI) filed a petition under Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*) alleging that the European Economic Community (EEC) maintains a technical standard applicable to triple superphosphate which is inconsistent with the EEC's obligations under the Agreement on Technical Barriers to Trade (the Standards Code). Specifically the petition alleges that the EEC adopted a standard in 1976 imposing a 93% water solubility requirement on triple superphosphate in order for the product to be labelled "EEC fertilizer". The petition further alleges that there is no agronomic justification for this standard and the standard has had the effect of creating an unnecessary obstacle to international trade and has resulted in a decline in U.S. exports and suppression of U.S. export prices.

On October 1, 1984 the United States Trade Representative decided to initiate an investigation based on the petition filed by TFI in accordance with the provisions of 19 U.S.C. 2412(a).

Interested parties are invited to submit written comments with respect to issues raised in the petition in accordance with the procedures set forth in 15 CFR 2006.8 no later than November 9, 1984. Comments should be directed to Chairman, Section 301 Committee, Office of the United States Trade Representative, Room 223, 600 17th Street, NW., Washington, D.C.

20506. Copies of the petition are available at the above address.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 84-26774 Filed 10-10-84; 8:45 am]

BILLING CODE 3190-01-M

Implementation of Modifications in Specialty Steel Import Relief

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice permits the withdrawal from warehouse for consumption of a quantity of certain stainless steel bar, presently subject to quota.

EFFECTIVE DATE: October 2, 1984.

FOR FURTHER INFORMATION CONTACT:

Maria T. Springer, Office of the United States Trade Representative (202) 395-4946.

SUPPLEMENTARY INFORMATION:

Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provides for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States. Headnote 10(d), part 2A of the Appendix to the Tariff Schedules of the United States (TSUS) authorizes the U.S. Trade Representative to adjust the restraint level for any such steel to be exceeded during any restraint period.

Accordingly, I have determined that an amount not to exceed two and three-quarters tons of the following stainless steel bar, provided for in Tariff Schedules of the United States (TSUS) item 926.11, may be entered for consumption or withdrawn from Customs bonded warehouse, in excess of the restraint level provided for the period July 20, 1984-October 19, 1984, for the "Other" foreign country category:

Forged stainless steel bar, 14.5 inches in diameter, 37 inches in length, containing, in addition to iron, each of the following elements by weight in the amount specified:

Carbon: 0.19 percent.
Silicon: 0.52 percent.
Sulphur: 0.091 percent.
Phosphorous: 0.27 percent.
Manganese: 1.22 percent.
Nickel: 5.80 percent.
Chromium: 22.3 percent.
Molybdenum: 2.8 percent.
Nitrogen: 0.12 percent.

and certified by the importer of record or the ultimate consignee at the time of entry for use in the manufacture of oil valves.

In addition, an identical amount shall be deducted from the quota quantity allocated to the "Other" foreign country category for TSUS item 926.11 for the restraint period October 20, 1984-January 19, 1984. This determination supersedes the provisions of the notice of October 20, 1983 (48 FR 48888), to the extent inconsistent herewith.

William E. Brock,

U.S. Trade Representative.

[FR Doc. 84-26775 Filed 10-10-84; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

Senior Executive Service Performance Review Board; List of Members; Schedule of Bonus Awards

AGENCY: Securities and Exchange Commission.

ACTION: Listing of Personnel Serving as Members of this Agency's Senior Executive Service Performance Review Board and Announcement of Schedule for Awarding Bonuses.

SUMMARY: Pub. L. 95-454 dated October 13, 1978 (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). This notice announces the PRB membership and the schedule for awarding SES bonuses in the Commission. The Securities and Exchange Commission has established a Performance Review Board consisting of:

1. George G. Kundahl, Executive Director, PRB Chairman.
2. Daniel G. Goelzer, General Counsel.
3. Linda C. Quinn, Executive Assistant to the Chairman.

The Securities and Exchange Commission plans to award bonuses to Senior Executive Service members on or about December 15, 1984.

FOR FURTHER INFORMATION CONTACT:

Mr. Craig Kellermann, Office of the Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549 (202-272-2705).

Dated: October 4, 1984.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-26849 Filed 10-10-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2171]

Montana; Declaration of Disaster Loan Area

Musselshell County and the adjacent County of Yellowstone in the State of Montana constitute a disaster area because of damage caused by fire which occurred August 24, 1984 to September 2, 1984. Applications for loans for physical damage may be filed until the close of business on December 3, 1984, and for economic injury until the close of business on July 5, 1985, at the address listed below:

Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, California 95825;

or other locally announced locations.

Interest rates are:

	Percent
Homeowners with credit available elsewhere.....	8.000
Homeowners without credit available elsewhere.....	4.000
Businesses with credit available elsewhere.....	8.000
Businesses without credit available elsewhere.....	4.000
Businesses (EIDL) without credit available elsewhere.....	4.000
Other (non-profit organizations including charitable, and religious organizations).....	10.500

The number assigned to this disaster is 2171005 for physical damage and for economic injury the number is 620800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 4, 1984

James C. Sanders,

Administrator.

[FR Doc. 84-26848 Filed 10-10-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 921]

Discretionary Grant Programs; Application Notice Establishing Closing Date for Transmittal of Certain Fiscal Year 1985 Applications

AGENCY: The Department of State invites applications from "national organizations with interest and expertise in conducting research and training" concerning the USSR and Eastern Europe under the Soviet and Eastern European Research and Training Act.

Authority for this program is contained in the Soviet-Eastern European Research and Training Act of 1983, Pub. L. 98-164, Title VIII, 97 Stat. 1007-50.

SUMMARY: The purpose of this application notice is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of applications for awards in Fiscal Year 1985 under a program administered by the Department of State.

Organization of Notice: This notice contains three parts. Part I lists the closing date covered by this notice. Part II consists of a statement of purpose and priorities of the program. Part III provides the fiscal data for the program.

Part I

Closing date for transmittal of Applications

An application for an award must be mailed or hand-delivered by Friday, November 16, 1984.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of State, INR, Soviet-Eastern European Studies Advisory Committee, Room 4643, Washington, D.C. 20520.

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 center.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of State.

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 the local post office.

An applicant is encouraged to use registered or at least first class mail. Late applications will not be considered and will be returned to the applicant.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of State, INR, Soviet-Eastern European Studies Advisory Committee, Room 4643, 2201 C Street, NW., Washington, D.C.

The Soviet-Eastern European Studies Advisory Committee will accept hand-delivered applications between 9:00 a.m. and 4:00 p.m. (Washington, D.C. time)

daily, except Saturdays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:00 p.m. on the closing date.

Part II

Program Information

The Soviet-Eastern European Research and Training Act of 1983 provides for U.S. Government assistance to develop and maintain a national capability for advanced research and training in the field of Soviet and Eastern European studies by authorizing support for graduate training, advanced research, public dissemination of research data and results, contact and collaboration among government and private specialists, and acquisition by specialists of first-hand experience in the Soviet Union and the countries of Eastern Europe.

The purpose of the program and eligibility requirements are set forth in the Act, Pub. L. 98-164, Title VIII, 1047-50. Under Title VIII, the countries include Albania, Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, USSR, and Yugoslavia.

The Act establishes an Advisory Committee to recommend grant policies and recipients. The Secretary of State, after consultation with the Advisory Committee, shall approve policies and shall make final determination on awards.

Applications for funding under the Act are invited from organizations prepared to conduct national programs in the field of Soviet and Eastern European and related studies furthering the goals of the Act as follows:

(1) Programs of support for research on the Soviet Union and Eastern Europe at the postdoctoral or equivalent level, such research to be conducted, on a shared-cost basis by the sponsoring organization/institution and the government, through American institutions of higher education or not-for-profit corporations;

(2) Programs offering graduate, postdoctoral, and teaching fellowship support for advanced training in Soviet and Eastern European and related studies, including training in the languages of the Soviet Union and Eastern Europe, such training to be conducted, on a shared-cost basis by the sponsoring organization/institution and the government, at American institution of higher education;

(3) Programs to carry out advanced training and research on a reciprocal basis in the Soviet Union and in the countries of Eastern Europe, and to

facilitate access for American specialists to research facilities and resources in those countries;

(4) Programs to facilitate dissemination of research methods, data and findings in Soviet Union and Eastern European studies. Dissemination would include publication of papers, speeches, conference proceedings, the holding of meetings, funding of serial publications, bibliographical materials, etc.; and

(5) Programs to facilitate research collaboration among specialists and between government and private researchers in the field of Soviet and Eastern European studies and by conducting seminars, conferences, etc.

To be eligible for consideration, proposed programs must be national in scope as regards the constituencies to be served, and the competitions to be held in making awards. It is not intended to consider applications from individuals to further their own training or research, or from institutions or organizations proposing programs that do not meet the stipulated criteria for national scope.

In making its recommendations, the Committee will seek the development of a coherent, long-term, and stable effort directed toward developing and maintaining a national capability in Soviet and Eastern European studies. Program proposals can be for conduct of any of the functions enumerated, but in making its recommendations, the Committee will be concerned to develop a balanced effort which, over the life of the Act, will ensure attention to all the countries of the area, though with emphasis on the USSR. In choosing programs to recommend for funding it will also seek to foster interdisciplinary studies and the development of secondary competences. It will also seek to ensure special emphasis for those disciplines and topics (economics, geography, sociology, international relations, nationalities studies are possible examples) where the existing base of expertise most needs strengthening in the light of national needs.

Part III

Available Funds

Congress has authorized Title VIII funding through 1993 on an annual appropriation basis; in Fiscal Year 1985 the allocation is for \$4,800,000. Awards for future years will be based on an annual procedure subject to availability of funds.

Applications

Applications must be prepared and submitted in 7 copies in the form of a statement, the narrative part of which should not exceed 25 pages, double-spaced with a 1 page executive summary, a budget, and vitae of professional staff.

Technical Review

The Soviet-Eastern European Advisory Committee will evaluate applications on the basis of the nature and extent of the applicant's experience in administering programs of this kind in the Soviet-Eastern European field (35 points), their responsiveness to the objectives set forth above in *Part II, Program Information* (35 points), the quality of applicant key personnel and the adequacy of supporting resources (15 points), and budget and cost effectiveness (15 points).

Farther Information

For further information, contact Paul K. Cook, Executive Director, Soviet-Eastern European Studies Advisory

Committee, INR, Department of State, Room 4643, Washington, D.C. 20520. Telephone: (202) 653-5144.

Dated: October 2, 1984.

Paul K. Cook,

Executive Director, Soviet and Eastern European Studies Advisory Committee.

[FR Doc. 84-28797 Filed 10-10-84; 8:45 am]

BILLING CODE 4710-32-M

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****Hazardous Materials Regulation; Applications for Exemptions**

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49

CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes November 8, 1984.

Address comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9316-N	Fluoroware, Inc., Chaska, MN	49 CFR 173.268, Part 173, Subpart F	To manufacture, mark and sell a teflon liner similar to DOT Specification 2SL contained in a DOT Specification 6D, for shipment of those corrosive liquids authorized in DOT Specification 6D/2S or 2SL and up to 70% nitric acid. (Modes 1, 2.)
9317-N	Dow Chemical U.S.A., Freeport, TX	49 CFR 173.315	To authorize shipment of chlorine, waste, in non-DOT specification portable tanks over a short distance on public highway within plant site. (Mode 1.)
9318-N	Stern Air, Inc., Dallas, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
9320-N	Rohm and Haas Company, Philadelphia, PA	49 CFR 173.119(a)(2), 173.136(a)(3), 173.247(a)(7), 178.81-9(d).	To authorize shipment of various flammable and corrosive liquids in Type 316 stainless steel drums comparable to DOT Specification 5A except they are equipped with 4.0 inch openings. (Mode 1.)
9321-N	The University of Iowa, Iowa City, IA	49 CFR Part 173, Subpart D, E, F, H, Subpart K, L, M.	To authorize shipment of various waste hazardous materials in non-DOT specification containers, overpacked in plywood boxes which are securely mounted to a transport vehicle. (Mode 1.)
9322-N	Jones Chemicals, Inc., Caledonia, NY	49 CFR 173.277	To authorize shipment of hypochlorite solution, classed as a corrosive material in DOT Specification 60, rubber lined portable tank. (Mode 1.)
9323-N	U.S. Department of Defense, Washington, DC	49 CFR 173.119(a)	To authorize shipment of gasoline and JP 4 and 5 fuel, classed as flammable liquids, in non-DOT specification 500 gallon collapsible rubber drums. (Mode 1.)
9324-N	Walker Systems, Inc., Houston, TX	49 CFR 173.277(a)(9)	To authorize shipment of sodium hypochlorite, classed as a corrosive material, in non-DOT specification cargo tanks made of titanium. (Mode 1.)
9325-N	LTV Aerospace and Defense Company, Dallas, TX	49 CFR 172.101	To authorize a one-time shipment of rocket ammunition with explosive projectile by cargo aircraft only. (Mode 4.)
9326-N	Carbonaire, Inc., Palmerton, PA	49 CFR 173.315	To authorize shipment of liquefied carbon dioxide, classed as a nonflammable gas, in non-DOT specification cargo tanks. (Mode 1.)
9327-N	Precision Measurement, Inc., Tulsa, OK	49 CFR 173.119, 173.304, 173.315	To manufacture, mark and sell displacement meter proving units, to be affixed to a truck or trailer, for shipment of hydrocarbon products, classed as flammable liquid or flammable gas. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on October 3, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-28816 Filed 10-10-84; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials Regulations; Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulation (49 CFR Part 107, Subpart B, notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes October 25, 1984.

Address comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
4575-X	Union Carbide Corporation, Danbury, CT	4575
4575-X	Racon, Inc., Wichita, KS	4575
4631-X	Nitrochem Energy Corporation, Biwabik, MN	4631
4698-X	United Technologies Diesel Systems, Inc., Springfield, MA	4698
5188-X	U.S. Department of Energy, Washington, DC	5188
5248-X	3M Co., Austin, TX	5248
5263-X	Dow Corning Corporation, Midland, MI	5263
5557-X	U.S. Department of Energy, Washington, DC	5557
6117-X	Montana Sulphur & Chemical Company, Billings, MT	6117
6293-X	Olin Corp., East Alton, IL	6293
6543-X	Union Carbide Corporation, Danbury, CT	6543
6543-X	Corning Glass Works, Corning, NY	6543
6543-X	Rohm and Haas Co., Philadelphia, PA	6543
6556-X	Castle & Cooke, Inc., San Francisco, CA	6556
6651-X	Heatbath Corporation, Chicago, IL	6651
6762-X	Taylor Chemicals, Inc., Sparks, MD	6762
6763-X	Pool Water Products, Garden Grove, CA	6763
6874-X	Degussa Corporation, Teterboro, NJ	6874
7259-X	Occidental Chemical Corp., Niagara Falls, NY	7259
7268-X	Union Carbide Corporation, Danbury, CT	7268
7546-X	Grumman Aerospace Corporation, Bethpage, NY (See Footnote 3)	7546
7694-X	Applied Environments Corporation, Woodland Hills, CA	7694
7719-X	Turner, Sycamore, IL	7719
7840-X	Weber Aircraft, Burbank, CA	7840
7846-X	Union Carbide Corporation, Danbury, CT	7846
8003-X	Pennwalt Corporation, Buffalo, NY	8003
8023-X	Acurex Corporation, Mountain View, CA	8023
8094-X	Milport Chemical Company, Milwaukee, WI	8094
8127-X	Hercules, Incorporated, Wilmington, DE	8127
8451-X	U.S. Department of Energy, Washington, DC	8451
8451-X	U.S. Department of Defense, Washington, DC	8451
8472-X	Ohmart Corporation, Cincinnati, OH	8472
8487-X	Brunswick Corporation, Lincoln, NE	8487
8495-X	Walter Kidde, Wilson, NC	8495
8509-X	Mobay Chemical Corporation, Pittsburgh, PA	8509
8509-X	Dow Chemical Co., Midland, MI	8509
8509-X	FMC Corporation, Philadelphia, PA	8509
8522-X	Tuscarora Plastics, Inc., Sterling, VA	8522
8522-X	National Starch and Chemical Corporation, Bridgewater, NJ	8522
8538-X	Hercules, Incorporated, Wilmington, DE	8538
8545-X	Hercules, Incorporated, Wilmington, DE	8545
8580-X	Priority Air, Incorporated, Sanford, FL	8580
8725-X	CNG Cylinder Corporation, Long Beach, CA (See Footnote 4)	8725
8818-X	Dow Chemical Co., Midland, MI	8818
8851-X	Process Engineering Inc., Plalstow, NH	8851
8879-X	Temco Engineering, Tulsa, OK	8879
8890-X	Sunbelt Airlines, Camden, AR	8890
8906-X	FMC Corporation, Middleport, NY	8906
8920-X	Applied Environments Corporation, Woodland Hills, CA	8920
8921-X	Hoover Universal, Inc., Beatrice, NE	8921
8937-X	Dow Chemical Co., Freeport, TX (See Footnote 5)	8937
8944-X	Union Carbide Corporation, Danbury, CT (See Footnote 6)	8944
8952-X	Trojan Corporation, Salt Lake City, UT	8952
8958-X	Goex, Inc., Moosic, PA	8958
9227-X	Canadian Arsenal Limited, Gardesur, Quebec, Canada	9227
9319-X	Dearborn Chemical Company, Lake Zurich, IL	9319

¹ To authorize use of an additional type stainless steel cargo tank motor vehicle, for shipment of nitrogen tetroxide.

² To authorize the use of DOT Specification 19B plywood boxes as an additional container.

³ To authorize an additional size heat pipe radiator assembly.

⁴ To modify exemption to allow one test ring per heat treat load in place of 1 test ring per production lot of 200 cylinder or less.

⁵ To renew and authorize water as an additional mode of transportation.

⁶ To renew; include the 3AX cylinders and cargo vessel; request modified test procedures for cylinders; to authorize reuse of cylinders by others; to provide for a tube module configuration.

Application No.	Applicant	Parties to exemption
2587-P	Connecticut Oxygen Corporation, Stratford, CT	2587
4453-P	Armstrong Explosives Co., Kittanning, PA	4453
4453-P	Wampum Distributing Co., New Galilee, PA	4453
4453-P	Belmont Mine Supply Co., Inc., Flushing, NY	4453
4453-P	Northern Ohio Explosives, Inc., Forest, OH	4453
4453-P	Wampum Supplies Co., New Galilee, PA	4453
4453-P	Wampum Manufacturing Co., Seneca, PA	4453
6126-P	D & O Chemicals, Inc., Fort Lee, NJ	6126
6325-P	Northern Ohio Explosives, Inc., Forest, OH	6325
6325-P	Belmont Mine Supply Co., Inc., Flushing, NY	6325
6325-P	Armstrong Explosives Co., Kittanning, PA	6325
6325-P	Wampum Supplies Co., New Galilee, PA	6325
6325-P	Wampum Manufacturing Co., Seneca, PA	6325
6325-P	Wampum Distributing Co., New Galilee, PA	6325
6538-P	Precise International, Suffern, NY	6538
6614-P	Guard-Rite Chemicals, Inc., Torrance, CA	6614
6762-P	United Laboratories, Inc., Addison, IL	6762
7052-P	Union Carbide Corporation, Danbury, CT	7052
7835-P	Sunox, Incorporated, Charlotte, NC	7835
7835-P	Lincoln Big Three, Inc., Baton Rouge, LA	7835
8129-P	U.S. Environmental Protection Agency, Washington, DC	8129
8129-P	GTE Network Systems Incorporated, Albuquerque, NM	8129
8129-P	Coast Well Service, Emporium, PA	8129
8129-P	University at Buffalo, Buffalo, NY	8129
8129-P	Philips Roxane, Inc., Saint Joseph, MO	8129
8129-P	Carbolabs, Inc., Bethany, CT	8129
8308-P	Del-Med, Incorporated, Philadelphia, PA	8308
8410-P	Em Diagnostic Systems, Inc., Gibbstown, NJ	8410
8445-P	Borg-Warner Chemicals, Inc., Parkersburg, WV	8445
8445-P	GTE Network Systems Incorporated, Albuquerque, NM	8445
8445-P	Ashland Chemical, Dublin, OH	8445
8445-P	U.S. Environmental Protection Agency, Washington, DC	8445
8582-P	The Atchison, Topeka and Santa Fe Railway Company, Chicago, IL	8582
8645-P	Belmont Mine Supply Co., Inc., Flushing, NY	8645
8465-P	Wampum Supplies Co., New Galilee, PA	8645
8465-P	Wampum Manufacturing Co., Seneca, PA	8645
8645-P	Northern Ohio Explosives, Inc., Forest, OH	8645
8465-P	Wampum Distributing Co., New Galilee, PA	8645
8645-P	Armstrong Explosives Co., Kittanning, PA	8645
9064-P	Corning Glass Works, Corning, NY	9064
9121-P	Daniel F. Young, Inc., Miami, FL	9121
9157-P	RCA, Lancaster, PA	9157

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Application No.	Applicant	Renewal of exemption
3121-X	U.S. Department of Defense, Washington, DC (See Footnote 1)	3121
3330-X	General Electric Co., Schenectady, NY	3330
3549-X	U.S. Department of Energy, Washington, DC (See Footnote 2)	3549

Issued in Washington, DC, on October 3, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulations, Materials Transportation Bureau.

[FR Doc. 84-26817 Filed 10-10-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on October 30 and 31, 1984 of the following debt management advisory committee:

Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

The agenda for the Public Securities Association, U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on October 30, and the preparation of a written report to the Secretary of the Treasury on October 31, 1984.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b (c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered

by section 552b(c)(4) of Title 5 of the United States Code for matter which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by section 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee hearings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.

Dated: October 2, 1984.

Thomas J. Healey,
Assistant Secretary (Domestic Finance).

[FR Doc. 84-26771 Filed 10-10-84; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 49, No. 198

Thursday, October 11, 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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Equal Employment Opportunity Commission	1
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Pacific Northwest Electric Power and Conservation Planning Council	4
Securities and Exchange Commission	5

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, October 16, 1984, 9:30 AM (Eastern Time).

PLACE: Clarence Mitchell Jr., Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 84-7-FOIA-97-SL, concerning a request for a confidential affidavit from a closed ADEA charge file.
4. Freedom of Information Act Appeal No. 84-03-FOIA-76-PA, concerning a request for documents from a closed Title VII charge file.
5. Freedom of Information Act Appeal No. 84-7-FOIA-087-CT, concerning a request for statements from a charging party.
6. Freedom of Information Act Appeal No. 84-8-FOIA-44-BI, concerning a request for recommendation decision on an EEO charge.
7. Freedom of Information Act Appeal No. 84-08-FOIA-196-MK, concerning a request for access to an age charge file.
8. Freedom of Information Act Appeal No. 84-7-FOIA-96-SL, concerning a request for access to records in a charge file.
9. Freedom of Information Act Appeal No. 84-7-FOIA-52-NO, concerning a request for a copy of all documents, memorandum, or other materials in a Title VII file.
10. Freedom of Information Act Appeal No. 84-08-FOIA-103 and 104-BA, concerning a request for access to contents of part of two charge files.

11. Discussion on Proposed Multi-Year Affirmative Action Plans for Minorities and Women (EEO-Md 707).

Closed

1. Litigation Authorization; General Counsel Recommendations.
2. Proposed Contract in Connection with a Court Case.

3. Proposed Commission Decisions: ORA Decisions and Guidance Decisions.

4. Proposed Subpoenas.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the *Federal Register*, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE

INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

Dated: October 9, 1984.

Treva McCall,

Executive Secretary to the Commission.

This Notice Issued October 9, 1984.

[FR Doc. 84-27013 Filed 10-9-84; 2:17 pm]

BILLING CODE 6570-06-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, October 17, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of real property by a Federal Reserve Bank.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning

at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 9, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-27038 Filed 10-9-84; 3:54 pm]

BILLING CODE 6210-01-M

3

NATIONAL SCIENCE BOARD

DATE AND TIME: October 18, 1984, 1:30 p.m., Open Session; October 19, 1984, 9:00 a.m., Closed Session; 9:30 a.m. Open Session.

PLACE: National Science Foundation, Washington, D.C.

STATUS: Most of this meeting will be open to the public. Part of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS:

Thursday, October 18, 1984—1:30 p.m.

1. Program Review—Research Initiation and Improvement

Friday, October 19, 1984—9:30 a.m.

5. Minutes—September 1984 Meeting
6. Chairman's Report
7. Director's Report
8. Reports of Board Committees
9. Board Representation at Advisory Committee and Other Meetings
10. Other Business
11. Next Meetings

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

Friday, October 19, 1984—9:00 a.m.

2. Minutes—September 1984 Meeting
3. NSB and NSF Staff Nominees
4. Grants, Contracts, and Programs

Margaret L. Windus,

Executive Officer.

[FR Doc. 84-25977 Filed 10-9-84; 12:48 pm]

BILLING CODE 7555-01-M

4

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

AGENCY HOLDING THE MEETING: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Addition of agenda item.

DATE: September 20, 1984.

PLACE: Towne Plaza Motor Inn, Yakima, Washington.

SUMMARY: The Government in the Sunshine Act, 5 U.S.C. 552b, requires Federal Register notice whenever an agency adds an item to its meeting agenda after the meeting had been publicly announced. At its September 19-20 meeting in Yakima, Washington, the Council voted to add to its agenda discussion of "Legal Considerations Relating to Transfers of Electric Power from Pacific Northwest to Pacific Southwest." By roll call vote at that meeting, the Council determined that Council business required the addition to the agenda and that no earlier notice of the addition was practicable. The addition to the agenda was publicly announced at the Council meeting.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Bess Wong, (503) 222-5161.

Edward Sheets,
Executive Director.

[FR Doc. 84-26978 Filed 10-9-84; 12:48 pm]

BILLING CODE 0000-00-M

5

SECURITIES AND EXCHANGE COMMISSION

**FEDERAL REGISTER CITATION OF
PREVIOUS ANNOUNCEMENT:** (To be
published).

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW.,
Washington, D.C.

DATE PREVIOUSLY ANNOUNCED:
Thursday, September 27, 1984.

CHANGE IN THE MEETING: Additional
item.

The following additional item was
considered at a closed meeting held on
Wednesday, October 3, 1984, at 2:30 p.m.

Institution of injunctive action.

Chairman Shad and Commissioners
Cox, Marinaccio and Peters determined
that Commission business required the
above change and that no earlier notice
thereof was possible.

At times changes in Commission
priorities require alterations in the
scheduling of meeting items. For further
information and to ascertain what, if
any, matters have been added, deleted
or postponed, please contact: Angela
Hall at (202) 272-3085.

Dated: October 4, 1984.

Shirley E. Hollis,
Acting Secretary.

[FR Doc. 84-26888 Filed 10-5-84; 4:26 pm]

BILLING CODE 8010-01-M

Registered Federal Report

Thursday
October 11, 1984

Part II

Department of Defense

Department of the Army

32 CFR Part 544

Civilian Marksmanship; National
Marksmanship Matches and Excellence-in-
Competition (EIC) Matches; Final Rules

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 544

Civilian Marksmanship; National Marksmanship Matches and Other Excellence-in-Competition Matches; Rules and Regulations

AGENCY: Director of Civilian Marksmanship, OSA, Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This regulation on the rules and regulations for National Marksmanship Matches and other Excellence-in-Competition (EIC) matches has been revised. It gives responsibilities for the National Matches eligibility criteria and categories for the competitors, and the program for the National Trophy Matches. It also describes the awards for the National Trophy Matches. This regulation has been revised to change the staff organization of the National Matches, show new eligibility requirements and program for the National Trophy Matches, added women as a category in the matches, and introduces new awards. This regulation applies to the Active Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, Army and Marine Corps Reserve, all other personnel competing in the National Matches, and civilians in other EIC matches.

EFFECTIVE DATE: October 11, 1984.

ADDRESSES: Written comments should be submitted to the Director of Civilian Marksmanship, Attention: Lieutenant Colonel William Creech, 20 Massachusetts Avenue, NW., Room 1205—Pulaski Building, Washington, D.C. 20314-0100.

FOR FURTHER INFORMATION CONTACT: LTC William Creech at (202) 272-0810 or the above address.

SUPPLEMENTARY INFORMATION: This regulation promotes the maintenance of national defense through the promotion of competition in nationally held rifle and pistol matches. Since the stated purpose and intent of the matches is national defense the Department of the Army has determined that this regulation should be published as a final rule.

List of Subjects in 32 CFR Part 544

Armed forces, National defense, Awards, Nonprofit organizations.

Accordingly, a new Part 544 is added to read as follows:

PART 544—CIVILIAN MARKSMANSHIP**Subpart A—General**

- Sec.
544.1 Purpose.
544.2 References.
544.3 Explanation of abbreviations and terms.
544.4 The intent of the National Matches.
544.5 Composition of the National Matches.
544.6 National Match Staff.
544.7 Armed Forces involvement.
544.8 Role of the NRA.
544.9 Places and dates.
544.10 Fees.

Subpart B—Responsibilities

- 544.11 Secretary of the Army (SA).
544.12 President, National Board for the Promotion of Rifle Practice (NBRP).
544.13 Director of Civilian Marksmanship (DCM).
544.14 Executive Officer, National Matches (XO, NM).
544.15 Executive Officer, Civilian Marksmanship Program (Support) (XO, CMP (SPT)).
544.16 National Match Support Coordinator (NMSC).
544.17 Match Directors.
544.18 Range Director.
544.19 Statistical Director.
544.20 Director, Small Arms Firing Schools (SAFS).
544.21 The Commanding General, US Army Materiel Command (CG, AMC).
544.22 Chief of Public Affairs (CPA).
544.23 Chief, National Matches Support Detachment (NMSD).
544.24 Ordnance Safety Officer (OSO).
544.25 Commanding General, US Army Forces Command (CG, FORSCOM).
544.26 Commanding General, US Army Training and Doctrine Command (CG, TRADOC).
544.27 Commanding General, US Army Communications-Electronics Command (CG, CEACOM).
544.28 Adjutant General, Ohio National Guard.

Subpart C—Competitor Eligibility, Requirements, Categories, and Teams

- 544.29 Eligibility for the matches.
544.30 Requirements for competitors in individual matches.
544.31 Requirements for military competitors.
544.32 Requirements for certain civilian competitors.
544.33 Competitor categories for National Trophy Matches.
544.34 Team member eligibility requirements.
544.35 Authorized teams in National Trophy Team Matches.
544.36 Requirements for new shooters in National Trophy Team Matches.

Subpart D—General Rules for National Trophy Matches**General Match Rules**

- 544.37 National Trophy and EIC match rules.
544.38 Entries.

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- 544.39 Directives competitors must follow.
544.40 Coaching.
544.41 Elimination of teams or individuals.
544.42 Penalties.
544.43 Competitors verifying their scores.
544.44 Referees, scoring, and challenge procedures.
544.45 Protests.
544.46 Bulletins.

Team Match Rules.

- 544.47 Team composition.
544.48 Team squadding.
544.49 Station and duties of team coaches.
544.50 Station of team captain.

Types of Firearms, Ammunition, and Other Equipment

- 544.51 Description of arms to be used.
544.52 Rifles and pistols available.
544.53 Checking firing characteristics.
544.54 Use of the same firearm by more than one competitor.
544.55 Disabled firearms.
544.56 Ammunition.
544.57 Targets.
544.58 Field glasses telescopes, and binoculars.

Firing

- 544.59 Safety precautions.
544.60 Organization of firing areas.
544.61 Station of competitors.
544.62 Target assignments and operations in rifle matches.
544.63 Slow target operation in rifle matches.
544.64 Practice firing.
544.65 Firing procedure and punctuality.
544.66 Firing positions.
544.67 Loading and reloading a rifle in rapid fire.
544.68 Unauthorized firing.
544.69 Time limits and extensions.
544.70 Sighting shots.
544.71 Competitors serving as range officials.

Subpart E—Program for the National Trophy Matches

- 544.72 The President's Pistol Match.
544.73 National Trophy Individual Pistol Match.
544.74 National Trophy Pistol Team Match.
544.75 The President's Rifle Match.
544.76 National Individual Trophy Rifle Match.
544.77 National Trophy Rifle Team Match.
544.78 National Trophy Infantry Team Match.

Subpart F—Awards

- 544.80 General.
544.81 Participation requirements for certain National Trophy Match awards.
544.82 Awards for the President's Pistol Match.
544.83 Awards for the National Trophy Individual Pistol Match.
544.84 Awards for the National Trophy Pistol Team Match.
544.85 Additional National Trophy Pistol Match awards.
544.86 Awards for the President's Rifle Match.

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- 544.87 Awards for the National Trophy Individual Rifle Match.
- 544.88 Awards for the National Trophy Rifle Team Match.
- 544.89 Additional National Trophy Rifle Match awards.
- 544.90 Awards for the National Trophy Infantry Team Match.
- 544.91 Special medals in National Trophy Individual Pistol and Rifle Matches.
- 544.92 Place medals in National Trophy team matches.
- 544.93 Place medals in individual EIC matches.
- 544.94 Distinguished designation and badge awards.
- 544.95 EIC badges.
- 544.96 Marksmanship qualification awards.
- 544.97 Scores allowed for club qualification firing.

Appendix A—Related Publications

Appendix B—Trophies of the National Board for the Promotion of Rifle Practice

Glossary

Authority: 10 U.S.C. 4307 through 4313.

Subpart A—General**§ 544.1 Purpose.**

This regulation prescribes the policies, procedures, and responsibilities for the National Matches and other excellence-in-competition (EIC) matches.

§ 544.2 References.

Related publications are listed in appendix A.

§ 544.3 Explanation of abbreviations and terms.

Abbreviations and special terms used in this regulation are explained in the glossary.

§ 544.4 The intent of the National Matches.

(a) The national Matches and included competitions are part of the Civilian Marksmanship Program (CMP). Sections 4307 through 4313, title 10, United States Code (U.S.C.), establish the CMP to be conducted under rules approved by the Secretary of the Army (SA).

(b) As part of the CMP, these matches are intended to promote the national defense. The CMP provides and encourages voluntary marksmanship training for citizens and other persons subject to induction in the Armed Forces of the United States who are not reached by training programs of the Armed Forces and who might be called into service in an emergency. The National Matches enhance this training by offering open competition at the highest national level. Further, the statutes in a above provide that marksmanship competitions sponsored by the National Rifle Association (NRA) may be held in connection with the National Matches.

(c) The Services have established individual rifle and pistol matches at major command levels in which civilians may participate. The Services will conduct these matches according to the parts of this regulation that apply.

(d) Upon approval by the Director of Civilian Marksmanship (DCM), recognized civilian rifle and pistol clubs and State rifle and pistol associations may conduct similar matches in conjunction with NRA Regional and State Championships. The intention of all of these matches is to promote civilian marksmanship training.

§ 544.5 Composition of the National Matches.

The National Matches are composed of (a) through (e) of this section.

(a) *Small Arms Firing Schools (SAFS).* The SAFS give instruction in the service rifle and pistol, particularly the current service rifle with which civilians may not be familiar. The SAFS, also introduce the latest approved training concepts for these arms. The Army will conduct the schools and provide the Director, SAFS. Other Services, including Reserve Components, will assist at the schools. The Director, SAFS, may request Armed Forces shooting teams participating in the National Matches to provide qualified persons to serve as assistant instructors and coaches. The SA will prescribe the curriculum based on the recommendation of the National Board for the Promotion of Rifle Practice (NBPRP). The Director, SAFS, will give a certificate of satisfactory completion to those who meet the qualifications set by the NBPRP.

(b) *National Trophy Matches.* The National Trophy Matches are listed below.

- (1) The President's Pistol Match.
- (2) National Trophy Individual Pistol Match.
- (3) National Trophy Pistol Team Match.
- (4) The President's Rifle Match.
- (5) National Trophy Individual Rifle Match.
- (6) National Trophy Rifle Team Match.
- (7) National Trophy Infantry Team Match.

(c) *NRA National Rifle and Pistol Championships.* The NRA National Rifle and Pistol Championships are conducted according to the NRA's rules and regulations. These championships are listed below.

- (1) National Pistol Championships.
- (2) National Smallbore Rifle Position Championships.
- (3) National Smallbore Rifle Prone Championships.

(4) *National Highpower Rifle Championships.*

(d) *Additional events.* The National Matches also include events sponsored by the SA or sponsored by the NRA and arranged in coordination with the SA.

(e) *Ceremonies.* As approved by the DCM, (who is also the National Matches Installation Commander (NMIC)), the appropriate opening, closing, award, and other ceremonies are conducted as official parts of the National Matches.

§ 544.6 National Match Staff.

(a) The organization of the National Match Staff is shown in figure 1-1.

(b) The specific duties of the National Match Staff are set by the DCM/NMIC and the NRA National Match Coordinator.

(c) Key members of the National Match Staff are listed below. Their responsibilities are explained in the paragraphs cited after their titles.

- (1) DCM/NMIC (§ 544.3)
- (2) Executive Officer, National Matches (XO, NM)/Deputy Installation Commander (Operations/Services) (DNMIC (Ops/Svcs)) (§ 544.14 2-4).
- (3) Executive Officer, Civilian Marksmanship Program (Support) (XO, CMP (SPT)) (§ 544.15).
- (4) NRA National Matches Coordinator (§ 544.81-8).
- (5) Match Directors (§ 544.17).
- (6) Deputy Match Directors (§ 544.8).
- (7) Range Director (§ 544.18).
- (8) Statistical Director (§ 544.19).
- (9) Director, SAFS (§ 544.20).
- (10) National Matches Support Coordinator (§ 544.6).
- (11) Chief, National Matches Support Detachment (NMSD) (§ 544.23).
- (12) Ohio Army National Guard Facilities Manager (§ 544.28).
- (13) Billeting Officer.
- (14) US Army Reserve Command and Liaison Group Commander.
- (15) Active Army Food Service Advisor.

§ 544.7 Armed Forces involvement.

The US military services will support the National Matches as follows:

(a) The Army will conduct the SAFS.

(b) As approved by the SA and subject to the availability of resources, the Army will also supply the personnel, equipment, and supplies needed to conduct the National Matches.

(c) Subject to the availability of resources, all Services will furnish personnel as requested by the DCM and approved by their respective departments. The number of personnel furnished should be proportional to the number of competitors that the

particular Service furnished in the most recent National Matches.

§ 544.8 Role of the NRA.

(a) The NRA sponsors and regulates the conduct of the NRA National Rifle and Pistol Championships. The NRA advises the SA and NBPRP on NRA participation in the National Matches. It also coordinates with the DCM and the XO, NM, on National Match matters.

(b) Unless the SA determines otherwise and by mutual agreement, the NRA conducts the National Matches for the SA. When requested to conduct the National Matches, the NRA assists the DCM/NMIC in the conduct of the schools related to the matches and provides, administers, and funds the NRA Match Coordinator, Match Directors, Deputy Match Directors, Range Director, Range Engineer, and Statistical Director and staff. (Their responsibilities are outlined in Subpart B.) The NRA also provides other personnel needed to conduct the shooting events and NRA-sponsored schools.

(c) The NRA National Match Coordinator is the principal representative of the NRA at the National Matches and conducts the NRA-sponsored events of the matches. When the NRA is requested to conduct the shooting events related to the National Matches, the NRA National Match Coordinator will also—

(1) Conduct the National Trophy Matches.

(2) Coordinate match operations with the DCM/NMIC.

(d) The NRA Match Directors will follow § 544.17.

(e) The NRA Deputy Match Directors will assist their NRA Match Director in conducting specific shooting events, groups of events, or championships.

§ 544.9 Places and dates.

The National Matches will be held each year at Camp Perry, Ohio, or at other places. The DCM and NRA will recommend the places and dates for the matches, and the SA will approve and publish them in advance. The National Matches Program, approved by the DCM and NRA, gives additional details on the matches.

§ 544.10 Fees.

When approved by the DCM, nominal administrative fees may be charged for the National Trophy Matches, the SAFS, and EIC matches approved by the DCM. The NRA prescribes fees for its NRA National Championships and its other events.

Subpart B—Responsibilities

§ 544.11 Secretary of the Army (SA).

The SA will conduct the National Matches each year. The SA will delegate this authority to the President, NBPRP.

§ 544.12 President, National Board for the Promotion of Rifle Practice (NBPRP).

The President, NBPRP, will—

(a) Act for the SA in the conduct of the National Matches.

(b) Advise the SA on the conduct of the National Matches.

(c) Receive advice of the NBPRP concerning the conduct of the National Matches.

(d) Provide guidance to the DCM governing the conduct of National Matches and approve the annual National Matches plan and expenditures.

§ 544.13 Director of Civilian Marksmanship (DCM).

The DCM, a statutory official, will—

(a) Direct and implement the National Matches as approved by the President, NBPRP, for the SA.

(b) Serve as the NMIC according to AR 600-20.

(c) When the National Match Staff (§ 544.6) is assembled for duty at the site of the National Matches, the NMIC will assign duties to the National Match Staff and be responsible to the President, NBPRP, for all National Match matters. However, when the NRA is requested to conduct the National Matches, the NMIC will not conduct the shooting events. Further, the NMIC will supervise personnel involved in conducting base operations associated with the National Matches. This supervision does not include courts martial jurisdiction.

§ 544.14 Executive Officer, National Matches (XO, NM).

The XO, NM, will—

(a) Perform the year-round planning and operations needed to conduct the National Matches. This responsibility includes recommending support requirements.

(b) Serve as the Deputy National Matches Installation Commander (Operations and Services) (DNMIC (Ops/Svcs)).

§ 544.15 Executive Officer, Civilian Marksmanship Program (Support) (XO, CMP (SPT))

The XO, CMP (SPT) will—

(a) Provide technical assistance and operational advice to all DCM-affiliated clubs and State associations that participate in the National Matches.

(b) Provide communications, supply and billeting (logistics), ammunition, and the ordnance safety officer (OSO) support to the NRA National Match Coordinator as required and directed.

(c) Insure the NBPRP trophies, medals, brassards, and prizes are available.

(d) Arrange for NBPRP awards ceremonies and receptions. Coordinate combined ceremonies.

(e) Supervise the in and out processing of DCM-supported State association and club teams.

§ 544.16 National Match Support Coordinator (NMSC).

The NMSC will be designated by the Commanding General, US Army Forces Command (CG, FORSCOM). The NMSC will—

(a) Coordinate the activities of the National Match Support Detachment during the National Matches.

(b) Assist the XO, NM/DNMIC (Ops/Svcs) with year-round planning and coordination for the National Matches.

(c) Attend meetings, conferences, and briefings concerning logistics support for the National Matches.

§ 544.17 Match Directors.

The Match Directors for Pistol, Smallbore rifle, and Highpower rifle will conduct specific shooting events, groups of events, or championships. When the Army conducts the matches, the Match Directors are responsible to the DCM/NMIC. When the NRA conducts the shooting events of the National Matches, the Match Directors are responsible to the NRA National Match Coordinator (§ 544.8(c)).

§ 544.18 Range Director.

The Range Director is responsible to the respective Deputy Match Director.

The Range Director will prepare, maintain, and operate the firing ranges. Operating the ranges includes controlling and directing all personnel, competitors, and spectators on the ranges. Normally, the Range Director is assisted by and is responsible for the functions of the following officials and others as designated:

- (a) Range Safety Officer.
- (b) Range Communications Officer (normally provided from the military).
- (c) Range Engineer Officer.
- (d) Chief Range Officer (usually one for each range).
- (e) Chief Pit Officer (usually one each operating rifle range).

§ 544.19 Statistical Director.

The Statistical Director is responsible to the Match Director and will perform the statistical operations. These operations include—

(a) Insuring that match entries are correct.

(b) Checking the eligibility of competitors and teams. The Statistical Director will work with the Range Director in assigning these people to relays and targets.

(c) Verifying scores.

(d) Listing participants in order of excellence.

(e) Publishing match results in official bulletins.

§ 544.20 Director, Small Arms Firing Schools (SAFS).

The Director, SAFS, will organize and conduct the SAFS.

§ 544.21 The Commanding General, US Army Material Command (CG, AMC).

CG, AMC, will act as the procurement agent for small arms and related equipment used to support the National Matches. Also, CG, AMC, will budget for and provide—

(a) The personnel, supplies, and equipment needed for the onsite repair of service-type small arms. Such repair will be provided only if required and authorized.

(b) Technical assistance and advice regarding National Match arms, ammunition, target materiel, and related equipment.

(c) Limited logistical support as required.

(d) The OSO (§ 544.24).

§ 544.22 Chief of Public Affairs (CPA).

The NMPAO will be assigned by the SA. The NMPAO will—

(a) Be responsible to the NMIC for National Match public information and public relations matters.

(b) Conduct a program of public information to stimulate nationwide interest in the National Matches. The purpose of this program is to improve public support for marksmanship as both an important element of national defense and as a contributor to developing high personal attributes in the participants.

(c) Work with the public information activities conducted by the Services and the NRA.

§ 544.23 Chief, National Matches Support Detachment (NMSD).

The Chief, NMSD, will, through the NMSC, act as the logistics coordinator for the National Matches, supervise all National Match supply activities, and coordinate service activities. The Chief, NMSD, will—

(a) Procure, control, and issue Army-furnished supplies and equipment.

(b) Provide repair and utilities activities.

(c) Issue and/or sell ammunition or arms that are provided by the DCM and that are required and authorized.

(d) Coordinate logistical matters between National Match activities and match support organizations.

§ 544.24 Ordnance Safety Officer (OSO).

The OSO will—

(a) Investigate the circumstances leading to any weapon or ammunition malfunction that results in an accident or creates a hazardous condition at the match site.

(b) Determine the probable cause of a malfunction and insure the problem has been resolved before the weapon or ammunition is returned to the firing line.

(c) Report to the Match Director, in writing, about an incident or malfunction that has called for his or her services.

§ 544.25 Commanding General, US Army Forces Command (CG, FORSCOM).

The CG, FORSCOM, will—

(a) Appoint the NMSC.

(b) Budget for and provide personnel and other support and services as required by the National Matches Support and Operations Plan.

§ 544.26 Commanding General, US Army Training and Doctrine Command (CG, TRADOC).

The CG, TRADOC, will budget for and provide services and equipment in the areas of communications, facilities engineering, food service, medicine, maintenance, supply, transportation, procurement and contracting, and other areas as may be required by the National Matches Support and Operations Plan. The CG, TRADOC, will also provide comptroller assistance as required.

§ 544.27 Commanding General, US Army Communications-Electronics Command (CG, CECOM).

The CG, CECOM, will budget for and provide selected items of signal equipment as set forth in the National Matches Support and Operations Plan.

§ 544.28 Adjutant General, Ohio National Guard.

(a) Per existing leases and contracts, the Adjutant General, Ohio National Guard, will provide personnel, services, facilities, and equipment to the maximum extent possible to support and conduct the National Matches.

(b) Additional support that may be requested that is not provided for elsewhere, may be provided for when concurred in by the Adjutant General, Ohio National Guard, and approved by the National Guard Bureau as appropriate.

Subpart C—Competitor Eligibility, Requirements, Categories, and Teams

§ 544.29 Eligibility for the matches.

(a) The National Trophy matches are open to all US citizens 16 years of age or older, any other persons subject to induction in the US Armed Forces, and all members of the US Armed Forces, both Regular and Reserve Components. The minimum age may be waived. (Requests for waivers, with justification, must be submitted to the DCM before the opening date of the National Matches.)

(b) Other EIC matches noted in § 544.30 are open as described in (a) of this section. However, there are restrictions for these matches. These restrictions are described in §§ 544.30 (c) and (d) and 544.94. Further restrictions for Service personnel are described in the regulations of their own Service. The match sponsor may waive the minimum age requirement. Requests for waiver will be submitted to the sponsor as explained in the match program. These requests must include a justification. For example, an acceptable justification is that the person is classified by the NRA as a Sharpshooter or higher or has completed an EIC match with the arm concerned.

(c) Competitors designated Distinguished with the arm concerned may enter the National Trophy Matches and other EIC matches. Non-Distinguished competitors cannot enter any EIC match on a noncredit basis (such as entering for practice).

(d) Non-Distinguished military competitors may not enter EIC matches at NRA Regional or State championship matches if these competitors have earned, with the arm concerned, the maximum credit points their Service allows for such matches.

(e) The SAFS are open to all US citizens, any other persons subject to induction in the US Armed Forces, and all members of the US Armed Forces, both Regular and Reserve Components. To attend the SAFS, a person must not necessarily compete in the National Matches. For pistol instruction, a person must be 16 years old or older; for rifle instruction, 12 years old or older.

§ 544.30 Requirements for competitors in individual matches.

(a) All competitors must state on their entry forms whether their status is Distinguished or non-Distinguished.

(b) For the National Trophy Matches, non-Distinguished military competitors must advise the DCM when, per their Service's regulations, they cannot be credited with points earned in National

Trophy Matches. Competitors must advise the DCM before the matches and in writing.

§ 544.31 Requirements for military competitors.

Military competitors (Regular and Reserve Components) who compete in the National Matches and whose transportation or other expenses connected with the matches are paid, wholly or in part, from appropriated or quasi-official Government funds must meet special requirements. (Examples of quasi-official Government funds are funds for exchanges, recreation, and morale.) These competitors will—

(a) Participate in the appropriate SAFS.

(b) Enter and complete the appropriate National Trophy Individual Match and President's Match if eligible under this regulation, unless eliminated from the match.

(c) Enter and complete the appropriate National Trophy Team Matches if eligible under this regulation and selected by the team captain, unless eliminated from the match.

(d) Fire a service rifle (authorized by § 544.51) at ranges of 200 through 600 yards in both the NRA and the National Trophy Rifle Matches, unless exempted in the current match program. These military competitors may also use other rifles at greater ranges.

§ 544.32 Requirements for certain civilian competitors.

Civilian competitors in the National Trophy Matches whose transportation or other expenses connected with these matches are paid, wholly or in part, by the DCM must meet special requirements. These competitors will—

(a) Attend the appropriate SAFS.

(b) Enter and complete the appropriate National Trophy Individual Match and President's Match, unless eliminated according to § 544.41.

(c) Enter and complete the appropriate National Trophy Team Matches if selected by a team captain, unless eliminated according to § 544.41.

§ 544.33 Competitor categories for National Trophy Matches.

Competitors may register and participate in only one of the following categories:

(a) *Regular Service.* (1) This category consists of—

(i) Regular Service personnel on active duty.

(ii) National Guard and Reserve personnel on extended active duty with active forces of 90 days or more with a Regular Service status under Title 10 USC.

(2) This category does not include enrolled undergraduates of the Service academies.

(b) *Reserve.* This category consists of members of any Reserve branch of the US Armed Forces who are not on extended active duty as in (a) above. It includes Fleet Reserve but excludes Fleet Marine Corps Reserve. This category also excludes Army or Air National Guard and ROTC. If also qualified under § 544.83 (e) and (f)(3), Reserve members may instead register and participate in one of those categories.

(c) *National Guard.* This category consists of members of the Army or Air National Guard who are not on extended active duty as in a(1)(b) of this section. If also qualified under §§ 544.33 (e) or (f)(3), National Guard members may instead register and participate in one of those categories.

(d) *Service Academy and Reserve Officers Training Center (ROTC).* (1) This category consists of enrolled undergraduate members of—

(i) The Service academies of the Armed Forces.

(ii) Any high school or college Army, Navy, or Air Force ROTC unit.

(2) If also qualified under (f)(3) of this section, Service Academy and ROTC members may instead register and participate in that category.

(e) *Police.* This category is defined in NRA Rule 2.4. If also qualified in the Reserve, National Guard, or Civilian categories, police may instead register and participate in one of those categories.

(f) *Civilian.* This category consists of competitors listed in § 544.33(f)(1) through § 544.33(f)(3). Reserve or National Guard category personnel who elect to compete as civilians under § 544.33(f)(3) may not revert to a Reserve or National Guard category later, unless the proper authority orders them to active duty for a purpose other than marksmanship competition. The penalty for noncompliance will be determined by the DCM.

(1) Individuals who are not in the Regular Service, Reserve, National Guard, Service Academy and ROTC, or Police categories.

(2) Retired service (Regular, Reserve, or National Guard) and Fleet Marine Corps Reserve personnel. However, if qualified in the Police category, they may instead register and participate as Police.

(3) Members of the Reserve, National Guard, Service Academy and ROTC, or Police categories who, during the current calendar year, have not—

(i) Competed with the arm concerned in any of the Reserve, National Guard,

Service Academy and ROTC, or Police categories.

(ii) Received support for any competition in the form of arms, ammunition, or travel expenses, wholly or in part, from organizations in the Reserve, National Guard, and Service Academy and ROTC categories. Do not include as support the arms or ammunition provided for a specific competition (such as National Trophy or other EIC matches) when such items are available to all competitors within the calendar year.

(g) *Junior.* This category consists of civilians who will not reach 20 years old by the end of the calendar year. Juniors may compete on Civilian teams if they are eligible. Individuals who have National Guard, Reserve, or Regular Service status may not compete as juniors.

(h) *Women.* This category consists of females belonging to a particular and usually specified category (as by birth, residence, or membership).

§ 544.34 Team member eligibility.

For teams to be eligible to compete, the following requirements must be met:

(a) No person may be a team captain, firing member, or alternate member of a team unless he or she is qualified in the category the team represents. (Categories are listed in § 544.33.) This rule does not apply to police on State Civilian teams as authorized in § 544.34(f)(1). Nor does it apply to qualified juniors on Civilian teams.

(b) Individuals must be bona fide members of the organization and category represented for at least 30 days before the opening date of the matches.

(c) Members of State Civilian, State Junior, State fraternal-type Police organization, or club teams must be bona fide residents of the State that the team represents or in which the club is located. Further, they must have lived in that State for at least 30 days before the opening date of the matches.

§ 544.35 Authorized teams in National Trophy Team Matches.

The categories of teams that may enter the National Trophy Team Matches and the number that may enter in each category are listed below.

(a) *Regular Service.* Two teams may represent each Service (the Army, Navy, Marine Corps, Air Force, and Coast Guard).

(b) *Reserve.* Two teams may represent the Reserve branch of each Service (the Army, Navy Air Force, Marine Corps, and Coast Guard).

(c) *National Guard.* Two teams may represent the National Guard at large.

Such teams may be composed of both Army National Guard and Air National Guard personnel.

(d) *Service Academy and ROTC.* One team from each Service academy may participate in the match. One team from each Army ROTC region, Naval Base Command, and Air Force ROTC Liaison Area within the continental United States (CONUS) may participate. ROTC members from units outside CONUS will compete on ROTC teams as authorized by the DCM.

(e) *Police.* One or more teams may represent each bona fide organized Federal, State, county, or municipal agency having law enforcement police powers. Also, one or more teams may represent a State, Commonwealth, Territory, or District of Columbia police organization of a fraternal nature. Fraternal organizations may enter only if they are organized according to AR 920-20 and affiliated with the DCM, or they are organized as a club and in good standing under the rules of the NRA. However, the entry of more than one team per fraternal organization will be subject to the availability of range facilities.

(f) *Civilian and Junior.* (1) One or more State Civilian teams and one or more State Junior teams may represent the DCM-affiliated State association of each State, Commonwealth, Territory, and the District of Columbia. However, the entry of more than one team per organization will be subject to the availability of range facilities. Also, only one State Civilian team and State Junior team may be supported by the DCM through payment of travel and subsistence expenses on a cost sharing basis. Each State Civilian team in the National Trophy Pistol Team Match may include two police officers; however, the officers must not be members of a police organization that enters a team in the same match.

(2) One or more Civilian teams and one or more Junior teams may represent a club. The club must be organized according to AR 920-20 and in good standing on the rolls of the DCM, or it must be organized and in good standing under the rules of the NRA. The entry of more than one team per club will be subject to the availability of range facilities.

§ 544.36 Requirements for new shooters in National Trophy Team Matches.

(a) *Regular Service, Reserve, and National Guard Teams.* Pistol teams will have at least one firing member who has never fired before as a member of any team that has competed in the particular event. Rifle teams will have at least two such firing members.

(b) *Civilian and Police teams.* These teams will have at least one firing member who has never fired before as a member of any team that has competed in the particular event.

(c) *Service Academy, ROTC, and Junior teams.* There are no requirements for new shooters on these teams. Having fired as a member of a Service Academy or ROTC team or as a junior member of a Civilian team is not considered previous participation. It will not disqualify a competitor from being a member of teams in a and b above.

Subpart D—General Rules for National Trophy Matches

General Match Rules

§ 544.37 National Trophy and EIC match rules.

(a) NRA rules will apply unless changed by this regulation or as stated in § 544.37(b).

(b) The XO, NM, or the corresponding official in another EIC match, may alter the NRA rules for a particular match only if such action is needed to complete the match successfully. If any alterations are made, the XO, NM, or the corresponding official must immediately report the details in writing to the President, NBPRP (ATTN: DCM).

§ 544.38 Entries.

(a) Individual entries will be made in advance as prescribed in the match program. Post entries will be accepted if the established post entry fee is paid, range space is available, and the acceptance of the post entry will not interfere with match operations. The following individual entry forms may be obtained by request to the Statistical Director or the DCM:

(1) DA Form 1342 (Entry and Score Card for Individual Pistol Match) or a substitute form approved by the DCM.

(2) DA Form 1344 (Entry and Score Card for Individual Rifle Match) or a substitute form approved by the DCM.

(b) Team match entries will be made by team captains using official forms provided by the Statistical Director. Team captains will—

(1) Enter the following data on the team entry form.

(i) The full official name and address of the organization their team represents. Civilian, Junior, and Police teams will be recognized as representing a particular State, Commonwealth, Territory, the District of Columbia, or DCM- or NRA-affiliated organization only if attested to on the form by an official of the organization represented.

(ii) The category under which the team will enter according to § 544.33.

(iii) Further identification of the organization's team name (such as "Blue," "Jones," or the like) if the organization enters more than one team.

(iv) The designations of team officials and other members.

(v) Each member's correct first name, middle initial, last name, home address, and if applicable, the member's grade and official military mailing address.

(vi) A statement by the team captain that the team is certified under this regulation.

(2) Submit entry forms at the match site, as prescribed in the match program. Entries by mail will not be accepted.

(c) Incomplete or inaccurate entry forms or the use of the wrong form may cause the entries to be refused or the individual or team entrant to be disqualified.

(d) Entries will be accepted on a first-come, first-served basis until range capacity is filled.

§ 544.39 Directives competitors must follow.

(a) The competitor must know and comply with this regulation, the Official Match Program, and the NRA rules and Match bulletins that apply.

(b) In team matches, the team captain will insure that team members comply with a above.

§ 544.40 Coaching.

Coaching is not permitted in individual matches; it is permitted only in team matches. Usually, coaching is permitted only within the team, but there are exceptions to this rule:

(a) Service members will coach teams of their respective Services, and only Service members may coach Service Academy and ROTC teams. They may also coach Police, Civilian, and Junior teams.

(b) Upon request by a Civilian, Junior, or Police team, the XO, NM, will assign a coach from among qualified and available Service personnel.

§ 544.41 Elimination of teams or individuals.

The XO, NM, or the corresponding official in matches may establish standards by which individuals and teams of the lowest standing may be eliminated after the first stage of a match is completed.

§ 544.42 Penalties.

(a) Any person interfering with or annoying a competitor on the firing line will be warned by a range official to stop. If the offender does not stop, he or she will be disqualified from that match and ordered off the range immediately.

(b) If the XO, NM, finds a competitor guilty of any of the offenses below, the competitor may be disqualified from competing further in the current National Trophy Matches. Further, the competitor may be denied any award won during the current matches. However, these penalties will be imposed only if the competitor is found guilty. The offenses are—

- (1) Violating range safety regulations or the safety precautions prescribed in this regulation.
- (2) Firing under an assumed name.
- (3) Firing under a name other than the one on the entry form.
- (4) Firing more than once for the same award.
- (5) Falsifying scores or being an accessory to falsifying scores.
- (6) Offering any person a bribe relating to a match.
- (7) Evading the conditions prescribed for a match.
- (8) Refusing to obey the instructions of a match official.
- (9) Disorderly conduct.
- (10) Being guilty of conduct that the XO, NM, considers a discredit to the National Matches, their sponsors, or the intended purposes of the matches.

§ 544.43 Competitors verifying their scores.

The competitor in individual matches and the team captain in team matches must verify the score card. Verification includes checking the names on the card, the value of each shot, and all other data and then signing the card. The signature acknowledges the card is correct. Should a competitor or team captain sign an incorrect score card or leave the firing line without signing the card, no challenge or protest concerning data recorded on the card will be allowed. If the competitor or team captain wants to protest data recorded on the card, he or she will write the word "Protested" above the signature and follow the procedure prescribed in § 544.45.

§ 544.44 Referees, scoring, and challenge procedures.

NRA rules cover the use of referees and scoring and challenge procedures. Exceptions are listed below.

(a) The Match Director will appoint an Official Referee and Assistant Referees are required, including Scoring Referees for Pistol matches.

(b) If a competitor (in individual matches) or a team captain (in team matches) is not satisfied with the score announced by the scorer, the competitor or team captain may challenge it. They must pay a challenge fee (c below) to have the Referee settle the disputed

score. The Referee's decision will be final. For pistol matches, the decision of the Scoring Referee is final. For rifle matches, the decision of the Pit Officer is final.

(c) The XO, NM, will establish the challenge fee. When the Referee's decision is not in favor of the competitor or team member, the challenge fee will be delivered to the XO, NM, for deposit into the National Match Fund. If the decision is in favor of the competitor, the challenge fee will be returned.

§ 544.45 Protests.

(a) Competitors (in individual matches) or team captains (in team matches) may protest any decision or injustice that they believe unfairly affects the competition. Protests may be in such areas as competitor or team eligibility, the conditions of firing (including the conditions under which another competitor is permitted to fire), or the equipment allowed. However, competitors or team captains may not protest the score of a target. In this case, they must challenge the score according to § 544.44.

(b) A protest must be made when the incident occurs and according to the steps below. Failure to comply with these steps may void a protest.

(1) State the complaint orally to the Chief Range Officer or to the Statistical Director, as appropriate, for a decision. If not satisfied with that decision, then follow § 544.45(b)(2).

(2) State the complaint orally to the Official Referee for a decision. If not satisfied with that decision, carry out § 544.45(b)(3) within 2 hours after completing the match.

(3) File a formal, written protest with the Official Referee. State all the facts the protest is based on. As quickly as possible, the Official Referee must send this protest to the National Trophy Match Protest Committee. The Official Referee will include his or her own statement concerning the alleged facts, any other facts considered pertinent to the case, and copies of related documents such as entry forms and score cards.

(c) The National Trophy Match Protest Committee will sit at the match site. The committee will consist of three or more members appointed by the Match Director. The Match Director will not appoint competitors or team or match officials participating in the match being protested. The decision of the committee will be final.

§ 544.46 Bulletins.

Preliminary bulletins showing award winners will be published at the match site. Complete, final official bulletins

showing the scores for all competitors, including all firing members of teams, will be published by the Statistical Director in coordination with the DCM/NMIC. The bulletins will be published as soon as possible after the matches are completed.

Team Match Rules

§ 544.47 Team composition.

Each team will include the number of firing members required by the match conditions to fire for score. A team may include up to two alternate firing members who are eligible to fire as substitutes. (Follow NRA Rule 12.4 when using substitutes.) Each team will have a designated team captain and may have a designated team coach. (See para 4-4 on when coaches are allowed and who may serve as a coach.) The captain and coach may be firing members or alternates if eligible, and must be listed as such on the team entry form. (§§ 544.36 and 544.38 discuss new shooter requirements and team member eligibility.)

§ 544.48 Team squadding.

(a) All teams will be assigned the same number of targets.

(b) In rifle team matches, slow fire will be conducted with two firers assigned to a single target. This is known as pair firing. If firing points are too narrow to permit this procedure, each team may be assigned one or more adjoining firing points, provided all teams fire concurrently. When enough targets are available, each team may be assigned more than one target. However, in this case, each team must be assigned the same number of targets.

(c) When two competitors are assigned to a single target (pair firing), they will fire alternately. The competitor on the right will fire first. A shot fired out of turn will be scored as a miss. A range official may require a left-handed competitor to be on the left of a pair.

(d) Team captains may place team members on assigned targets in any order they choose. They may change the order of a team member firing between stages, in each case notifying the scorer.

§ 544.49 Station and duties of team coaches.

(a) In the slow fire stages of rifle matches, the team coach's station will be between the pair on the firing line. If only one member is firing, the station will be directly behind the member. In rapid fire stages, the station will be directly behind the member firing.

(b) In pistol team matches, one coach is allowed for each team. When the team is on the firing line, the team

coach's station will be directly behind the team member or members firing.

(c) In pair firing, the positions of the coach or competitors may not be shifted to form a windshield for a firer.

(d) When the team is on the firing line, coaches will be confined to the prescribed station and to the activities normally expected of a coach. Coaches may assist team members by calling shots, checking time and scores, ordering sight changes, and so on. However, coaches may not physically assist in loading, making sight changes, or in assuming positions. Also, they must control their voices and actions so as not to disturb other competitors. In communicating with the team, coaches will not use electrical or mechanical means.

§ 544.50 Stations of team captain.

When a team is on the firing line, the team captain and one assistant may be stationed in front of the ready line and slightly behind the coach. The captain is positioned there to observe team operations and the scorekeeping. The team captain may not assist in coaching unless occupying the coach's station. The captain may talk with the coach if it does not distract firers on the firing line. The captain may not talk to the firer.

Types of Firearms, Ammunition, and Other Equipment

§ 544.51 Description of arms to be used.

(a) US rifle, caliber .30 M1. Competitors may use the caliber .30 M1 as issued by the US Army, a commercial rifle of the same type and caliber, or either rifle if chambered for 7.62mm. The requirements for these rifles are listed below.

(1) The trigger pull must be at least 4½ pounds.

(2) A standard issue type wood or synthetic material stock and standard issue type leather or web sling must be used.

(3) Sling cuffs and sling pads are not permitted. Hooks, buttons, straps, or other similar devices fastened to the shooting coat for the purpose of holding the sling in place are prohibited.

(4) The gas system must be fully operational.

(5) The front and rear sights must be of US Army design for this rifle, but the dimensions of the rear sight aperture and front sight blade may vary.

(6) External alterations to the assembled arm are not allowed.

(7) These rifles may be modified internally to improve functioning and accuracy. A special match barrel may be installed. Synthetic materials may be applied to the interior of the stock to improve the bedding. Modifications

must not interfere with the functioning of the rifle and safety devices as manufactured. Also, modifications must not change the configuration or appearance of the assembled arm.

(b) US rifle, caliber 7.62mm M14 series. Competitors may use the caliber 7.62mm M14 series as issued by the US Army or a commercial rifle of the same type and caliber. The requirements for these rifles are listed below.

(1) The trigger pull must be at least 4½ pounds.

(2) A standard issue type wood or synthetic material stock must be used. The stock must not be more than 2 inches wide at a point immediately to the rear of the front band and not more than 2.5 inches wide at the front and rear of the receiver. The width at the receiver may be carried through to the butt plate. The stock must have a continuous taper from receiver to front band.

(3) A standard issue type leather or web sling must be used. Sling cuffs and sling pads are not permitted. Hooks, buttons, straps, or other similar devices fastened to the shooting coat for the purpose of holding the sling in place are prohibited.

(4) The gas system must be fully operational. To improve operation, the gas cylinder plug may be altered by making an axial hole that is approximately ¼ inch in diameter in the center of the plug.

(5) The front and rear sights must be of US Army design for this rifle, but the rear sight aperture and front sight blade may vary in dimensions.

(6) The rifle must be adjusted so that automatic fire is impossible without removing the stock and changing or altering parts.

(7) The standard 20- or 30-round box magazine must be attached during the firing of all courses and in all positions.

(8) The hinged butt plate will be used only in the folded position.

(9) External alterations to the assembled arm are not allowed.

(10) The rifle may be modified internally to improve functioning and accuracy. A special match barrel may be installed. Synthetic materials may be applied to the interior of the stock to improve the bedding. Modifications must not interfere with the proper functioning of the rifle or safety devices as manufactured. Modifications must not change the configuration or appearance of the assembled arm.

(c) US rifle, caliber 5.56mm M16 series. Competitors may use the caliber 5.56mm M16 series as issued by the US Armed Forces or a commercial rifle of the same type and caliber. The US rifle caliber 5.56mm M16A2 or its commercial

equivalence is not authorized under these regulations. The requirements for these rifles are listed below.

(1) A bipod or grenade launcher will not be used.

(2) The trigger pull must be at least 5 pounds.

(3) A standard issue type stock, pistol grip, handguard, and web sling must be used.

(4) The rifle must be modified so that automatic fire is impossible without removing, replacing, or altering parts.

(5) The standard 20- or 30-round box magazine must be attached during the firing of all courses and in all positions.

(6) The gas system must be fully operational.

(7) External alterations to any part of the assembled arm are not allowed. However, an external device may be attached to prevent selector level movement to the auto position.

(8) The front and rear sights must be the standard design for this rifle as issued by the US Armed Forces.

(9) Hooks, buttons, straps, or other similar devices fastened to the shooting coat for the purpose of holding the sling in place are prohibited.

(d) US pistol, caliber .45M1911 or M1911A1. Competitors may use the caliber .45M1911 or M1911A1 as issued by the US Armed Forces or a commercial pistol of the same type and caliber. The requirements for these pistols are listed below.

(1) A standard issue stock of wood or synthetic material, a similar stock of commercial manufacture, or another comparable design that does not interfere with the functional or maintenance features of the pistol must be used. The stock must be functionally identical for right or left hand use.

It must not—

(i) Be more than 1½ inches thick between the right and left side extremities.

(ii) Cover the mainspring housing.

(iii) Prevent holstering in the standard service holster.

(2) The trigger pull must be at least 4 pounds.

(3) The pistol will have open sights only. The front sight must be nonadjustable. The rear sight may be adjustable and must have an open "U" or rectangular notch. The distance between sights, measured from the apex of the front sight to the rear face of the rear sight, must not be more than 7¼ inches.

(4) The forestrap of the grip may be checkered or stippled.

(5) The mainspring housing may be either the straight or the arched type, and may be checkered or stippled.

(6) Trigger shoes and trigger stops, internal or external, may be used.

(7) External finishes may be blued, parkerized, or bright. All other external alterations, additions, or changes to the appearance or configuration of the assembled arm are prohibited, except that the ejection part may be lowered to aid in ejection.

(8) The pistol may be modified internally to improve functioning and accuracy. (For example, a special match barrel may be fitted.) However, the modifications may not interfere with the proper functioning or safety devices of the arm as issued by the US Armed Forces. All safety features must operate properly.

§ 544.52 Rifles and pistols available.

Under rules announced by the DCM, National Match-grade rifles M14 and M1 and pistol M1911 series will be made available at the National Matches for temporary loan to participants.

§ 544.53 Checking firearm characteristics.

The competitor will insure that his or her firearm is safe and meets the requirements of § 544.51. At any time, the XO, NM, may direct the weighing of triggers with official test weights and may check other functions and component parts.

§ 544.54 Use of the same firearm by more than one competitor.

More than one competitor may use the same firearm in a match if squadding permits, but special squadding for this purpose is not authorized.

§ 544.55 Disabled firearm.

Within 30 minutes of the time the appropriate range official declares a firearm disabled, the competitor must repair or replace the firearm and report with it to a range official. A replacement firearm, if authorized, must be of the same type and caliber as the disabled firearm.

§ 544.56 Ammunition.

Range personnel will issue Government special match, match-grade, or service-grade service ammunition at the firing line. A single lot will be used if feasible, but more than one lot may be used if circumstances require. Competitors will fire only this ammunition and none other. Competitors will be disqualified if ammunition issued to them is altered in any way. Competitors will also be disqualified if any other ammunition is found about their person or equipment while they are on the firing line. However, if the match sponsor does not make 5.56mm ammunition available, competitors using the M-16 series rifle

or commercial equivalent will use their own safe ammunition.

§ 544.57 Targets.

The following target will be used:

(a) Pistol targets.

(1) For firing at 50 yards, use the Standard American 50-yard pistol target with the X, 10, 9, and 8 rings black (NRA B-6 target).

(2) For firing at 25 yards, use the Standard American 25-yard, rapid fire pistol target. Use the same dimensions as § 544.57(a)(1) of this section, but with only the X, 10, and 9, rings black (NRA B-8 target).

(b) Rifle targets (except in the National Trophy Infantry Team Match).

(1) For firing at 200 yards or meters, use the standard US Army, short range (200 to 300 yards or meters), competitive rifle target with the X, 10, and 9 rings black (NRA SR target).

(2) For firing at 300 yards or meters, use the same target and distance as in § 544.57(b)(1) of this section, except the aiming black is enlarged to include the 8 ring (NRC SR-3 target).

(3) For firing at 600 yards, use the standard US Army target, midrange (500 to 600 yards or meters), competitive rifle target with the X, 10, 9, 8, and 7 rings black (NRA MR-1 target).

(c) For the National Trophy Infantry Team Match, use the targets described in § 544.79(c)(4).

§ 544.58 Field glasses, telescopes, and binoculars.

In the Infantry Match, the team captain and coach will not be permitted to use field glasses or binoculars of greater power or objective lens diameter than 10 x 50. Binoculars will be provided on the firing line for teams requiring them. The team captain and coach may use a telescope behind the assembly line for the purpose of reading the wind before the start of their team relay. These telescopes will not be used for coaching after the targets have appeared for the team and may not be displaced forward of the assembly line.

Firing

§ 544.59 Safety precautions.

(a) Arms will be loaded only at a firing point and only when directed by a range official for authorized firing.

(b) Unless competitors are at a firing point and the range official has given the order to load, they must keep—

(1) The magazines must be removed from the firearm.

(2) The slides or bolts locked back.

(3) The safeties of rifles on.

(c) During and until their arms are unloaded, competitors will—

(1) Keep their pistols at the raised (or ready) pistol position or hold them on the bench and pointed downrange at the target.

(2) Keep their rifles pointed downrange at the target.

§ 544.60 Organization of firing areas.

The firing areas on each range will be organized into a firing line, a ready line, and an assembly line.

§ 544.61 Station of competitors.

Each competitor will remain on or behind the assembly line until the competitor's assigned relay is called to the ready line or firing line. Without the Range Director's permission, only the following people will be allowed forward of the assembly line:

- (a) The officials of the matches.
- (b) NBPRP members.
- (c) Team officials.
- (d) Competitors on the ready line and on the firing line.
- (e) Scorers.
- (f) Others on duty.

§ 544.62 Target assignments and operations in the rifle matches.

(a) The Statistical Director will assign targets and relays. Competitors may obtain these assignments at times announced by the Statistical Director. Before the matches start, target assignments will be posted at a convenient location.

(b) Each team will assign two target pullers to work in the pits. Target pullers must be physically able and experienced in handling targets for high power rifles. Failure to provide capable target pullers may disqualify the team involved. Both target pullers will go to the target assigned to their team. Before the firing starts, one puller will be reassigned at random by the chief pit officer.

(c) Firing will not be interrupted for changes of pit personnel. Once firing has started, and if other conditions permit, the match will continue until all firing is completed.

§ 544.63 Slow target operation in rifle matches.

In individual matches, if a competitor believes a target is operating slowly he or she must complain to a line official. In team matches, the team captain makes the complaint. Complaints must be made before completing a firing stage and in ample time to enable the line official to check the time used. The line official will check the time used by the competitor and by the target operators and make adjustments as needed. When there is no complaint to a line official by the competitor or team captain, it will be

assumed the target was operated satisfactorily.

§ 544.64 Practice firing.

During the SAFS, the only firing permitted is that scheduled in the school curriculum. At other times, practice firing may be allowed if the match program states that it is allowed at the range and range personnel are available.

§ 544.65 Firing procedure and punctuality.

(a) Matches will be fired in relays. The XO, NM, may decide whether to allow infiltration squadding in slow fire stages of rifle matches.

(b) After a relay is called to the firing line, competitors on that relay will be allowed 3 minutes in which to prepare to fire. Competitors will not be allowed to take positions on the firing line after the 3-minute preparation time expires, and they will lose their right to fire if they arrive after that time. They may regain their right to fire only if they present satisfactory evidence to the XO, NM, that the delay was the fault of the range operating personnel.

(c) In team matches, only the first pair of competitors for a team need to be present at the time the firing is scheduled to commence.

§ 544.66 Firing positions.

NRA Rule 5.5 on firing positions will apply. The rules for rifles are as follows:

(a) *Standing.* The sling must be attached to the rifle at both standard attachment points, in the parade position, and contained within the grasp of the supporting hand. On the M-14 rifle, the sling may rest along either the side or the bottom of the magazine. The sling may not be used for support, except as provided for in the National Trophy Infantry Team Match rules.

(b) *Kneeling.* Use of a kneeling roll or pad is prohibited.

(c) *Using ground cloths or ground pads.* Ground cloths or ground pads may be used if they do not provide artificial support. They may not be used in the National Trophy Infantry Team Match.

§ 544.67 Loading and reloading a rifle in rapid fire.

NRA Rule 9.22 applies in all matches except the National Trophy Infantry Team Match. In this match, team captains will direct loading and reloading.

§ 544.68 Unauthorized firing.

No firing is allowed except at authorized targets in prescribed practice or competition and under the supervision of assigned officials. Violation of this rule may disqualify the offender for the rest of the matches.

§ 544.69 Time limits and extensions.

(a) Time limits are prescribed in NRA Rules, section 8.

(b) The range official may extend the time in the slow fire stages if delays are caused by—

- (1) Target malfunctions.
- (2) Slow or improper target operation.
- (3) Reasons over which the competitor or team has no control.

§ 544.70 Sighting shots.

Sighting shots are not allowed in any National Trophy Matches.

§ 544.71 Competitors serving as range officials.

In the match program, the Match Director or the Range Director may require competitors to score, operate, or mark targets or serve as range officials; in team matches, they may require a team to furnish scorers for teams firing on adjacent targets. The XO, NM, may disqualify from further participation a competitor who is detailed to perform such duties and fails to do so satisfactorily.

Subpart E—Program for the National Trophy Matches

§ 544.72 The President's Pistol Match.

Table 5-1 gives the course of fire for this match.

§ 544.73 National Trophy Individual Pistol Match.

Competitors will use the National Match Pistol Course as the course of fire. Table 5-2 gives this course of fire.

Other EIC individual pistol matches will schedule this course of fire.

§ 544.74 National Trophy Pistol Team Match.

(a) Team composition. Four members fire for the team's score.

The team will consist of a team captain, team coach, four firing members, and up to two alternates.

(b) Course of fire. Each firing member will use the National Match Pistol Course (table 5-2).

§ 544.75 The President's Rifle Match.

Table 5-3 gives the course of fire for the President's Rifle Match.

§ 544.76 National Trophy Individual Rifle Match.

(a) Course A is the National Match Rifle Course. Only Course A will be scheduled in the National Trophy Matches. Table 5-4 gives this course of fire. Other EIC individual rifle matches will consist of the National Match Rifle Course A except as described in b below.

(b) Course B is restricted to the M16-series rifle or commercial rifle of the

same type and caliber (§ 544.51). This course may be scheduled for EIC individual rifle matches other than those in the National Trophy Matches. Table 5-5 gives this course of fire.

§ 544.77 National Trophy Rifle Team Match.

(a) Team composition. Six members fire for the team's score. The team will consist of a team captain, a team coach, six firing members, and two alternates.

(b) Course of fire. Course A of the National Match Rifle Course will be used for each firing member. Table 5-4 gives this course of fire.

§ 544.78 The National Trophy Infantry Team Match.

(a) Team composition. Six members fire for the team's score. The team will consist of a team captain, team coach, six firing members, and two alternates.

(b) Course of fire. Table 5-6 gives the course of fire for this match.

(c) Conditions. (1) A sling may be used for support in all positions.

(2) On the 600-yard firing line, 384 rounds of ammunition of one caliber will be issued to each team. This ammunition is the team's total for the match. The team captain will divide the ammunition among firing members and stages and decide the number of rounds to be loaded into clips or magazines.

(3) Each team will use eight adjoining targets. Gaps in the target line will separate one team's targets from another.

(4) For firing at 600 and 500 yards, a standard 600-yard target will be pasted on a standard competitive target frame. The face of the target will be reversed to display a solid white background. The Army "E" silhouette target will be pasted on this background and centered horizontally, with the top of the silhouette 13 inches below the top of the frame. For firing at 300 and 200 yards, the Army "F" silhouette target will be pasted over the face of a standard 200-yard target, with the top of the silhouette located at the top of the 8 ring.

(5) Teams will take firing positions on the 600-yard firing line as directed by the team officials. Only the captain, coach, and firing members will be permitted on the firing line during the match. After teams are in firing position with rifles loaded and locked, they may start firing when the targets appear. The targets will be withdrawn after 50 seconds. Between stages, teams will move forward abreast in a line. Their rifles will be unloaded, magazines removed, bolts open, and muzzles elevated and pointed downrange. The

firing procedure at each range will be the same as those at 600 yards. Each relay will complete the match before the next relay is called to the 600-yard firing line.

(6) Scoring. (a) All scores will be recorded on the firing line at the end of each stage. Spotters will indicate hits on the silhouettes only.

(ii) Hits on the silhouettes will count 4 points at 600 yards, 3 points at 500 yards, 2 points at 300 yards, and 1 point at 200 yards. Hits outside the silhouettes will not be scored or marked.

(iii) A bonus for distribution will be computed. At each range, count the number of silhouette targets that contain six or more hits each. Square that number, then add the square to the total hit score for that range.

(iv) Ties will be broken by the highest team score at the longest range. If the tie cannot be broken by that score, use the highest team score at the next longest range, and so on.

(7) No alibis will be allowed for misfires, disabled pieces, or other failures of range or team equipment or personnel.

(8) Telescopes and field glasses may be used as follows:

(i) Before the start of the team's relay, the team captain and coach may use a telescope behind the assembly line. These telescopes will neither be moved forward of the 600-yard assembly line nor be used for coaching after the team's preparation period starts.

(ii) After the team's preparation period starts, the captain and coach may use field glasses. However, the power and objective lens diameter of the glasses must not be more than 10 × 50mm. Field glasses will be provided on the firing line for teams requiring them.

(9) An assistant range officer will be assigned for each team to enforce safety regulations and supervise the scoring.

TABLE 5-1: COURSE OF FIRE—THE PRESIDENT'S PISTOL MATCH

Stage	Distance (yards)	Type of fire	Firing position	Number of shots	Time limit	Scoring
First.....	50	Slow	Standing.....	2 strings of 10 shots each.	10 minutes per string.	After each string.
Second.....	25	Timed.....	do	2 strings of 5 shots each.	20 seconds per string.	After 1 or 2 strings as announced by the match director.
Third.....	25	Rapid.....	do	do	10 seconds per string.	After 1 or 2 strings as announced by the match director.

TABLE 5-2: COURSE OF FIRE—NATIONAL MATCH PISTOL COURSE

Stage	Distance (yards)	Type of fire	Firing position	Number of shots	Time limit	Scoring
First.....	50	Slow	Standing.....	10	10 minutes	After 10 shots.
Second.....	25	Timed.....	do	2 strings, 5 shots each.	20 seconds per string.	After 1 or 2 strings, as announced by the Match Director.
Third.....	25	Rapid.....	do	do	10 seconds per string.	After 1 or 2 strings, as announced by the Match Director.

TABLE 5-3: COURSE OF FIRE—THE PRESIDENT'S RIFLE MATCH

Stage	Distance (yards)	Type of fire	Firing position	Number of shots	Time limit
First.....	200	Slow	Standing.....	10	10 minutes.
Second.....	300	Rapid.....	Prone from standing.....	10	70 seconds.
Third.....	600	Slow	Prone	10	10 minutes.

TABLE 5-4: COURSE OF FIRE, COURSE A—NATIONAL MATCH RIFLE COURSE

Stage	Distance (yards)	Type of fire	Firing position	Number of shots	Time limit
First.....	200	Slow	Standing.....	10	10 minutes.
Second.....	200	Rapid.....	Sitting or kneeling from standing.	10	60 seconds.
Third.....	300	do	Prone from standing.....	10	70 seconds.
Fourth ¹	600	Slow	Prone	20	20 minutes.

¹ The DCM may authorize the fourth stage to be fired at 500 yards for EIC matches other than the National Trophy Matches.

TABLE 5-5: COURSE OF FIRE, COURSE B—COMPETITIVE RIFLE COURSE, M-16 RIFLE ONLY

Stage	Distance (yards or meters)	Type of fire	Firing position	Number of shots	Time limit
First.....	200	Rapid fire.....	Rapid fire—sitting from standing.	Rapid fire—10 shots.	Rapid fire—50 seconds.
Second.....	200	Rapid.....	Kneeling from standing.....	10.....	50 seconds.
Third.....	200	Slow.....	Standing.....	10.....	10 minutes.
Fourth.....	300	do	Prone.....	10.....	Do.
Fifth.....	300	Rapid.....	Prone from standing.....	10.....	50 seconds.

TABLE 5-6: COURSE OF FIRE—NATIONAL TROPHY INFANTRY TEAM MATCH

Stage	Distance (yards)	Firing position	Time limit (seconds)
First.....	600	Prone.....	50
Second.....	500	Prone, sitting, or kneeling.....	50
Third.....	300	Sitting or kneeling.....	50
Fourth.....	200	Standing.....	50

Subpart F—Awards**§ 544.80 General.**

(a) *All EIC matches.* The providing of awards that are prescribed and earned always depends on whether funds are available.

(b) *National Trophy Matches.* (1) Awards for the National Trophy Matches will normally be given at the time and place of the National Matches.

(i) Permanent trophies will remain in the DCM's custody. They will be engraved with the names of the winners.

(ii) Winners will be awarded plaques or miniatures of the trophies. These plaques and miniatures will be engraved at the DCM's expense and according to the DCM's instructions.

(iii) In certain matches, categories, or award groups, a Secretary of the Army Trophy Firearm award will be given to the highest scoring competitor who has never received this award before. No competitor may receive more than one of these awards for a match. This award is subject to restrictions of law.

(iv) Further match awards may be authorized from time to time. Such awards and the conditions for receiving them will be published in the Match Program or in the Match Director's Bulletins.

(2) Correspondence concerning awards for the National Trophy Matches will be addressed to the Director of Civilian Marksmanship, Office of the Secretary of the Army, HQDA(SFDM), Washington, DC 20314-0100.

§ 544.81 Participation requirements for certain National Trophy Match awards.

In certain National Trophy Matches, awards are given for a named category or special awards group (such as Navy, Women, Infantry, Junior, or Police). These awards will be given only if the required number of competitors from the category or award group fire in the match. The required number are listed below.

(a) *Individual matches.* (1) Winner: At least 5 firers.

(2) Second place: At least 8 firers.

(3) Third place: At least 12 firers.

(b) *Team matches.*

(1) Winner: At least 3 teams.

(2) Second place: At least 5 teams.

(3) Third place: At least 7 teams.

§ 544.82 Awards for the President's Pistol Match.

(a) The match winner will be awarded the President's Trophy Plaque, a congratulatory letter from the President of the United States, and a President's Hundred Metallic Brassard.

(b) The match winner may also be awarded a Secretary of the Army Trophy Firearm if the requirements in paragraph 6-1b(1)(c) are met.

(c) The highest scoring 15 percent of all competitors who fire in the match will be designated "The President's Hundred." They will be awarded a "President's Hundred" metallic brassard. Not more than 100 of these awards will be given.

§ 544.83 Awards for the National Trophy Individual Pistol Match.

(a) The match winner will be awarded the Custer Trophy Plaque and a gold medal.

(b) The highest scoring Reserve competitor will be awarded the U.S. Army Reserve Memorial Trophy Plaque.

(c) The highest scoring National Guard competitor will be awarded the National Guard Association Trophy Plaque.

(d) The highest scoring Service Academy and ROTC competitor will be awarded the Intercollegiate Trophy Plaque.

(e) The highest scoring Police competitor will be awarded the Ancient Archer Trophy Plaque.

(f) The highest scoring Civilian competitor will be awarded the Silver Bowl Trophy Plaque.

(g) The highest scoring Junior competitor and Women competitor will be awarded a trophy plaque. These plaques will be named at a later date.

(h) Per paragraph 6-1b(1)(c), a Secretary of the Army Trophy Firearm award may be awarded to the highest scoring competitor in—

(1) The match (match winner).

(2) Each of the Regular Service, Reserve, National Guard, Service Academy and ROTC, Police, Civilian, Junior, and Women competitor categories (if not the match winner).

§ 544.84 Awards for the National Trophy Pistol Team Match.

Listed below are the trophy awards following the type of category. Also listed are what second and third place teams and designated competitors will receive.

(a) *Winning team awards*—The Gold Cup Trophy.

(1) The winning team will be awarded Gold Cup Trophy Plaques and gold metals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(b) *Reserve Components awards*—The U.S. Coast Guard Memorial Trophy.

(1) The highest scoring Reserve Component team will be awarded U.S. Coast Guard Memorial Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(c) *Service Academy and ROTC awards*—The Alden Partridge Trophy.

(1) The highest scoring Service Academy and ROTC team will be awarded Alden Partridge Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(d) *Police awards*—The American Indian Trophy.

(1) The highest scoring Police team will be awarded American Indian Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(e) *Civilian awards*—The Oglethorpe Trophy.

(1) The highest scoring Civilian team will be awarded Oglethorpe Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(f) *Junior awards*—(trophy to be named).

(1) The highest scoring Junior team will be awarded trophy plaques (to be named at a later date) and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(g) *Awards for highest scoring competitors.* (1) The highest scoring competitor will be awarded the Military Police Corps Trophy Plaque.

(2) The highest scoring Army competitor (Regular, Reserve, or Army National Guard) will be awarded the General Mellon Trophy Plaque.

(3) The highest scoring Air Force competitor (Regular, Reserve or Air National Guard) will be awarded the General Carl Spaatz Trophy Plaque.

(h) *Awards for the National Civilian Pistol Team.* The National Civilian Pistol Team will be awarded Elihu Root gold medals. This team will consist of the four highest scoring individual Civilian competitors in this match and the coach and captain of the highest scoring Civilian team.

§ 544.85 Additional National Trophy Pistol Match awards.

The competitors with the highest aggregate score in the National Trophy Individual Pistol Match and the National Trophy Pistol Team Match will receive the following awards:

(a) The Regular Army competitor will be awarded the FORSCOM Pistol Trophy Plaque.

(b) The Navy competitor (Regular or Reserve) will be awarded the Fleet Admiral Nimitz Trophy.

(c) The Marine competitor (Regular or Reserve) will be awarded the McMillan Trophy Plaque.

(d) The Civilian competitor will be awarded the Anheuser-Busch Trophy Miniature.

§ 544.86 Awards for the President's Rifle Match.

(a) The match winner will be awarded a President's Trophy Plaque, a congratulatory letter from the President of the United States, and a President's Hundred Metallic Brassard.

(b) The match winner may also be awarded a Secretary of the Army Trophy Firearm, subject to the conditions in § 544.80(b)(1)(iii).

(c) The highest scoring 15 percent of all competitors who fire in the match will be awarded the "President's Hundred" metallic brassard. This group will be designated "The President's Hundred." Not more than 100 of these awards will be given.

§ 544.87 Awards for the National Trophy Individual Rifle Match.

The following awards are for Course A.

(a) The match winner will be awarded the Daniel Boone Trophy Plaque and a gold medal.

(b) The second place winner will be awarded a silver medal.

(c) The third place winner will be awarded a bronze medal.

(d) The highest scoring Reserve competitor will be awarded the Citizen Soldier Trophy Plaque.

(e) The highest scoring National Guard competitor will be awarded the National Guard Association Trophy Plaque.

(f) The highest scoring Service Academy and ROTC competitor will be awarded the Hearst Rifle Trophy Plaque.

(g) The highest scoring Police competitor will be awarded a trophy plaque to be named later.

(h) The highest scoring Civilian competitor will be awarded the Nathan Hale Trophy Plaque.

(i) The highest scoring Junior competitor will be awarded the Golden Eagle Trophy Plaque.

(j) The highest scoring Woman competitor will be awarded a trophy plaque to be named later.

(k) The highest scoring Army competitor (Regular, Reserve, or National Guard) will be awarded the Association of the United States Army Trophy Plaque.

(l) The highest scoring Marine competitor (Regular or Reserve) will be awarded the Coast Artillery Trophy Plaque.

(m) The highest scoring Air Force competitor (Regular, Reserve, or National Guard) will be awarded the Lieutenant Paul J. Roberts, Jr. Memorial Trophy Plaque.

(n) The highest scoring Infantry competitor (Regular Army, Army Reserve, or Army National Guard) will be awarded the 25th Infantry Division Trophy Plaque.

(o) Per § 544.80(b)(1)(iii), a Secretary of the Army Trophy Firearm may be awarded to—

(1) The match winner.

(2) The highest scoring competitor in each of the Regular Service, Reserve, National Guard, Service Academy and ROTC, Police, Civilian, Junior, and Women categories.

§ 544.88 Awards for the National Trophy Rifle Team Match.

Listed below are the trophy awards following the type of category. Also listed are what second and third place teams and designated competitors will receive.

(a) *Awards for the winning team*—The National Trophy.

(1) The winning team will be awarded National Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(b) *Reserve Component awards*—The Hilton Trophy.

(1) The highest scoring Reserve Component team will be awarded Hilton Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(c) *Service Academy and ROTC awards.* (1) The highest scoring Service Academy and ROTC team will be awarded NBPRP Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(d) *Civilian awards*—The Soldier of Marathon Trophy.

(1) The highest scoring Civilian team will be awarded Soldier of Marathon Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(e) *Junior awards*—The Minuteman Trophy.

(1) The highest scoring team Junior team will be awarded Minuteman Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(f) *Awards for highest scoring individual competitors.*

(1) The highest scoring competitor will be awarded the Pershing Trophy Plaque.

(2) The highest scoring Army competitor (Regular, Reserve, or National Guard) will be awarded the Rattlesnake Trophy Plaque.

(3) The highest scoring Air Force competitor (Regular, Reserve, or National Guard) will be awarded the General Thomas D. White Trophy Plaque.

(g) *Awards for the National Civilian Rifle Team.* The National Civilian Rifle Team will be awarded Elihu Root gold medals. This team will consist of the six highest scoring individual Civilian competitors and the coach and captain of the highest scoring Civilian team.

§ 544.89 Additional National Trophy Rifle Match awards.

The competitors with the highest aggregate score in the National Trophy Individual Rifle Match and the National Trophy Rifle Team Match will receive the following awards:

(a) The Regular Army competitor will be awarded the FORSCOM Rifle Trophy Plaque.

(b) The Navy competitor (Regular or Reserve) will be awarded the Admiral Arleigh A. Burke Trophy Plaque.

(c) The Marine competitor (Regular or Reserve) will be awarded the General Shepherd Trophy Plaque.

(d) The Civilian competitor will be awarded the Pietroforte Trophy Plaque.

§ 544.90 Awards for the National Trophy Infantry Team Match.

Listed below are the trophy awards following the type of category. Also listed are what second and third place teams and designated competitors will receive.

(a) *Winning team awards*—The Infantry Trophy.

(1) The winning team will be awarded Infantry Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(b) *Reserve Components awards*—The Celtic Chieftain Trophy.

(1) The highest scoring Reserve Component team will be awarded Celtic Chieftain Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(c) *Civilian awards*—The Leatherneck Trophy.

(1) The highest scoring Civilian team will be awarded Leatherneck Trophy Plaques and gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

(d) *Junior awards*—Junior Infantry Team Trophy.

(1) The highest scoring Junior team will be awarded gold medals.

(2) The second place team will be awarded silver medals.

(3) The third place team will be awarded bronze medals.

§ 544.91 Special medals in National Trophy Individual Pistol and Rifle Matches.

(a) The highest 10 percent of Civilians who fire in the National Trophy Individual Pistol or National Trophy Individual Rifle Match, but who do not receive match awards or the place medals prescribed in § 544.93, will be given bronze medals. The medal for the pistol match will depict the Silver Bowl Trophy and the medal for the rifle match will depict the Nathan Hale Trophy.

(b) The highest 10 percent of Juniors who fire in the National Trophy

Individual Pistol or National Trophy Individual Rifle Match, but who do not receive match awards or the place medals prescribed in § 544.93 will be given bronze medals.

§ 544.92 Place medals in National Trophy team matches.

Place medals will be given to the captain, coach, and firing members of the highest 15 percent of all teams firing in the match. Medals will be given as follows:

(a) The winning team will be awarded gold medals.

(b) The second place team will be awarded silver medals.

(c) The third place team will be awarded bronze medals.

(d) The remainder of the 15 percent will be awarded bronze medals.

§ 544.93 Place medals in individual EIC matches.

(a) For the EIC matches listed in paragraph 6-15, place medals will be awarded to the highest scoring 10 percent of all non-Distinguished competitors competing in the match. These medals will be awarded as follows:

(1) The highest one-sixth of the 10 percent will be gold.

(2) The next highest one-third of the 10 percent will be silver.

(3) The remainder of the 10 percent will be bronze.

(b) Competitors who have attained or are qualified for Distinguished designation with the arm concerned will be ranked among the non-Distinguished competitors according to score. Each will be awarded a medal of the same type (gold, silver or bronze) as the non-Distinguished competitor next below him or her.

§ 544.94 Distinguished designation and badge awards.

(a) Competitions in which credits toward Distinguished designation may be earned and for which EIC badges may be awarded are—

(1) The National Trophy Individual Pistol and National Trophy Individual Rifle Matches.

(2) Certain Service matches not open to civilians.

(3) NRA Regional and State Championships.

(b) For credits earned in an EIC match to be recognized, the match must—

(1) Conform to all parts of this regulation that apply.

(2) Include at least 10 non-Distinguished competitors eligible according to this regulation.

(3) Be completed.

(c) The following rules apply to Civilian competitors competing for the

Distinguished Designation and Badge award:

(1) In any calendar year, these competitors may compete in not more than four EIC matches for pistol and not more than four for rifle. The matches they may enter are listed below.

(i) The National Trophy Individual Match.

(ii) NRA Regional or State championships. Civilian competitors may not compete in more than three NRA Regional or State championship EIC matches a year.

(iii) A Service-sponsored match. If entry in such a match is possible, the match will constitute as one of the three matches authorized in (b) of this section.

(2) The DCM will award credit points toward Distinguished designation to competitors who earn place medals according to paragraph 6-14a. Points will be awarded as listed below.

(i) For any place medal in a National Trophy Individual Rifle Match, 10 points will be awarded. These points will be awarded to civilians only.

(ii) For place medals in other EIC matches listed in (c)(1) of this section, 10 points will be awarded for gold medals, 8 points will be awarded for silver medals, and 6 points will be awarded for bronze medals.

(3) The DCM will award the Distinguished Badge when a competitor has earned 30 or more credit points with the arm concerned.

(d) Competitors in the Regular Service, Reserve, National Guard, and Service Academy categories can earn credits toward the Distinguished designation and will be awarded the appropriate badges according to the regulations of their Service.

§ 544.95 EIC badges.

(a) The DCM will award a bronze EIC badge to Civilian competitors when they first earn credit points toward the Distinguished designation. They must earn their points according to paragraph 6-15. The DCM will award a silver EIC badge to these competitors when they have earned a total of 20 or more credit points.

(b) Competitors in the Regular Service, Reserve, National Guard, and Service Academy categories will be awarded EIC badges according to the regulations of their Service.

§ 544.96 Marksmanship qualification awards.

(a) The DCM will award the Basic Marksmanship Qualification Badge to ROTC, Police, Civilian, and Junior competitors who fire qualifying scores in the National Trophy Individual Pistol or

Rifle Matches. The badge will show qualification as Expert, Sharpshooter, or Marksman. The DCM may also award, separately or along with the badge, a bar that will show whether a rifle or pistol was used. Qualifying scores for these awards are listed below.

- (1) Pistol awards—possible 300 points.
 - (i) Pistol Expert—270 points.
 - (ii) Pistol Sharpshooter—240 points.
 - (iii) Pistol Marksman—210 points.
- (2) Rifle awards—possible 500 points.
 - (i) Expert Rifleman—450 points.
 - (ii) Rifle Sharpshooter—400 points.
 - (iii) Rifle Marksman—350 points.
- (b) The DCM will present these awards after the close of the matches.

§ 544.97 Scores allowed for club qualification firing.

To meet the requirements in AR 920-20 on clubs' yearly qualification firing, clubs enrolled by the DCM may count their members' scores from the National Matches and/or EIC matches (§ 544.94).

Appendix A—Related Publications

Approved courses of fire for civilian marksmanship training for clubs and schools enrolled with the DCM (These courses are available from HQDA(SADM), WASH DC 20314.)

- AR 5-9 (Intraservice Support Installation Area Coordination)
- AR 140-125 (Marksmanship Training and Competitive Program)
- AR 145-1 (Senior ROTC Program: Organization, Administration, and Training)
- AR 145-2 (Junior Program and National Defense Cadet Corps: Organization, Administration, Operations, and Support)
- AR 350-6 (Army-Wide Small Arms Competitive Marksmanship)
- AR 600-20 (Army Command Policy and Procedures)
- AR 600-23 (Nondiscrimination in Federally Assisted Programs)
- AR 622-10 (Competition in Small Arms)
- AR 672-5-1 (Military Awards)
- AR 700-131 (Loan of Army Materiel)
- AR 725-1 (Special Authorization and Procedures for Issues, Sales and Loans)
- AR 735-5 (Basic Policy and Procedures for Policy Accounting)
- AR 735-11 (Accounting for Lost, Damaged and Destroyed Property)
- AR 920-15 (National Board for the Promotion of Rifle Practice and Office of Director of Civilian Marksmanship)
- AR 920-20 (Promotion of Practice with Rifled Arms)
- AR 920-25 (Rifles M14M and M14NM, for Civilian Marksmanship Use)
- AR 920-35 (National Match Fund)
- DODD 1025.1 (DOD Civilian Rifle and Pistol Marksmanship Training Program) (This DODD can be obtained from HQDA(SADM), WASH DC 20314 0100)
- NRA Official Rule Books for Pistol and Highpower Rifle (These books can be obtained from the National Rifle Association,

1600 Rhode Island Avenue, NW., Washington, DC 20036).

Appendix B—Trophies of the National Board for the Promotion of Rifle Practice

B-1. The President's Pistol Trophy

This trophy was purchased by the NBPRP in 1981. It consists of a disc of white New England marble on a hardwood base. The Presidential Seal is carved, gilded, and mounted on the disc. This trophy is awarded to the winner of the President's Pistol Match.

B-2. The General Custer Trophy

The General Custer Trophy was purchased by the NBPRP in 1926. It is a bronze statuette of General George Armstrong Custer (1828-1876) firing a pistol. The trophy is awarded to the winner of the National Trophy Individual Pistol Match.

B-3. The US Army Reserve Memorial Trophy

The US Army Reserve Memorial Trophy was donated to the NBPRP by the US Army Reserve in 1969. The trophy depicts the citizen soldier leaving his civilian occupation to take up arms in defense of his country, and is in memory of those who have given their lives in this duty. It is awarded to the highest scoring Reserve competitor in the National Trophy Individual Pistol Match.

B-4. The National Guard Association Trophy (Pistol)

The National Guard Association Trophy (Pistol) was presented to the NBPRP in 1983, replacing the original trophy that was established in 1979. The trophy depicts a helmeted Guardsman in bronze, mounted on a two-tiered walnut base. This trophy is awarded to the highest scoring National Guard competitor in the National Trophy Individual Pistol Match.

B-5. The Intercollegiate Trophy

The Intercollegiate Trophy was purchased by the NBPRP in 1958. The trophy is a sterling silver urn, depicting a battle scene in what is believed to be the war between the Romans and Celts in A.D. 43-44. It is awarded to the highest scoring Service Academy or ROTC competitor in the National Trophy Individual Pistol Match.

B-6. The Ancient Archer Trophy

The Ancient Archer Trophy was purchased by the NBPRP in 1962. The trophy is made of bronze and depicts an ancient archer stringing his bow. It is awarded to the highest scoring Police competitor in the National Trophy Individual Pistol Match.

B-7. The Silver Bowl Trophy

The Silver Bowl Trophy was designed and purchased by the NRA in 1956 and presented to the NBPRP for award that year. It is a large, sterling silver bowl, embossed on the rim and pedestal with floral leaf design. It is awarded to the highest scoring Civilian competitor in the National Trophy Individual Pistol Match.

B-8. The Gold Cup Trophy

The Gold Cup Trophy was presented to General John J. Pershing by the Minister of War of the Republic of China as the award

for first place in the pistol shooting match among the Allies at Le Mans, France in 1919. It was won by the American Expeditionary Force (AEF) Pistol Team. The team then presented it for annual competition in the National Trophy Pistol Team Match. The trophy is a helmet-shaped gold cup, engraved and mounted on an ebony base. The Gold Cup Trophy is awarded to the winning team in the National Trophy Pistol Team Match.

B-9. The US Coast Guard Memorial Trophy

The U.S. Coast Guard Memorial Trophy was presented to the NBPRP in 1957 by the Coast Guard. This trophy commemorates Coast Guard personnel who lost their lives while in that Service. It is a replica of the Coast Guard Memorial located in Arlington Cemetery, with statuettes of Coast Guard personnel holding service pistols on either side of the central pyramid. The central pyramid is cast in bronze and heavily plated in silver with an oxidized finish. It is awarded to the highest scoring Reserve Component team in the National Trophy Pistol Team Match.

B-10. The Alden Partridge Trophy

The Alden Partridge Trophy was presented to the NBPRP in 1971 by the president of Norwich University, Northfield, Vermont. The trophy is a bronze bust of General Alden Partridge, founder and first president of Norwich University. This university was the first institution of higher learning to include military training as a part of its curriculum and is credited as the founding school of what is now known as the ROTC program. This trophy is awarded to the highest scoring Service Academy or ROTC team in the National Trophy Pistol Team Match.

B-11. The American Indian Trophy

The trophy was donated to the NBPRP in 1962 by the YMCA of Greenwich, Connecticut. It is a bronze of Sinte Maza, "Iron Tail," an Oglala Sioux Indian. It is awarded to the highest scoring Police team in the National Pistol Team Match.

B-12. The Oglethorpe Trophy

The Oglethorpe Trophy was presented to the NBPRP in 1962 by the River Bend Rifle and Gun Club of Atlanta. The trophy is a sterling silver bowl mounted on a walnut base and was named in honor of the founder and first Governor of Georgia, James Oglethorpe. The trophy is awarded to the highest scoring Civilian team in the National Trophy Pistol Team Match.

B-13. The Military Police Corps Pistol Trophy

The Military Police Corps Trophy was presented to the NBPRP in 1956 through private subscription among the officers and enlisted members of the Military Police Corps. This trophy is a specially designed bronze relief depicting the worldwide mission of the Military Police Corps. Crossed pistols are mounted at the apex of the trophy and are exact duplicates of the original pistols used in the design of the Corps insignia. The trophy is awarded to the highest scoring competitor in the National Trophy Pistol Team Match.

B-14. The General Mellon Trophy

The General Mellon Trophy was presented to the NBPRP in 1958 by General Richard K. Mellon, Deputy Adjutant General, Commonwealth of Pennsylvania. The Mellon Trophy is a miniature of a giant Kodiak bear in an upright and alert pose. This trophy is awarded to the highest scoring Army Competitor (Regular or Reserve) in the National Trophy Pistol Team Match.

B-15. The General Carl Spaatz Trophy

This trophy was presented to the NBPRP in 1961 by the US Air Force in honor of General Carl Spaatz, Chief of Staff of the Air Force from 1947 to 1948. It is a large silver globe mounted on an ebony base and surrounded by four silver eagles. This trophy is awarded to the highest scoring Air Force competitor (Regular, Reserve, or Air National Guard) in the National Trophy Pistol Team Match.

B-16. The US Army Forces Command Pistol Trophy

The US Army Forces Command Pistol Trophy was presented to the NBPRP by the Commanding General, US Army Forces Command. The mounted brace of pistols are circa 1900 Colt Army special caliber .38 revolvers. The trophy was designed and constructed by artisans of Rock Island Arsenal and is awarded to the Regular Army competitor making the highest aggregate score in the National Individual Pistol Match and National Trophy Pistol Team Match.

B-17. The Fleet Admiral Nimitz Trophy

The Fleet Admiral Nimitz Trophy was presented to the NBPRP in 1978 by the US Navy through private subscription among the officers and enlisted members of the Navy and Naval Reserve. The trophy is the pistol presented to Fleet Admiral Chester W. Nimitz in 1921 by his classmates at the US Naval Academy. It is awarded to the Navy competitor (Regular or Reserve) making the highest aggregate score in the National Trophy Individual Pistol Match and National Trophy Pistol Team Match.

B-18. The McMillan Trophy

The McMillan Trophy was presented by the US Marine Corps to the NBPRP in 1978 for award in the Service pistol competitions sponsored by the NBPRP. The trophy honors Lieutenant Colonel William W. McMillan, an outstanding Marine Corps shooter for over 20 years. It is awarded to the Marine competitor (Regular or Reserve) making the highest aggregate score in the National Trophy Individual Pistol Match and National Trophy Pistol Team Match.

B-19. The Anheuser-Busch Trophy

This trophy is a sterling silver bowl, emblazoned with the Anheuser-Busch eagle and mounted on a hardwood base. It is awarded to the Civilian competitor making the highest aggregate score in the National Trophy Individual Pistol Match and the National Trophy Pistol Team Match.

B-20. The President's Rifle Trophy

This trophy was purchased by the NBPRP in 1977. It consists of a disc of black New England slate mounted on a hardwood base. On the disc, the Presidential Seal is carved

and gilded. The President's Trophy is awarded to the winner of the President's Rifle Match.

B-21. The Daniel Boone Trophy

The Daniel Boone Trophy was purchased by the NBPRP in 1925. The trophy is a bronze statue of the marksman Daniel Boone, American pioneer in Kentucky and Missouri (1734-1820), with his rifle. The trophy is awarded to the winner of the National Trophy Individual Rifle Match.

B-22. The Citizen Soldier Trophy

The Citizen Soldier Trophy was presented to the NBPRP in 1964 by the Reserve Officers' Association of the United States. The trophy is flanked by miniature replicas of the Liberty Bell. Affixed to the front of the trophy, encompassing a large Reserve Officers' Association seal, are the five insignia of the Armed Services. The trophy is awarded to the highest scoring Reserve competitor in the National Trophy Individual Rifle Match.

B-23. The Hearst Rifle Trophy

The present Hearst Rifle Trophy was donated by William Randolph Hearst to the National Matches in 1940. The Hearst Rifle Trophy is a 17th century Spanish flintlock carbine in blunderbuss style, inlaid with ivory and mother of pearl and having a chased lock. This trophy is awarded to the highest scoring Service Academy or ROTC competitor in the National Trophy Individual Rifle Match.

B-24. The Nathan Hale Trophy

The Nathan Hale Trophy was presented to the NBPRP by the NRA in 1956. It is a bronze figure created in 1890, of the Revolutionary War hero, Captain Nathan Hale. It is awarded to the highest scoring Civilian in the National Trophy Individual Rifle Match.

B-25. The Golder Eagle Trophy

The Golder Eagle Trophy was purchased by the NBPRP in 1963. The trophy is a golden eagle, ascending, with wings elevated and displayed. The eagle is mounted on a walnut base. The trophy is awarded to the highest scoring Junior competitor in the National Trophy Individual Rifle Match.

B-26. The Association of the United States Army Trophy

The Association of the US Army Trophy was presented to the NBPRP in 1962 by the Association of the United States Army. The trophy is a 16-inch bronze statuette of a US Army soldier mounted on a wooden base. The trophy is awarded to the highest scoring Army competitor (Regular, Reserve, or National Guard) in the National Trophy Individual Rifle Match.

B-27. The Coast Artillery Trophy

The Coast Artillery Trophy was presented to the NBPRP by the Commandant, United States Marine Corps, in 1961. The trophy is a sterling silver cup with figures of Marines in standing and kneeling positions firing a rifle. In 1923, officers and enlisted members of the Coast Artillery Corps presented the trophy to the Marine Corps in appreciation of the Marine Corps Team training the Coast Artillery Team for the National Matches.

(This training was from 1910 to 1922.) This trophy is awarded to the highest scoring Marine competitor (Regular or Reserve) in the National Trophy Individual Rifle Match.

B-28. The Lieutenant Paul J. Roberts, Jr., Memorial Trophy

The Lieutenant Paul J. Roberts, Jr., Memorial Trophy was presented to the NBPRP in 1958. It is a sterling silver globe, designated by the US Air Force as a memorial to Lieutenant Paul J. Roberts, Jr., a fighter pilot who was killed during combat in World War II in Germany. The trophy was presented to the NBPRP by his father. It is awarded to the highest scoring Air Force competitor (Regular, Reserve, or National Guard) in the National Trophy Individual Rifle Match.

B-29. The 25th Infantry Division Trophy

The 25th Infantry Division Trophy was presented to the NBPRP in 1955 by the 25th Infantry Division Association. It illustrates the World War II area in which the division saw combat and lists the campaigns in which the division participated. This trophy is awarded to the highest scoring Infantry competitor (Regular Army, Army Reserve, or Army National Guard) in the National Trophy Individual Rifle Match.

B-30. The National Trophy

The National Trophy was provided by Congress in 1903 in the law that established the National Matches. Commonly referred to as the "Dogs of War Trophy," it is a bronze plaque depicting a warrior of ancient times with four dogs of war on a leash. The trophy is awarded to the winning team in the National Trophy Rifle Team Match.

B-31. The Hilton Trophy

The Hilton Trophy was presented to the NRA by the Honorable Henry Hilton of New York in 1878, and the NRA presented the trophy to the NBPRP in 1903. The silver-plated bronze plaque depicts an Indian buffalo hunt. Also on the plaque are figures of eagles, oak boughs, and war trophies. It is awarded to the highest scoring Reserve Component team in the National Trophy Rifle Team Match.

B-32. The Soldier of Marathon Trophy

The Soldier of Marathon Trophy is the oldest NBPRP trophy. It has been in shooting competitions since 1875. The NRA presented the trophy to the US Government for competition in the National Trophy Rifle Team Match in 1903. The trophy is a bronze figure of the runner, Thidipedes, who, though exhausted and fallen to a reclining position, still holds high the torch he is carrying to announce the Greek victory at Marathon. The trophy is now awarded to the highest scoring Civilian team in the National Trophy Rifle Team Match.

B-33. The Minuteman Trophy

The Minuteman Trophy was placed in competition in 1925. The trophy is a bronze statuette of the "Minuteman of Concord." (The original life-sized monument stands in Concord, Massachusetts.) The trophy is

awarded to the highest scoring Junior team in the National Trophy Rifle Team Match.

B-34. The Pershing Trophy

The Pershing Trophy was presented by General John J. Pershing (1860-1948), Commander of the AEF of World War I, for team competition at the Inter-Allied Games in Paris in 1919. Won by the AEF, it was brought to the United States and placed in the custody of the NBPRP with General Pershing's concurrence. The trophy is a bronze figure of a World War I soldier firing the service pistol. It is awarded to the highest scoring individual competitor in the National Trophy Rifle Team Match.

B-35. The Rattlesnake Trophy

The Rattlesnake Trophy was purchased by the NBPRP in 1938. This statuette depicts a cowboy and his horse at the moment a rattlesnake strikes at the horse's front feet. It is awarded to the highest scoring Army competitor (Regular, Reserve, or National Guard) in the National Trophy Rifle Team Match.

B-36. The General Thomas D. White Trophy

The General Thomas D. White Trophy was presented to the NBPRP in 1960 by the US Air Force in honor of General Thomas D. White, Chief of Staff of the Air Force from 1957 to 1961. The trophy is a large silver bowl mounted on an ebony base. It is awarded to the highest scoring Air Force competitor (Regular, Reserve, or National Guard) in the National Trophy Rifle Team Match.

B-37. The US Army Forces Command Rifle Trophy

The US Army Forces Command Rifle Trophy was presented to the NBPRP by the Commanding General, US Army Forces Command. The mounted rifles are circa 1900 Winchester low wall muskets, caliber .22 short, with consecutive serial numbers, the highest of which was the last musket chambered for the .22 short cartridge. The trophy was designed and constructed by artisans of Rock Island Arsenal for award to the Regular Army competitor making the highest aggregate score in the National Trophy Individual Rifle Match and National Trophy Rifle Team Match.

B-38. The Admiral Arleigh A. Burke Trophy

The Admiral Arleigh A. Burke Trophy was presented to the NBPRP by the US Navy through private subscription among the officers and enlisted members of the Navy and Navy Reserve. The trophy is the steel helmet worn by Admiral Burke through the entire Atlantic Campaign of World War II. The trophy is awarded to the Navy competitor (Regular or Reserve) making the highest aggregate score in the National Trophy Individual Rifle Match and the National Trophy Rifle Team Match.

B-39. The General Shepherd Trophy

The General Shepherd Trophy was presented to the NBPRP in 1956 by General Lemuel C. Shepherd, Jr., Commandant of the Marine Corps from 1952 to 1956. The trophy is a bronze replica of the Marine Corps War Memorial depicting the flag-raising on Mount Suribachi during the battle of Iwo Jima in

World War II. This trophy is awarded to the Marine competitor (Regular or Reserve) making the highest aggregate score in the National Trophy Individual Rifle Match and the National Trophy Rifle Team Match.

B-40. The Pietroforte Trophy

The Pietroforte Trophy was donated to the NBPRP by private subscription among members of the US Marine Corps Distinguished Shooters' Association. This trophy honors Warrant Officer Michael Pietroforte, who distinguished himself as one of the finest marksmen in Marine Corps history during his 30 years of service. It is awarded to the Civilian competitor making the highest aggregate score in the National Trophy Individual Rifle Match and the National Trophy Rifle Team Match.

B-41. The Infantry Trophy

The Infantry Trophy was presented to the NRA in 1922 by the US Army Infantry through private subscription among its members (officer and enlisted and Regular, Reserve, and National Guard). The NRA placed the trophy in the custody of the NBPRP in 1936. This trophy depicts the combat Infantryman in action and is awarded to the winning team in the National Trophy Infantry Team Match.

B-42. The Celtic Chieftain Trophy

The Celtic Chieftain Trophy was purchased by the NBPRP in 1958. The statute represents a bronze figure of Caractacus, British chieftain of the tribe of Cateveillauni, who led the native resistance against the Roman, Aulus Plautus (A.D. 43-47). This trophy is awarded to the highest scoring Reserve Component team in the National Trophy Infantry Team Match.

B-43. The Leatherneck Trophy

In 1957, the Marine Corps presented this trophy to the NBPRP in the name of the officers and enlisted members of the Marine Corps. The Leatherneck Trophy is a replica of the life-size "Iron Mike" statue that has stood at the Quantico Marine Corps Base, Virginia, since 1921. It is awarded to the highest scoring Civilian team in the National Trophy Infantry Team Match.

B-44. The Women's Rifle Trophy

This trophy was authorized by the NBPRP in 1983 and first presented in 1984. It consists of a pair of Winchester Low Wall, single shot, caliber .22 muskets mounted on a polished hardwood base. This trophy is awarded to the highest scoring Woman competitor in the National Trophy Individual Rifle Match.

B-45. The Women's Pistol Trophy

This trophy was authorized by the NBPRP in 1983 and first presented in 1984. It consists of two Colt Army Special caliber .38 revolvers mounted on a polished hardwood base. This trophy is awarded to the highest scoring Woman competitor in the National Trophy Individual Pistol Match.

B-46. The Police Rifle Trophy

This trophy was authorized by the NBPRP in 1983 and first presented in 1984. It consists of three Springfield M1903 rifles mounted on a polished hardwood base. This trophy is

awarded to the highest scoring Police competitor in the National Trophy Individual Rifle Match.

B-47. The Junior Pistol Team Trophy

This trophy was authorized by the NBPRP in 1983 and first presented in 1984. It consists of four caliber .45 pistol facsimiles mounted on a polished hardwood base. This trophy is awarded to the highest scoring Junior team in the National Trophy Pistol Team Match.

B-48. The Junior Pistol Trophy

This trophy was authorized by the NBPRP in 1983 and first presented in 1984. It consists of two Colt Ace caliber .22 pistols mounted on a polished hardwood base. The trophy is awarded to the highest scoring Junior competitor in the National Trophy Individual Pistol Match.

B-49. The Junior Infantry Team Trophy

This trophy was recommended by the NBPRP in 1983 and first presented in 1984. It consists of three Springfield M1903 rifles mounted on a polished hardwood base. The Springfield rifles were used in the design because of their prominence in the Infantry Trophy; the fact that a distinctive award has been established to promote junior participation in a singularly military type of marksmanship competition is considered most appropriate. The trophy is awarded to the highest scoring Junior team in the National Trophy Infantry Team match.

Glossary

Section I

Abbreviations

AEF—American Expeditionary Forces
AG—adjutant general
AMCCOM—US Army Armament, Munitions, and Chemical Command
CECOM—US Army Communications-Electronics Command
CG—commanding general
CMP—Civilian Marksmanship Program
CONUS—continental United States
DARCOM—US Army Material Development and Readiness Command
DCM—Director of Civilian Marksmanship
DNMIC (Ops/Svcs)—Deputy National Matches Installation Commander (Operations and Services)
EIC—excellence-in-competition
FORSCOM—US Army Forces Command
LNO—Liaison officer
MR—midrange
NBPRP—National Board of the Promotion of Rifle Practice
NGB—National Guard Bureau
NMIC—National Matches Installation Commander
NMPAO—National Matches Public Affairs Officer
NMSC—National Matches Support Coordinator
NMSD—National Matches Support Detachment
NRA—National Rifle Association
OHARNG—Ohio Army National Guard
OSO—Ordnance Safety Officer
ROTC—Reserve Officers' Training Corps
SA—Secretary of the Army
SAFS—Small Arms Firing Schools

SPT—Support
 SR—short range
 TRADOC—US Army Training and Doctrine
 Command
 USC—US Code
 XO, NM—Executive Officer, National
 Matches
 XO, CMP (SPT)—Executive Officer, Civilian
 Marksmanship Program (Support)

Section II

Terms

Complete the Match

To fire recorded shots in all stages of a match. For team matches, this term means that all firing members fire recorded shots in all stages of the match.

Completed Match

A match in which all competitors have had the opportunity to fire in all stages of the match.

Distinguished Designation

Award of the Distinguished Pistol Shot or Distinguished Rifleman Badge. These awards are made to individuals who have earned the required number of credit points.

Excellence-in-Competition (EIC) Matches

Matches in which credit toward the Distinguished designation may be earned and EIC badges awarded.

Fire in the Match

To fire one or more recorded shots in any stage of the match. For team matches, this term means that one or more team members

fire one or more recorded shots in any stage of the match.

B-50. The National Guard Association Trophy (Rifle)

The National Guard Association Trophy (Rifle) was presented to the NBPRP in 1983, replacing the original trophy that was established in 1979. The trophy depicts a helmeted Guardsman in bronze, mounted on a two-tiered walnut base. This trophy is awarded to the highest scoring National Guard competitor in the National Trophy Individual Pistol Match.

John O. Roach, II,
Army Liaison Officer with the Federal Register.

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Part III

Environmental Protection Agency

40 CFR Part 761

Polychlorinated Biphenyls (PCBs);
Manufacture, Processing, Distribution in
Commerce and Use Prohibitions; Use in
Electrical Transformers; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS 62035A; TSH FRL-2665S-1]

Polychlorinated Biphenyls (PCBs); Manufacture, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Transformers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA issued an Advance Notice of Proposed Rulemaking (ANPR), which was published in the *Federal Register* of March 23, 1984 (49 FR 11070), that solicited information on the risks posed by fires involving electrical transformers containing polychlorinated biphenyls (PCBs) and on mechanisms for mitigating or eliminating these risks.

In this Proposed Rule, EPA reconsidered the determination made in the August 25, 1982 PCB Electrical Use Rule that allowed the continued use of PCBs in most transformers. EPA has revised its earlier assessment to include a consideration of the risks posed by fire-related events, the costs of cleanup following these incidents, and the cost and effectiveness of regulatory control measures for mitigating or eliminating these risks. As a result, EPA is proposing amendments to the August 1982 use authorization for the use of PCBs in electrical transformers that require: (1) The immediate registration of all PCB Transformers (transformers containing greater than 500 parts per million (ppm) (PCBs) with appropriate fire department jurisdictions, (2) the immediate marking of the exterior of PCB Transformers locations, with PCB identification labels, (3) the immediate removal of stored combustibles from PCB Transformer locations, (4) the immediate registration with building owners of all PCB Transformers located in or near buildings, (5) the installation, by July 1, 1988, of additional electrical protective devices on PCB Transformers in high secondary (low side) voltage systems which are located in or near buildings, and (6) the isolation, by July 1, 1988, of all PCB Transformers in or near buildings from building ventilation equipment, building ductwork, and openings in construction to reduce the widespread contamination of structures and the environment by smoke from a fire involving a PCB Transformer. EPA is also proposing to require owners of PCB Transformers involved in fire-related incidents to report these incidents to the National Spill Response Center prior to initiating any cleanup efforts, and, to

take immediate measures to contain water releases associated with the incident.

DATES: An informal hearing, if requested, will be held on December 26, 1984, in Washington, D.C. The exact time and location of the hearing will be available by calling the TSCA Assistance Office toll free at 800-424-9065 or, in Washington, D.C., by calling 554-1404. Comments on the issues raised in this Notice and requests to participate in an informal hearing must be submitted by December 10, 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 a.m. to 4 p.m., Monday through Friday, excluding legal holidays, in Rm. E-107, Environmental Protection Agency, 401 M St., SW., Washington, D.C.

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

SUPPLEMENTARY INFORMATION:

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 "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 section 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 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 rule relevant to the subject of today's proposed rule was published in the *Federal Register* of August 25, 1982 (47 FR 37342) (hereafter, PCB Electrical Use Rule). This rule amended the May 1979 rule by authorizing the continued use of PCB Transformers (electrical transformers containing greater than 500 ppm PCBs) in facilities involved in handling of food or feed items until October 1, 1985, and by authorizing 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 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 for the August 1982 PCB Electrical Use Rule, EPA considered exposures resulting from leaks and spills of PCB-containing dielectric fluid as constituting the principal route of release of PCBs to the environment from this equipment.

However, 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. PCBs and oxidation products were distributed throughout the 18-story office building via two vertical ventilation shafts that ran the length of the building and opened into the transformer vault in the basement. Monitoring, completed after the fire, indicated that PCBs, polychlorinated dibenzofurans (PCDFs) (including the toxic congener 2,3,7,8-tetrachlorodibenzofuran (2,3,7,8-TCDF)), and polychlorinated dibenzodioxins (PCDDs) (including the toxic congener 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)) were distributed throughout the interior of the building. From laboratory studies, it appears that PCDFs are formed from both the oxidation of PCBs and the oxidation of chlorinated benzenes in combustion situations. PCDDs, however, appear to be formed only from the oxidation of chlorinated benzenes. Tri- and tetra-chlorinated benzenes often make up 30-35% of PCB askarel dielectric fluid, and can be present at low levels as contaminants in other fluids.

At the time of promulgation of the August 25, 1982 PCB Electrical Use Rules, EPA believed that fires involving transformers that contain PCBs were very rare, isolated events. Thus, although EPA made determinations that the use of electrical transformers

containing PBC did not pose unreasonable risks to public health or the environment, EPA did not directly consider the public health and environmental risks posed by 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 very high costs of cleanup following more serious incidents. These costs reduce the benefits associated with the continued use of these transformers.

After the promulgation of the PCB Electrical Use Rule, additional information came to EPA's attention that indicated that fires involving transformers that contain PCBs may occur more frequently than previously expected, and that transformer fire-related 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, PCDFs, and PCDDs in soot from this fire. Although the vault housing the transformer was located exterior to the building itself (in a sidewalk vault), 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 these compounds into the ductwork of the building.

The San Francisco incident, and four more recent incidents, in the First National Bank Building in Chicago, Illinois, in September 1983; in Tulsa, Oklahoma, in December 1983 and May 1984; and in Miami, Florida, in May 1984, have prompted EPA to reassess its earlier position on the expected frequency of fire-related incidents involving transformers that contain PCBs.

EPA issued an Advance Notice of Proposed Rulemaking (ANPR), which was published in the Federal Register of March 23, 1984 (49 FR 11070), to solicit additional information on the risks posed by fires involving transformers containing PCBs, their frequency of occurrence, the costs of cleanup following these incidents, and the effectiveness and costs associated with regulatory control measures for mitigating or eliminating the risks posed by this equipment in fire situations. At that time, EPA indicated that it would use the new information to reconsider the use authorization issued in the PCB

Electrical Use Rule for the continued use of most electrical transformers containing PCBs.

EPA received over 50 comments on the ANPR during the public comment period, which closed on May 22, 1984. EPA received information from a number of different sources, including the insurance industry, fire departments, building owners, industrial transformer users, and utilities. (The comments on the ANPR are summarized in: "PCB Transformer Fires: Comments on the Advance Notice of Proposed Rulemaking" (September 1984).)

After considering the comments received in response to the ANPR, and after completing further analyses of available data, EPA is issuing a Proposed Rule to address the risks posed by fires involving transformers that contain PCBs. This Proposed Rule presents EPA's determination that additional regulatory control measures are warranted. EPA's determination is based on an analysis of the risks posed by fires involving electrical transformers containing PCBs, the benefits of PCBs and the availability of substitutes, and the costs and benefits of control measures designed to mitigate or eliminate the fire-associated risks posed by this equipment. EPA is also reaffirming its August 1982 determination that the indefinite use of PCBs in electrical transformers in concentrations below 500 ppm does not pose unreasonable risks to public health or the environment.

II. Summary of Proposed Rule

Under section 6(e)(2)(B) of TSCA, EPA can authorize a use of PCBs provided that the use "will not present an unreasonable risk of injury to health or the environment." Although the continued use of PCBs in most electrical transformers was authorized in the PCB Electrical Use Rule, EPA did not consider the risks posed by fires involving this equipment of the costs or benefits of regulatory control measures to mitigate or eliminate these risks. EPA's decision to allow the continued use of electrical transformers containing PCBs was based on the reported low frequency of leaks and spills of PCBs from this equipment compared to the high costs associated with replacing this equipment with substitute transformers or requiring secondary containment to limit the spreads of spilled materials.

In this Proposed Rule, EPA has determined that PCB Transformer fires (fires involving transformers containing greater than 500 ppm PCBs), particularly fires which occur in or near buildings, do pose risks to humans and the

environment. EPA reached this determination after considering the extreme toxicity of materials which can be formed and released during fires involving this equipment, as well as the potential for human and environmental exposures to these compounds from a single incident, and the expected frequency of incidents over the remaining useful life of this equipment.

EPA has further determined that the continued use of PCB Transformers without additional restrictions does present an unreasonable risk of injury to health and the environment. EPA reached this determination after considering the risks posed, the costs of cleanup following these incidents, the availability of adequate substitute materials, and the costs and benefits associated with regulatory control measures designed to reduce the risks posed by fires involving this equipment. EPA is, therefore, proposing additional regulatory controls on the use of this equipment.

EPA is proposing to require: (1) The immediate registration of all PCB Transformers with appropriate fire department jurisdictions, and the immediate registration with building owners of all PCB Transformers located in or near buildings, (2) the immediate marking of the exterior of the vault door, machinery room door, means of egress, or grate(s) accessing a PCB Transformer with PCB identification labels, (3) the immediate removal of stored combustibles from PCB Transformer locations, (4) the installation, by July 1, 1988, of additional electrical protective devices on PCB Transformers in or near buildings in high secondary voltage systems (480/277 volt systems), and (5) the isolation, by July 1, 1988, of all PCB Transformers in or near buildings from building ventilation systems, building ductwork, and openings in construction to reduce the widespread contamination of structures and the environment by smoke and soot from PCB Transformer fires. In addition, to facilitate monitoring compliance with the isolation requirements, EPA is proposing that PCB Transformer owners maintain records of their efforts in isolating transformers through the completion of written PCB Smoke Spread Reduction Plans (PCB-SSRPs). EPA is proposing that all PCB-SSRPs be completed by July 1, 1988, that the records be maintained until the date the transformer is placed into storage for disposal or until the transformer is disposed (whichever occurs first), and that the records be made available for inspection, upon request, by EPA.

Finally, in the event of a PCB Transformer fire, EPA is proposing to

require PCB Transformer owners to take immediate measures to contain potential water discharges, and to report all PCB Transformer fire-related incidents to the National Spill Response Center (NSC) prior to the initiation of cleanup efforts. EPA expects that these measures will reduce the likelihood of the discharge of water contaminated with PCBs, PCDFs, and PCDDs into waterways.

Although EPA expects that the above measures will reduce releases to waterways after the fire is extinguished, EPA remains concerned about the potential risks posed by releases to water which may occur during a fire or immediately after a fire, before measures can be taken to contain the PCBs and any potential oxidation products. Information on well-researched PCB Transformer fire indicates that significant releases of dielectric fluid to waterways did not occur in these instances. However, EPA believes that there is a potential for the contamination of waterways, drinking water supplies, and sewerage treatment plants from the spilling of PCB dielectric fluid, runoff, and the washing of PCBs and oxidation products down storm drains and sewers as a result of a fire-related incident. Floor drains in the transformer location and the presence of water pipes in the transformer location can facilitate the release of PCBs and their oxidation products into waterways during the very early stages of a fire, before measures can be taken to contain releases.

While EPA is not proposing to require the blocking or sealing of drains in PCB Transformer locations (nor other protective measures specifically designed to reduce the potential for releases to waterways), EPA is soliciting comments on the practicality, feasibility, and cost of such requirements. EPA is also soliciting comments and information on the availability, effectiveness, and cost of heat sensitive-smoke sensitive drain closure systems or drain closure systems which can be triggered manually from locations outside the transformer vault or enclosure.

Any disposal and/or discharge of materials contaminated with PCBs, PCDFs or PCDDs as a result of a fire involving PCBs must be conducted in accordance with all applicable federal regulations including those issued under the Toxic Substances Control Act (TSCA), the Clean Water Act (CWA), and the Resource Conservation and Recovery Act (RCRA).

EPA has determined that the continued use of PCBs in PCB Transformers which comply with the

requirements described above do not present unreasonable risks to public health or the environment. Further, after considering the risks posed by fires involving transformers containing less than 500 ppm PCBs, and the costs of regulatory control measures, EPA is reaffirming its August 1982 determination that the continued use of PCB-Contaminated transformers and non-PCB transformers (transformers containing 50-500 ppm PCBs, and less than 50 ppm PCBs, respectively) do not present unreasonable risks to public health and the environment.

Although EPA believes that sufficient data are available to support the development of these new proposed regulations, EPA recognizes that several relevant research projects are currently underway. The Electric Power Research Institute (EPRI) is sponsoring several ongoing studies of the formation of PCDFs from PCBs as well as a study of the effectiveness and costs of potential risk reduction measures, such as transformer isolation. EPA is also in the process of completing a study of the formation of PCDFs and PCDDs from the incomplete combustion of PCB-Contaminated fluid. The results of these studies could impact EPA's assessment of the magnitude of risks posed by fire-related incidents, and, may ultimately impact the scope of the final regulations and the nature of any required control measures.

The remainder of this preamble describes the basis for the determinations reached in this proposed rule.

III. Transformer Fire Risks

A. Summary of Findings

EPA has concluded that materials formed and/or released during fires involving transformers containing PCBs have the potential to be extremely toxic to humans. Data from two well-researched fires and data from laboratory studies on the formation of PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD establish the potential for the formation of relatively large quantities of these compounds through the incomplete combustion of PCBs and chlorinated benzenes (which are often present as diluents or contaminants in transformers containing PCBs). EPA uses the term "relatively large" because although the quantities of these materials formed are actually quite small (picogram levels), their extreme toxicities make even these small quantities of concern. EPA has concluded that the incomplete combustion of PCBs can result in the

formation of relatively large quantities of 2,3,7,8-TCDF, and, that the incomplete combustion of chlorinated benzenes can result in the formation of 2,3,7,8-TCDD, in addition to 2,3,7,8-TCDF.

In earlier rulemakings, EPA has already concluded that persons exposed to PCBs can develop chloracne; and, that based on laboratory animal data, there is a potential for reproductive effects and developmental toxicity as well as oncogenicity in humans exposed to PCBs. 2,3,7,8-TCDD has been described as an "unusually toxic" material, which exhibits acute, subacute, subchronic, chronic, teratogenic, and oncogenic effects at very low doses in laboratory animals.

Although toxicological testing of 2,3,7,8-TCDF has been more limited than toxicological testing of 2,3,7,8-TCDD, available studies indicate that these compounds display similar toxicological and biological activities for a wide range of end points including lethality, lymphoid atrophy, weight loss, porphyria, enzyme induction, and cystolic receptor protein binding. They are structurally similar compounds, with two chlorinated benzene rings joined by one oxygen bridge in the case of dibenzofuran, and two oxygen bridges in the case of dibenzodioxin. In view of these similarities, EPA believes it prudent to assume that 2,3,7,8-TCDF will also produce other adverse effects comparable to those found following exposures to 2,3,7,8-TCDD. These toxicological effects include embryotoxicity, teratogenicity, reproductive effects, and oncogenicity.

EPA also recognizes that other compounds of potential toxicological significance may be produced and released from transformer fires, such as other congeners of PCDFs and PCDDs, and polychlorinated biphenylenes. Limited toxicological testing of other PCDD congeners, such as 1,2,3,7,8-Pentachlorodibenzo-p-dioxin (1,2,3,7,8-PeCDD) and 1,2,3,7,8,9- and 1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin (1,2,3,7,8,9-HxCDD and 1,2,3,6,7,8-HxCDD) suggest that these congeners are qualitatively similar in their toxic action to 2,3,7,8-TCDD when comparisons are made in a single species; however, they are less toxic than the 2,3,7,8-TCDD congener. EPA expects that toxicological testing of 1,2,3,7,8-Pentachlorodibenzofuran (1,2,3,7,8-PeCDF), 1,2,3,7,8,9-Hexachlorodibenzofuran (1,2,3,7,8,9-HxCDF), and 1,2,3,7,8-Hexachlorodibenzofuran (1,2,3,6,7,8-HxCDF) would show that these PCDF congeners are qualitatively similar in toxic action to 2,3,7,8-TCDF. Finally, other PCDD and PCDF congeners and

materials such as polychlorinated biphenylenes that have yet to undergo extensive toxicological testing may also have toxicologic significance.

Thus, the risks posed by exposures to soot and smoke from transformer fires are not limited to the risks posed by exposures to PCBs, and the 2,3,7,8-TCDD/TCDF congeners. However, EPA believes that reducing exposures to these extremely toxic congeners, 2,3,7,8-TCDF and 2,3,7,8-TCDD, will also reduce exposures to other materials of potential toxicological significance.

EPA believes that the risks posed to humans from transformer fires are related to four major factors: (1) The contents of the transformer, most importantly, the amount of PCBs present in the transformer; (2) the combustion conditions (which are influenced by both the length of time that a transformer remains energized after a serious fault and the presence of stored combustibles in the transformer location); (3) the degree of dispersion of toxic chemicals from the transformer into areas where there is an increased risk of human exposures; and (4) whether emergency response personnel and the building owner are aware that a transformer involved in a fire contains PCBs, and that certain precautions should be taken to avoid exposure to toxic materials produced during combustion.

EPA believes that the amount of toxic incomplete combustion products formed from the burning of PCB dielectric fluid is linearly related to the amount of precursors present at the time of combustion. Fires (particularly those which occur in or near buildings) involving PCB Transformers pose much greater risks of human exposures to PCBs and oxidation products than fires involving transformers containing less than 500 ppm PCBs. Thus, the amount of PCBs present in a transformer greatly influences the level of risk posed by a fire involving this equipment.

In addition, combustion conditions play a significant role in the risks posed by transformer fires, through their influence on the release of PCBs, the volatilization of PCBs, and the formation of toxic products from incomplete combustion. EPA believes that the presence of stored combustibles in transformer locations, and, more importantly, the inability to completely deenergize a seriously faulted transformer are two factors that can result in sustained high temperatures in a transformer location. Sustained high temperatures increase the potential for the formation of large amounts of toxic products of incomplete combustion.

PCB Transformer fires in buildings can result in exposures to PCBs, PCDFs, and 2,3,7,8-TCDF, (and PCDDs and 2,3,7,8-TCDD in cases where chlorinated benzenes are present), by building occupants and bystanders, in addition to emergency response personnel, the general public, and cleanup crews. Exposures may occur during the early stages of a fire (prior to and during evacuation), and continue during cleanup operations and following reoccupancy of a building.

EPA believes that the greater the dispersion of smoke and soot within a building from a transformer fire, the greater the potential for exposure of humans to PCBs and oxidation products, and therefore, the higher the risks posed. The presence of building ventilation equipment, ductwork, and openings in construction (including openings created for ventilation purposes) in transformer locations is the single most important factor influencing the potential for human exposures to smoke and soot from a fire involving this equipment.

EPA also believes that water may become contaminated with PCBs, PCDFs, and PCDDs from any or all of the following sources: (1) Direct leakage of dielectric fluid from the transformer; (2) fluid or soot being washed into a floor drain by firefighting water; (3) fluid or soot washed into a drain from burst water pipes; or, (4) the disposal of water contaminated during cleanup operations. If these fluids are not contained, they may either enter storm sewers or sanitary sewers. Water in storm sewers may not undergo treatment. Therefore, these types of releases could result in the contamination of surface waters and drinking water supplies with large amounts of PCBs, and potentially, PCDFs and PCDDs.

Transformers located near buildings, such as those present in sidewalk or underground vaults in urban areas, are expected to pose similar risks in fire situations to transformers located inside buildings. This is because air intake vents are often present on the exterior of buildings. Smoke and soot issuing from a fire involving a transformer located in a sidewalk vault in an urban area can enter the building which the transformer serves or adjacent buildings through these vents.

Further, since sidewalk vaults and underground vaults are often accessible through basement areas of buildings, smoke and soot can enter the buildings through open doors, gaps in construction, and unsealed joints and conduits in the vault. Finally, sidewalk vaults are typically equipped with floor

drains to allow rainwater to drain from the bottom of the vault. These locations, therefore, are expected to pose similar risks in fire situations to indoor locations from the perspective of the potential for discharges to water.

Both indoor and outdoor transformer fires have the potential to expose emergency response personnel, the general public, and cleanup crews to PCBs. However, soot from a transformer fire in or near a building would pose risks of exposures by larger numbers of people to high levels of PCBs and oxidation products than transformer fires in outdoor locations, away from commercial and residential areas.

Smoke and soot from an outdoor fire involving a transformer containing PCBs would be expected to be more widely dispersed in the environment, e.g., transformers located in outdoor electrical substations or mounted on utility poles. Although outdoor PCB Transformers may fail and rupture, spilled PCBs would be less likely to be as readily volatilized compared to cases where the transformer is located in a vault or machinery room. Some of the heat generated from a fire in an outdoor location would be expected to dissipate in the environment. While the number of people potentially exposed to some low level of PCBs could be greater in the case of an outdoor fire, because of environmental contamination from spilled PCBs, individual human exposures to PCBs and oxidation products would be expected to be far greater from fires involving transformers which are located in or near buildings. Therefore, EPA expects that in general, the magnitude of risks posed by outdoor incidents will be smaller than the magnitude of risks posed by incidents which occur in or near buildings.

If information is submitted that indicates that outdoor PCB Transformer fires pose the same level of risk as transformer fires in or near buildings, additional restrictions on the use of this equipment may be required. In particular, EPA may consider requiring additional electrical protection on these transformers.

The final factor that influences the risks posed by fires involving PCB Transformers is whether emergency response personnel and the building owner are aware that a fire involves a PCB Transformer and of the nature of risks posed. Typically, a PCB Transformer fire in or near a building does not result in substantial structural damage to the building. From the perspective of a fire department (unless it was known that PCBs were involved) these incidents would be considered to be relatively minor fires, with some

smoke, but little flame damage. For this reason, in at least one documented incident, emergency response personnel did not wear respiratory protection.

The owner of a building involved in a PCB Transformer fire, who is unaware of the contents of a transformer and/or the nature of the risks posed, may also consider such a fire to be relatively minor. This can lead to the premature opening of the building for reoccupancy. It is reasonable to assume that in the past, some buildings may have been only superficially cleaned following a PCB Transformer fire. Superficial cleaning of visible traces of soot would leave residual concentrations of PCBs, PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD in many areas of a building. Exposures to building occupants would be expected to continue following reoccupancy.

Further, even in cases where building owners are aware of the nature of risks posed by PCB Transformer fires, EPA recognizes that there is an enormous amount of financial pressure to reopen buildings. The most publicized PCB Transformer fires have occurred in major office building complexes, where many important tenants have been displaced, and substantial revenues lost.

B. The Toxicity of PCBs and PCB Oxidation Products

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. While fires involving PCB-containing transformers have resulted in the release of large quantities of PCBs, these incidents have also resulted in the formation of toxic products of incomplete combustion.

Many other compounds of potential toxicological significance, including PCDFs, PCDDs, and polychlorinated biphenyls, were measured in soot samples following fires involving PCB Transformers. However, the bulk of toxicity testing of PCDF and PCDD congeners have been completed on what are anticipated to be the most toxic species, the 2,3,7,8 substituted PCDFs and PCDDs. EPA has evaluated the risks posed by PCB Transformer fires through an evaluation of: (1) The toxicities of PCBs, 2,3,7,8-TCDF, and 2,3,7,8-TCDD; (2) the toxicities and potential toxicities of other PCDF and PCDD congeners; and (3) the potential for exposure to these materials as a result of a fire.

While the majority of toxicological testing has been completed on PCBs,

2,3,7,8-TCDF and 2,3,7,8-TCDD, this does not mean that human and environmental exposures to other congeners of PCDFs and PCDDs as well as polychlorinated biphenyls pose little risk of toxic effects. For example, limited testing of 1,2,3,7,8-PeCDD, 1,2,3,7,8,9-HxCDD, and 1,2,3,7,8-HxCDD suggest that these congeners are qualitatively similar in their toxic action to 2,3,7,8-TCDD, when comparisons are made in a single species. However, they are less toxic than the 2,3,7,8-TCDD congener. EPA expects that similar structure-activity relationships would exist between 2,3,7,8-TCDF and 1,2,3,7,8-PeCDD, 1,2,3,6,7,8-HxCDF, and 1,2,3,7,8,9-HxCDF. However, EPA also believes that reducing exposures to the extremely toxic congeners, 2,3,7,8-TCDD and 2,3,7,8-TCDF, will protect against exposures to these other compounds of potential toxicological significance.

According to EPA's February 1984 Ambient Water Quality Criteria (AWQC) for 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD), 2,3,7,8-TCDD is one of the most toxic substances known to man. It exhibits delayed biological response in many species and is highly lethal, at low doses, to aquatic organisms, birds, and mammals. It has been shown to be acrogenic, fetotoxic, teratogenic, mutagenic (in a limited number of mutagenicity tests), carcinogenic, and adversely affects the immune response in mammals.

The AWQC lists the acute LD50 for 2,3,7,8-TCDD for several species. The oral LD50 values range from 0.6 microgram per kilogram (kg) body weight (bw) for guinea pigs to 5,051 micrograms per kilogram body weight for hamsters. The AWQC presents the acceptable daily intake (ADI) value for a 70 kg man as 0.00007 microgram 2,3,7,8-TCDD per day. This ADI is based on the lowest-observed-adverse-effect levels (LOAEL) in rats, and has been calculated in accordance with the National Academy of Science's guidelines for calculating an ADI based on a LOAEL.

Although the ADI value presented above is very low, it still may not be sufficiently protective of human health. This ADI level does not take into account the demonstrated carcinogenic effects of 2,3,7,8-TCDD in laboratory animals and that 2,3,7,8-TCDD is, therefore, a suspect human carcinogen. The AWQC concludes that 2,3,7,8-TCDD is an animal carcinogen and that the epidemiological findings are consistent with the conclusions drawn from animal studies that 2,3,7,8-TCDD is a probable human carcinogen.

The carcinogenic potency of 2,3,7,8-TCDD using the linearized multistage model has been estimated relative to 53 other chemicals which EPA's Cancer Assessment Group (CAG) has evaluated as suspect carcinogens. This potency index is 5×10^7 per millimole (mMol) per kilogram (kg) per day, making 2,3,7,8-TCDD the most potent animal carcinogen that the CAG has evaluated.

The limited data on other PCDD congeners indicate that they are qualitatively similar in their toxic action to 2,3,7,8-TCDD when comparisons are made in a single species. This is illustrated in mice, where 2,3,7,8-TCDD has an LD50 value of 0.88 micromoles (umol) per kilogram (kg) and 1,2,3,7,8-PeCDD; 1,2,3,6,7,8-HxCDD and 1,2,3,7,8,9-HxCDD have LD50 values of 0.94, 3.19, and 3.67 umol/kg, respectively.

Toxicological testing of PCDFs, specifically, 2,3,7,8-TCDF, has been more limited than testing of 2,3,7,8-TCDD. The acute oral LD50 in the guinea pig is reported to be 5 micrograms per kg bw, as compared with the acute oral LD50 for 2,3,7,8-TCDD in this species which is reported to be 0.6 microgram per kg bw. Subchronic testing of 2,3,7,8-TCDF in rhesus macaques indicated that this compound is extraordinarily toxic, with a reported No Observed Effect Level (NOEL) below 5.0 parts per billion (ppb). The author of this study concluded that continued daily oral intake of small amounts of 2,3,7,8-TCDF gave monkeys a disease which is clinically and morphologically similar to acute or chronic ingestion of 2,3,7,8-TCDD. For most of the observed biological effects, the potency of the two compounds are within an order of magnitude of each other, with 2,3,7,8-TCDF being somewhat less toxic than 2,3,7,8-TCDD. Some scientists have estimated that 2,3,7,8-TCDF is 5 to 20 percent less toxic than 2,3,7,8-TCDD, but, about 1,000 times more toxic than PCB Aroclor 1242.

Based on its assessment of available literature on the toxicity of 2,3,7,8-TCDF and the structural similarity of 2,3,7,8-TCDF to 2,3,7,8-TCDD, EPA has concluded that it is prudent to assume that exposures to 2,3,7,8-TCDF would pose similar risks of toxic effects as exposures to 2,3,7,8-TCDD. Further, EPA believes that based on structure-activity relationships, other PCDF congeners, particularly 1,2,3,7,8-PeCDF, 1,2,3,6,7,8-HxCDF, and 1,2,3,7,8,9-HxCDF may also pose similar risks of toxic effects as exposures to 2,3,7,8-TCDF (and 2,3,7,8-TCDD).

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 produce toxicity in the thymus, the hematopoietic system, the salivary gland duct epithelium and, possibly, the liver.

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. 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.

One paper stated that the oral LD50 of the BSOB soot in guinea pigs is 410 milligrams per kilogram body weight, which would classify this material as very toxic.

For more in-depth analyses of the toxicities of PCBs, PCDFs, and PCDDs see: "Response to Comments on Health Effects of PCBs Submitted by the Chemical Manufacturers Association and the Edison Electric Institute (August 19, 1982)"; "HERD Work for Proposed Polychlorinated Biphenyl (PCB) Transformer Fires Rulemaking (September 1984)"; and, "Ambient Water Quality Criteria for 2,3,7,8-Tetrachlorodibenzo-p-dioxin (February, 1984)".

C. The 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) Chemical analyses of materials at the sites where fires were known to involve transformers that contained PCBs and chlorinated benzenes, and (2) laboratory experiments published in chemical and other literature. PCBs, PCDFs, and PCDDs were 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, and samples from the Miami fire are currently undergoing analysis.

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. 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 phenyl rings in the product dibenzofuran. From the products obtained in the PCB reactions, the diatomic molecules, hydrogen, hydrogen chloride, and chlorine, are formed from hydrogen and chlorine atoms in ortho positions on each of the two phenyl rings in the original polychlorinated biphenyl molecule. The optimum temperature range for the published laboratory experiments was 600 °C. Yields of PCDFs have been reported to be as high as 10 percent (calculated on the amount of PCB decomposed) for reaction temperatures 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 are far more complex than the laboratory experiments. However, EPA believes that reactions observed in the laboratory should also occur in fire situations where the reactants and reaction conditions are similar to laboratory reaction conditions.

An uncontrolled fire of sufficient temperature (about 600 °C) to burn materials containing PCBs can result in the formation of PCDFs as large as 10 percent of the level of PCBs originally present in the materials. Concentrations would vary with the volume of contained combustion gases or constituents of material containing particulate combustion solids.

PCDFs and PCDDs have also been detected following high temperature incineration. High temperature incineration is required by EPA regulations to dispose of PCBs in oil. However, the levels of PCDFs and PCDDs measured following high temperature incineration have been substantially less than those measured following the above described laboratory experiments. This is because high temperature incineration requires a 1200 °C temperature, a 2-second residence time, and sufficient oxygen. As explained above, laboratory experiments indicate that the reaction temperature for the formation of PCDFs is optimized at around 600 °C (in low oxygen content), and that yields fall off with increasing temperatures.

PCB dielectric fluid may also contain chlorinated benzenes as diluents or

contaminants, as a result of past servicing activities. Laboratory experiments have shown the formation of PCDDs in addition to PCDFs from the pyrolysis of mixtures of chlorobenzenes. Amounts of PCDFs ranged as high as several tenths of a percent for mixtures of trichlorobenzenes. Tetra- and pentachlorobenzene mixtures formed amounts of PCDFs and PCDDs which were two orders of magnitude smaller than the amounts of these compounds formed by trichlorobenzene. These reactions are bimolecular and the experimental concentrations of chlorobenzenes were high.

The presence of low concentrations of chlorobenzenes as contaminants in dielectric fluids that also contain PCBs are not expected to lead to substantial increases in the amounts of PCDFs formed from burning or heating the PCBs, but, may result in the formation of some PCDDs. 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 presence of chlorobenzenes in that fluid as well.

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. Since the laboratory reaction and results in the formation of PCDFs from PCBs is intramolecular and an elimination reaction, the effect of lower concentrations of PCBs should have a minimal effect on the reaction rate or product yield at a given temperature. In fluids in which less PCB is present, EPA believes that the only consequence is 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.

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 may 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.

Some scientists have speculated, however, that the amount of PCDFs formed from the burning of PCB

contaminated mineral oil may not be linearly related to the amount of PCBs present in the oil. These scientists theorize that the mineral oil will compete with the PCBs for available oxygen, reducing the likelihood of the formation of significant quantities of PCDFs. Several research projects which are currently underway (by EPRI and EPA) should provide some information on this issue over the next several months.

Compared to mineral oil, the higher flash point and fire point of silicone oils (a potential substitute fluid for retrofitting PCB Transformers) might reduce the chances of having a fire start. But, once a silicone oil fire starts, it may provide suitable reaction conditions for producing PCDFs (and PCDDs, when chlorobenzenes are present).

Preliminary results from a study of the formation of PCDF from the incomplete combustion of PCB-contaminated silicone oil suggest that there is a linear relationship between PCB concentration and the amount of PCDF formed during the combustion of PCB-contaminated silicone oil.

D. Causes of and Circumstances Surrounding PCB-Related Transformer Fires

From a risk assessment standpoint, there are two basic categories of transformer fires: (1) Fires in which there is little apparent distribution of PCBs, or formation and distribution of products of incomplete combustion, and (2) fires in which this formation and distribution occurs. Analyzing and comparing the circumstances surrounding transformer fires in each of these categories is beneficial in defining what, if any, characteristics make certain transformers more likely to be involved in incidents that result in the widespread contamination of buildings, and, in determining the typical causes of these fires to evaluate the expected effectiveness of risk reduction measures.

EPA has analyzed the circumstances surrounding four PCB Transformer fires which occurred in or near buildings: The Binghamton fire (February 1981); the San Francisco fire (May 1983); the Chicago fire (September 1983); and the Miami fire (May 1984). EPA has little information on actual cases of outdoor PCB Transformer fires and fires involving PCB-contaminated transformers.

EPA has concluded that sustained high temperatures in transformer locations can cause the rupturing of a transformer, the release of PCBs, the volatilization of PCBs, and the formation of toxic products of incomplete combustion. High temperatures can be caused by arcing or electrical

overloading as well as by fires or malfunctions in associated electrical equipment, and the ignition of stored combustibles. EPA has concluded that certain types of transformers may be more likely to undergo sustained high energy arcing. EPA has also concluded that building ventilation equipment, ductwork, and openings in construction can lead to the widespread contamination of buildings by smoke and soot containing PCBs and oxidation products, that floor drains in the transformer location and water runoff can lead to the release of soot into waterways, and that exposures to firefighters and building occupants may be greater when they are unaware that a fire involves a PCB Transformer or of the nature or risks posed.

The Binghamton and San Francisco fires are fires which resulted in the distribution of PCBs, PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD into buildings. Although PCBs were distributed beyond the room of origin of the fires in Chicago and Miami, the spread of PCBs was more limited than in Binghamton and San Francisco because the transformers were not located near building ventilation equipment or ductwork, and they were able to be rapidly deenergized.

Wipe samples from the first floor of the Miami building reportedly showed that low levels of PCBs were volatilized and dispersed into the building. Analyses of air handling filters from the First National Bank Building in Chicago demonstrated that PCBs had been volatilized and distributed as a result of this incident as well. Soot from the Chicago fire was not analyzed for the presence of PCDFs or PCDDs, and soot from the Miami fire is currently undergoing analysis by EPA for these materials.

All four of the above listed fires involved PCB Transformers containing over 50 percent PCBs. Three of the four transformers also contained 30-35 percent chlorinated benzenes. The San Francisco transformer reportedly contained Aroclor 1242. Based on available information, all four of these transformers were large power transformers in systems with higher secondary voltages (480/277 volts). The transformers were all located either in mechanical rooms, basement vaults or sidewalk vaults in urban areas, in or near large office buildings.

The cause of the Binghamton incident was a fire in the switchgear adjacent to the PCB Transformer. The heat from the fire in the switchgear caused a ceramic bushing to crack on the transformer, allowing 180 gallons of PCB dielectric

fluid to drain onto the floor. During the 50 minute period after this initial malfunction, there was repeated electrical arcing and reports of loud explosions. Photographs showed that the switchgear was completely destroyed, but there was little fire damage to the transformer.

The San Francisco incident was reportedly caused by a short circuit in high voltage cable in the vault. The heat generated by the burning of the cable insulation (or perhaps the cable itself physically striking a fin on the PCB Transformer) caused the transformer to rupture and release 60-70 gallons of PCBs. During the 2 to 3 hours after this initial malfunction, there was considerable vibration and loud noises occurring in the vault, probably as a result of electrical arcing.

The Chicago incident was reportedly caused by a fire in a bus bar between the PCB Transformer and the switchgear. The heat generated by this fire (or possibly electrical arcing) caused a small hole in the transformer casing and resulted in the release of 15 gallons of PCB dielectric fluid. This transformer was reportedly deenergized within 10 minutes of the initial fault, and there were no reports of loud explosions.

The Miami incident was reportedly caused by electrical arcing. The heat generated by the arc caused the transformer to rupture and release 100 gallons of PCB dielectric fluid. The transformer was reportedly rapidly deenergized after the rupturing of the transformer.

According to certain comments submitted in response to the ANPR, both the Binghamton and San Francisco fires developed into more serious incidents because the secondary (low side) voltage in the PCB Transformers in use was high enough to allow a self-sustaining arc to be formed after the transformer ruptured. Prolonged arcing results in the transfer of a tremendous amount of heat to the transformer. These comments indicate that PCB Transformer systems made up of transformers with higher secondary voltages can remain energized despite a fault on the secondary side of a transformer in a system, and result in a self-sustaining arc like that implicated in Binghamton and San Francisco. Comments on the ANPR also suggest that transformers in lower secondary voltage systems (such as 216/125 volt systems) are not as likely to experience a self-sustaining arc, and, are therefore, less likely to be associated with more serious fires.

Soot and smoke from the Binghamton and San Francisco fires entered buildings through openings in

construction in the vault areas, as well as through building ventilation equipment and building ductwork. Smoke and soot from the Binghamton fire in particular were very widely distributed throughout the interior of the Binghamton State Office Building. Smoke from the Chicago fire issued from the sidewalk gate, and smoke from the Miami fire issued from a manhole cover accessing the transformer vault. While extensive building contamination was not reported for either the Chicago or Miami fires, PCBs were measured in other areas of the buildings and in air handling filters. A mitigating factor in the Miami fire was the lack of a centralized ventilation system in the building. A mitigating factor in the Chicago fire was the presence of a separate ventilation system serving the transformer vault, garage area, and small adjacent building.

From filmed accounts of the San Francisco fire, it appears that firemen and emergency response personnel were either unaware that the transformer involved in the fire contained PCBs or were unaware of the nature of risks posed. Firefighters above the sidewalk vault did not wear respirators, and bystanders were allowed to roam the area freely. According to representatives of Florida Power and Light (FPL) and the local fire department in Miami, firefighters wore full protective gear in responding to the Miami fire. Information on the level of protection utilized by firefighters responding to the Binghamton and Chicago fires was not available.

As a safety precaution, firemen reportedly fogged the area of the Binghamton transformer with a fine water mist, and used about 10-15 gallons of water. There were no provisions for containing liquids in the transformer area. A floor drain in the transformer location leads to a sump and then to the storm sewers, which ultimately empty into surface waters. However, the heat from the fire had caused fireproofing material from the ceiling to fall to the floor, where it blocked the drain. Thus, all accumulated fluids were, by a fortunate accident, contained and reportedly subsequently removed and disposed of properly.

According to Pacific Gas and Electric (PG&E), water was not used to extinguish the San Francisco fire. Further, none of the buildings water systems pass through the vault. No information is available on the use of water in the Chicago fire. In the Miami fire, 2 to 5 inches of water was reportedly present in the bottom of the vault as a result of a recent rainstorm. This water was reportedly contained

within the vault, and FPL officials reportedly recovered all liquids on the floor of the vault, and placed these materials in containers for disposal.

Cleanup costs from the Binghamton and San Francisco fires approached \$20 million per incident. Final cleanup costs are not available for the Chicago and Miami fires; however, EPA estimates that cleanup costs from the Chicago and Miami fires will be one to three orders of magnitude less than those incurred as a result of the Binghamton and San Francisco fires.

E. Exposure Assessment

Toxicity and exposure are the two basic components of risk. In Unit III.B, EPA addressed the toxicity of PCBs, the toxicities of 2,3,7,8-TCDF and 2,3,7,8-TCDD, and, the toxicities and potential toxicities of other PCDF and PCDD congeners, which were measured in soot samples following transformer fires. The purpose of the following analysis is to evaluate the potential for human exposures to PCBs and oxidation products from fires involving transformers containing PCBs.

EPA has evaluated the likelihood and nature of human exposures to PCBs and oxidation products from transformer fires for four separate cases: (1) A fire in a building involving a transformer containing 65 percent PCBs (and 35 percent chlorinated benzenes) in which PCBs are released, products of incomplete combustion are formed, and smoke and soot are spread throughout the building; (2) a fire in a building involving a transformer containing 65 percent PCBs (and 35 percent chlorinated benzenes) after the implementation of fire-related risk reduction measures; (3) an outdoor fire involving a transformer containing 65 percent PCBs (and 35 percent chlorinated benzenes); and (4) a fire in a building involving a transformer containing 0.05 percent PCBs (500 ppm PCBs) (and 0.026 percent chlorinated benzenes (269 ppm)), in which PCBs are released, products of incomplete combustion are formed, and smoke and soot containing these materials are spread throughout a building.

The first step in evaluating the potential for human exposures to PCBs and oxidation products is to determine the populations that are likely to experience these exposures. EPA has identified six populations that may be at risk of exposure to PCBs and oxidation products in the event of a fire involving a transformer containing PCBs. These are: (1) Persons present in a building or possibly in an adjacent building at the time of a fire in or near a building; (2)

firemen and other emergency response personnel responding to the fire; (3) onlookers present during the extinguishing of the fire and members of the general public in the vicinity of the fire; (4) persons involved in sampling and cleanup operations following the fire; (5) persons returning to the building following cleanup; and, (6) persons exposed to equipment, automobiles, etc. that may have been contaminated during or after the fire. Human exposures to PCBs and oxidation products from transformer fires would be expected to occur principally through the inhalation and dermal routes.

1. Exposures From PCB Transformer Fires

a. *Fires in or near buildings.* Arcing, electrical overloading, short-circuiting in high voltage cable, switchgear fires, fires in associated electrical equipment, and the ignition of combustible or flammable materials in a transformer location can all lead to the rupturing of a transformer and the volatilization of PCBs. Sustained high temperatures in the area of a ruptured transformer increase the potential for the formation of toxic products of incomplete combustion, including PCDFs 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD. These high temperatures can either occur as a result of the initial malfunction or as a result of prolonged arcing. Sustained high temperatures can also lead to the ignition of structural materials, and the rupturing of nearby water pipes. Smoke and soot from a high temperature fire involving a PCB Transformer can contain high concentrations of PCBs and oxidation products.

The most extensive monitoring data on PCB, 2,3,7,8-TCDF, and 2,3,7,8-TCDD levels in buildings following PCB-Transformer fires was obtained from the Binghamton State Office Building site. A composite soot sample from this fire indicated the presence of 7,200 ppm PCBs, 231 ppm 2,3,7,8-TCDF, and 2.9 ppm 2,3,7,8-TCDD. For a full description of PCB, PCDF, and PCDD levels measured following transformer fires, see "Exposure Assessment for Polychlorinated Biphenyls (PCBs), Polychlorinated Dibenzofurans (PCDFs), and Polychlorinated Dibenzodioxins (PCDDs) Released During Transformer Fires (September 1984)".

EPA believes that the levels of PCBs and oxidation products measured in soot samples following the Binghamton fire are values which are representative of situations in which combustion conditions are conducive to the formation and/or release of PCBs and oxidation products. However, for certain other parameters of the exposure

assessment, such as the number of people exposed and the magnitude of potential exposures, the actual circumstances surrounding the Binghamton fire do not represent what EPA considers to be a true "reasonable worst-case situation." For example, the Binghamton fire occurred during a period of low building occupancy, cleanup has been extensive and still continues today, and building occupants have not been allowed to return to the building. EPA adjusted these parameters to develop what it considers to be a more environmentally conservative assessment of potential human exposures to PCBs and oxidation products from a PCB Transformer fire in a building.

EPA defines a reasonable worst-case PCB Transformer fire as a fire involving a PCB Transformer in which sustained high temperatures in the transformer location lead to the rupturing of the transformer casing, the release of PCBs, the volatilization of PCBs, and the widespread distribution of PCBs and oxidation products throughout the interior of a building, and potentially into waterways. EPA assumes that smoke and soot containing PCBs and oxidation products are spread throughout a large office building during peak use hours, that emergency response personnel are unaware that certain precautions should be taken to minimize exposures, and, that reoccupancy occurs only after the removal of visible traces of soot by cleanup crews.

EPA's assessment of the potential for human exposures to PCBs and oxidation products from a reasonable worst-case PCB Transformer fire in a building serves as the baseline for subsequent assessments of the expected effectiveness of fire hazard risk reduction measures. This assessment also serves as the baseline for assessing likely human exposures from PCB Transformer fires in outdoor locations (away from commercial and residential areas), and for estimating likely human exposures from PCB-contaminated transformer fires in or near buildings.

A PCB Transformer fire which occurs in or near a building during a period of peak use may potentially expose hundreds or thousands of building occupants to smoke and soot from the fire during the evacuation of the building. The potential for exposures of large numbers of building occupants to this smoke and soot is significantly increased if the transformer involved in a fire is located near building ventilation equipment and ductwork. EPA estimates that evacuation times will be on the

order of 6 to 8 minutes, and, that during these 6 to 8 minutes, building occupants will be exposed to smoke and soot, primarily through inhalation.

Emergency response personnel, unaware that the smoke and soot from the fire may contain PCBs and toxic products of incomplete combustion, may be exposed to these materials through inhalation, and may incur some dermal exposure to facial areas. EPA estimates that 30 to 60 emergency response personnel may be exposed for up to 3 hours during the extinguishing of a PCB Transformer fire. Dermal and inhalation exposure of firefighters and other emergency response personnel may continue during the completion of equipment maintenance procedures and during the cleaning of personal clothing and firefighting equipment after the fire.

Building occupants also may incur additional exposures (above those which may occur during building evacuation), if these parties remain nearby, as onlookers during the extinguishing of the fire. Further, there is an increased potential for these additional exposures when emergency response personnel (the principal authority figures at the scene of a fire) are unaware of the nature of risks posed by exposures to smoke and soot from these fires.

If a transformer involved in a fire ruptures and releases PCB dielectric fluid early, before measures can be taken to contain releases, there is a potential for contamination of surface waters and drinking water supplies. Further, if water is used to extinguish the fire or if water pipes rupture due to high temperatures caused by the fire there may be additional contamination of surface waters and drinking water supplies with PCBs, PCDFs, and PCDDs. PCBs, PCDFs, and PCDDs can reach waterways through unsealed floor drains, through fallout from airborne sources, and through runoff from the site. Members of the general public, in addition to fish and wildlife in the vicinity of a PCB Transformer fire may be exposed to PCBs and oxidation products through the ingestion of residues which have reached waterways. While comments on the ANPR suggest that water is not frequently used in extinguishing and electrical transformer fire, EPA believes that there is a potential for contamination of water from the rupturing of the transformer, from burst water pipes, from the extinguishing of ignited materials in the area (other than electrical equipment), and, from cleanup efforts.

The presence of a floor drain leading to a storm sewer in a transformer location provides a readily accessible pathway for the contamination of surface waters, and potentially, drinking water supplies. PCB dielectric fluid and water contaminated with soot containing PCBs, PCDFs, and PCDDs can enter these drains as a result of the rupturing of the transformer casing, firefighting operations, burst water pipes, and cleanup operations. Very large amounts of water can become contaminated during cleanup operations. For example, during the first year of cleanup at the Binghamton site, over 100,000 gallons of water were used, treated by charcoal filtration and secondary treatment, and discharged to surface waters. The nearest drinking water intake downstream is 45 miles away and serves 16,500 persons.

Atmospheric transport of PCBs and oxidation products in an urban area could also be responsible for exposing many members of the general population who live or work in the vicinity of a fire. In the Binghamton, New York incident, 2,585 people lived within 3 to 4 kilometers of the building. While inhalation exposures by the general public as a direct result of a PCB Transformer fire would be unlikely to occur for longer than one hour, soot fallout from a PCB Transformer fire may contaminate surface soil and surface water, in addition to outdoor furniture, automobiles, and other types of materials which are commonly stored outside. Contamination of surface soil and surface water may result in exposures to fish wildlife as well. Thus, dermal, inhalation, and even oral exposures to the general population in the vicinity of a fire may occur on a continuing basis long after the initial incident.

Exposures at the site of a fire to soot containing PCBs and oxidation products may also continue long after the extinguishing of the fire. Cleanup crews, dispatched to the scene by a building owner who is unaware of the nature of risks posed by a PCB Transformer fire, may not be initially equipped with respiratory protection or protective clothing. Inhalation and dermal exposures would be expected to occur as these crews work to remove soot from surfaces inside the building. Soot particles are likely to become airborne as a result of cleanup efforts, and would be expected to be inhaled by workers. In addition, because of the strenuous nature of cleanup work, these workers, would be expected to have a high respiration rate, further increasing exposures to

PCBs and oxidation products through inhalation.

Even if respiratory protection and protective clothing are utilized by cleanup crews, EPA expects that some level of exposure to these materials may occur both dermally and through inhalation because of the expected prolonged period of exposure. Cleanup crews may work long hours for extended periods of time. For example, in the Binghamton incident, 40 to 70 workers were involved in cleanup operations for 7 hours a day for over 250 days.

Finally, depending upon the level of knowledge of the building owner, emergency response personnel, the utility, and local public health authorities about the nature of risks posed by PCB Transformer fires, building occupants may be allowed to return prematurely to a building following the removal of only visible traces of soot. Exposures may occur to faces, hands, and lower arms for 8 hours a day over the course of 250 working days in a year. EPA also expects that inhalation exposures would occur as a result of the circulation of airborne contaminants by the building's ventilation system. Further, these exposures may continue for an indefinite period of time because these materials are expected to be quite persistent, and resistant to degradation. Residual concentrations may remain on interior building surfaces for several years.

EPA has developed more quantitative estimates of potential human exposure to PCBs, PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD from a reasonable worst-case PCB Transformer fire. These estimates are presented in the document entitled: "Exposure Assessment for Polychlorinated Biphenyls (PCBs), Polychlorinated Dibenzofurans (PCDFs), and Polychlorinated Dibenzodioxins (PCDDs) Released During Transformer Fires (September 1984)". EPA is soliciting comments on the methodology used to develop these quantitative estimates of potential human exposures to PCBs and oxidation products as presented in this document.

b. *Fires with risk reduction measures in place.* In order to evaluate the effectiveness of risk reduction measures in reducing human exposures to PCBs and oxidation products, EPA has assessed expected exposures to these materials from a PCB Transformer fire in a building, assuming the implementation of several risk reduction measures. EPA assumes that combustible materials are not stored in the transformer location, and that electrical protective devices allow the PCB Transformer to be rapidly deenergized; that the transformer is

isolated from building ventilation equipment, ductwork, and openings in construction; that measures are taken to control water releases; that the incident is reported to the National Spill Response Center; and, that the transformer is registered with both the responding fire department and the building owner. In addition, EPA assumes that the exterior of the transformer location is marked with PCB identification labels.

The potential for the volatilization of large amounts of PCBs, and the formation of products of incomplete combustion from PCB Transformer fires is reduced if efforts are made to control combustion conditions in the transformer location. EPA believes that the removal of stored combustibles from a PCB Transformer location, and the installation of additional electrical protection on PCB Transformers in higher secondary voltage systems (480/277 volts) will reduce the probability that these transformers will experience prolonged arcing. Actual case studies in which PCB Transformers in higher secondary voltage systems were rapidly deenergized in fire-related incidents indicate that EPA is correct in its belief that there are practical means available for successfully controlling combustion conditions in PCB Transformer locations to reduce the amount of PCBs volatilized and reduce the amounts of products of incomplete combustion formed.

Further, if the transformer is isolated from building ventilation systems, ductwork, and openings in construction, there is a reduced probability that volatilized PCBs and potential oxidation products present in soot and smoke will enter areas of high human occupancy. Instead, they will be contained within areas of low human use.

EPA does not believe that either of these measures used independently of each other will effectively reduce the risks posed by PCB Transformer fires in or near buildings. While the installation of increased electrical protection, in the form of a remote arc fault detection system, may reduce the likelihood of an incident occurring as a direct result of arcing, there are many other causes of PCB Transformer fires. When any fire occurs near enough to a PCB Transformer, the heat from the fire can cause the transformer to rupture. The heat from the initial malfunction can cause spilled PCBs to volatilize and can result in the formation of toxic products of incomplete combustion. Once the transformer loses its dielectric fluid, it will fail and may begin to arc. If electrical protective devices work or if external secondary disconnect switches

are available to insure that the transformer can be deenergized, this will curtail additional releases of PCBs and oxidation products.

Even transformers that are rapidly deenergized after an arcing fault occurs can rupture and release PCBs. If the transformer is located near building ventilation equipment and ductwork, volatilized PCBs from this transformer can be dispersed into areas of high human occupancy. Isolation alone may not be effective in reducing the risks posed by fires involving PCB

Transformers, since a seriously faulted transformer that remains energized for hours can produce tremendous amounts of smoke and soot. EPA believes that few isolation techniques are available which will completely contain the amount of smoke generated from a faulted transformer that remains energized for hours.

If PCB Transformer owners take immediate measures to contain water potentially contaminated with PCBs, PCDFs, and PCDDs, EPA expects that any potential releases to water will be substantially reduced. The blocking of floor drains in a transformer location as soon as practically possible after a fire-related incident occurs and the containment of all water associated with the incident should reduce the potential for the release of untreated water into surface waters. Finally, by requiring the reporting of all PCB Transformer fire-related incidents to the National Spill Response Center (NSC), EPA will be able to monitor the treatment and discharge of water to insure that safe levels are not exceeded.

Although EPA expects that the above measures will reduce releases to waterways, EPA remains concerned about potential releases to water of PCBs, PCDFs, and PCDDs. This is because releases of PCBs, and potentially PCDFs and PCDDs through floor drains and via runoff may occur before measures can be practically taken to contain these materials. EPA recognizes, however, that none of the well-researched PCB Transformer fires actually resulted in the substantial contamination of waterways. Thus, EPA is not proposing control measures to prevent these potential releases. However, EPA is soliciting comments on the practicality and feasibility of requiring the blocking of floor drains in PCB Transformer locations and on the availability, effectiveness, and cost of heat or smoke sensitive drain closures as well as external manually operated drain closures.

Advance knowledge on the part of fire departments and building owners about the contents of a transformer and the

notification of EPA in the event of a fire would be expected further to reduce exposures to building occupants, in addition to reducing exposures to firefighters and other emergency response personnel. EPA expects that firefighters, aware of the nature of risks posed by a transformer fire, would wear respiratory protection and protective clothing and would be more protective of bystanders and onlookers.

Finally, building owners who are aware that a transformer fire involves a PCB Transformer would be less likely to dispatch unprotected cleanup crews to the site, and may be less likely to allow building occupants to return unprotected to an involved building.

c. *Outdoor fires involving PCB Transformers.* Fires involving PCB Transformers located in outdoor locations, away from commercial and residential areas, are expected to result in lower human exposures to PCBs and oxidation products in fire situations than transformer fires in or near buildings. First, certain comments on the ANPR suggest that combustion conditions in an outdoor PCB Transformer fire may not be so conducive to the volatilization of spilled PCBs and the formation of large quantities of PCDFs, 2,3,7,8-TCDF, PCDDs, or 2,3,7,8-TCDD as would be the case with transformers located in machinery rooms or vaults. Generally, combustible materials are not present near outdoor PCB Transformers, and some of the heat generated from prolonged arcing or fires in associated equipment would be expected to dissipate in the environment.

Further, outdoor electrical substations in particular are generally fenced to restrict access to authorized personnel only, thus, limiting the number of people at immediate risk of exposure in the event of a fire. Third, in contrast to the smoke and soot produced from transformer fires in or near buildings, the smoke and soot from an outdoor transformer fire is expected to be more widely dispersed in the environment. Individual human exposures to PCBs would be anticipated to be reduced for outdoor transformer fires compared to transformer fires in or near buildings.

Thus, while there is a potential that emergency response personnel and cleanup crews responding to such fires may be exposed to some low levels of PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD, exposures to PCBs would be more likely to occur. Firefighting equipment and protective clothing may become contaminated with PCBs.

d. *Fires involving transformers containing less than 500 ppm PCBs.* PCB Transformers typically contain 65

percent PCBs, or about 1,300 times the maximum amount of PCBs present in PCB-Contaminated transformers (and 13,000 times the amount of PCBs present in transformers containing 50 ppm PCBs). EPA has assessed the potential for exposures to PCBs, PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD from fires involving PCB-Contaminated equipment by assuming that the transformer present in the Binghamton State Office Building was a PCB-Contaminated transformer, and, by assuming reasonable worst-case values for other parameters. EPA assumed that the formation of PCDFs and PCDDs in a PCB-Contaminated transformer would be linearly related to the amount of PCBs present in the transformer. Given this situation, PCB, PCDF, 2,3,7,8-TCDF, PCDD, and 2,3,7,8-TCDD levels in the soot from such a fire would be expected to be reduced by a factor of 1,300, compared to levels actually measured in Binghamton. Similarly, human exposures to these materials are assumed to be reduced by the same factor.

2. Frequency of Occurrence

a. *Estimates of the number of transformers in use or in storage for reuse from the August 1982 rulemaking.* 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, may be contaminated with PCBs from past servicing and manufacturing activities.

An estimate of the number of utility-owned transformers designed to contain PCBs 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 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 as well as the number of PCB-Contaminated transformers in service, and to estimate the distribution of these transformers among utility and nonutility owners.

(i) *PCB Transformers.* In the August 25, 1982 PCB Electrical Use Rule, EPA estimated that there were 140,000 transformers designed to contain PCBs in use or in storage for reuse. Of these transformers 114,469 were expected to

be in nonsubstation locations. EPA estimated that the utility industry owned approximately 22,469 of these in-service nonsubstation transformers, and that building owners and industrial users owned approximately 92,000 of the nonsubstation transformers. EPA estimates that at the end of calendar year 1984, there will be about 106,995 transformers designed to contain PCBs in use or in storage for reuse.

Because the August 1982 PCB Electrical Use Rule allows owners of untested transformers which were not originally designed to contain PCBs, to assume that these transformers are PCB-Contaminated Electrical Equipment, EPA's economic analysis of the impact of this new proposed rule focuses on those PCB Transformers which were originally designed to contain PCBs.

(ii) *PCB-Contaminated transformers.* EPA also estimated that there are over 20 million mineral oil transformers in the electric utility industry and about five million in all other applications. These mineral oil transformers may contain low levels of PCBs (less than 500 ppm PCBs) as a result of contamination from past servicing activities. EPA estimated that approximately 18 million of these mineral oil transformers are used in nonsubstation applications.

b. *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), provided EPA with information on PCB Transformers present in its buildings. Using the survey data, EPA has derived a relationship between the size of a building (in square feet) and the number of transformers required to serve it. EPA has derived two additional estimates of the population on nonsubstation PCB Transformers, based either on the total square footage of commercial real estate reported by the Building Owners and Managers Association (BOMA), or the estimated square footage in nonresidential buildings that are three or more stories high and 10,000 square feet or more in size. These calculations assume that 33.65 percent of buildings use PCB Transformers (based on the Equitable Life survey) and result in estimates of 89,640 to 185,500 PCB Transformers in or near buildings.

Based on information from the August 1982 PCB Electrical Use Rule, the EEI/USWAG survey, the Equitable Life survey, and a survey of State of California-owned PCB Transformers, EPA has estimated the age and size characteristics of PCB Transformers located in or near buildings. EPA's analysis indicates that approximately 55

to 60 percent of PCB Transformers are expected to be less than 15 years old, and that nonutility owned transformers are generally smaller than utility-owned transformers. While this observation may not hold true for industrial transformer owners, differences in size between utility and nonutility transformers would be expected, since utility-owned transformers may serve more than one building.

EPA has also used data from the National Fire Incident Reporting system for 1982 to infer the location of transformers in or near buildings. According to its analysis, only 3.4 percent of transformers are located on the upper floors of buildings. Approximately 77 percent of transformers are located at or below ground level.

Based on the results of the Equitable Life survey, EPA estimates that 69 percent of transformers located on lower floors of buildings are vaulted, and that transformers located on interior upper floors are generally located in separate mechanical rooms. The majority of transformers located exterior to buildings are also vaulted. According to utility representatives, in many cases, more than one PCB Transformer is located in a vault. Typically, two to four PCB Transformers are located within a single vault.

c. *Estimates of frequency of transformer fires.* In the ANPR, EPA presented available data on the frequency of fire-related incidents involving PCB Transformers, and solicited comments on its estimates of fire frequency. The estimates presented in the ANPR range between 8 and 1,530 fire-related incidents per year.

The majority of comments on the range of estimates presented in the ANPR suggested that the more reasonable estimate of the expected frequency of PCB Transformer fire-related incidents were on the lower side of the range presented in the ANPR. The National Electrical Manufacturers Association (NEMA) estimated a frequency of 5 to 15 fire-related incidents per 100,000 PCB Transformers per year. Assuming a population of 140,000 units, NEMA estimates that there are 7 to 22 PCB Transformer fire-related incidents per year. NEMA also estimates that of these 7 to 22 fire-related incidents, 1 PCB Transformer fire per year is likely to result in cleanup costs on the order of \$20 million.

Since the publication of the ANPR, EPA has become aware of several additional documented fire-related incidents involving PCB Transformers, in Tulsa, Oklahoma (December 29, 1983); and in Miami, Florida (May 29, 1984).

Further, in May 1984, in Tulsa, Oklahoma, a fire occurred in the same building as the December 1983 fire, after a PCB Transformer was installed to replace the transformer that failed on December 29, 1983. This replacement PCB Transformer reportedly failed shortly after installation and was also involved in a fire-related incident.

Since the publication of the ANPR, EPA has also obtained additional information on the frequency of and circumstances surrounding PCB Transformer fires through its further analysis of the NFIRS data base for calendar year 1982. EPA focused its efforts on an analysis of transformer fires in or near structures.

In calendar year 1982, 213 structure-related electrical transformer fires were reported to the NFIRS. In order to interpret the NFIRS data properly, its limitations must be recognized. First, not all States report to the NFIRS, so that not all fires are contained within the system. EPA has corrected this value to account for the nonreporting States, and is estimating that 324 structure-related transformer fires occurred throughout the United States in 1982. A structure-related transformer fire is defined as a fire inside a building or structure in which an electrical transformer provided the principal heat that caused ignition. More importantly, however, based upon comments submitted in response to the ANPR and information from the NFIRS, EPA believes that only a percentage of these structure-related transformer fires may have in fact involved PCB Transformers. While information on the make, model, and year of transformers involved in fires is requested as part of the NFIRS, responses to this information request were very limited.

Despite the limitations of this information, EPA has used it in combination with comments submitted in response to the ANPR to estimate that 10 percent of structure-related transformer fires in 1982 involved PCB Transformers. Thus, EPA is estimating that in 1982 there were approximately 30 PCB Transformer fire-related incidents in or near buildings.

EPA has also utilized information from the NFIRS on transformer fire characteristics in order to obtain an estimate of the expected frequency of PCB Transformer fires in which there is distribution of smoke into buildings. These fires would be expected to result in an increased potential human exposures to PCB's 2,3,7,8-TCDF, and 2,3,7,8-TCDD (if these materials are indeed formed). EPA has developed an estimate of the number of PCB

Transformer fires involving the spread of smoke into buildings by estimating the number of electrical transformer fires in 1982 that resulted in smoke spread beyond the room of origin of the fire (based on reports filed with the NFIRS), and applying this percentage to the estimates of the number of PCB Transformer fire-related incidents. About 15 percent of all electrical transformer fires reported to the NFIRS in 1982 involved extensive smoke travel. Based upon this figure, EPA estimates that between 4 and 5 serious PCB Transformer fires occurred in 1982, or, between 0.003 percent and 0.004 percent of nonsubstation PCB Transformers (assuming a yearly probability of about 0.0015 percent of nonsubstation PCB Transformers).

3. Conclusions—Risks Posed by Fire Involving Transformers That Contain PCBs.

Toxicity and exposure are the two basic components of risk. In earlier units of this preamble, EPA evaluated the toxicity of PCBs, PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD and presented assessments of the potential for human exposure to these materials from transformer fires. EPA concluded that both 2,3,7,8-TCDD and PCBs are suspect human carcinogens, based upon studies in laboratory animals. Further, since 2,3,7,8-TCDF is structurally and chemically similar to 2,3,7,8-TCDD, EPA has concluded that it is prudent to assume that this material is a suspect carcinogen as well. Finally, based on structure-activity relationships, other PCDF and PCDD congeners may also have oncogenic potential.

EPA has determined that relatively large quantities of these compounds can be formed and released during a fire involving a transformer containing PCBs, and that there are many routes through which building occupants, emergency response personnel, cleanup crews, onlookers, and the general public can be exposed to these materials.

EPA has concluded that fires involving PCB Transformers in or near buildings can pose significant risks of human exposures to PCBs and oxidation products. EPA believes that 0.003 percent to 0.004 percent of nonsubstation PCB Transformers per year are involved in fires where smoke (potentially containing PCBs, PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD) is distributed into buildings, or approximately 50 incidents over the remaining useful life of PCB Transformers. NEMA estimates that about 0.0015 percent of nonsubstation PCB Transformers per year are involved in these types of incidents, or

approximately 25 incidents over the remaining useful life of PCB Transformers.

A primary factor that contributes to the risks posed by PCB Transformer fires is the presence of building ventilation shafts, building ductwork, or openings in construction in the vicinity of the transformer. This factor significantly contributes to the spread of toxic materials from a transformer fire into areas of high human occupancy. A second factor that contributes to the risks posed by PCB Transformer fires is the failure of protective devices to deenergize a faulted transformer. A faulted PCB Transformer that remains energized can cause sustained high temperatures, the volatilization of large amounts of PCBs, and the formation and release of large amount of products of incomplete combustion. Other factors that contribute to the risks posed by PCB Transformer fires are the presence of combustibles in PCB Transformer locations, the presence of floor drains leading to storm sewers in transformer locations, the use of water to extinguish the fire, and the fact that emergency response personnel and the building owner may be unaware that a fire involves a PCB Transformer or of the nature of risks posed by fires.

Given that a single serious PCB Transformer fire in or near a building can potentially expose thousands of people to PCBs and oxidation products in soot in air, water, or on surfaces, EPA has concluded that PCB Transformer fires in or near buildings pose significant risks to human health and the environment. However, EPA also believes that reducing the potential for the distribution of PCBs and the potential for the formation and distribution of PCB oxidation products into areas of high human occupancy and into surface waters substantially reduces the risks posed by transformer fires.

EPA has further concluded that outdoor PCB Transformer fires, and fires involving PCB-Contaminated transformers pose lower risks than PCB Transformer fires in or near buildings. While EPA expects that outdoor PCB Transformer fires may result in the release of PCBs, EPA expects that outdoor PCB Transformer fires would be less likely to result in the volatilization of PCBs and less likely to lead to the formation and release of large levels of PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD. Although PCBs may be released and oxidation products may be formed during PCB-Contaminated transformer fires, the amounts of these materials formed and released are

expected to be significantly reduced compared to the amounts formed and released from PCB Transformers.

IV. Benefits of PCB-Transformers and the Availability of Substitutes

As part of the unreasonable risk determination, EPA must consider both the benefits of PCBs and the availability of substitute materials. The unreasonable risk determination requires EPA to balance the risks posed by the use of PCBs against the availability of adequate substitute materials and the costs associated with regulatory control measures.

A. Benefits of PCBs

PCBs were originally used as dielectric fluid in electrical transformers primarily because of their fire-resistance properties. Generally, 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 service in or near buildings where fire safety is a concern. Other dielectric fluids, such as mineral oil, have superior electrical properties to PCBs, but their fire resistance properties are not as good as PCBs.

Monsanto Company has had in progress for over a year a study assessing and comparing fire risks of PCBs and of mineral oil. The technical summary of this study was submitted to EPA in response to the ANPR. The technical summary of the Monsanto-sponsored study indicates that the average frequency of a fire spreading beyond the transformer room is 300 times greater for a mineral oil transformer than for a PCB Transformer containing 50 percent PCBs and 50 percent chlorinated benzenes. The report further indicates that there is a significant decrease in the risk of fatalities when a mineral oil transformer is replaced by a PCB Transformer containing 50 percent PCBs and 50 percent chlorinated benzenes.

B. Substitute Transformers

In its August 1982 PCB Electrical Use Rule, EPA concluded that adequate substitutes exist for PCBs in indoor transformer locations. There are two basic categories of transformers, fluid-filled and dry. There are six general types of fluid-filled substitutes for PCBs in transformers: Silicones; high-temperature hydrocarbons (HTH); chlorinated hydrocarbons; non-PCB askarels; fluorocarbons; and mineral oil. The following unit summarizes available information on the fire safety and electrical properties of these substitute

fluids, and discusses available information on the toxicity of substitute dielectric fluids in combustion situations.

The property of having a fire point higher than 300 °C is one criteria that allows classification of fluids as "less flammable transformer fluids" by Factory Mutual Research Corporation (FMRC). 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.

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 5 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 flocculant 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. In the ANPR, EPA indicated that silicone fluids are self-extinguishing when burned in a pool, since a crust is formed which smothers the flame. One commentator indicated that crust formation is not really dependable, and will vary based on the specific combustion conditions.

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 more rapid 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.

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 III.C 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.

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. Information submitted in response to the ANPR suggests that the average frequency of a fire spreading beyond the transformer room is 300 times greater for a mineral oil transformer than for a PCB Transformer containing 50 percent PCBs and 50 percent chlorinated benzenes. 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 properties. Adequate substitutes include silicone-filled transformers and dry transformers.

C. Retrofilling PCB Transformers

1. Introduction

Two general types of substitutes for PCBs in transformers stand out as the best retrofill 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. A related question is the potential for the formation of toxic products of incomplete combustion from the retrofit fluid and remaining residual concentrations of PCBs. 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 FMRC as "less flammable" fluids. Silicones have a higher viscosity than PCBs and are therefore not quite comparable to PCBs as a coolant. For this reason, it is possible that transformers retrofilled with silicone would have to be derated. According to one silicone fluid manufacturer, if the transformer were fully loaded, a derating not exceeding 5 percent could be necessary. (Derating means lowering the maximum level of electrical load that the transformer can handle.)

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 the expected increase in pressure.)

Experience with retrofitting PCB Transformers since the issuance of the August 1982 PCB Electrical Use Rule indicates that retrofitting with silicones to reclassify transformers as non-PCB may not be cost-effective in many cases at this time. Very few transformers retrofilled with silicone fluid have been able to reach and maintain PCB 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 retrofilled 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 FMRC 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.

Because the paraffinic HTHs have high convective and radiant heat release rates, the owner's insurance company may recommend more stringent installation requirements.

V. Regulatory Options

A. Introduction

This unit summarizes the economic impact of various regulatory options for reducing the risks posed by PCB Transformer fires. (For a full analysis of the expected economic impacts, see "Regulatory Impact Analysis of the Proposed Rule for Indoor PCB Transformers.") The analysis includes a consideration of the expected savings in cleanup cost as a result of implementing these measures. The analysis also considers the expected outlays for cleanup from PCB Transformer fires involving widespread building contamination, if measures are not taken to reduce the likelihood of occurrence. EPA considered cost savings from the cleanup of leaks and spills of PCBs in the August 25, 1982 PCB Electrical Use Rule, and a similar methodology is used here.

Given the well-established toxicity of PCBs, and the presence of materials that are much 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 dollars each to ensure the safety of persons returning to occupy these buildings. For a full analysis of measures taken as part of the cleanup of the Binghamton fire, see "The Binghamton State Office Building Clean-up: A Progress Report Update, 1983," and "Investigation of the Contamination Remaining in the Binghamton State Office Building Following Completion of Preliminary Clean-up, October 20, 1982". These costs, for sampling, cleanup 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 1982 PCB Electrical Use Rule, did not take into consideration the costs of cleanup in the event of PCB Transformer.

For purposes of the following analysis, EPA assumes that PCB Transformer fires with smoke spread into buildings will occur 50 times over the remaining useful life of this equipment, or at a rate of between 0.003 percent and 0.004 percent of nonsubstation PCB Transformers per year, and that cleanup costs from these incidents will approach \$20 million each. EPA's estimate of cleanup costs associated with these 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 cleanup following non-PCB transformer fires in cases where little structural damage occurs to the building involved in the fire.

B. Regulatory Options and Economic Impacts

1. Take No Additional Action

The first regulatory option that EPA considered was to take no further regulatory action at this time to restrict the use of PCBs in transformers. This would allow the continued use of PCBs in transformers without additional restrictions above the requirements of the August 1982 PCB Electrical Use Rule. That rule authorized the continued use of transformers containing PCBs (that pose no exposure risk to human food or animal feed) for the remainder of their useful lives subject to certain recordkeeping and inspection requirements, based on the concentration of PCBs in the equipment.

There are no costs to transformer owners associated with EPA's allowing the continued use of transformers containing PCBs, other than the potential future costs associated with cleanup and liability suits following fires involving this equipment. If the use of PCB Transformers is authorized indefinitely, without additional restrictions, EPA expects that additional incidents will occur. Based on the NFIRS data base, EPA currently estimates that in 1982 there were 4 fires involving PCB Transformers in or near buildings where smoke and soot were distributed in the buildings. This figure translates into an annual probability of 0.003 percent to 0.004 percent of the total number of nonsubstation PCB Transformers in service each year, or about 50 incidents over the remaining useful life of this equipment.

For purposes of this analysis, these 50 incidents would be expected to require cleanup efforts whose cost would approach \$20 million each (1983 dollars) or an estimated \$375 million over the remaining useful life of this equipment.

2. Labeling and Registration Programs

The registration of transformers which contain PCBs with fire departments and building owners, in combinations with the labeling of the exterior of transformer locations with PCB identification labels may be effective in reducing exposures to firemen, building occupants, and bystanders. Compared to the other regulatory alternatives under consideration (other than the alternative of taking no additional action), the cost of this option is relatively low. EPA believes that in addition to registration with fire departments, the labeling of the exterior of transformer locations is necessary to insure that emergency response personnel arriving at the scene of a fire know that the fire involves a transformer that contains PCBs. EPA expects that the costs of labeling the exterior of PCB Transformer locations will be about \$20.00 per transformer. The labeling of the exterior of PCB-Contaminated transformer locations would be expected to be significantly higher, since this may involve analytical testing to determine the PCB concentration in each transformer.

The costs of registering PCB Transformers are also expected to be minimal, since the location of all PCB Transformers should already be known by the owners of the equipment. The costs to transformer owners of forwarding this information to building owners and to fire departments is expected to be minimal, on the order of \$50.00 per transformer. The costs

associated with registering PCB-Contaminated transformers would be expected to be significantly higher, since this may also involve analytical testing to determine the PCB concentration in each transformer.

EPA estimates that total costs of labeling and registration programs for PCB Transformers would be approximately \$10 million.

3. Smoke Control Technologies

Certain design techniques or changes to transformer locations are expected to be effective in reducing the risks associated with fires involving transformers containing PCBs. The objective of isolation is to reduce the widespread contamination of structures and the environment by smoke and soot from a transformer fire. These techniques often include the modification of the ventilation system serving the transformer location and sealing cracks or openings which would permit smoke to escape freely into occupied areas and the environment. In the more serious transformer incidents, the presence of building ventilation systems, building ductwork, and openings in construction in transformer locations have been responsible for the dispersion of toxic contaminants into buildings. Based on comments, isolation techniques are expected to be 85 to 90 percent effective in limiting the spread of smoke and soot from a transformer fire.

Unlike the ventilation systems for other oil-filled transformers, the ventilation systems for PCB Transformers were not designed for the purpose of fire isolation but rather were designed only to keep the ambient temperature at or below 30° Centigrade (C). However, the removal or alteration of existing ventilation systems could result in higher operating temperatures which shorten transformer operating lives and may increase the likelihood of equipment failure.

Thus, the design of alternative ventilation or cooling systems may be necessary to reduce the potential for building contamination. Ventilation alternatives include air conditioners, redirected venting, and heat exchangers, or simply limiting the contamination potential of the existing system by reducing the ventilation cooling effectiveness.

A practical alternative to the modification of ventilation systems is to install a smoke-activated device which shuts down the ventilation system and seals off an enclosed transformer. Installation of a smoke-activated closure would probably cost less than \$1,000.

Although specific design changes and costs of isolation techniques are dependent on the individual transformer location, EPA has developed some general costs estimates. A firm involved in survey and design projects for PCB Transformers estimates that in 85 to 90 percent of all cases where isolation is the desired alternative, the costs are about \$8,000 per transformer location.

For purposes of the cost-effectiveness analysis, an average cost of \$8,000 per location is assumed for all locations where some form of suitable transformer enclosure is already present. For nonenclosed transformers, an estimated cost of \$15,000 is assumed for retrofit of an enclosure that provides for smoke containment.

The total real costs of isolation procedures depend upon the time allowed for their implementation. The total real resources costs (costs prior to deducting savings as a result of avoided cleanup operations) associated with requiring the isolation of PCB Transformers located in or near buildings over a 3-year period are estimated at \$500 million. The net cost, after deducting expected savings as a result of avoided cleanup operations, is estimated at \$222 million. The total real resource cost associated with requiring the isolation of PCB Transformers in or near buildings over a 5-year period is estimated at \$444 million. The net cost, after deducting expected savings as a result of avoided cleanup operations, is estimated at \$201 million.

EPA is also proposing to require PCB Transformer owners to maintain records of isolation procedures completed, in the form of PCB-Smoke Spread Reduction Plans (PCB-SSRPs). These records would be necessary for compliance monitoring purposes and would be retained until the transformer is placed in storage for disposal or actually disposed of (whichever is earlier). EPA has developed a proposed guidelines document for preparing PCB-SSRPs, and is soliciting comments on it. This document is entitled: "Guidelines for the Preparation and Implementation of a PCB-Smoke Spread Reduction Plan."

EPA expects that maintaining these records will create a minimal additional burden on PCB Transformer owners (above the burden created by requiring transformer isolation procedures).

4. Floor Drain Closure Systems

The sealing off of floor drains in PCB Transformer locations, the installation of heat or smoke sensitive drain closures, or the installation of an external manually operated drain closure would reduce the potential for

the contamination of waterways with spilled PCBs and PCDFs and PCDDs through unsealed floor drains. EPA is not proposing to require any of these measures, based on its current analysis, but, is soliciting comments on their practicality, feasibility, effectiveness, and cost.

5. Increased Electrical Protection and External Disconnect Switches

The installation of certain safety equipment, such as pressure relief devices, current-limiting fuses or infrared sensors for remote arc-fault detection, may reduce the probability of fire or explosions in PCB Transformers, particularly events resulting from electrical malfunctions.

Current-limiting fuses work to monitor the flow of current into a transformer, and in the event of a power overload they will shut down the transformer. Comments indicated that these fuses are effective in avoiding catastrophic failures in PCB Transformers. However, other sources noted that current-limiting fuses may be less effective on transformers with high secondary voltages (480/277 volts versus 208/122 volts) because the current is lower. According to these sources, the current generated in a high resistance arcing fault may not be great enough to activate the fuse. Data from the more well-publicized PCB Transformer fires support this assertion. While it is often possible to install more sensitive fuses in place of existing ones, this increased sensitivity may also result in additional false outages. Such false outages decrease the reliability of the system.

Infrared sensors are continuous heat-detection monitoring devices located inside the transformer location. These sensors are used for remote arc-fault detection, and operate automatically to de-energize the transformer in the event of a fault. Since electrical arcs can cause fires, the risk of fire as a result of electrical arcing is reduced with the installation of an infrared system.

In addition to or in place of electrical protection, placement of manually operated switches external to or away from a transformer location may be useful. When electrical protection fails or is not present, an arcing fault may persist until the transformer is deenergized. This deenergization can be accomplished more rapidly by fire personnel or utility representatives if external switches are present. In most cases, the secondary transformer circuit is involved in an arcing fault, so that a secondary disconnect switch would suffice.

The cost of installing increased electrical protection depends both on

the form of protection and whether the device involves a retrofit of the transformer. Of the devices considered, heat-sensing (infrared) devices are likely to be the most effective means of preventing catastrophic failures due to fires from arcing faults. In all of the well-researched cases, arc faults resulting in catastrophic failures occurred on the secondary coil circuit of a transformer with a higher secondary voltage (480/277 volts). EPA's analysis of the costs associated with this option considers the costs of requiring the installation of heat-sensing (infrared) devices on transformers with higher secondary voltages. These devices would be expected to rapidly deenergize the secondary circuits of these transformers in the event of an arc fault.

Assuming that two such devices are used per transformer, an average cost of \$2,000 per transformer is used for this analysis. The costs associated with requiring the installation of these devices on all PCB Transformers is estimated at \$213 million. The total costs associated with requiring the installation of these devices on only PCB Transformers with high secondary voltages (located in or near buildings) is estimated at \$106 million. While it is difficult to estimate the incremental savings in cleanup cost that would be associated with installing these devices, EPA believes that these types of devices, in addition to the implementation of isolation procedures, would be effective in actually avoiding serious PCB Transformer fires. EPA has already accounted for this savings in its analysis of the net cost of isolation procedures.

The costs associated with installing an electrical switch exterior to a transformer vault or in a remote location away from the transformer have also been considered. Since in most cases arc faults appear to occur on the secondary coil circuit, the cost analysis considers the cost associated with installing a switch to deenergize the secondary circuit. EPA estimates the cost of installing external secondary disconnect switches at \$1,000 per location.

EPA's estimate of the total resource cost associated with installing secondary disconnect switches on PCB Transformers located in or near buildings is \$73 million. If EPA required the installation of these switches only on PCB Transformers with high secondary voltages, EPA estimates the total resource costs at \$36 million. As was the case for infrared arc fault detection devices, EPA expects savings in cleanup costs to be realized only if these devices are used in conjunction

with the isolation of the transformer. EPA has already considered these expected savings in its analysis of the net cost of isolation procedures.

6. Retrofilling

Retrofilling of PCB Transformers to reduce the PCB concentration to below 500 ppm would be expected to reduce human and environmental exposures to PCBs and their oxidation products in the event of a fire. This would be accomplished through a substantial reduction in the amount of PCBs present in the transformer. EPA has completed an analysis of the costs of retrofilling PCB Transformers to reduce PCB concentrations to below 500 ppm. EPA estimates that retrofill costs will range from \$15,505 for a 50 KVA transformer to \$32,034 for a 3,000 KVA transformer. These estimates 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 resource costs of retrofilling of all nonsubstation PCB Transformers (106,995 at end of 1984) to below 500 ppm is about \$1.6 billion. Although the retrofilling of PCB Transformers reduces the risks to humans posed by the transformer in the event of a fire (by reducing the amount of PCBs present, the amount of PCBs released, and the amount of PCDF formed and released), it is difficult to estimate the effectiveness of this option in avoiding cleanup costs from fire incidents.

An estimate of the total resource costs of retrofilling all PCB Transformers to below 500 ppm is about \$1.9 billion.

7. Phaseout of PCB Transformers

a. *PCB Transformers in or near buildings.* The removal of PCB Transformers from locations in or near buildings would eliminate the unique fire-related risks posed by the continued use of this equipment. The following table uses a population of 106,995 units (EPA's estimate of the number of PCB Transformers in or near buildings that will be in use at the end of 1984) and an estimate of equipment life of 30 years, and presents total real costs of phase-out over 5-, 10-, and 15-year periods, as well as potential cleanup costs avoided. EPA assumes a serious PCB Transformer fire rate of 0.003 percent of in-service PCB Transformers per year, and clean-up costs per serious event of \$20 million. EPA did not consider an immediate ban 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 phaseout costs versus cleanup costs avoided, see "Regulatory Impact Analysis of the Proposed Rule for Indoor PCB Transformers, June 15, 1984."

TABLE 1.—PHASEOUT COST COMPARISON
(Millions of dollars)

Reg. option	Cost	Clean-up costs avoided	Net cost
15-Year Phase Out.....	\$277	\$48	\$229
10-Year Phase Out.....	609	119	570
5-Year Phase Out.....	1,529	265	1,206

b. *PCB Transformers in outdoor locations.* The removal of PCB Transformers from outdoor locations is unlikely to result in a reduction in the frequency of transformer fires that involve higher human exposures to PCBs and their oxidation products. This is because EPA expects that outdoor PCB Transformer fires result in lower human exposures to PCBs and their oxidation products than exposures which result from PCB Transformer fires in or near buildings. EPA has, however, estimated the costs associated with requiring the removal of an estimated 23,743 PCB Transformers in outdoor locations, over 5-, 10-, and 15-year periods. A 5-year phaseout is estimated to cost \$336 million, a 10-year phaseout is estimated to cost \$152 million, and a 15-year phaseout is estimated at \$62 million.

VI. Risk/Benefit Assessment

1. Use of PCB Transformers in or Near Buildings

PCBs can be released in fires involving PCB Transformers, and (depending upon the contents of the transformer and the combustion conditions), 2,3,7,8-TCDF, PCDFs, 2,3,7,8-TCDD, and PCDDs can be formed. Laboratory studies on the formation of PCDFs from PCBs, and PCDDs from chlorinated benzenes, as well as sampling data from actual PCB Transformer fire sites confirm that PCBs can be released and 2,3,7,8-TCDF and 2,3,7,8-TCDD (as well as other PCDF and PCDD congeners) can be formed and released from fires involving PCB Transformers.

PCB Transformers that remain energized after major faults or high energy arcs are more likely to result in the volatilization of large amounts of PCBs and the formation of large amounts of PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD through incomplete combustion than PCB Transformers that are able to be rapidly, and completely deenergized when an arc or fault occurs. Further, based on its

analysis of well-researched PCB Transformer fires, and information submitted in response to the ANPR, EPA has concluded that PCB Transformers in high secondary voltage systems (480/277 volts) appear to be more likely to undergo sustained high energy arcing than transformers in low secondary voltage systems.

EPA has also concluded that the presence of combustible materials in a transformer location increases the potential for sufficient heat to be generated after any arc or fault occurs to cause a transformer to rupture and result in the release of PCBs, and the potential formation and release of products of incomplete combustion. Both sustained high energy arcing and the ignition of combustibles in a transformer location can generate enough heat to result in the volatilization of large amounts of spilled PCBs, and the potential formation and release of large amounts of PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD.

Significant exposures of humans to PCBs, PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD may occur, if: (1) The transformer involved in a fire is located near building ventilation equipment, building ductwork, or openings in construction; (2) water containing these materials is allowed to enter floor drains and contaminate surface waters; and (3) emergency response personnel and the building owner are unaware that a transformer contains PCBs and of the precautions which should be taken to avoid exposures. EPA evaluated expected human and environmental exposures to PCBs and oxidation products from a reasonable worst-case fire involving a PCB Transformer in a building, and evaluated the risks posed to different population groups, including firemen, building occupants, and cleanup crews. Based on the results of this risk evaluation, EPA has concluded that PCB Transformer fires in or near buildings have the potential to pose significant risks to human health.

PCB Transformer fires in or near buildings that result in the distribution of smoke and soot beyond the room of origin of the fire are anticipated to occur at a frequency of 0.003–0.004 percent of nonsubstation PCB Transformers per year. Without additional control measures on the use of this equipment, EPA anticipates about 50 of these incidents over the remaining useful life of nonsubstation PCB Transformers.

EPA has determined that a single serious PCB Transformer fire may expose hundreds to thousands of people to PCBs, PCDFs, 2,3,7,8-TCDF, PCDDs, and 2,3,7,8-TCDD. The fact that PCB

Transformer fires are anticipated to occur at a regular yearly rate and that a single serious PCB Transformer fire can pose high risks to human health combine to make PCB Transformer fires in or near buildings of sufficient concern to EPA to warrant the consideration of additional regulatory control measures on the use of the equipment.

EPA recognizes that PCBs are excellent dielectric fluids from the perspective of fire safety and electrical properties. Further, based on comments on the ANPR, there is evidence to support a determination that the use of PCBs over the past 40 years has reduced fire losses and fatalities associated with electrical transformer fires. EPA is concerned about increasing the potential for fire fatalities and property damage from electrical transformer fires in buildings by mandating the rapid removal or retrofill of PCB Transformers.

This is not to say that adequate substitutes are unavailable for PCB Transformers located in or near buildings. As set out above, EPA believes that adequate substitutes exist for PCB Transformers in or near buildings.

However, there will be approximately 106,995 nonsubstation PCB Transformers in use or in storage for reuse at the end of 1984. The costs of regulatory control measures designed to mitigate the unique risks posed by fires involving PCB Transformers in or near buildings must be balanced against the magnitude of risks posed by these incidents assuming use for the remaining useful life of the equipment.

Since immediate removal of PCB Transformers is not possible without wide disruption of electrical service, the phaseout of PCB Transformers located in or near buildings over a 5-year period is clearly the preferred regulatory option from the perspective of avoiding the maximum number of serious PCB Transformer fires in or near buildings. This option would be expected to avoid 40 serious PCB Transformer fires in or near buildings that would have otherwise occurred over the remaining useful life of this equipment.

However, the costs associated with the removal of all PCB Transformers located in or near buildings by July 1, 1990 are very high. The total real resource costs are estimated at \$1.5 billion. Even after deducting cleanup costs that would be avoided by a 5-year phaseout (as a 5-year phaseout would be expected to avoid 40 serious incidents), the net costs are expected to reach \$1.2 billion. The net cost of a 5-year phaseout in terms of the net cost

per serious incident avoided is about \$31 million.

The removal of PCB Transformers in or near buildings over a 10-year period is expected to avoid 21 serious PCB Transformer fires at a total cost of \$689 million, while the removal of PCB Transformers in or near buildings over a 15-year period is expected to avoid 14 serious PCB Transformer fires at a total cost of \$277 million. After considering cleanup costs that would be avoided by 10- or 15-year phaseouts, the net costs are estimated at \$570 million for a 10-year phaseout, and \$229 million for a 15-year phaseout. The net cost of a 10-year phaseout in terms of the net cost per serious incident avoided is about \$21 million. The net cost of a 15-year phaseout in terms of the net cost per serious incident avoided is about \$14 million.

The total real resource costs of the immediate retrofitting of PCB Transformers in or near buildings to enable the transformers to be reclassified to PCB-Contaminated status are estimated at \$1.6 billion. Since it is difficult to determine the impact of retrofitting to 500 ppm PCBs on cleanup costs from serious transformer fires, EPA has assumed that there will be no savings in cleanup costs. EPA does believe, however, that the risks posed to public health by fires involving PCB-Contaminated transformers are substantially less than the risks posed by fires involving PCB Transformers, by virtue of the much lower amounts of PCBs present in contaminated equipment.

EPA's study of the causes of and circumstances surrounding PCB-Transformer fires in or near buildings suggested certain similarities among more serious PCB Transformer fires. First, more serious PCB Transformer fires appear typically to involve PCB Transformers which are located near building ventilation equipment, building ductwork, and openings in construction. Second, more serious PCB Transformer fires appear to be typically associated with the failure of electrical protective devices to deenergize the secondary circuit after the transformer ruptured and released PCBs.

Further, only a fortunate accident in the Binghamton incident (the blocking of the floor drain by debris) prevented the discharge of spilled PCBs and contaminated water into storm sewers. Finally, PCB Transformer fires may result in higher human exposures when emergency response personnel and the building owner are unaware that a fire involves a PCB Transformer and that certain precautions should be followed to avoid exposures.

These factors that increase the probability of a more serious PCB Transformer fire occurring and increase the potential for human exposure to PCBs and oxidation products are potentially correctable without having to resort to the removal or retrofit of the transformer. The installation of heat sensitive (infrared) monitors which are designed to deenergize a transformer's secondary circuit in the event of a fault or the installation of external secondary disconnect switches (on transformers with high secondary voltages (480/277 volts)); the removal of stored combustibles from transformer locations; and the isolation of PCB Transformers in or near buildings from building ventilation equipment, building ductwork, and openings in construction; and requirements to contain water releases and report PCB Transformer fire-related incidents to the NSC are measures which EPA expects will reduce the probability of PCB Transformer fires and exposures to humans and the environment in the event that a fire does occur.

EPA believes that isolation procedures for all PCB Transformers in or near buildings are necessary in addition to the removal of stored combustibles and the installation of additional electrical protective devices on higher risk transformers (those with higher secondary voltages), because: (1) Electrical protective devices are subject to malfunction; (2) fires may occur in other nearby electrical equipment or machinery and involve the transformer; and (3) even in documented instances where electrical protective devices worked and rapidly deenergized a transformer with a higher secondary voltage, sufficient heat was generated to result in the rupturing of the transformer and the volatilization and distribution of PCBs.

EPA believes that the registration of all PCB Transformers in or near buildings with building owners and local fire department jurisdictions, and the labeling of the exterior of PCB Transformer locations with PCB identification labels would reduce exposures to emergency response personnel and building occupants in the event of a PCB Transformer fire. This is a relatively inexpensive means for reducing exposures to emergency response personnel and building occupants, both during the extinguishing of the fire, and during cleanup operations and reoccupancy. EPA believes that registration of these transformers alone, without external labeling, may not be sufficient to insure that emergency response personnel at the scene of a transformer fire are aware

that a PCB Transformer is involved. EPA encourages building owners to transmit information on the location of PCB Transformers in their buildings to the property managers responsible for overseeing the day-to-day operation of these buildings.

EPA also believes that it is prudent to require the reporting of all PCB Transformer fire-related incidents to the NSC prior to the initiation of clean-up efforts. EPA regional offices will be notified by the NSC, allowing EPA the opportunity to monitor cleanup operations and releases to the environment.

While EPA believes that requiring the containment of potential releases to water as soon as practically possible and the reporting of incidents to the NSC will reduce potential releases to waterways, EPA remains concerned about releases which may occur before it is practically possible to contain the PCBs, and potentially PCDFs, and PCDDs. EPA is soliciting comments on the practicality, feasibility, effectiveness, and cost of requiring floor drain closure in PCB Transformer locations.

EPA recognizes that the installation of additional electrical protective devices on PCB Transformers (in or near buildings) with high secondary voltages, and the isolation of PCB Transformers located in or near buildings may not be able to be accomplished immediately. PCB Transformer owners will have to: (1) Identify transformers with high secondary voltages; (2) evaluate the location of each PCB Transformer relative to the presence of building ventilation equipment, ductwork, and openings in construction; (3) determine the most cost-effective techniques; and (4) reach an agreement with the building owner for the scheduling of and financial responsibility for isolating the transformer. EPA believes that it is reasonable to allow 3 to 5 years for the installation of additional electrical protection on PCB Transformers with high secondary voltages and the isolation of all PCB Transformers in or near buildings.

At the same time, EPA also believes that it is reasonable to require certain immediate measures, namely: (1) the removal of stored combustibles from PCB Transformer locations in or near buildings; (2) the registration of all PCB Transformers with local fire department jurisdictions and with building owners; and (3) the reporting of all PCB Transformer fire-related incidents to the NSC; (4) the labeling of the exterior of PCB Transformer locations with PCB identification labels; and, (5) the

containment of all potential water releases from PCB Transformer fires.

The installation of additional electrical protection on PCB Transformers with high secondary voltages and the isolation of all PCB Transformers over a 3-year period, in combination with the immediate removal of combustibles, the reporting of fires to the NRC, the containment of water releases, and the exterior labeling and registration of these transformers is expected to avoid about 38 serious PCB Transformer fires. A 5-year period for instituting this program is expected to avoid about 31 serious PCB-Transformer fires.

The total real resource costs associated with the installation of additional electrical protection on nonsubstation PCB Transformers with high secondary voltages and the isolation of all PCB Transformers in or near buildings over a 3-year period is estimated at \$536-\$606 million (depending upon the type of electrical protection used). After considering the expected savings in cleanup costs from avoided serious incidents, EPA estimates the total net cost at \$268-\$338 million. The total resource costs associated with a 5-year electrical protection/isolation program is estimated as \$490-\$560 million. After considering the expected savings in cleanup costs from avoided serious incidents, EPA estimates the net cost at \$247-\$317 million.

The regulatory program that avoids the maximum number of serious PCB Transformer fires for the least cost, i.e., the most cost-effective option, is: (1) The installation of additional electrical protection on PCB Transformers (with high secondary voltages) which are located in or near buildings and the isolation of all PCB Transformers in or near buildings by July 1, 1988; (2) the immediate registration of PCB Transformers with local fire department jurisdictions and the registration of PCB Transformers in or near buildings with building owners; (3) the immediate labeling of the exterior of PCB Transformer locations; (4) the immediate removal of stored combustibles from PCB Transformer locations in or near buildings; (5) the reporting of fires to the NSC; and, (6) the containment of water releases from PCB Transformer fires. This program is anticipated to avoid 38 serious fire incidents at a net cost of between \$268 and \$338 million. EPA's risk evaluation supports a finding that the implementation of these risk reduction measures will substantially reduce the risks posed by fires involving PCB Transformers.

The following table summarizes the cost-effectiveness of various regulatory alternatives for PCB Transformers in or near buildings.

TABLE 2.—COST-EFFECTIVENESS ANALYSIS OF ALTERNATIVES FOR PCB TRANSFORMERS IN OR NEAR BUILDINGS

Reg. option	Real costs (millions of dollars)	Net costs (millions of dollars)	Avoided serious incidents
Phaseout.....	\$277-\$1,529	\$229-\$1,206	14 to 40.
Retrofill.....	1,600	1,600	Reduces exposures.
Isolation.....	444-500	201-222	31-38 (if used in conjunction with electrical protection.
Electrical protection (high secondary voltages only).	36-106	36-106	Reduces amount of contaminants formed.
Regist. & labeling.	10	10	Reduces exposures.

2. Use of PCB Transformers in Outdoor Locations

EPA's evaluation of the risks posed by PCB Transformer fires indicates that the use of PCB Transformers in outdoor locations away from commercial and residential areas poses less risk to public health than the use of this equipment in or near buildings. First, comments suggest that the combustion conditions in outdoor locations may not be so conducive to the volatilization of PCBs and the formation of incomplete combustion products as combustion conditions in areas such as sidewalk vaults and machinery rooms.

Second, EPA believes that fewer people are generally present near outdoor PCB Transformer locations, and, that these areas are generally fenced in to restrict access to authorized personnel. Further, if PCBs were volatilized and dispersed into the environment, individual human exposures to PCBs and potential oxidation products from such a fire are expected to be much lower than from fires in or near buildings.

EPA does believe, however, that it is prudent to require outdoor PCB Transformers to be registered with local fire department jurisdictions and that all PCB Transformer fire-related incidents be reported to the NRC. Further, additional labeling of the exterior of these locations would reduce exposures of emergency response personnel to spilled PCBs (which is anticipated to be the more prevalent situation in outdoor locations) and may serve to limit the spread of these materials into the environment.

3. Use of PCB-Contaminated Transformers

The risks posed by fires involving PCB-Contaminated transformers are smaller than the risks posed by fires involving PCB Transformers, by virtue of the smaller amount of PCBs present in contaminated equipment. EPA evaluated the reasonable worst-case risks posed by fires involving PCB-Contaminated transformers by assessing expected human exposures to PCBs and products of incomplete combustion from a fire involving this equipment, in which smoke and soot containing these materials were distributed throughout a building.

Based on its analysis, EPA determined that while fires involving this equipment pose some level of risk, the risks are considerably less than those posed by similar fires involving PCB Transformers. Further, there are an estimated 20 million PCB-Contaminated transformers in use or in storage for reuse. Even the least costly regulatory option which was considered for PCB Transformers (registration and additional labeling), would place tremendous burdens on owners of PCB-Contaminated equipment, and could affect the availability of electrical power in the United States.

VII. Findings on the Use of PCBs in Electrical Transformers

1. Based on the analysis presented in Unit VI, EPA has determined that the use of PCBs in transformers does not pose unreasonable risks to public health or the environment, provided, that in addition to the inspection, recordkeeping, and servicing requirements of the August 25, 1982 Electrical Equipment Rule:

a. All PCB Transformers are registered with local fire department jurisdictions and PCB Transformers in or near buildings are also registered with building owners.

b. The vault door, machinery room door, or means of access to PCB Transformers are labeled with PCB identification labels.

c. The vault, machinery room, or equipment room housing PCB Transformers located in or near buildings is cleared of stored combustibles.

d. In the event of a PCB Transformer fire, measures are taken to contain water releases.

e. In the event of a PCB Transformer fire, the National Spill Response Center is notified prior to the initiation of cleanup efforts.

f. By July 1, 1988, PCB Transformers used in higher secondary voltage systems (480/277 volt systems) located in or near buildings are equipped with either: (1) Heat-sensitive (infrared) disconnect switches on the secondary circuit; (2) external secondary disconnect switches; or (3) equivalent technological innovations to insure that a transformer in high secondary voltage systems (480/277 volt systems) can be rapidly deenergized.

g. By July 1, 1988, PCB Transformers in or near buildings are isolated from building ventilation systems, building ductwork, and opening in construction to insure that smoke from a fire involving a PCB Transformer will not enter areas of high human occupancy.

2. The use of PCBs in transformers that comply with: (1) The inspection, recordkeeping, and servicing requirements of the August 25, 1982 Electrical Use Rule; and (2) the fire hazard risk reduction measures described above, does not pose unreasonable risks to public health or the environment for the following reasons:

a. If EPA did not authorize the use of PCBs in transformers, it would cost the public and United States industry billions of dollars, primarily as a result of the disruption of electrical service. The resulting reductions in risk, after considering both the risks posed by spills and leaks of PCBs as well as the risks posed by fires involving this equipment would not outweigh these substantial costs.

b. The required inspection, maintenance, and servicing requirements under the August 25, 1982 Electrical Use Rule, and the fire hazard risk reduction measures listed above reasonably reduce the exposures associated with the use of PCBs in PCB Transformers. The fire hazard risk reduction measures are much less costly than a ban on the use of PCBs in PCB Transformers but are of a similar effectiveness in reducing the risks posed by fires involving PCB Transformers.

c. The costs of phaseout and retrofitting are not reasonable when considering the potential reduction in release of PCBs and the reduction in the frequency of serious PCB Transformer fires, if these measures were required for all PCB Transformers.

d. Releases of PCBs to the environment and exposures to humans and biota from the use of PCB-Contaminated and non-PCB transformers are minimal. Further, the risks posed by fires involving this equipment are substantially less than the risks posed by fires involving PCB Transformers, and the costs of any

control measures to further reduce these risks are very high.

VIII. Compliance and Enforcement

EPA, in requiring the installation of additional electrical protection on PCB Transformers with high secondary voltages, and in requiring the isolation of PCB Transformers, has allowed for some flexibility on the part of transformer owners. EPA recognizes that technology is constantly evolving in areas such as the development of electrical protection devices. Further, EPA recognizes that there may be many ways that the spread of smoke from a particular PCB Transformer location can be effectively reduced and limited to areas of low human occupancy. Thus, EPA has allowed some flexibility on the part of transformer owner in the selection of appropriate additional electrical protective devices and in the selection of appropriate isolation techniques. By requiring electrical protection/isolation, EPA implicitly allows the replacement of PCB Transformers with substitute equipment, and the retrofitting of PCB Transformers to PCB-Contaminated or non-PCB status.

If comments submitted in response to this proposed rule suggest that EPA should reduce the degree of flexibility present in the proposed isolation and electrical protection requirements, EPA will consider issuing more specific requirements in the form of either numerical or narrative performance standards. For example, EPA may consider requiring that external secondary disconnect switches be placed a specific number of feet away from the transformer. EPA is soliciting comments on the need for the development of more specific performance standards for transformer isolation and increased electrical protection.

EPA has listed heat sensitive (infrared) remote arc fault detection devices and external secondary circuit disconnect switches as options for increased electrical protection. EPA has also allowed PCB Transformer owners the option of utilizing equivalent technology to reach the same goal; that is, to insure that a PCB Transformer in a high secondary voltage system can be rapidly deenergized in the event of a fault.

The requirement for transformer isolation requires PCB Transformers to be isolated from building ventilation equipment, ductwork, and openings in construction in accordance with EPA's "Guidelines for the Preparation and Implementation of a PCB-Smoke Spread Control Plan (PCB-SSRP)". The objective of the PCB-SSRP is to reduce

widespread structure and environmental contamination by smoke and soot evolved from a fire involving a PCB Transformer. These guidelines require PCB Transformer owners to evaluate the transformer location, identify pathways of smoke travel, and prepare and implement a plan for blocking contamination pathways. Within the context of isolation procedures, the guidelines also require a consideration of the effect that isolation has on equipment cooling, and requires the provision of alternative cooling when necessary.

Like the Guidelines for the Preparation and Implementation of a Spill Prevention Control and Countermeasure Plan (SPCC) (40 CFR 112.7) under Office of Water regulations, the guidelines for the Preparation and Implementation of a PCB-Smoke Spread Control Reduction Plan (PCB-SSRP) allow some flexibility in selecting the most appropriate mechanism(s) for isolating a specific PCB Transformer. Various alternatives that are acceptable to EPA are listed in these guidelines. Further, the guidelines explicitly allow the planning and implementation of equivalent methods that are not listed in the guidelines.

To facilitate EPA compliance monitoring efforts, EPA is proposing to require PCB Transformer owners to maintain written PCB-SSRPs. EPA is proposing that these plans be retained until the transformer is placed into storage for disposal, or until the transformer is disposed (whichever occurs first). Alternatively, EPA is soliciting comments on the costs and benefits of requiring the submittal of PCB-SSRPs to EPA.

EPA is soliciting comments on the need for PCB Transformer owners to retain records documenting their compliance with the registration program required under this proposed rule. EPA believes that the retention of these records by PCB Transformer owners would facilitate monitoring compliance with the registration requirements.

IX. Judicial Review

When this rule is promulgated, judicial review may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which the person seeking review resides or has its principal place of business. To provide all interested persons an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA intends to promulgate this rule for purposes of

judicial review two weeks after publishing the final rule in the *Federal Register*. The effective date will be calculated from the promulgation date.

X. Official Record of Rulemaking

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).

(5) Official record from "Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Transformers" Advance Notice of proposed Rulemaking, published in the *Federal Register* of March 23, 1984, (49 FR 11070).

B. Support Documents

(1) USEPA, OPTS, EED, Versar, Inc., "Exposure Assessment for Polychlorinated Biphenyls (PCBs), Polychlorinated Dibenzofurans (PCDFs), and Polychlorinated Dibenzodioxins (PCDDs) Released During Transformer Fires" (September 1984).

(2) USEPA, OPTS, HERD, "HERD Work for Proposed Polychlorinated Biphenyl (PCB) Transformer Fires Rulemaking" (October 1, 1984).

(3) 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).

(4) USEPA, OW, "Ambient Water Quality Criteria for 2,3,7,8-Tetrachlorodibenzo-p-dioxin" (February 1984).

(5) USEPA, ORD, OHEA, ECAO, "DRAFT Health Assessment Document for polychlorinated Dibenzodioxins" (May 1984).

(6) USEPA, OPTS, ETD, Putnam, Hayes and Bartlett, Inc. "Regulatory Impact Analysis of the Proposed Rule for Indoor PCB-Transformers" (September 1984).

(7) Kimbrough, Renate, D., et al "Health Implications of 2,3,7,8-Tetrachlorodibenzodioxin (TCDD) Contamination of Residential Soil," *Journal of Toxicology and Environmental Health* (in press).

(8) USEPA, OPTS, EED, "NFIRS Data for 1982" (April 1984).

(9) USEPA, OPTS, "Guidelines for the Preparation and Implementation of PCB-Smoke Spread Reduction Plan (PCB-SSRP)" (September 1984).

XI. Executive Order 12291

Under Executive Order 12291, issued February 17, 1981, EPA must judge whether a rule is a "major rule" and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. EPA has determined that this amendment to the PCB rule is a major rule as the term is defined in section 1(b) of the Executive Order.

EPA has concluded that the amendment is "major" under the criteria of section 1 (b). The annual effect of the rule on the economy will be over \$100 million. However, the regulation does allow uses of PCBs in electrical transformers to continue that would otherwise be prohibited by section 6(e) of TSCA. This rule avoids the severe disruption of electric service to the public and industry that would occur if the use of this equipment were prohibited. It also avoids the economic impact that would result from a requirement to replace the equipment as soon as possible.

Because this proposed rule is a major rule, EPA has prepared a Regulatory Impact Analysis using the guidance in the Executive Order. This proposed rule was submitted to the Office of Management and Budget (OMB) prior to publication, as required by the Executive Order.

XII. Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator may certify that a rule will not, if promulgated have a significant impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis.

This effect of this proposed rule, if promulgated, is to avoid severe disruption of electric service to industry and the public, and to reduce the costs associated with complying with TSCA. In general, this rule will reduce the burden on small businesses that would

otherwise be encountered if an immediate ban on PCB-containing transformers were to take effect. If an immediate ban on the use of PCBs in transformers were imposed, large costs would be incurred by all producers and users of electricity, including small businesses.

I certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

XIII. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. 3501 *et seq.* authorizes the Director of OMB to review certain information collection requests by Federal agencies. EPA has determined that the recordkeeping and reporting requirements of this proposed rule constitute a "collection of information" as defined in 44 U.S.C. 3502(4). The information collection requirements of this proposed rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked ATTENTION: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

(15 U.S.C. 2605)

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements, Environmental protection.

Dated: September 28, 1984.

William D. Ruckelshaus,
Administrator.

Therefore, it is proposed that 40 CFR Part 761 be amended as follows:

1. In § 761.30, the introductory text of paragraph (a) and paragraph (a)(1) are revised to read as follows:

§ 761.30 Authorizations.

(a) Use in and servicing of transformers (other than railroad transformers). PCBs, at any concentration may be used in transformers (other than railroad locomotives and self-propelled railroad cars) and may be used for purposes of servicing railroad cars and may be used for purposes of servicing including rebuilding these transformers for the remainder of their useful lives, subject to the following conditions:

(1) Use conditions. (i) After October 1 1985, the use and storage for reuse of

PCB Transformers that pose an exposure risk to food or feed is prohibited.

(ii) After July 1, 1988, PCB Transformers in high secondary voltage systems (480/277 volt systems), located in or near buildings, must be equipped with either:

(A) Heat-sensitive (infrared) automatic disconnect switches on the secondary circuit.

(B) External secondary disconnect switches (external means outside of the transformer vault or enclosure), or

(C) Equivalent technology to insure that the secondary side of a PCB Transformer with a high secondary voltage can be rapidly deenergized after a fault.

(iii) After July 1, 1988, PCB Transformers in or near buildings must be isolated from building ventilation equipment, building ductwork, and openings in construction in accordance with EPA's Guidelines for the Preparation and Implementation of a PCB-Smoke Spread Reduction Plan (PCB-SSRP). The objective of isolation (and the development of the PCB-SSRP) is to effectively reduce widespread structure and environmental contamination by smoke and soot from a fire involving a PCB Transformer. PCB Transformer owners must:

(A) Identify all pathways through which smoke from a PCB Transformer fire would be reasonably expected to travel.

(B) Block all contamination pathways identified above, in accordance with EPA Guidelines for the Preparation and Implementation of a PCB-SSRP.

(C) Determine the need for alternative equipment cooling.

(iv) After October 1, 1985, all PCB Transformers must be registered with appropriate local fire department jurisdictions (i.e., with the fire department which is likely to respond to the fire). Information required to be provided to the local fire department jurisdiction by the PCB Transformer owner includes:

(A) The address(es) of the building(s) that the PCB Transformer(s) serves.

(B) The location of the transformer(s) in or near the building.

(C) The principal constituent of the dielectric fluid in the transformer(s) (i.e., PCB/mineral oil/silicone oil).

(D) The name and telephone number of the person to contact in the event of a fire involving the equipment.

(v) After October 1, 1985, all PCB Transformers serving buildings must be registered with the owner(s) of the building(s) that the transformer(s) serves. Information required to be

provided to the building owner by the PCB Transformer owner includes:

(A) The location of the transformer(s) serving the building(s).

(B) The principal constituent of the dielectric fluid in the transformer(s) (i.e., PCB/mineral oil/silicone oil).

(vi) After October 1, 1985, combustible materials, including but not limited to paints, solvents, plastics, paper, and sawn wood must not be stored in the same area as a PCB Transformer.

(vii) A visual inspection of each PCB Transformer (as defined in § 761.3(y)) in use or stored for reuse shall be performed at least once every 3 months. These inspections may take place any time during the 3-month periods: January-March, April-June, July-September, and October-December as long as there is a minimum of 30 days between inspections. The visual inspection must include investigation for any leak of dielectric fluid on or around the transformer. The extent of the visual inspections will depend on the physical constraints of each transformer installation and should not require an electrical shutdown of the transformer being inspected.

(viii) If a PCB Transformer is found to have a leak which results in any quantity of PCBs running off or about to run off the external surface of the transformer, then the transformer must be repaired or replaced to eliminate the source of the leak. In all cases any leaking material must be cleaned up and properly disposed of according to disposal requirements of § 761.60. Cleanup of the released PCBs must be initiated as soon as possible, but in no case later than 48 hours of its discovery. Until appropriate action is completed, any active leak of PCBs must be contained to prevent exposure of humans or the environment and inspected daily to verify contamination of the leak. Trenches, dikes, buckets, and pans are examples of proper containment measures.

(ix) If a PCB Transformer is involved in a fire-related incident, the owner of the transformer is responsible for reporting the incident to the National Spill Response Center prior to the initiation of any cleanup efforts. A fire-related incident is defined as an incident involving a PCB Transformer in which sufficient heat is generated by any source to result in the rupturing of the transformer casing and the release of PCBs. The owner is also responsible for taking immediate measures to contain and control any potential releases to water. These measures include, but are not limited to:

(A) The blocking of floor drains.

(B) The containment of water runoff.

(x) Records of inspection and maintenance history shall be maintained at least 3 years after disposing of the transformer and shall be made available for inspection, upon request by EPA (OMB Control Number: 2070-0003). Such records shall contain the following information for each PCB Transformer:

(A) Its location.

(B) The date of each visual inspection and the date that leak was discovered, if different from the inspection date.

(C) The person performing the inspection.

(D) The location of any leak(s).

(E) An estimate of the amount of dielectric fluid released from any leak.

(F) The date of any cleanup, containment, repair, or replacement.

(G) A description of any cleanup, containment, or repair performed.

(H) The results of any containment and daily inspection required for uncorrected active leaks.

(xi) A reduced visual inspection frequency of at least once every 12 months applies to PCB Transformers that utilize either of the following risk reduction measures. These inspections may take place any time during the calendar year as long as there is a minimum of 180 days between inspections.

(A) A PCB Transformer which has impervious, undrained, secondary containment capacity of at least 100 percent of the total dielectric fluid volume of all transformers so contained or

(B) A PCB Transformer which has been tested and found to contain less than 60,000 ppm PCBs (after three months of inservice use of the transformer has been serviced for purposes of reducing the PCB concentration).

(xii) An increased visual inspection frequency of at least once every week applies to any PCB Transformer in use or stored for reuse which poses an exposure risk to food or feed is responsible for the inspection, recordkeeping, and maintenance requirements under this section until the user notifies the owner that the transformer may pose an exposure risk to food or feed. Following such notification, it is the owner's ultimate responsibility to determine whether the PCB Transformer poses an exposure risk to food or feed.

(xiii) A written PCB-Smoke Spread Reduction Plan (PCB-SSRP), prepared in accordance with EPA guidelines, shall be developed for each PCB Transformer location in or near buildings by July 1, 1988 and shall be maintained until the date the transformer(s) is placed into

storage for disposal or until the transformer(s) is disposed (whichever occurs first) and shall be made available for inspection, upon request, by EPA.

* * * * *

(The information collection requirements contained in paragraph (a)(1)(x) were approved by the Office of Management and Budget under Control Number 2070-0003)

2. In § 761.40, paragraph (j) is added to read as follows:

§ 761.40 Marking requirements.

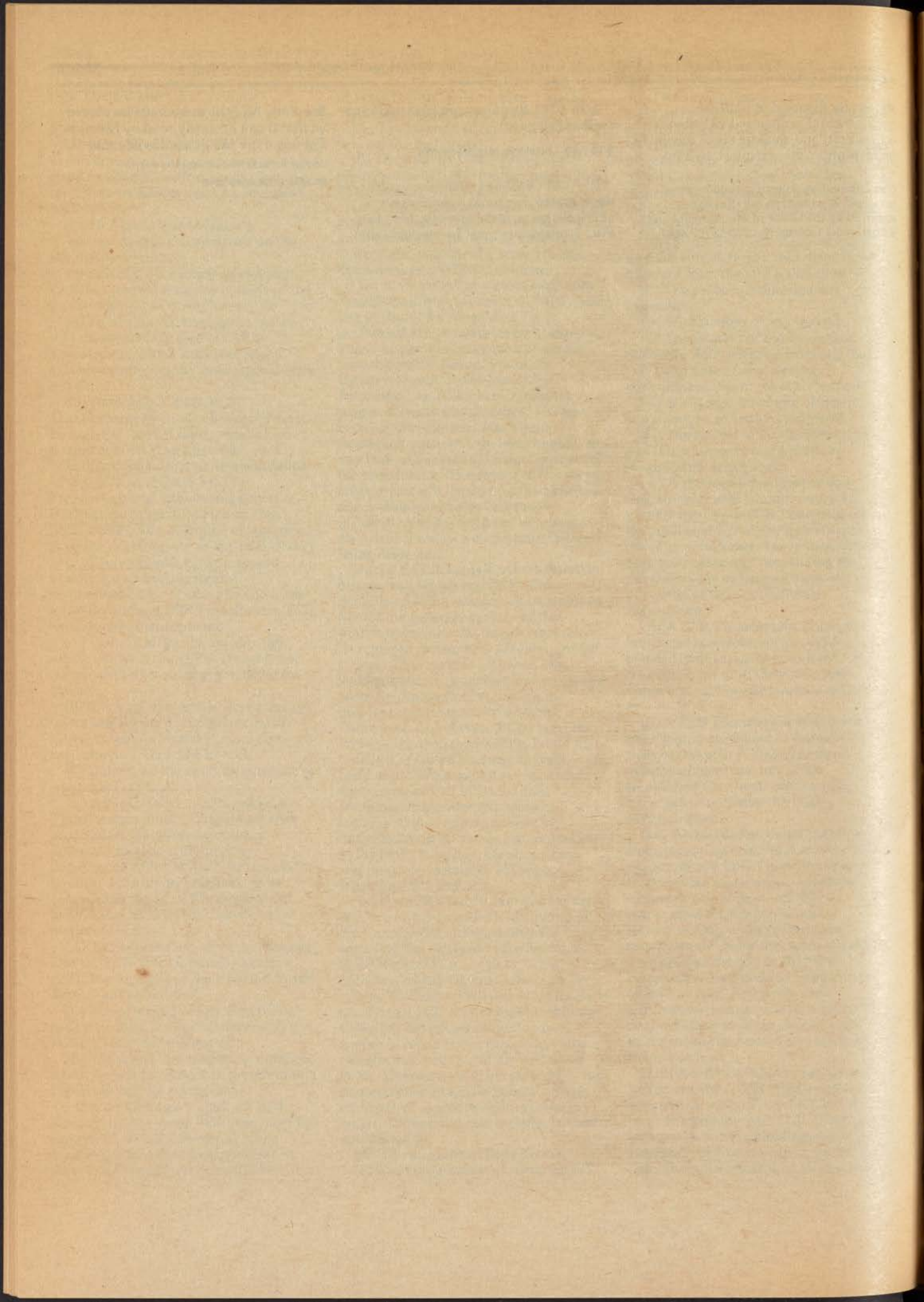
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(j) As of October 1, 1985, the vault door, machinery room door, fence, sidewalk grate, or means of access to a PBC Transformer must be marked with

the mark. M_L. The mark must be placed so that it can be easily read by firemen fighting a fire involving this equipment.

[FR Doc. 84-26812 Filed 10-10-84; 8:45 am]

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Thursday
October 11, 1984

Fast Track

Part IV

Department of Health and Human Services

Food and Drug Administration

**Guidelines for Radiofrequency (RF)
Dielectric Sealers and Heaters;
Availability of Draft Guideline and Public
Meeting**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84D-0303]

Guidelines for Radiofrequency (RF) Dielectric Sealers and Heaters; Availability of Draft Guideline and Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice of availability of draft guideline; public meeting.

SUMMARY: The Food and Drug Administration's (FDA) Center for Devices and Radiological Health has developed a draft guideline entitled "Guideline for Exposure of Personnel to Stray Emissions from Radiofrequency (RF) Dielectric Sealers and Heaters." FDA is announcing the availability of the draft guideline and a public meeting to discuss and refine it. The guideline provides guidance to sealer and heater manufacturers, user organizations, supervisors, and operators of RF sealing and heating equipment to decrease the exposure of individuals to stray RF energy from the RF emitting equipment and to achieve the safest possible operation of the RF sealers and heaters.

DATES: Written comments on the draft guideline by November 7, 1984; public meeting November 15 and 16, 1984, 9 a.m. to 5 p.m.; requests to make a presentation at the meeting by November 8, 1984.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857; requests to make a presentation at the meeting should be made to the contact person listed below; copies of the draft guideline may be obtained from the contact person listed below. The meeting will be held at the Parklawn Bldg., Conference Rm. D, 5600 Fishers Lane, Rockville MD.

FOR FURTHER INFORMATION CONTACT: Sandra McGeehan, Center for Devices and Radiological Health (HFZ-82), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6940.

SUPPLEMENTARY INFORMATION: FDA is concerned about the potential adverse health effects on individuals exposed to radiofrequency (RF) energy emitted by RF sealers, heaters, and gluers. These devices are also known as heat sealers, fusers, molders, fasteners, or embossers; high frequency sealers or dryers; electronic or electromagnetic sealers or welders; and dielectric heaters. They are generally designed to operate at

frequencies between 3 and 100 megahertz (MHz).

On September 12 and 13, 1979, FDA's Center for Devices and Radiological Health (CDRH) and the Occupational Safety and Health Administration (OSHA) sponsored a public meeting to gather information on, and to address their concern about, the potential adverse health effects on people exposed to RF sealer emissions. Representatives of CDRH, OSHA, and the National Institute for Occupational Safety and Health (NIOSH) presented data from surveys and measurements performed in workplaces where RF sealers, heaters, and gluers were in use. These data showed that RF field strengths (electric and magnetic fields) were very high (more than 1,000 volts/meter and 10 amperes/meter, respectively, both of which are far in excess of 100 milliwatts per square centimeter (mW/cm^2) equivalent power density); thus, exposure of individuals often exceeds the existing U.S. voluntary RF personnel exposure standards.

At the meeting, RF hazard survey instrumentation was discussed, including commercially available and experimental instruments. Usage considerations and future needs are also discussed. A review of biological effects, including known animal and human effects, also took place. In general, all agreed that the level of knowledge about effects was low compared to that about microwave radiation (usually at frequencies of 300 to 10,000 MHz). RF sealer radiation control technologies, including shielding and grounding, and operator location factors were also discussed.

On May 12 and 13, 1981, a hearing on "Potential Health Effects of Video Display Terminals and Radio Frequency Sealers and Heaters" took place before the U.S. House of Representatives Subcommittee on Investigations and Oversight, Committee on Science and Technology. The Committee expressed concern over excessive exposure to RF sealer emissions.

CDRH has developed a draft guideline entitled "Guideline for Exposure of Personnel to Stray Emissions from Radiofrequency (RF) Dielectric Sealers and Heaters" to address the concerns expressed at the Congressional hearing and at the 1979 public meeting.

The draft guideline was developed and is being made available under the Radiation Control for Health and Safety Act of 1968 (the act) Pub. L. 90-602, 42 U.S.C. 263b et seq.) and under § 10.90(b) of FDA's administrative practices and procedures regulations (21 CFR 10.90(b)).

The act gives FDA the authority to carry out programs to control radiation emissions from electronic products. Section 10.90(b) provides for the use of guidelines to establish procedures or standards of general applicability that are not legal requirements but are acceptable to FDA for a subject matter which falls within the laws it administers. Also, OSHA's Occupational Safety and Health Standards (29 CFR 1910.97) provide a basis for protection of workers from exposure to nonionizing radiation in the workplace.

Several RF radiation exposure standards for human exposure limits have been published. The American National Standards Institute, Inc. (ANSI), has recently revised its standard C95.1-1982 (Ref. 1). This voluntary standard sets limits for exposure of $1 \text{ mW}/\text{cm}^2$ for frequencies between 30 and 300 MHz. These voluntary limits are lower than the previous value by a factor of 10. The new limits were based on a wide range of recently published data on RF biological effects, most of which came from animal studies.

The American Conference of Governmental Industrial Hygienists has also published a voluntary "standard" for RF exposure limits in the workplace (Ref. 2). Its values are approximately identical to the ANSI standard for the frequency range of 30 to 300 MHz.

FDA understands that the Environmental Protection Agency (EPA) is developing an RF exposure standard for the general public and that its limits will be below those contained in the ANSI C95.1-1982 standard by a factor of five. Issuance of the EPA standard is expected in 1985.

The Canadian Government (Health and Welfare Canada, Environmental Health Center) recently issued equipment performance standards for RF sealers (Ref. 3). The standard restricts the electric and the magnetic field equivalent plane-wave emission levels to less than $1 \text{ mW}/\text{cm}^2$, as measured 15 cm from any point on the surface of the equipment.

The current state of knowledge of medical and biological effects of RF radiation includes confirmed effects of harm to animals and humans due to high-level RF exposures (more than $100 \text{ mW}/\text{cm}^2$ or 100 watts/kilogram absorbed dose) that induce thermal effects. A limited number of papers in the scientific literature on animal studies involving exposure to low-level RF fields (levels under $10 \text{ mW}/\text{cm}^2$) report measurable biological effects. Nonthermal effects that are documented in the medical and scientific literature

include beneficial wound and bone-healing resulting from long-term (periods of many days) exposures to very low-level pulsed RF fields. Epidemiologic studies of people exposed to RF fields indicate mixed results including both no significant effects and positive findings of biological effects including an increase in certain diseases.

At a public meeting on RF sealers to be held on November 15 and 16, 1984, FDA staff members, representatives of other Federal and State agencies, representatives of organized labor, RF sealer manufacturers, professional and trade association representatives, and other outside experts are expected to discuss the following items:

1. The draft "Guideline for Exposure of Personnel to Stray Emissions from Radiofrequency (RF) Dielectric Sealers and Heaters."

2. A review of FDA/CDRH progress and experience with RF sealer product reports from manufacturers.

3. Voluntary control activities by RF sealer owners, users, manufacturers, and public health officials to reduce operator exposures through changes in equipment design or operator work practices.

4. RF hazard survey instrument evaluations and instrument calibration services performed by FDA.

5. The development of new types of low-cost RF hazard survey instrumentation.

6. The results of theoretical and experimental analyses of RF energy absorption due to exposure to known fields (dosimetry).

7. The state of knowledge of medical and biological effects of RF radiation, including thermal effects, nonthermal effects, wound and bone healing

applications of low-level RF fields, epidemiologic studies of exposed persons, and accident reports.

8. The recently issued Canadian Health and Welfare equipment performance standards for RF sealers (Ref. 3).

9. Possible future FDA regulatory activities and voluntary control support activities.

Anyone wishing to make an oral presentation at the meeting should, on or before November 8, 1984, advise the contact person named at the beginning of this notice of the approximate amount of time requested, organizational affiliation, if any, and a brief description of their topic of presentation. Anyone attending the meeting who did not request an opportunity to make an oral presentation will be given an opportunity to do so at the conclusion of the meeting to the extent that time permits.

References

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Field, 300 KHz to 100 GHz," ANSI C95.1-1982, July 30, 1982, the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th St., New York, NY 10017.

2. "TLVs—Threshold Limit Values for Chemical Substances in Work Air, Adopted by ACGIH for 1982," American Conference of Governmental Industrial Hygienists, 6500 Glenway Ave., Bldg. D-5, Cincinnati, OH 45211.

3. "Part XXII Industrial Radio Frequency Heaters, Amendment to Schedule I to the

Radiation Emitting Devices Regulations," Canadian Gazette, Part I, April 16, 1983, the Radiation Protection Bureau, Environmental Centre, Rm. 233, Tunney's Pasture, Ottawa, Ontario, Canada K1A 0L2.

FDA is making the draft guideline available for public comment before issuing it in final form. After determining whether comments submitted to FDA or presented at the public meeting require making any changes in the draft guideline, FDA will issue the guideline in final form and make it available under § 10.90(b) of FDA's regulations.

The draft guideline is available for public examination in the Dockets Management Branch (address above) under Docket No. 84D-0303 and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies may be submitted to Sandra McGeehan (address above).

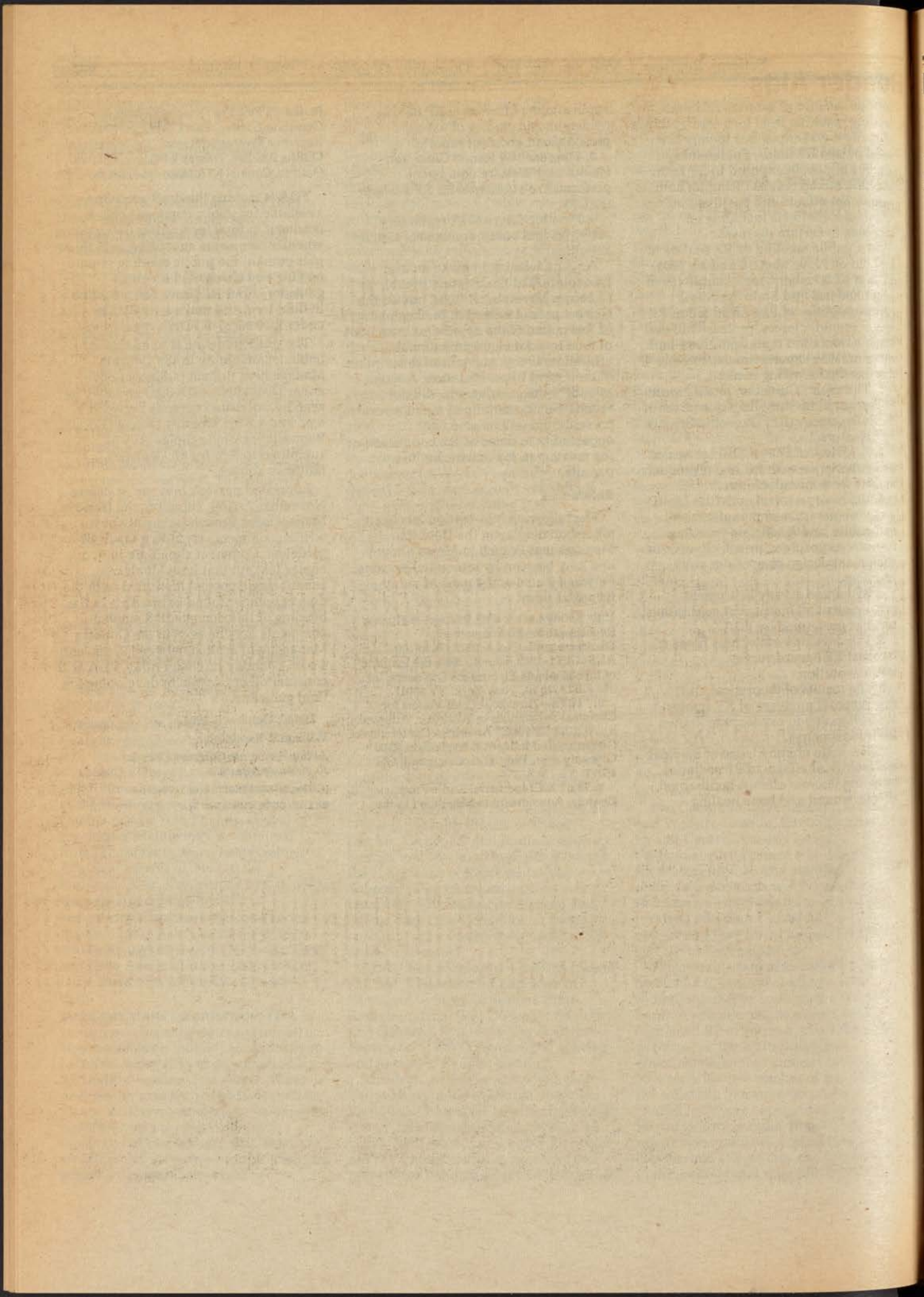
Interested persons may, on or before November 7, 1984, submit to the Dockets Management Branch (address above) written comments regarding the draft guideline. Comment should be in two copies (except that individuals may submit single copies) identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will consider all comments in developing the final guideline.

Dated: October 5, 1984.

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

[FR Doc. 84-26935 Filed 10-9-84; 11:30 am]

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1985. (October 6, 1984; 98
Stat. 1747) Price \$1.00

H.J. Res. 649/Pub. L. 98-456

Changing the date for the
counting of the electoral votes
in 1985. (October 9, 1984; 98
Stat. 1748) Price \$1.00

H.R. 1904/Pub. L. 98-457

Child Abuse Amendments of
1984 (October 9, 1984; 98
Stat. 1749) Price \$1.00

S.J. Res. 322/Pub. L. 98-458

Designating the week
beginning on October 7, 1984,
as "Mental Illness Awareness
Week". (October 9, 1984; 98
Stat. 1765) Price \$1.00

LIST OF PUBLIC LAWS**Last List October 10, 1984**

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D.C. 20402 (phone 202-275-
3030).

H.R. 5561/Pub. L. 98-454

To enhance the economic
development of Guam, the
Virgin Islands, American
Samoa, the Northern Mariana
Islands, and for other
purposes. (October 5, 1984;
98 Stat. 1732) Price \$1.00

H.J. Res. 659/Pub. L. 98-455

Making further continuing
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